

By: Fletcher

H.B. No. 4724

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3877 to read as follows:

CHAPTER 3877. WALLER TOWN CENTER MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3877.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Waller Town Center Management District.

Sec. 3877.002. NATURE OF DISTRICT. The Waller Town Center Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3877.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the City of Waller, Harris County, and other political subdivisions to contract with the district, the legislature has established a program to

1 accomplish the public purposes set out in Section 52-a, Article
2 III, Texas Constitution.

3 (b) The creation of the district is necessary to promote,
4 develop, encourage, and maintain employment, commerce,
5 transportation, housing, tourism, recreation, the arts,
6 entertainment, economic development, safety, and the public
7 welfare in the district.

8 (c) This chapter and the creation of the district may not be
9 interpreted to relieve Harris County from providing the level of
10 services provided, as of the effective date of the Act enacting this
11 chapter, to the area in the district. The district is created to
12 supplement and not to supplant the county services provided in the
13 area in the district.

14 Sec. 3877.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
15 The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district
17 will benefit from the improvements and services to be provided by
18 the district under powers conferred by Sections 52 and 52-a,
19 Article III, and Section 59, Article XVI, Texas Constitution, and
20 other powers granted under this chapter.

21 (c) The creation of the district is in the public interest
22 and is essential to:

23 (1) further the public purposes of developing and
24 diversifying the economy of the state;

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

1 (1) promote the health, safety, and general welfare of
2 residents, employers, potential employees, employees, visitors,
3 and consumers in the district, and of the public;

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a community and business center;

7 (3) promote the health, safety, welfare, and enjoyment
8 of the public by providing pedestrian ways and by landscaping and
9 developing certain areas in the district, which are necessary for
10 the restoration, preservation, and enhancement of scenic beauty;
11 and

12 (4) provide for water, wastewater, drainage, road, and
13 recreational facilities for the district.

14 (e) Pedestrian ways along or across a street, whether at
15 grade or above or below the surface, and street lighting, street
16 landscaping, parking, and street art objects are parts of and
17 necessary components of a street and are considered to be a street
18 or road improvement.

19 (f) The district will not act as the agent or
20 instrumentality of any private interest even though the district
21 will benefit many private interests as well as the public.

22 Sec. 3877.005. INITIAL DISTRICT TERRITORY. (a) The
23 district is initially composed of the territory described by
24 Section 2 of the Act enacting this chapter.

25 (b) The boundaries and field notes contained in Section 2 of
26 the Act enacting this chapter form a closure. A mistake in the
27 field notes or in copying the field notes in the legislative process

1 does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for the purposes
4 for which the district is created or to pay the principal of and
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3877.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be
10 included in:

11 (1) a tax increment reinvestment zone created under
12 Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created under
14 Chapter 312, Tax Code; or

15 (3) an enterprise zone created under Chapter 2303,
16 Government Code.

17 Sec. 3877.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
18 DISTRICTS LAW. Except as otherwise provided by this chapter,
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3877.008. LIBERAL CONSTRUCTION OF CHAPTER. This
21 chapter shall be liberally construed in conformity with the
22 findings and purposes stated in this chapter.

23 [Sections 3877.009-3877.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3877.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 3877.052, directors serve

1 staggered four-year terms, with two or three directors elected in
2 even-numbered years on the uniform election date in May prescribed
3 by the Election Code.

4 (c) Section 54.102, Water Code, applies to directors.
5 Section 375.063, Local Government Code, does not apply to
6 directors.

7 Sec. 3877.052. TEMPORARY DIRECTORS. (a) The initial
8 temporary board consists of:

9	<u>Pos. No.</u>	<u>Name of Director</u>
10	<u>1</u>	<u>Cindy Gayle</u>
11	<u>2</u>	<u>Wendell Halley</u>
12	<u>3</u>	<u>Larry Boudloche</u>
13	<u>4</u>	<u>John Isom</u>
14	<u>5</u>	<u>Jo Ann London</u>

15 (b) The temporary directors shall hold an election to elect
16 five permanent directors.

17 (c) Temporary directors serve until the earlier of:

18 (1) the date permanent directors are elected under
19 Subsection (b); or

20 (2) the fourth anniversary of the effective date of
21 the Act enacting this chapter.

22 (d) If permanent directors have not been elected under
23 Subsection (b) and the terms of the temporary directors have
24 expired, successor temporary directors shall be appointed or
25 reappointed as provided by Subsection (e) to serve terms that
26 expire on the earlier of:

27 (1) the date permanent directors are elected under

1 Subsection (b); or

2 (2) the fourth anniversary of the date of the
3 appointment or reappointment.

4 (e) If Subsection (d) applies, the owner or owners of a
5 majority of the assessed value of the real property in the district
6 may submit a petition to the Texas Commission on Environmental
7 Quality requesting that the commission appoint as successor
8 temporary directors the five persons named in the petition. The
9 commission shall appoint as successor temporary directors the five
10 persons named in the petition.

11 Sec. 3877.053. COMPENSATION. A director is entitled to
12 receive fees of office and reimbursement for actual expenses as
13 provided by Section 49.060, Water Code. Sections 375.069 and
14 375.070, Local Government Code, do not apply to the board.

15 [Sections 3877.054-3877.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3877.101. DEVELOPMENT CORPORATION POWERS. The
18 district may exercise the powers given to a development corporation
19 under Chapter 505, Local Government Code, including the power to
20 own, operate, acquire, construct, lease, improve, or maintain a
21 project described by that section.

22 Sec. 3877.102. NONPROFIT CORPORATION. (a) The board by
23 resolution may authorize the creation of a nonprofit corporation to
24 assist and act for the district in implementing a project or
25 providing a service authorized by this chapter.

26 (b) The nonprofit corporation:

27 (1) has each power of and is considered for purposes of

1 this chapter to be a local government corporation created under
2 Chapter 431, Transportation Code; and

3 (2) may implement any project and provide any service
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the
6 nonprofit corporation. The board of directors of the nonprofit
7 corporation shall serve in the same manner as the board of directors
8 of a local government corporation created under Chapter 431,
9 Transportation Code, except that a board member is not required to
10 reside in the district.

11 Sec. 3877.103. AGREEMENTS; GRANTS. (a) The district may
12 make an agreement with or accept a gift, grant, or loan from any
13 person.

14 (b) The implementation of a project is a governmental
15 function or service for the purposes of Chapter 791, Government
16 Code.

17 Sec. 3877.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
18 To protect the public interest, the district may contract with a
19 qualified party, including Harris County or the City of Waller, for
20 the provision of law enforcement services in the district for a fee.

21 Sec. 3877.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
22 district may join and pay dues to a charitable or nonprofit
23 organization that performs a service or provides an activity
24 consistent with the furtherance of a district purpose.

25 Sec. 3877.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
26 district may establish and provide for the administration of one or
27 more programs to promote state or local economic development and to

1 stimulate business and commercial activity in the district,
2 including programs to:

3 (1) make loans and grants of public money; and

4 (2) provide district personnel and services.

5 (b) The district has all of the powers of a municipality
6 under Chapter 380, Local Government Code.

7 Sec. 3877.107. STRATEGIC PARTNERSHIP AGREEMENT. The
8 district may negotiate and enter into a written strategic
9 partnership with the City of Waller under Section 43.0751, Local
10 Government Code.

11 Sec. 3877.108. LIMITED EMINENT DOMAIN. (a) Section
12 375.094, Local Government Code, does not apply to the district.

13 (b) The district may exercise the power of eminent domain in
14 accordance with Section 49.222, Water Code.

15 (c) The district may not exercise the power of eminent
16 domain outside the district boundaries to acquire:

17 (1) a site for a water treatment plant, potable water
18 storage facility, wastewater treatment plant, or wastewater
19 disposal plant;

20 (2) a recreational facility as defined by Section
21 49.462, Water Code; or

22 (3) a site for a road project.

23 Sec. 3877.109. ANNEXATION OR EXCLUSION OF LAND. (a) The
24 district may annex land as provided by Subchapter J, Chapter 49,
25 Water Code.

26 (b) The district may exclude land as provided by Subchapter
27 J, Chapter 49, Water Code. Section 375.044(b), Local Government

1 Code, does not apply to the district.

2 [Sections 3877.110-3877.150 reserved for expansion]

3 SUBCHAPTER D. PUBLIC PARKING FACILITIES

4 Sec. 3877.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
5 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease
6 as lessor or lessee, construct, develop, own, operate, and maintain
7 parking facilities or a system of parking facilities, including:

8 (1) lots, garages, parking terminals, or other
9 structures or accommodations for parking motor vehicles off the
10 streets; and

11 (2) equipment, entrances, exits, fencing, and other
12 accessories necessary for safety and convenience in parking
13 vehicles.

14 (b) A parking facility of the district may be leased to, or
15 operated for the district by, an entity other than the district.

16 (c) The district's parking facilities are a program
17 authorized by the legislature under Section 52-a, Article III,
18 Texas Constitution.

19 (d) The district's parking facilities serve the public
20 purposes of the district and are owned, used, and held for a public
21 purpose even if leased or operated by a private entity for a term of
22 years.

23 (e) The district's public parking facilities and any lease
24 to a private entity are exempt from the payment of ad valorem taxes
25 and state and local sales and use taxes.

26 Sec. 3877.152. RULES. The district may adopt rules
27 covering its public parking system.

1 Sec. 3877.153. FINANCING OF PARKING FACILITIES. (a) The
2 district may use any of its resources, including revenue,
3 assessments, taxes, or grant or contract proceeds, to pay the cost
4 of acquiring or operating public parking facilities.

5 (b) The district may:

6 (1) set, charge, impose, and collect fees, charges, or
7 tolls for the use of the public parking facilities; and

8 (2) issue bonds or notes to finance the cost of these
9 facilities.

10 [Sections 3877.154-3877.200 reserved for expansion]

11 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

12 Sec. 3877.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
13 board by resolution shall establish the number of directors'
14 signatures and the procedure required for a disbursement or
15 transfer of the district's money.

16 Sec. 3877.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
17 The district may acquire, construct, finance, operate, or maintain
18 any improvement or service authorized under this chapter or Chapter
19 375, Local Government Code, using any money available to the
20 district.

21 Sec. 3877.203. PETITION REQUIRED FOR FINANCING SERVICES AND
22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
23 service or improvement project with assessments under this chapter
24 unless a written petition requesting that service or improvement
25 has been filed with the board.

26 (b) A petition filed under Subsection (a) must be signed by:

27 (1) the owners of a majority of the assessed value of

1 real property in the district subject to assessment according to
2 the most recent certified tax appraisal roll for Harris County; or
3 (2) at least 25 persons who own real property in the
4 district subject to assessment, if more than 25 persons own real
5 property in the district subject to assessment as determined by the
6 most recent certified tax appraisal roll for Harris County.

7 Sec. 3877.204. METHOD OF NOTICE FOR HEARING. The district
8 may mail the notice required by Section 375.115(c), Local
9 Government Code, by certified or first class United States mail.
10 The board shall determine the method of notice.

11 Sec. 3877.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
12 The board by resolution may impose and collect an assessment for any
13 purpose authorized by this chapter in all or any part of the
14 district.

15 (b) An assessment, a reassessment, or an assessment
16 resulting from an addition to or correction of the assessment roll
17 by the district, penalties and interest on an assessment or
18 reassessment, an expense of collection, and reasonable attorney's
19 fees incurred by the district:

20 (1) are a first and prior lien against the property
21 assessed;

22 (2) are superior to any other lien or claim other than
23 a lien or claim for county, school district, or municipal ad valorem
24 taxes; and

25 (3) are the personal liability of and a charge against
26 the owners of the property even if the owners are not named in the
27 assessment proceedings.

1 (c) The lien is effective from the date of the board's
2 resolution imposing the assessment until the date the assessment is
3 paid. The board may enforce the lien in the same manner that the
4 board may enforce an ad valorem tax lien against real property.

5 (d) The board may make a correction to or deletion from the
6 assessment roll that does not increase the amount of assessment of
7 any parcel of land without providing notice and holding a hearing in
8 the manner required for additional assessments.

9 Sec. 3877.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
10 ASSESSMENTS. The district may not impose an impact fee or
11 assessment on the property, including the equipment,
12 rights-of-way, facilities, or improvements, of:

13 (1) an electric utility or a power generation company
14 as defined by Section 31.002, Utilities Code;

15 (2) a gas utility as defined by Section 101.003 or
16 121.001, Utilities Code;

17 (3) a telecommunications provider as defined by
18 Section 51.002, Utilities Code; or

19 (4) a person who provides to the public cable
20 television or advanced telecommunications services.

21 Sec. 3877.207. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
22 Section 375.161, Local Government Code, does not apply to a tax
23 imposed by the district.

24 Sec. 3877.208. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held in accordance with Section 3877.212,
26 the district may impose an operation and maintenance tax on taxable
27 property in the district in accordance with Section 49.107, Water

1 Code, for any district purpose, including to:

2 (1) maintain and operate the district;

3 (2) construct or acquire improvements; or

4 (3) provide a service.

5 (b) The board shall determine the tax rate. The rate may not
6 exceed the rate approved at the election.

7 (c) Section 49.107(h), Water Code, does not apply to the
8 district.

9 Sec. 3877.209. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

15 (b) A contract approved by the district voters may contain a
16 provision stating that the contract may be modified or amended by
17 the board without further voter approval.

18 Sec. 3877.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
19 BONDS. (a) The district may borrow money on terms and conditions
20 as determined by the board. Section 375.205, Local Government
21 Code, does not apply to a loan, line of credit, or other borrowing
22 from a bank or financial institution secured by revenue other than
23 ad valorem taxes.

24 (b) The district may issue bonds, notes, or other
25 obligations payable wholly or partly from ad valorem taxes, sales
26 and use taxes, assessments, impact fees, revenue, contract
27 payments, grants, or other district money, or any combination of

1 those sources of money, to pay for any authorized district purpose.

2 (c) The limitation on the outstanding principal amount of
3 bonds, notes, and other obligations provided by Section 49.4645,
4 Water Code, does not apply to the district.

5 Sec. 3877.211. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, while all
9 or part of the bonds are outstanding as required and in the manner
10 provided by Sections 54.601 and 54.602, Water Code.

11 Sec. 3877.212. ELECTIONS REGARDING TAXES AND BONDS. (a)
12 The district may issue, without an election, bonds, notes, and
13 other obligations secured by:

14 (1) revenue other than ad valorem taxes; or

15 (2) contract payments described by Section 3877.209.

16 (b) The district must hold an election in the manner
17 provided by Subchapter L, Chapter 375, Local Government Code, to
18 obtain voter approval before the district may impose an ad valorem
19 tax or sales and use tax or issue bonds payable from ad valorem
20 taxes.

21 (c) Section 375.243, Local Government Code, does not apply
22 to the district.

23 (d) All or any part of any facilities or improvements that
24 may be acquired by a district by the issuance of district bonds may
25 be included in one single proposition to be voted on at the election
26 or the bonds may be submitted in several propositions.

27 Sec. 3877.213. COMPETITIVE BIDDING. Subchapter I, Chapter

1 49, Water Code, applies to the district. Subchapter K, Chapter 375,
2 Local Government Code, does not apply to the district.

3 Sec. 3877.214. TAX AND ASSESSMENT ABATEMENTS. The district
4 may grant in the manner authorized by Chapter 312, Tax Code, an
5 abatement for a tax or assessment owed to the district.

6 [Sections 3877.215-3877.250 reserved for expansion]

7 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
8 PROPERTY

9 Sec. 3877.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
10 DESIGNATED PROPERTY. The district may define areas or designate
11 certain property of the district to pay for improvements,
12 facilities, or services that primarily benefit that area or
13 property and do not generally and directly benefit the district as a
14 whole.

15 Sec. 3877.252. PROCEDURE FOR ELECTION. (a) Before the
16 district may impose an ad valorem tax or issue bonds payable from ad
17 valorem taxes of the defined area or designated property, the board
18 shall hold an election in the defined area or within the boundaries
19 of the designated property only.

20 (b) The election shall be conducted as provided by Section
21 3877.212.

22 (c) The board may submit the issues to the voters on the same
23 ballot to be used in another election.

24 Sec. 3877.253. DECLARING RESULT AND ISSUING ORDER. (a) If
25 a majority of the voters voting at the election approve the
26 proposition or propositions, the board shall declare the results
27 and, by order, shall establish the defined area and describe it by

1 metes and bounds or designate the specific property.

2 (b) The board's order is not subject to judicial review
3 except on the ground of fraud, palpable error, or arbitrary and
4 confiscatory abuse of discretion.

5 Sec. 3877.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN
6 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and
7 adoption of the order described in Section 3877.253, the district
8 may apply separately, differently, equitably, and specifically its
9 taxing power and lien authority to the defined area or designated
10 property to provide money to construct, administer, maintain, and
11 operate services, improvements, and facilities that primarily
12 benefit the defined area or designated property.

13 Sec. 3877.255. ISSUANCE OF BONDS AND LEVY OF TAXES FOR
14 DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section
15 3877.253 is adopted, the district may issue bonds to provide for any
16 land, improvements, facilities, plants, equipment, and appliances
17 for the defined area or designated property.

18 [Sections 3877.256-3877.300 reserved for expansion]

19 SUBCHAPTER G. SALES AND USE TAX

20 Sec. 3877.301. MEANINGS OF WORDS AND PHRASES. Words and
21 phrases used in this subchapter that are defined by Chapters 151 and
22 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
23 Tax Code.

24 Sec. 3877.302. APPLICABILITY OF CERTAIN TAX CODE
25 PROVISIONS. (a) Except as otherwise provided by this subchapter,
26 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
27 apply to taxes imposed under this subchapter and to the

1 administration and enforcement of those taxes in the same manner
2 that those laws apply to state taxes.

3 (b) Chapter 321, Tax Code, relating to municipal sales and
4 use taxes, applies to the application, collection, change, and
5 administration of a sales and use tax imposed under this subchapter
6 to the extent consistent with this chapter, as if references in
7 Chapter 321, Tax Code, to a municipality referred to the district
8 and references to a governing body referred to the board.

9 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
10 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
11 apply to a tax imposed under this subchapter.

12 Sec. 3877.303. AUTHORIZATION; ELECTION. (a) The district
13 may adopt a sales and use tax to serve the purposes of the district
14 after an election in which a majority of the voters of the district
15 voting in the election authorize the adoption of the tax.

16 (b) The board by order may call an election to authorize a
17 sales and use tax. The election may be held with any other district
18 election.

19 (c) The district shall provide notice of the election and
20 shall hold the election in the manner prescribed by Section
21 3877.212.

22 (d) The ballots shall be printed to provide for voting for
23 or against the proposition: "Authorization of a sales and use tax
24 in the Waller Town Center Management District at a rate not to
25 exceed ___ percent."

26 Sec. 3877.304. ABOLISHING SALES AND USE TAX. (a) Except as
27 provided by Subsection (b), the board may abolish the sales and use

1 tax without an election.

2 (b) The board may not abolish the sales and use tax if the
3 district has outstanding debt secured by the tax.

4 Sec. 3877.305. SALES AND USE TAX RATE. (a) On adoption of
5 the tax authorized by this subchapter, there is imposed a tax on the
6 receipts from the sale at retail of taxable items within the
7 district, and an excise tax on the use, storage, or other
8 consumption in the district of taxable items purchased, leased, or
9 rented from a retailer in the district during the period that the
10 tax is in effect.

11 (b) The board shall determine the rate of the tax, which may
12 be in one-eighth of one percent increments not to exceed the maximum
13 rate authorized by the district voters at the election. The board
14 may lower the tax rate to the extent it does not impair any
15 outstanding debt or obligations payable from the tax.

16 (c) The rate of the excise tax is the same as the rate of the
17 sales tax portion of the tax and is applied to the sales price of the
18 taxable item.

19 [Sections 3877.306-3877.350 reserved for expansion]

20 SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

21 Sec. 3877.351. MUNICIPAL ANNEXATION; DISSOLUTION. (a)
22 Section 43.071, Local Government Code, applies to the district and
23 the district is a "water or sewer district" for purposes of that
24 section.

25 (b) Section 43.075, Local Government Code, applies to the
26 district.

27 (c) Section 375.264, Local Government Code, does not apply

1 to the dissolution of the district by a municipality.

2 SECTION 2. The Waller Town Center Management District
3 initially includes all territory contained in the following area:

4 TRACT 1:

5 Fieldnotes for 166.7194 acres of land out of Lots 1, 2, 3, 4,
6 7 and 8, Section 9 of the Harris County School Land Survey, Abstract
7 No. 332, in Harris County, Texas, the map or plat thereof recorded
8 in Volume 17, Page 222 of the Deed Records of Harris County, being
9 comprised of that certain 38.7594 acre tract, that certain 31.8519
10 acre tract, and that certain 96.1081 acre tract of land conveyed to
11 Peter S. Terpstra, Trustee, as described in deeds recorded under
12 County Clerk's File No(s). 20060189400, 20060246634, and
13 20060246637, respectively, of the Real Property Records of Harris
14 County, said 166.7194 acres of land being more particularly
15 described by metes and bounds as follows:

16 BEGINNING at a 5/8 inch steel rod set in the South line of
17 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
18 intersection with the West line of Binford Road, based on a 66 foot
19 right-of-way, said point being the Northeast corner of the said
20 96.1081 acre tract and the herein described tract, from which
21 point, the Northeast corner of that certain 160.33 acre tract of
22 land conveyed to Doud Jordan Wible, et ux, as described in deed
23 recorded in Volume 1572, Page 378 of the Deed Records of Harris
24 County bears North 02°42'53" West, 17.80 feet;

25 Thence, South 02°42'53" East, 193.20 feet with the West line
26 of said Binford Road and the common East line of the said 96.1081
27 acre tract to a 5/8 inch steel rod set for an exterior ell corner of

1 the herein described tract, said point being the Northeast corner
2 of that certain 0.9922 acre tract of land conveyed to Delta Troy
3 Interests, LTD., and described as Tract 5 in deed recorded under
4 County Clerk's File No. W201253 of the said Real Property Records;

5 Thence, South 89°38'51" West, 208.00 feet with the North line
6 of the said 0.9922 acre tract and the common line of the said
7 96.1081 acre tract to a 5/8 inch steel rod set for the Northwest
8 corner of the said 0.9922 acre tract and an interior ell corner of
9 the herein described tract;

10 Thence, South 02°42'53" East, 208.00 feet with the West line
11 of the said 0.9922 acre tract and the common line of the said
12 96.1081 acre tract to a 5/8 inch steel rod set for the Southwest
13 corner of the said 0.9922 acre tract and a second interior ell
14 corner of the herein described tract;

15 Thence, North 89°38'51" East, 208.00 feet with the South line
16 of the said 0.9922 acre tract and the common line of the said
17 96.1081 acre tract to a 5/8 inch steel rod set in the West line of
18 said Binford Road for the Southeast corner of the said 0.9922 acre
19 tract and a second exterior ell corner of the herein described
20 tract;

21 Thence, South 02°42'53" East, 1693.50 feet with the West line
22 of said Binford Road and the common East line of the said 96.1081
23 acre tract to a 5/8 inch steel rod set at an angle point, said point
24 being the Southeast corner of the said 96.1081 acre tract and the
25 Northeast corner of the aforesaid 31.8519 acre tract;

26 Thence, continuing with the West line of said Binford Road
27 and the common East line of the said 31.8519 acre tract, South

1 03°59'32" West, 370.87 feet to a 5/8 inch steel rod set at the North
2 end of a cut-back line for U.S. Highway No. 290 (right-of-way varies
3 at this point), for the most Easterly Southeast corner of the said
4 31.8519 acre tract and the herein described tract, said point being
5 the Northeast corner of that certain 1.690 acre tract of land
6 conveyed to the State of Texas (for highway widening purposes), as
7 described in deed recorded under County Clerk's File No. R244269 of
8 the said Real Property Records;

9 Thence, South 56°26'00" West, 96.58 feet with the said
10 cut-back line and the Northerly line of the said 1.690 acre tract
11 and said U.S. Highway No. 290 to a 5/8 inch steel rod with aluminum
12 (TxDOT) disk found at the Southerly end of the said cut-back line
13 marking the most Southerly Southeast corner of the said 31.8519
14 acre tract and the herein described tract;

15 Thence, North 70°39'12" West (basis bearing), 307.31 feet
16 with the Northeasterly line of the said 1.690 acre tract and said
17 U.S. Highway No. 290, and the Southwesterly line of the said 31.8519
18 acre tract to a 5/8 inch steel rod set at a point of curve to the
19 left, having a radius of 1963.86 feet and a central angle of
20 12°31'54";

21 Thence, continuing with the Northeasterly line of the said
22 1.690 acre tract and said U.S. Highway No. 290, and the
23 Southwesterly line of the said 31.8519 acre tract, and with the said
24 curve to the left having a radius of 1963.86 feet (chord bearing
25 North 76°55'09" West, 428.68 feet), an arc distance of 429.53 feet
26 to a 5/8 inch steel rod set at a point of reverse curve to the right,
27 having a radius of 1855.86 feet and a central angle of 09°47'55";

1 Thence, continuing with the Northeasterly line of the said
2 1.690 acre tract and said U.S. Highway No. 290, and the
3 Southwesterly line of the said 31.8519 acre tract, and with the said
4 curve to the right having a radius of 1855.86 feet (chord bearing
5 North 78°17'08" West, 317.00 feet), an arc distance of 317.39 feet
6 to a 5/8 inch steel rod set at a point of tangency;

7 Thence, continuing with the Northeasterly line of said U.S.
8 Highway No. 290, and the common Southwesterly line of the said
9 31.8519 acre tract, North 70°39'12" West, 1607.90 feet to a 5/8 inch
10 steel rod set in the West line of said Lot 7 and the East line of
11 adjacent Lot 6 of said Section 9, for the Southwest corner of the
12 said 31.8519 acre tract and the herein described tract, said point
13 also being the Southeast corner of that certain 4.453 acre tract of
14 land conveyed to Palm Harbor Homes I, L.P., as described as Parcel 1
15 in deed recorded under County Clerk's File No. T494925 of the said
16 Real Property Records, from which point, a found 5/8 inch steel rod
17 bears North 24°46' East, 0.94 feet;

18 Thence, North 02°28'20" West, 420.75 feet with the East line
19 of the said 4.453 acre tract, and the West line of the said 31.8519
20 acre tract to an angle iron found marking the Northeast corner of
21 the said 4.453 acre tract and an interior ell corner of the herein
22 described tract, said point also being the Southeast corner of the
23 aforesaid 38.7594 acre tract;

24 Thence, South 88°11'03" West with the North line of the said
25 4.453 acre tract and the South line of the said 38.7594 acre tract,
26 at 667.84 feet passing the Northwest corner of the said 4.453 acre
27 tract and the Northeast corner of that certain 11.15 acre (residue)

1 tract of land conveyed to Leerie J. Hakemack, as described in deed
2 recorded in Volume 5204, Page 604 of the said Deed Records, and
3 continuing with the North line of the said 11.15 acre tract in all,
4 a total distance of 1081.99 feet to a 1 inch galvanized steel pipe
5 set in the Northeast line of U.S. Highway No. 290 (320.0 feet wide
6 at this point) for and angle point, said point being the most
7 Easterly corner of that certain 0.083 acre tract of land conveyed to
8 the State of Texas, as described in deed recorded in Volume 7313,
9 Page 528 of the said Deed Records;

10 Thence, North 70°39'12" West, 156.99 feet with the
11 Northeasterly line of said U.S. Highway No 290 and the
12 Southwesterly line of the said 38.7594 acre tract to a 1 1/4 inch
13 galvanized steel pipe found marking the most Southerly Southwest
14 corner of the said 38.7594 acre tract and the herein described
15 tract, said point being the Northwest corner of the said 0.083 acre
16 tract, said point also being in the East line of that certain 8.015
17 acre (residue) tract of land conveyed to Anita Miller as described
18 in Probate Cause No. 89374 of the Probate Records of Harris County;

19 Thence, North 02°30'48" West, 591.33 feet with the East line
20 of the said 8.015 acre tract and the West line of the said 38.7594
21 acre tract to a 1 1/4 galvanized steel pipe found marking an
22 interior ell corner of the said 38.7594 acre tract and the herein
23 described tract, said point being the Northeast corner of the said
24 8.015 acre tract;

25 Thence, South 88°12'09" West with the North line of the said
26 8.015 acre tract and Southerly line of the said 38.7594 acre tract,
27 at 192.5 feet passing a found 1 1/4 galvanized steel pipe, and

1 continuing in all, a total distance of 201.10 feet to a 4 inch
2 square concrete monument found marking the most Westerly Southwest
3 corner of the said 38.7594 acre tract and the herein described
4 tract, said point also being the Southeast corner of that certain
5 (called) 9.216 acre tract of land conveyed to Love's Country
6 Stores, Inc., as described in deed recorded under County Clerk's
7 File No. U693047 of the said Real Property Records;

8 Thence, North 01°41'39" West with the East line of the said
9 9.216 acre tract and the West line of the said 38.7594 acre tract,
10 at 614.92 feet passing a found 1 1/4 galvanized steel pipe, at
11 616.72 feet passing a found 3/8 inch steel rod with cap (described
12 by deed as the Northeast corner of the said 9.216 acre tract), and
13 continuing in all, a total distance of 626.42 feet to a 5/8 inch
14 steel rod set in the South line of said F.M. Highway No. 2920 for the
15 Northwest corner of the said 38.7594 acre tract and the herein
16 described tract, said point being the Southwest corner of that
17 certain 0.580 acre tract of land conveyed to the State of Texas (for
18 widening purposes), as described in deed recorded under County
19 Clerk's File No. C774289 (Vol. 7332, Pg. 137) of the said Real
20 Property Records, said point also being in a non-tangent curve to
21 the right, having a radius of 1909.86 feet and a central angle of
22 03°29'08";

23 Thence, in an Easterly direction, with the South line of said
24 F.M. Highway No. 2920 and the said 0.580 acre tract, and the North
25 line of the said 38.7594 acre tract, and with the said curve to the
26 right having a radius of 1909.86 feet (chord bearing North 86°29'17"
27 East, 116.17 feet), an arc distance of 116.19 feet to a 5/8 inch

1 steel rod set at a point of tangency, from which point, a 4 inch
2 square concrete monument (found in the North line of F.M. Highway
3 No. 2920) bears North $01^{\circ}46'09''$ West, 100.0 feet;

4 Thence, continuing with the South line of said F.M. Highway
5 No. 2920 and the said 0.580 acre tract, and the North line of the
6 said 38.7594 acre tract, North $88^{\circ}13'51''$ East, at 1304.61 feet
7 passing a $5/8$ inch steel rod found marking the Northeast corner of
8 the said 38.7594 acre tract and the Northwest corner of the
9 aforesaid 96.1081 acre tract, and continuing with the North line of
10 the said 96.1081 acre tract in al, a total distance of 1428.59 feet
11 to a $5/8$ inch steel rod set at a point of curve to the right, having
12 a radius of 11409.30 feet and a central angle of $01^{\circ}25'00''$;

13 Thence, continuing with the South line of said F.M. Highway
14 No. 2920 and the common North line of the said 96.1081 acre tract,
15 and with the said curve to the right having a radius of 11409.30
16 feet (chord bearing North $88^{\circ}56'21''$ East, 282.09 feet), an arc
17 distance of 282.10 feet to a $5/8$ inch steel rod found at a point of
18 tangency;

19 Thence, continuing with the South line of said F.M. Highway
20 No. 2920 and the common North line of the said 96.1081 acre tract,
21 North $89^{\circ}38'51''$ East, 2048.75 feet to a $5/8$ inch steel rod set at a
22 point of curve to the left, having a radius of 11509.30 feet and a
23 central angle of $00^{\circ}47'59''$;

24 Thence, continuing with the South line of said F.M. Highway
25 No. 2920 and the common North line of the said 96.1081 acre tract,
26 and with the said curve to the left having a radius of 11509.30 feet
27 (chord bearing North $89^{\circ}14'52''$ East, 160.64 feet), an arc distance

H.B. No. 4724

1 of 160.64 feet to the PLACE OF BEGINNING and containing 166.7194
2 acres or 7,262,296 square feet of land, more or less.

3 TRACT 2:

4 Fieldnotes for 12.4147 acres of land out of Lot 7 and Lot 8,
5 Section 9 of the Harris County School Lands Survey, Abstract No.
6 332, in Harris County, Texas, the map or plat thereof recorded in
7 Volume 17, Page 222 of the Deed Records of Harris County, being out
8 of and a part of that certain 160.33 acre tract of land conveyed to
9 Doud Jordan Wible, et ux, as described in deed recorded in Volume
10 1572, Page 378 of the said Deed Records, and being further out of
11 and a part of that certain 12.4518 acre tract of land conveyed to
12 E.F. Davidson, et al, and described as Tract No. 2 in deed recorded
13 under County Clerk's File No. J170095 of the Real Property Records
14 of Harris County, said 12.4147 acres of land being more
15 particularly described by metes and bounds as follows:

16 BEGINNING at a 1 inch galvanized steel pipe, found in a
17 hog-wire fence line, marking the Southwest corner of said Lot 7, the
18 said 160.33 acre tract, the said 12.4518 acre tract, and the herein
19 described tract, said point being in the East line of that certain
20 11.15 acre tract of land conveyed to L.J. Hakemack, et ux, as
21 described in deed recorded under County Clerk's File No. P056681 of
22 the said Real Property Records, said point also being the Northwest
23 corner of adjacent Lot 10 of said Section 9 and that certain
24 257.2309 acre tract of land conveyed to Delta Troy Interests, LTD.,
25 and described as Tract 1 in deed recorded under County Clerk's File
26 No. W201253 of the said Real Property Records;

27 Thence, North 02°36'20" West (called North 00°11'21" West in

1 11.15 acre deed) with the East line of the said 11.15 acre tract and
2 the West line of said Lot 7, the said 160.33 acre tract, and the said
3 12.4518 acre tract, and generally along a hog-wire fence line, at
4 642.3 feet passing the Northeast corner of the said 11.15 acre tract
5 and the Southeast corner of a 60 foot wide roadway (private),
6 described as an easement for ingress and egress in partition deed
7 recorded in Volume 3300, Page 484 of the said Deed Records, and
8 continuing with the East line of said 60 foot wide roadway in all, a
9 total distance of 663.44 feet to a 3/4 inch steel rod set in the
10 Southwesterly line of U.S. Highway No. 290, based on a 320 foot
11 right-of-way, for the Northwest corner of the said 12.4518 acre
12 tract and the herein described tract, from which point, a found 5/8
13 inch steel rod bears North 01°29' West, 1.17 feet;

14 Thence, South 70°39'12" East, 1631.76 feet with the
15 Southwesterly line of said U.S. Highway No. 290 and the
16 Northeasterly line of the said 12.4518 acre tract to a 5/8 inch
17 steel rod with aluminum (TxDOT) disk found at a point of curve to
18 the right, having a radius of 1855.86 feet and a central angle of
19 03°20'06", said point being the most Westerly corner of that certain
20 458 square foot tract of land conveyed to the State of Texas (for
21 highway widening purposes), as described in deed recorded under
22 County Clerk's File No. R244268 of the said Real Property Records;

23 Thence, in a Southeasterly direction, with the Southwesterly
24 line of said U.S. Highway No. 290 and the said 458 square foot
25 tract, and with the said curve to the right having a radius of
26 1855.86 feet (chord bearing South 66°23'40" East, 108.01 feet), an
27 arc distance of 108.02 feet to a 5/8 inch steel rod set in the South

1 line of aforesaid Lot 8, the said 160.33 acre tract and the said
2 12.4518 acre tract for the most Easterly or Southeast corner of the
3 herein described tract, said point being the Southwest corner of
4 the said 458 square foot tract and the most Westerly corner of that
5 certain 1.672 acre tract of land conveyed to the State of Texas (for
6 highway widening purposes), as described in deed recorded under
7 County Clerk's File No. R276494 of the said Real Property Records,
8 said point also being in the North line of adjacent Lot 9 of said
9 Section 9 and the aforesaid 257.2309 acre tract;

10 Thence, South 87°11'26" West (called South 87°32'13" West in
11 257.2309 acre deed), 1610.36 feet with the North line of the said
12 257.2309 acre tract and the common South line of the said 12.4518
13 acre tract, and generally along the line of an old down barbed-wire
14 fence to the PLACE OF BEGINNING and containing 12.4147 acres or
15 540,786 square feet of land, more or less.

16 TRACT 3:

17 Fieldnotes for 107.6370 acres of land out of Lots 3, 4, 5, 6,
18 11, 12, and 14, Section 10 of the Harris County School Land Survey,
19 Abstract No. 332, in Harris County, Texas, the map or plat thereof
20 recorded in Volume 17, Page 222 of the Deed Records of Harris
21 County, being out of and a part of that certain tract of land
22 conveyed to Boris & Margaret Payan Family Partnership, and
23 described as the residue of 109.9186 acres of land in correction
24 deed recorded under County Clerk's File No. T324010 of the Real
25 Property Records of Harris County, said 107.6370 acres of land
26 being more particularly described by metes and bounds as follows:

27 COMMENCING at a 5/8 inch steel rod found in the South line of

1 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
2 intersection with the West line of Kickapoo Road, based on a 66 foot
3 right-of-way, said point being the Northeast corner of that certain
4 tract of land conveyed to Delta Troy Interests, Ltd., and described
5 as the residue of 393.3575 acres of land in deed recorded under
6 County Clerk's File No. W201253 of the said Real Property Records,
7 from which point, a found 4" x 4" concrete monument bears South
8 89°35' West, 3.9 feet;

9 Thence, South 87°41'31" West, 3335.39 feet with the South line
10 of said F.M. Highway No. 2920 and the common North line of the said
11 393.3575 acre tract to a 5/8 inch steel rod set for the Northeast
12 corner and PLACE OF BEGINNING of the said 109.9186 acre tract and
13 the herein described tract;

14 Thence, South 02°18'29" East, 3638.43 feet (called South
15 02°17'36" East, 3639.80 feet in vesting deed) with the East line of
16 the said 109.9186 acre tract to a 5/8 inch steel rod set in the
17 Southwesterly line of the said 393.3575 acre tract and the
18 Northeasterly line of State Highway No. 290, based on a 320 foot
19 right-of-way, for the Southeast corner of the said 109.9186 acre
20 tract and the herein described tract, said point being in the arc of
21 a non-tangent curve to the left, having a radius of 7799.44 feet and
22 a central angle of 08°35'22";

23 Thence, in a Northwesterly direction, with the Northeasterly
24 line of said U.S. Highway No. 290 and the common Southwesterly line
25 of the said 109.9186 acre tract, and with the said curve to the left
26 having a radius of 7799.44 feet (chord bearing North 63°00'09" West,
27 1168.15 feet), an arc distance of 1169.24 feet to a 5/8 inch steel

1 rod set at a point of non-tangent curve to the left, having a radius
2 of 2013.86 feet and a central angle of 22°16'29", said point also
3 being the most Easterly corner of that certain 1.0459 acre tract of
4 land conveyed to the State of Texas (for highway widening purposes)
5 as described in deed recorded under County Clerk's File No. T324011
6 of the said Real Property Records;

7 Thence, continuing with the Northeasterly line of said U.S.
8 Highway No. 290 and the said 1.0459 acre tract, and with the said
9 curve to the left having a radius of 2013.86 feet (chord bearing
10 North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet
11 to a 5/8 inch steel rod set at a point of tangency;

12 Thence, continuing with the Northeasterly line of said U.S.
13 Highway No. 290 and the said 1.0459 acre tract, North 70°39'12"
14 West, 237.97 feet to a 5/8 inch steel rod set at a cut-back for
15 Binford Road, said point being the most Westerly or Northwest
16 corner of the said 1.0459 acre tract, said point also being in the
17 Northeasterly line of that certain 1.235 acre tract of land
18 conveyed to the State of Texas, as described in deed recorded under
19 County Clerk's File No. R276486 of the said Real Property Records;

20 Thence, North 30°36'06" West, 17.66 feet with the
21 Northeasterly line of the said 1.235 acre tract and the said
22 cut-back line to a 5/8 inch steel rod set in the East line of said
23 Binford Road (right-of-way varies at this point) and the West line
24 of the said 109.9186 acre tract for an angle point, said point being
25 the most Westerly or Northwest corner of the said 1.235 acre tract;

26 Thence, North 09°02'53" West (called North 09°02'34" West in
27 vesting deed), 452.64 feet with the East line of said Binford Road

1 and the common West line of the said 109.9186 acre tract to a 5/8
2 inch steel rod set for an angle point (right-of-way 66 feet wide at
3 this point), from which point, a 5/8 inch steel rod found in
4 concrete bears South 81°00' East, 0.53 feet;

5 Thence, North 02°42'53" West, 793.61 feet (called North
6 02°41'16" West, 731.85 feet in vesting deed) with the East line of
7 said Binford Road and the common West line of the said 109.9186 acre
8 tract to a 5/8 inch steel rod set for the most Westerly Northwest
9 corner of the herein described tract, said point being the
10 Southwest corner of that certain 29.6849 acre tract of land
11 conveyed to Jesse B. Heath, Jr., Trustee, as described in deed
12 recorded under County Clerk's File No. J741028 of the said Real
13 Property Records;

14 Thence, North 87°41'31" East, 990.77 feet (called North
15 87°42'24" East, 991.05 feet in vesting deed and 29.6849 acre deed)
16 with the South line of the said 29.6849 acre tract and the common
17 line of the said 109.9186 acre tract to a 5/8 inch steel rod set for
18 an interior ell corner of the herein described tract, said point
19 being the Southeast corner of the said 29.6849 acre tract;

20 Thence, North 02°18'29" West (called North 02°17'36" West in
21 vesting deed and 29.6849 acre deed), 1298.83 feet to a 5/8 inch
22 steel rod set in the South line of said F.M. Highway No. 2920 for the
23 most Northerly Northwest corner of the said 109.9186 acre tract and
24 the herein described tract, said point being the Northeast corner
25 of the said 29.6849 acre tract;

26 Thence, North 87°41'31" East (called North 87°42'24" East in
27 vesting deed), 970.20 feet with the South line of said F.M. Highway

1 No. 2920 and the common North line of the said 109.9186 acre tract
2 to the PLACE OF BEGINNING and containing 107.6370 acres or
3 4,688,669 square feet of land, more or less.

4 TRACT 4:

5 Fieldnotes for 8.9032 acres of land out of Lot 4 and Lot 5,
6 Section 10 of the Harris County School Land Survey, Abstract No.
7 332, in Harris County, Texas, the map or plat thereof recorded in
8 Volume 17, Page 222 of the Deed Records of Harris County, being out
9 of and a part of that certain 29.6849 acre tract of land conveyed to
10 Jesse B. Heath, Jr., Trustee, as described in general warranty deed
11 recorded under County Clerk's File No. J741028 of the Real Property
12 Records of Harris County, and being that same (called) 8.906 acre
13 tract of land conveyed to Paul Wilkerson and Eva Grant, as described
14 in deed recorded under County Clerk's File No. X407844 of the said
15 Real Property Records, said 8.9032 acres of land being more
16 particularly described by metes and bounds as follows:

17 COMMENCING at a 1 inch steel rod set in the South line of F.M.
18 Highway No. 2920, based on a 100 foot right-of-way, at its
19 intersection with the East line of Binford Road, based on a 66 foot
20 right-of-way, said point being the Northwest corner of the said
21 29.6849 acre tract, said point also being in the arc of a curve to
22 the left, having a radius of 11509.30 and a central angle of
23 00°48'18", from which point, a found 4" x 4" concrete monument bears
24 South 57° East, 1.25 feet and a found 5/8 inch steel rod bears South
25 59° East, 1.79 feet;

26 Thence, South 02°42'53" East, 909.10 feet with the East line
27 of said Binford Road and the West line of the said 29.6849 acre

1 tract to a 3/4 inch steel rod set for the Northwest corner and PLACE
2 OF BEGINNING of the said 8.906 acre tract and the herein described
3 tract, said point also being the Southwest corner of a 20.7774 acre
4 tract of land previously conveyed, from which point, a found 5/8
5 inch steel rod bears South 08°52' East, 2.1 feet;

6 Thence, North 87°41'31" East, 993.55 feet with the South line
7 of the said 20.7774 acre tract to a 3/4 inch steel rod set in the
8 East line of the said 29.6849 acre tract for the Northeast corner of
9 the herein described tract, said point being in the Westerly line of
10 a 107.6370 acre tract of land previously conveyed, from which
11 point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

12 Thence, South 02°18'29" East, 390.89 feet with the East line
13 of the said 29.6849 acre tract and the common line of the said
14 107.6370 acre tract to a 5/8 inch steel rod set for the Southeast
15 corner of the said 29.6849 acre tract and the herein described
16 tract, said point being an interior ell corner of the said 107.6370
17 acre tract;

18 Thence, South 87°41'31" West, 990.77 feet with the South line
19 of the said 29.6849 acre tract and the common line of the said
20 107.6370 acre tract to a 5/8 inch steel rod set in the East line of
21 said Binford Road for the Southwest corner of the said 29.6849 acre
22 tract and the herein described tract, said point being the most
23 Westerly Northwest corner of the said 107.6370 acre tract;

24 Thence, North 02°42'53" West, 390.90 feet with the East line
25 of said Binford Road and the common West line of the said 29.6849
26 acre tract to the PLACE OF BEGINNING and containing 8.9032 acres or
27 387,825 square feet of land, more or less.

1 TRACT 5:

2 Fieldnotes for 20.7774 acres of land out of Lot 4, Section 10
3 of the Harris County School Land Survey, Abstract No. 332, in Harris
4 County, Texas, the map or plat thereof recorded in Volume 17, Page
5 222 of the Deed Records of Harris County, being out of and a part of
6 that certain 29.6849 acre tract of land conveyed to Jesse B. Heath,
7 Jr., Trustee, as described in general warranty deed recorded under
8 County Clerk's File No. J741028 of the Real Property Records of
9 Harris County, said 20.7774 acres of land being more particularly
10 described by metes and bounds as follows:

11 BEGINNING at a 1 inch steel rod set in the South line of F.M.
12 Highway No. 2920, based on a 100 foot right-of-way, at its
13 intersection with the East line of Binford Road, based on a 66 foot
14 right-of-way, said point being the Northwest corner of the said
15 29.6849 acre tract and the herein described tract, said point being
16 in the arc of a curve to the left, having a radius of 11509.30 and a
17 central angle of 00°48'18", from which point, a found 4" x 4"
18 concrete monument bears South 57° East, 1.25 feet and a found 5/8
19 inch steel rod bears South 59° East, 1.79 feet;

20 Thence, in an Easterly direction, with the South line of said
21 F.M. Highway No. 2920 and the common North line of the said 29.6849
22 acre tract, and with the said curve to the left having a radius of
23 11509.30 feet (chord bearing North 88°05'40" East, 161.70 feet), an
24 arc distance of 161.70 feet to a 5/8 inch steel rod set at a point of
25 tangency, from which point, a broken 4" x 4" concrete monument bears
26 North 80° East, 0.53 feet;

27 Thence, continuing with the South line of said F.M. Highway

1 No. 2920 and the common North line of the said 29.6849 acre tract,
2 North 87°41'31" East, 838.30 feet to a 5/8 inch steel rod set for the
3 Northeast corner of the said 29.6849 acre tract and the herein
4 described tract, said point also being the most Northerly Northwest
5 corner of a 107.6370 acre tract of land, the residue of a 109.9186
6 acre tract of land conveyed to Boris & Margaret Payen Family Limited
7 Partnership, as described in deed recorded under County Clerk's
8 File No. T324010 of the said Real Property Records;

9 Thence, South 02°18'29" East, 907.94 feet with the East line
10 of the said 29.6849 acre tract and the common line of the said
11 107.6370 acre tract to a 3/4 inch steel rod set for the Southeast
12 corner of the herein described tract, from which point, a found 5/8
13 inch steel rod bears South 18°41' East, 1.9 feet;

14 Thence, South 87°41'31" West, 993.55 feet to a 3/4 inch steel
15 rod set in the West line of the said 29.6849 acre tract and the
16 common East line of said Binford Road for the Southwest corner of
17 the herein described tract, from which point, a found 5/8 inch steel
18 rod bears South 08°52' East, 2.1 feet;

19 Thence, North 02°42'53" West, 909.10 feet with the West line
20 of the said 29.6849 acre tract and the common East line of said
21 Binford Road to the PLACE OF BEGINNING and containing 20.7774 acres
22 or 905,065 square feet of land, more or less.

23 TRACT 6:

24 Fieldnotes for 164.3702 acres of land, being all of Lot 11 and
25 12 and a part of Lots 13 and 14, Section 7 of the Harris County
26 School Land Survey, Abstract No. 332, in Harris County, Texas, the
27 map or plat thereof recorded in Volume 17, Page 222 of the Deed

1 Records of Harris County, and being all of that certain (called)
2 164.401 acre tract of land conveyed to Chang-Hsine Cheng, et ux, as
3 described in deed recorded under County Clerk's File No. M314811 of
4 the Real Property Records of Harris County, said 164.3702 acres of
5 land being more particularly described by metes and bounds as
6 follows:

7 BEGINNING at a 5/8 inch steel rod found in the North line of
8 F.M. Highway No. 2920, based on a 100.00 foot right-of-way, at its
9 intersection with the East line of Binford Road, based on a 66.00
10 foot right-of-way, in the West line of said Lot 13, said point being
11 the Southwest corner of the said 164.401 acre tract and that certain
12 1.1057 acre Right Of Way Easement conveyed to the County of Harris
13 (for the widening of Binford Road) as described in instrument
14 recorded under County Clerk's File No. M747112 of the said Real
15 Property Records, said point also being the Northwest corner of
16 that certain 2.070 acre tract of land conveyed to the State of Texas
17 (for the widening of F.M. Highway No. 2920) as described in deed
18 recorded under County Clerk's File No. C684810 of the said Real
19 Property Records;

20 Thence, North 00°18'09" West, 2694.07 feet (called North
21 00°19'09" West, 2694.07 feet in 1.1057 acre deed), with the East
22 line of said Binford Road and the common West line of the said
23 164.401 acre tract and the said 1.1057 acre tract to a 5/8 inch
24 steel rod found marking the Northwest corner of said Lot 12, the
25 said 164.401 acre tract and the herein described tract, said point
26 being the Northwest corner of the said 1.1057 acre tract, said point
27 also being the Southwest corner of adjacent Lot 5 of said Section 7

1 and that certain 9.862 acre tract of land conveyed to Domenico
2 Calarco, et ux, as described in deed recorded under County Clerk's
3 File No. D254432 of the said Real Property Records;

4 Thence, North 89°57'10" East with the South line of said Lot 5
5 and the said 9.862 acre tract, and the common North line of said Lot
6 12 and the said 164.401 acre tract, at 663 feet passing the
7 Southeast corner of the said 9.862 acre tract and the Southwest
8 corner of that certain 72.8588 acre tract of land conveyed to Glen
9 Harris, Jr., Trustee as described in instrument recorded under
10 County Clerk's File No. E052129 of the said Real Property Records,
11 and continuing with the South line of the said 72.8588 acre tract in
12 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
13 marking the Northeast corner of aforesaid Lot 11, the said 164.401
14 acre tract, and the herein described tract, said point being the
15 Southeast corner of adjacent Lot 6 of said Section 7 and the said
16 72.8588 acre tract, said point also being in the West line of that
17 certain 4.000 acre tract of land conveyed to Deanne Prusak as
18 described in deed recorded under County Clerk's File No. R803468 of
19 the said Real Property Records, and being the Southwest corner of
20 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
21 Section 7;

22 Thence, South 00°18'08" East (called South 00°51'56" East in
23 4.000 acre deed, South 00°18'09" East in vesting deed, and South
24 00°18'08" East in that certain boundary line agreement recorded in
25 Volume 7167, Page 187 of the said Deed Records), with the West line
26 of said Lot 10 and the said 4.000 acre tract, and the common East
27 line of said Lot 11 and the said 164.401 acre tract, at 160.49 feet

1 passing the Southwest corner of the said 4.000 acre tract and the
2 Northwest corner of the residue of that certain 6.3725 acre tract of
3 land conveyed to Robert V. Davidson, et ux, as described in deed
4 recorded under County Clerk's File No. P512170 of the said Real
5 Property Records, and continuing with the West line of the said
6 6.3725 acre tract (called South 00°51'56" East in 6.3725 acre deed),
7 at 397.10 feet passing the Southwest corner of the said 6.3725 acre
8 tract and the Northwest corner of that certain 52.934 acre tract of
9 land conveyed to David A. Sellars, et ux, as described in deed
10 recorded under County Clerk's File No. S911654 of the said Real
11 Property Records, and continuing with the West line of the said
12 52.934 acre tract (called South 00°53'57" East in 52.934 acre deed),
13 at 1360.23 feet passing the Southwest corner of the said 52.934 acre
14 tract (a 5/8 inch steel rod found 0.96' West) and the Northwest
15 corner of the residue of that certain tract of land conveyed to
16 Clara Harrison, et al, and Alma Bullock and described as Tract III
17 in partition deed recorded under County Clerk's File No. C695611 of
18 the said Real Property Records, and continuing with the West line of
19 said Tract III in all, a total distance of 2701.69 feet (called
20 2701.84 feet in vesting deed) to a 5/8 inch steel rod set in the
21 North line of said F.M. Highway No. 2920 for the Southeast corner of
22 the said 164.401 acre tract and the herein described tract, said
23 point bears North 00°18'08" West, 17 ft. from the Southeast corner
24 of aforesaid Lot 14 and the common Southwest corner of said Tract
25 III and adjacent Lot 15 of said Section 7, and North 30°46' East, 1.0
26 foot from a found 1/2 inch steel rod;

27 Thence, North 89°54'23" West, 2495.18 feet (called North

1 89°55'25" West, 2494.58 feet in vesting deed) with the North line of
2 said F.M. Highway No. 2920 and the South line of the said 164.401
3 acre tract to a 5/8 inch steel rod set at a point of curve to the
4 right, having a radius of 11409.30 feet and a central angle of
5 00°47'42";

6 Thence, continuing with the North line of said F.M. Highway
7 No. 2920 and the South line of the said 164.401 acre tract, and with
8 the said curve to the right having a radius of 11409.30 feet (chord
9 bearing North 89°30'32" West, 158.31 feet), an arc distance of
10 158.31 feet to the PLACE OF BEGINNING and containing 164.3702 acres
11 or 7,159,967 square feet of land, more or less.

12 SAVE AND EXCEPT:

13 Fieldnotes for 37.6450 acres of land, being out of and a part
14 of Lot 11 and Lot 12, Section 7 of the Harris County School Land
15 Survey, Abstract No. 332, in Harris County, Texas, the map or plat
16 thereof recorded in Volume 17, Page 222 of the Deed Records of
17 Harris County, and being out of and a part of that certain 164.3702
18 acre tract of land conveyed to R.K. McGaughy, Trustee, as described
19 in deed recorded under County Clerk's File No. Z519743 of the Real
20 Property Records of Harris County, said 37.6450 acres of land being
21 more particularly described by metes and bounds as follows:

22 COMMENCING at a 5/8 inch steel rod found in the North line of
23 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
24 intersection with the East line of Binford Road, based on a 66 foot
25 right-of-way, in the West line of Lot 13 of said Section 7, said
26 point being the Southwest corner of the said 164.3702 acre tract and
27 that certain 1.1057 acre Right of Way Easement conveyed to the

1 County of Harris (for the widening of Binford Road) as described in
2 instrument recorded under County Clerk's File No. M747112 of the
3 said Real Property Records, said point also being the Northwest
4 corner of that certain 2.070 acre tract of land conveyed to the
5 State of Texas (for the widening of F.M. Highway No. 2920) as
6 described in deed recorded under County Clerk's File No. C684810 of
7 the said Real Property Records;

8 Thence, North 00°18'09" West, 2070.20 feet with the East line
9 of said Binford Road and the common West line of the said 164.3702
10 acre tract and the said 1.1057 acre tract to a 5/8 inch steel rod set
11 for the Southwest corner and PLACE OF BEGINNING for the herein
12 described tract;

13 Thence, continuing with the East line of said Binford Road
14 and the common West line of the said 164.3702 acre tract and the
15 said 1.1057 acre tract, North 00°18'09" West, 623.87 feet to a 5/8
16 inch steel rod found marking the Northwest corner of said Lot 12,
17 the said 164.3702 acre tract, the said 1.1057 acre tract, and the
18 herein described tract, said point also being the Southwest corner
19 of adjacent Lot 5 of said Section 7 and that certain 9.862 acre
20 tract of land conveyed to Domenico Calarco, et ux, as described in
21 deed recorded under County Clerk's File No. D254432 of the said Real
22 Property Records;

23 Thence, North 89°57'10" East with the South line of said Lot 5
24 and the said 9.862 acre tract, and the common North line of said Lot
25 12 and the said 164.3702 acre tract, at 663.0 feet passing the
26 Southeast corner of the said 9.862 acre tract and the Southwest
27 corner of that certain 72.8588 acre tract of land conveyed to Glen

1 Harris, Jr., Trustee as described in instrument recorded under
2 County Clerk's File No. E052129 of the said Real Property Records,
3 and continuing with the South line of the said 72.8588 acre tract in
4 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
5 marking the Northeast corner of aforesaid Lot 11, the said 164.3702
6 acre tract, and the herein described tract, said point being the
7 Southeast corner of adjacent Lot 6 of said Section 7 and the said
8 72.8588 acre tract, said point also being in the West line of that
9 certain 4.000 acre tract of land conveyed to Deanne Prusak as
10 described in deed recorded under County Clerk's File No. R803468 of
11 the said Real Property Records, and being the Southwest corner of
12 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
13 Section 7;

14 Thence, South 00°18'08" East with the West line of said Lot 10
15 and the said 4.000 acre tract, and the common East line of said Lot
16 11 and the said 164.3702 acre tract, at 160.49 feet passing the
17 Southwest corner of the said 4.000 acre tract and the Northwest
18 corner of the residue of that certain 6.3725 acre tract of land
19 conveyed to Robert V. Davidson, et ux, as described in deed recorded
20 under County Clerk's File No. P512170 of the said Real Property
21 Records, and continuing with the West line of the said 6.3725 acre
22 tract, at 397.10 feet passing the Southwest corner of the said
23 6.3725 acre tract and the Northwest corner of that certain 52.934
24 acre tract of land conveyed to David A. Sellars, et ux, as described
25 in deed recorded under County Clerk's File No. S911654 of the said
26 Real Property Records, and continuing with the West line of the said
27 52.934 acre tract in all, a total distance of 612.13 feet to a 5/8

1 inch steel rod set for the Southeast corner of the herein described
2 tract;

3 Thence, South 89°41'58" West, 2653.41 feet to the PLACE OF
4 BEGINNING and containing 37.6450 acres or 1,639,817 square feet of
5 land, more or less.

6 SECTION 3. (a) The legal notice of the intention to
7 introduce this Act, setting forth the general substance of this
8 Act, has been published as provided by law, and the notice and a
9 copy of this Act have been furnished to all persons, agencies,
10 officials, or entities to which they are required to be furnished
11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
12 Government Code.

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor,
18 lieutenant governor, and speaker of the house of representatives
19 within the required time.

20 (d) The general law relating to consent by political
21 subdivisions to the creation of districts with conservation,
22 reclamation, and road powers and the inclusion of land in those
23 districts has been complied with.

24 (e) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act have been
27 fulfilled and accomplished.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.