

By: Fletcher

H.B. No. 4739

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

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 3881 to read as follows:

CHAPTER 3881. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 13

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3881.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Improvement District No. 13.

Sec. 3881.002. NATURE OF DISTRICT. The Harris County Improvement District No. 13 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3881.003. 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 Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a

1 program to accomplish the public purposes set out in Section 52-a,
2 Article 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. 3881.004. 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,
13 and 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. 3881.005. 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. 3881.006. 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. 3881.007. 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. 3881.008. 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 3881.009-3881.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3881.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five voting directors who serve staggered
27 terms of four years, with two or three directors' terms expiring

1 June 1 of each odd-numbered year.

2 (b) The board by resolution may change the number of voting
3 directors on the board, but only if the board determines that the
4 change is in the best interest of the district. The board may not
5 consist of fewer than five or more than 15 voting directors.

6 Sec. 3881.052. APPOINTMENT OF DIRECTORS. The Texas
7 Commission on Environmental Quality shall appoint voting directors
8 from persons recommended by the board.

9 Sec. 3881.053. INITIAL VOTING DIRECTORS. (a) The initial
10 board consists of the following voting directors:

	<u>Pos. No.</u>	<u>Name of Director</u>
11		
12	<u>1</u>	<u>Chris Taylor</u>
13	<u>2</u>	<u>Leanne Ross</u>
14	<u>3</u>	<u>Ryan Sweeney</u>
15	<u>4</u>	<u>Shane Herzog</u>
16	<u>5</u>	<u>Terry Taylor</u>

17 (b) Of the initial directors, the terms of directors
18 appointed for positions 1 through 3 expire June 1, 2011, and the
19 terms of directors appointed for positions 4 and 5 expire June 1,
20 2013.

21 (c) Section 3881.052 does not apply to this section.

22 Sec. 3881.054. NONVOTING DIRECTORS. The board may appoint
23 nonvoting directors to serve at the pleasure of the voting
24 directors.

25 Sec. 3881.055. QUORUM. For purposes of determining the
26 requirements for a quorum of the board, the following are not
27 counted:

1 (1) a board position vacant for any reason, including
2 death, resignation, or disqualification;

3 (2) a director who is abstaining from participation in
4 a vote because of a conflict of interest; or

5 (3) a nonvoting director.

6 Sec. 3881.056. COMPENSATION. A director is entitled to
7 receive fees of office and reimbursement for actual expenses as
8 provided by Section 49.060, Water Code. Sections 375.069 and
9 375.070, Local Government Code, do not apply to the board.

10 [Sections 3881.057-3881.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 3881.101. DEVELOPMENT CORPORATION POWERS. The
13 district may exercise the powers given to a development corporation
14 under Chapter 505, Local Government Code, including the power to
15 own, operate, acquire, construct, lease, improve, or maintain a
16 project described by that section.

17 Sec. 3881.102. NONPROFIT CORPORATION. (a) The board by
18 resolution may authorize the creation of a nonprofit corporation to
19 assist and act for the district in implementing a project or
20 providing a service authorized by this chapter.

21 (b) The nonprofit corporation:

22 (1) has each power of and is considered for purposes of
23 this chapter to be a local government corporation created under
24 Chapter 431, Transportation Code; and

25 (2) may implement any project and provide any service
26 authorized by this chapter.

27 (c) The board shall appoint the board of directors of the

1 nonprofit corporation. The board of directors of the nonprofit
2 corporation shall serve in the same manner as the board of directors
3 of a local government corporation created under Chapter 431,
4 Transportation Code, except that a board member is not required to
5 reside in the district.

6 Sec. 3881.103. AGREEMENTS; GRANTS. (a) The district may
7 make an agreement with or accept a gift, grant, or loan from any
8 person.

9 (b) The implementation of a project is a governmental
10 function or service for the purposes of Chapter 791, Government
11 Code.

12 Sec. 3881.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
13 SERVICES. To protect the public interest, the district may
14 contract with a qualified person, including Harris County or the
15 City of Houston, for the provision of law enforcement services in
16 the district for a fee.

17 Sec. 3881.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
18 district may join and pay dues to a charitable or nonprofit
19 organization that performs a service or provides an activity
20 consistent with the furtherance of a district purpose.

21 Sec. 3881.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
22 district may establish and provide for the administration of one or
23 more programs to promote state or local economic development and to
24 stimulate business and commercial activity in the district,
25 including programs to:

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

27 (2) provide district personnel and services.

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

3 Sec. 3881.107. STRATEGIC PARTNERSHIP AGREEMENT. The
4 district may negotiate and enter into a written strategic
5 partnership with the City of Houston pursuant to Section 43.0751,
6 Local Government Code.

7 Sec. 3881.108. NO EMINENT DOMAIN. The district may not
8 exercise the power of eminent domain.

9 Sec. 3881.109. ANNEXATION OR EXCLUSION OF LAND. (a) The
10 district may annex land as provided by Subchapter J, Chapter 49,
11 Water Code.

12 (b) The district may exclude land as provided by Subchapter
13 J, Chapter 49, Water Code. Section 375.044(b), Local Government
14 Code, does not apply to the district.

15 [Sections 3881.110-3881.150 reserved for expansion]

16 SUBCHAPTER D. PUBLIC PARKING FACILITIES

17 Sec. 3881.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
18 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease
19 as lessor or lessee, construct, develop, own, operate, and maintain
20 parking facilities or a system of parking facilities, including:

21 (1) lots, garages, parking terminals, or other
22 structures or accommodations for parking motor vehicles off the
23 streets; and

24 (2) equipment, entrances, exits, fencing, and other
25 accessories necessary for safety and convenience in parking
26 vehicles.

27 (b) A parking facility of the district may be leased to or

1 operated on behalf of the district by an entity other than the
2 district.

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

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

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

13 Sec. 3881.152. RULES. The district may adopt rules
14 governing the district's public parking facilities.

15 Sec. 3881.153. FINANCING OF PUBLIC PARKING FACILITIES. (a)
16 The district may use any of its resources, including revenue,
17 assessments, taxes, or grant or contract proceeds, to pay the cost
18 of acquiring or operating public parking facilities.

19 (b) The district may:

20 (1) set, charge, impose, and collect fees, charges, or
21 tolls for the use of the district's public parking facilities; and

22 (2) issue bonds or notes to finance the cost of the
23 district's public parking facilities.

24 [Sections 3881.154-3881.200 reserved for expansion]

25 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

26 Sec. 3881.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
27 board by resolution shall establish the number of directors'

1 signatures and the procedure required for a disbursement or
2 transfer of the district's money.

3 Sec. 3881.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4 The district may acquire, construct, finance, operate, or maintain
5 any improvement or service authorized under this chapter or Chapter
6 375, Local Government Code, using any money available to the
7 district.

8 Sec. 3881.203. PETITION REQUIRED FOR FINANCING SERVICES AND
9 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
10 service or improvement project with assessments under this chapter
11 unless a written petition requesting that service or improvement
12 has been filed with the board.

13 (b) A petition filed under Subsection (a) must be signed by
14 the owners of a majority of the assessed value of real property in
15 the district subject to assessment according to the most recent
16 certified tax appraisal roll for Harris County.

17 Sec. 3881.204. METHOD OF NOTICE FOR HEARING. The district
18 may mail the notice required by Section 375.115(c), Local
19 Government Code, by certified or first class United States mail.
20 The board shall determine the method of mailing notice.

21 Sec. 3881.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
22 The board by resolution may impose and collect an assessment for any
23 purpose authorized by this chapter in all or any part of the
24 district.

25 (b) An assessment, a reassessment, or an assessment
26 resulting from an addition to or correction of the assessment roll
27 by the district, penalties and interest on an assessment or

1 reassessment, an expense of collection, and reasonable attorney's
2 fees incurred by the district:

3 (1) are a first and prior lien against the property
4 assessed;

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

8 (3) are the personal liability of and a charge against
9 the owners of the property even if the owners are not named in the
10 assessment proceedings.

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

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

19 Sec. 3881.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
20 ASSESSMENTS. The district may not impose an impact fee or
21 assessment on the property, including the equipment,
22 rights-of-way, facilities, or improvements, of:

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

25 (2) a gas utility as defined by Section 101.003 or
26 121.001, Utilities Code;

27 (3) a telecommunications provider as defined by

1 Section 51.002, Utilities Code; or

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

4 Sec. 3881.207. RESIDENTIAL PROPERTY. Section 375.161,
5 Local Government Code, does not apply to:

6 (1) a tax imposed by the district; or

7 (2) any payment required by the district for a service
8 provided by the district, including water and sewer services.

9 Sec. 3881.208. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held in accordance with Section 3881.212,
11 the district may impose an annual operation and maintenance tax on
12 taxable property in the district in accordance with Section 49.107,
13 Water Code, for any district purpose, including to:

14 (1) maintain and operate the district;

15 (2) construct or acquire improvements; or

16 (3) provide a service.

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

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

21 Sec. 3881.209. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 Sec. 3881.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
4 BONDS. (a) The district may borrow money on terms and conditions
5 as determined by the board. Section 375.205, Local Government
6 Code, does not apply to a loan, line of credit, or other borrowing
7 from a bank or financial institution secured by revenue other than
8 ad valorem taxes.

9 (b) The district may issue bonds, notes, or other
10 obligations payable wholly or partly from ad valorem taxes, sales
11 and use taxes, assessments, impact fees, revenue, contract
12 payments, grants, or other district money, or any combination of
13 those sources of money, to pay for any authorized district purpose.

14 (c) The limitation on the outstanding principal amount of
15 bonds, notes, and other obligations set forth in Section 49.4645,
16 Water Code, does not apply to the district.

17 Sec. 3881.211. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes, the
19 board shall provide for the annual imposition of a continuing
20 direct annual ad valorem tax, without limit as to rate or amount,
21 while all or part of the bonds are outstanding as required and in
22 the manner provided by Sections 54.601 and 54.602, Water Code.

23 Sec. 3881.212. ELECTIONS REGARDING TAXES AND BONDS. (a)
24 The district may issue, without an election, bonds, notes, and
25 other obligations secured by:

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

27 (2) contract payments described by Section 3881.209.

1 district may impose an ad valorem tax or issue bonds payable from ad
2 valorem taxes of the area defined or property designated under
3 Section 3881.251, the board must call and hold an election as
4 provided by Section 3881.212 only in the defined area or in the
5 boundaries of the designated property.

6 (b) The board may submit the proposition to the voters on
7 the same ballot to be used in another election.

8 Sec. 3881.253. DECLARING RESULT AND ISSUING ORDER. (a) If
9 a majority of the voters voting at the election approve the
10 proposition or propositions, the board shall declare the results
11 and by order shall establish the defined area and describe it by
12 metes and bounds or designate the specific property.

13 (b) A court may not review the board's order except on the
14 ground of fraud, palpable error, or arbitrary and confiscatory
15 abuse of discretion.

16 Sec. 3881.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
17 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
18 approval and adoption of the order described in Section 3881.253,
19 the district may apply separately, differently, equitably, and
20 specifically its taxing power and lien authority to the defined
21 area or designated property to provide money to construct,
22 administer, maintain, and operate services, improvements, and
23 facilities that primarily benefit the defined area or designated
24 property.

25 Sec. 3881.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
26 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
27 Section 3881.253 is adopted, the district may issue bonds to

1 provide for any land, improvements, facilities, plants, equipment,
2 and appliances for the defined area or designated property.

3 [Sections 3881.256-3881.300 reserved for expansion]

4 SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

5 Sec. 3881.301. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The
6 district is a "water or sewer district" under Section 43.071, Local
7 Government Code.

8 (b) Section 43.075, Local Government Code, applies to the
9 district.

10 (c) Section 375.264, Local Government Code, does not apply
11 to the dissolution of the district by a municipality.

12 SECTION 2. Harris County Improvement District No. 13
13 initially includes all territory contained in the following area:

14 BEING 705.36 acres of land lying wholly within Harris County,
15 Texas consisting of TRACT "1": A 400.03 acre tract situated in the
16 Jno. W. Baker Survey, A-116 and the Moses Merritt Survey, A-579,
17 TRACT "2": A 305.33 acre tract situated in the Moses Merritt Survey,
18 A-579 and the J. W. Moody Survey, A-547 and more particularly
19 described as follows:

20 TRACT "1"

21 BEING a 400.03 acre tract situated in the Jno. W. Baker
22 Survey, A-116 and the Moses Merritt Survey, A-579, Harris County,
23 Texas and being part of that certain called 891.99 acre tract
24 described and recorded under Harris County Clerk's File Number
25 (H.C.C.F. No.) 20070535841, said 400.03 acre being more
26 particularly described by metes and bounds as follows:

27 BEGINNING at a 5/8-inch iron rod found for the northwest

1 corner of a called 21.148 acre tract described and recorded under
2 H.C.C.F. No. M488539 and being in the southern right-of-way line of
3 the Union Pacific Railroad Company railroad right-of-way (100' wide
4 at this point) as recorded in Volume 964, Page 88 of the Harris
5 County Deed Records (H.C.D.R.);

6 THENCE, along the western lines of said 21.148 acre tract and
7 the eastern lines of the said 891.99 acre tract the following five
8 (5) courses:

9 S 21°51'31" W, a distance of 100.00 feet to a disturbed
10 5/8-inch iron rod found for the point of curvature of a curve to the
11 left;

12 In a southeasterly direction, 498.97 feet along the arc
13 of said curve to the left having a radius of 610.00 feet, a central
14 angle of 46°52'00" and whose chord bears S 01°34'29" E, 485.17 feet
15 to a 5/8-inch iron rod found for the point of tangency of said
16 curve;

17 S 25°00'29" E, a distance of 437.99 feet to a 5/8-inch
18 iron rod found for the point of curvature of a curve to the right;

19 In a southeasterly direction, 153.69 feet along the arc
20 of said curve to the right having a radius of 390.00 feet, a central
21 angle of 22°34'45" and whose chord bears S 13°43'07" E, 152.70 feet
22 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the
23 point of tangency of said curve;

24 S 02°25'44" E, a distance of 2406.07 feet to a 5/8-inch
25 iron rod with cap stamped "BROWN & GAY" set for the southeast corner
26 of the herein described tract, the beginning of a non-tangent curve
27 to the left;

1 THENCE the following eight (8) courses and distances over and
2 across said called 891.99 acre tract:

3 In a Westerly direction, along a curve to the left, a
4 distance of 853.40 feet, having a radius of 1950.00 feet, a central
5 angle of 25°04'30" and a chord which bears N 77°57'39" W, 846.60 feet
6 to a 5/8-inch iron rod with cap stamped "BROWN & GAY set for the
7 point of tangency;

8 S 89°30'06" W, a distance of 100.00 feet to a 5/8-inch
9 iron rod with cap stamped "BROWN & GAY set for the beginning of a
10 tangent curve to the right;

11 In a Northwesterly direction, along said curve to the
12 right, a distance of 2441.52 feet, having a radius of 2050.00 feet,
13 a central angle of 68°14'18" and a chord which bears N 56°22'45" W,
14 2299.76 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY
15 set for the point of tangency;

16 N 22°15'36" W, a distance of 873.59 feet to a 5/8-inch
17 iron rod with cap stamped "BROWN & GAY set for the beginning of a
18 tangent curve to the left;

19 In a Northwesterly direction, along said curve to the
20 left, a distance of 2468.33 feet, having a radius of 1950.00 feet, a
21 central angle of 72°31'32" and a chord which bears N 58°31'22" W,
22 2306.81 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY
23 set for the point of tangency;

24 S 85°12'52" W, a distance of 100.00 feet to a 5/8-inch
25 iron rod with cap stamped "BROWN & GAY set for the beginning of a
26 tangent curve to the right;

27 In a Westerly direction, along said curve to the right,

1 a distance of 941.65 feet, having a radius of 2050.00 feet, a
2 central angle of $26^{\circ}19'06''$ and a chord which bears $N 81^{\circ}37'35'' W$,
3 933.39 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY set
4 for the point of tangency;

5 $N 68^{\circ}28'02'' W$, a distance of 399.82 feet to a 5/8-inch
6 iron rod with cap stamped "BROWN & GAY set for corner in the east
7 line of a called 2,523.670 acre tract described and recorded under
8 H.C.C.F. No. U036618;

9 $THENCE, N 02^{\circ}08'21'' W$, a distance of 2274.31 feet along the
10 east line of said 2,523.670 acre tract to a 5/8-inch iron rod with
11 cap stamped "BROWN & GAY" set for the northwest corner of the herein
12 described tract and being in the southern right-of-way line of the
13 said Union Pacific Railroad Company railroad right-of-way (150'
14 wide at this point);

15 $THENCE,$ along the said southern right-of-way line the
16 following three (3) courses:

17 $S 68^{\circ}08'29'' E$, a distance of 1,452.09 feet to a 5/8-inch
18 iron rod with cap stamped "BROWN & GAY" set for an angle point;

19 $N 02^{\circ}45'38'' W$, a distance of 55.00 feet to a 5/8-inch
20 iron rod with cap stamped "BROWN & GAY" set for an angle point from
21 which a found disturbed 5/8-inch iron rod bears $S 75^{\circ}35' W$, 0.64
22 feet;

23 $S 68^{\circ}08'29'' E$, a distance of 692.19 feet to a 5/8-inch
24 iron rod with cap stamped "BROWN & GAY" set for the northwest corner
25 of a called 3.220 acre tract described and recorded under D592435;

26 $THENCE,$ along the lines common to said 3.220 acre tract and
27 the herein described tract the following three (3) courses:

1 S 16°08'53" W, a distance of 854.18 feet to a 5/8-inch
2 iron rod with cap stamped "BROWN & GAY" set for the southwest corner
3 of said 3.220 acre tract;

4 S 68°08'29" E, a distance of 80.00 feet to a 5/8-inch
5 iron rod with cap stamped "BROWN & GAY" set for the southeast corner
6 of said 3.220 acre tract;

7 N 27°34'09" E, a distance of 854.18 feet to a 5/8-inch
8 iron rod with cap stamped "BROWN & GAY" set for the northeast corner
9 of said 3.220 acre tract;

10 THENCE, S 68°08'29" E, a distance of 4,420.07 feet along the
11 said southern railroad right-of-way line to the POINT OF BEGINNING
12 and containing 400.03 acres of land.

13 TRACT "2"

14 BEING a 305.33 acre tract of land in the Moses Merrit Survey,
15 A-579 and the J. W. Moody Survey, A-547, Harris County, Texas, being
16 part of that certain called 435.44 acre tract described and
17 recorded under Harris County Clerk's File Number (H.C.C.F. No.)
18 20070535841, said 305.33 acre tract being more particularly
19 described by metes and bounds as follows:

20 BEGINNING at a 5/8-inch iron rod found for the northeast
21 corner of a called 21.148 acre tract described and recorded under
22 H.C.C.F. No. M488539 and being in the southern right-of-way line of
23 the Union Pacific Railroad Company railroad right-of-way (100' wide
24 at this point) as recorded in Volume 964, Page 88 of the Harris
25 County Deed Records (H.C.D.R.), having coordinates of X:
26 3,004,753.52, Y: 13,921,042.73;

27 THENCE, along the said southern right-of-way line the

1 following five (5) courses:

2 S 68°08'29" E, a distance of 3,677.36 feet to a 5/8-inch
3 iron rod found for an angle point;

4 S 20°12'43" W, a distance of 140.80 feet to a 5/8-inch
5 iron rod with cap stamped "BROWN & GAY" set for an angle point;

6 S 69°52'17" E, a distance of 390.35 feet to a 5/8-inch
7 iron rod with cap stamped "BROWN & GAY" set for an angle point;

8 N 17°21'43" E, a distance of 129.36 feet to a 5/8-inch
9 iron rod with cap stamped "BROWN & GAY" set for an angle point from
10 which a found 5/8-inch iron rod bears S 31°05' W, 0.33 feet;

11 S 68°08'29" E, a distance of 226.09 feet to a 5/8-inch
12 iron rod with cap stamped "BROWN & GAY" set for the northeast corner
13 of the herein described tract and the northwest corner of a called
14 237.257 acre tract described and recorded under H.C.C.F. No.
15 W483191 from which a found 5/8-inch iron rod bears S 29°12' W, 0.47
16 feet;

17 THENCE, S 01°44'44" E, a distance of 2704.45 feet to a
18 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the most
19 easterly southeast corner of the herein described tract;

20 THENCE the following six (6) courses and distances over and
21 across said called 435.44 acre tract:

22 S 88°15'16" W, a distance of 75.72 feet to a 5/8-inch
23 iron rod with cap stamped "BROWN & GAY" set for the beginning of a
24 tangent curve to the left;

25 In a Westerly direction, along said curve to the left, a
26 distance of 531.50 feet, having a radius of 1950.00 feet, a central
27 angle of 15°37'00" and a chord which bears S 80°26'46" W, 529.85 feet

1 to a 5/8-inch iron rod with cap stamped "BROWN & GAY set for the
2 point of tangency;

3 S 72°38'16" W, a distance of 565.96 feet to a 5/8-inch
4 iron rod with cap stamped "BROWN & GAY set for the beginning of a
5 tangent curve to the right;

6 In a Westerly direction, along said curve to the right,
7 a distance of 2329.05 feet, having a radius of 2050.00 feet, a
8 central angle of 65°05'42" and a chord which bears N 74°48'53" W,
9 2205.79 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY
10 set for the point of tangency;

11 N 42°16'02" W, a distance of 100.00 feet to a 5/8-inch
12 iron rod with cap stamped "BROWN & GAY set for the beginning of a
13 tangent curve to the left;

14 In a Northwesterly direction, along said curve to the
15 left, a distance of 531.87 feet, having a radius of 1950.00 feet, a
16 central angle of 15°37'39" and a chord which bears N 50°04'52" W,
17 530.22 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY set
18 for corner;

19 THENCE, along the eastern lines of said 21.148 acre tract and
20 the western lines of the herein described tract the following five
21 (5) courses:

22 N 02°25'44" W, a distance of 2537.06 feet to a 5/8-inch
23 iron rod with cap stamped "BROWN & GAY set for the point of
24 curvature of a curve to the left;

25 In a northwesterly direction, 121.77 feet along the arc
26 of said curve to the left having a radius of 610.00 feet, a central
27 angle of 22°34'45" and whose chord bears N 13°43'07" W, 238.84 feet

1 to a disturbed 5/8-inch iron rod found for the point of tangency of
2 said curve;

3 N 25°00'29" W, a distance of 437.99 feet to a 5/8-inch
4 iron rod found for the point of curvature of a curve to the right;

5 In a northwesterly direction, 319.01 feet along the arc
6 of said curve to the right having a radius of 390.00 feet, a central
7 angle of 46°52'00" and whose chord bears N 01°34'29" W, 310.19 feet
8 to a 5/8-inch iron rod found for the point of tangency of said
9 curve;

10 N 21°51'31" E, a distance of 100.00 feet to the POINT OF
11 BEGINNING and containing 305.33 acres of land.

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

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor,
24 lieutenant governor, and speaker of the house of representatives
25 within the required time.

26 (d) The general law relating to consent by political
27 subdivisions to the creation of districts with conservation,

1 reclamation, and road powers and the inclusion of land in those
2 districts has been complied with.

3 (e) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act have been
6 fulfilled and accomplished.

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