

By: Fletcher

H.B. No. 4740

Substitute the following for H.B. No. 4740:

By: Berman

C.S.H.B. No. 4740

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Harris County Improvement District  
3 No. 14; providing authority to impose an assessment, impose a tax,  
4 and issue bonds.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
7 Code, is amended by adding Chapter 3882 to read as follows:

8 CHAPTER 3882. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 14

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3882.001. DEFINITIONS. In this chapter:

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

12 (2) "Director" means a board member.

13 (3) "District" means the Harris County Improvement  
14 District No. 14.

15 Sec. 3882.002. NATURE OF DISTRICT. The Harris County  
16 Improvement District No. 14 is a special district created under  
17 Section 59, Article XVI, Texas Constitution.

18 Sec. 3882.003. PURPOSE; DECLARATION OF INTENT. (a) The  
19 creation of the district is essential to accomplish the purposes of  
20 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
21 Texas Constitution, and other public purposes stated in this  
22 chapter. By creating the district and in authorizing the City of  
23 Houston, Harris County, and other political subdivisions to  
24 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. 3882.004. 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. 3882.005. 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. 3882.006. 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. 3882.007. 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. 3882.008. 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 3882.009-3882.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3882.051. 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. 3882.052. APPOINTMENT OF DIRECTORS. The Texas  
7 Commission on Environmental Quality shall appoint voting directors  
8 from persons recommended by the board.

9 Sec. 3882.053. INITIAL VOTING DIRECTORS. (a) The initial  
10 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
1	<u>Robbie Winston</u>
2	<u>David Loosley</u>
3	<u>Craig Young</u>
4	<u>Jeff Finn</u>
5	<u>Rachal 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 3882.052 does not apply to this section.

22 Sec. 3882.054. NONVOTING DIRECTORS. The board may appoint  
23 nonvoting directors to serve at the pleasure of the voting  
24 directors.

25 Sec. 3882.055. 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. 3882.056. 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 3882.057-3882.100 reserved for expansion]

11                           SUBCHAPTER C. POWERS AND DUTIES

12           Sec. 3882.101. DEVELOPMENT CORPORATION POWERS. The  
13 district may exercise the powers given to a development corporation  
14 under Section 4B, Development Corporation Act of 1979 (Article  
15 5190.6, Vernon's Texas Civil Statutes), including the power to own,  
16 operate, acquire, construct, lease, improve, or maintain a project  
17 described by that section.

18           Sec. 3882.102. NONPROFIT CORPORATION. (a) The board by  
19 resolution may authorize the creation of a nonprofit corporation to  
20 assist and act for the district in implementing a project or  
21 providing a service authorized by this chapter.

22           (b) The nonprofit corporation:

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

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

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

7       Sec. 3882.103. AGREEMENTS; GRANTS. (a) The district may  
8 make an agreement with or accept a gift, grant, or loan from any  
9 person.

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

13       Sec. 3882.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT  
14 SERVICES. To protect the public interest, the district may  
15 contract with a qualified person, including Harris County or the  
16 City of Houston, for the provision of law enforcement services in  
17 the district for a fee.

18       Sec. 3882.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
19 district may join and pay dues to a charitable or nonprofit  
20 organization that performs a service or provides an activity  
21 consistent with the furtherance of a district purpose.

22       Sec. 3882.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
23 district may establish and provide for the administration of one or  
24 more programs to promote state or local economic development and to  
25 stimulate business and commercial activity in the district,  
26 including programs to:

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

1           (2) provide district personnel and services.

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

4           Sec. 3882.107. STRATEGIC PARTNERSHIP AGREEMENT. The  
5 district may negotiate and enter into a written strategic  
6 partnership with the City of Houston pursuant to Section 43.0751,  
7 Local Government Code.

8           Sec. 3882.108. NO EMINENT DOMAIN. The district may not  
9 exercise the power of eminent domain.

10           Sec. 3882.109. ANNEXATION OR EXCLUSION OF LAND. (a) The  
11 district may annex land as provided by Subchapter J, Chapter 49,  
12 Water Code.

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

16           [Sections 3882.110-3882.150 reserved for expansion]

17                   SUBCHAPTER D. PUBLIC PARKING FACILITIES

18           Sec. 3882.151. PARKING FACILITIES AUTHORIZED; OPERATION BY  
19 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or  
20 lessee, construct, develop, own, operate, and maintain parking  
21 facilities or a system of parking facilities, including:

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

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

1       (b) A parking facility of the district may be leased to or  
2 operated on behalf of the district by an entity other than the  
3 district.

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

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

11       Sec. 3882.152. RULES. The district may adopt rules  
12 governing the district's public parking facilities.

13       Sec. 3882.153. FINANCING OF PUBLIC PARKING FACILITIES. (a)  
14 The district may use any of its resources, including revenue,  
15 assessments, taxes, or grant or contract proceeds, to pay the cost  
16 of acquiring or operating public parking facilities.

17       (b) The district may:

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

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

22       [Sections 3882.154-3882.200 reserved for expansion]

23       SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

24       Sec. 3882.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
25 board by resolution shall establish the number of directors'  
26 signatures and the procedure required for a disbursement or  
27 transfer of the district's money.

1       Sec. 3882.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.

2       The district may acquire, construct, finance, operate, or maintain  
3       any improvement or service authorized under this chapter or Chapter  
4       375, Local Government Code, using any money available to the  
5       district.

6       Sec. 3882.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
7       IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
8       service or improvement project with assessments under this chapter  
9       unless a written petition requesting that service or improvement  
10       has been filed with the board.

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

15       Sec. 3882.204. METHOD OF NOTICE FOR HEARING. The district  
16       may mail the notice required by Section 375.115(c), Local  
17       Government Code, by certified or first class United States mail.  
18       The board shall determine the method of mailing notice.

19       Sec. 3882.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
20       The board by resolution may impose and collect an assessment for any  
21       purpose authorized by this chapter in all or any part of the  
22       district.

23       (b) An assessment, a reassessment, or an assessment  
24       resulting from an addition to or correction of the assessment roll  
25       by the district, penalties and interest on an assessment or  
26       reassessment, an expense of collection, and reasonable attorney's  
27       fees incurred by the district:

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

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

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

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

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

17           Sec. 3882.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
18 ASSESSMENTS. The district may not impose an impact fee or  
19 assessment on the property, including the equipment,  
20 rights-of-way, facilities, or improvements, of:

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

23           (2) a gas utility as defined by Section 101.003 or  
24 121.001, Utilities Code;

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

27           (4) a person who provides to the public cable

1 television or advanced telecommunications services.

2 Sec. 3882.207. RESIDENTIAL PROPERTY. Section 375.161,  
3 Local Government Code, does not apply to a tax imposed by the  
4 district.

5 Sec. 3882.208. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held in accordance with Section 3882.212,  
7 the district may impose an annual operation and maintenance tax on  
8 taxable property in the district in accordance with Section 49.107,  
9 Water Code, for any district purpose, including to:

10 (1) maintain and operate the district;

11 (2) construct or acquire improvements; or

12 (3) provide a service.

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

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

17 Sec. 3882.209. CONTRACT TAXES. (a) In accordance with  
18 Section 49.108, Water Code, the district may impose a tax other than  
19 an operation and maintenance tax and use the revenue derived from  
20 the tax to make payments under a contract after the provisions of  
21 the contract have been approved by a majority of the district voters  
22 voting at an election held for that purpose.

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

26 Sec. 3882.210. AUTHORITY TO BORROW MONEY AND TO ISSUE  
27 BONDS. (a) The district may borrow money on terms and conditions

1 as determined by the board. Section 375.205, Local Government  
2 Code, does not apply to a loan, line of credit, or other borrowing  
3 from a bank or financial institution secured by revenue other than  
4 ad valorem taxes.

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

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

13 Sec. 3882.211. TAXES FOR BONDS. At the time the district  
14 issues bonds payable wholly or partly from ad valorem taxes, the  
15 board shall provide for the annual imposition of a continuing  
16 direct annual ad valorem tax, without limit as to rate or amount,  
17 while all or part of the bonds are outstanding as required and in  
18 the manner provided by Sections 54.601 and 54.602, Water Code.

19 Sec. 3882.212. ELECTIONS REGARDING TAXES AND BONDS. (a)  
20 The district may issue, without an election, bonds, notes, and  
21 other obligations secured by:

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

23 (2) contract payments described by Section 3882.209.

24 (b) The district must hold an election in the manner  
25 provided by Subchapter L, Chapter 375, Local Government Code, to  
26 obtain voter approval before the district may impose an ad valorem  
27 tax or sales and use tax or issue bonds payable from ad valorem

1 taxes.

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

4 (d) All or any part of any facilities or improvements which  
5 may be acquired by a district by the issuance of its bonds may be  
6 included in one single proposition to be voted on at the election or  
7 the bonds may be submitted in several propositions.

8 Sec. 3882.213. COMPETITIVE BIDDING. Subchapter I, Chapter  
9 49, Water Code, applies to the district. Sections 375.221 and  
10 375.223, Local Government Code, do not apply to the district.

11 Sec. 3882.214. TAX AND ASSESSMENT ABATEMENTS. The district  
12 may grant in the manner authorized by Chapter 312, Tax Code, an  
13 abatement for a tax or assessment owed to the district.

14 [Sections 3882.215-3882.250 reserved for expansion]

15 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED  
16 PROPERTY

17 Sec. 3882.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
18 DESIGNATED PROPERTY. The district may define areas or designate  
19 certain property of the district to pay for improvements,  
20 facilities, or services that primarily benefit that area or  
21 property and do not generally and directly benefit the district as a  
22 whole.

23 Sec. 3882.252. PROCEDURE FOR ELECTION. (a) Before the  
24 district may impose an ad valorem tax or issue bonds payable from ad  
25 valorem taxes of the area defined or property designated under  
26 Section 3882.251, the board must call and hold an election as  
27 provided by Section 3882.212 only in the defined area or in the

1 boundaries of the designated property.

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

4 Sec. 3882.253. DECLARING RESULT AND ISSUING ORDER. (a) If  
5 a majority of the voters voting at the election approve the  
6 proposition or propositions, the board shall declare the results  
7 and by order shall establish the defined area and describe it by  
8 metes and bounds or designate the specific property.

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

12 Sec. 3882.254. TAXES FOR SERVICES, IMPROVEMENTS, AND  
13 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
14 approval and adoption of the order described in Section 3882.253,  
15 the district may apply separately, differently, equitably, and  
16 specifically its taxing power and lien authority to the defined  
17 area or designated property to provide money to construct,  
18 administer, maintain, and operate services, improvements, and  
19 facilities that primarily benefit the defined area or designated  
20 property.

21 Sec. 3882.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES  
22 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under  
23 Section 3882.253 is adopted, the district may issue bonds to  
24 provide for any land, improvements, facilities, plants, equipment,  
25 and appliances for the defined area or designated property.

26 [Sections 3882.256-3882.300 reserved for expansion]

27 SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

1       Sec. 3882.301. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The  
2 district is a "water or sewer district" under Section 43.071, Local  
3 Government Code.

4       (b) Section 43.075, Local Government Code, applies to the  
5 district.

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

8       SECTION 2. The Harris County Improvement District No. 14  
9 initially includes all territory contained in the following area:

10       BEING 622.07 acres of land lying wholly within Harris County,  
11 Texas consisting of TRACT "1": A 491.96 acre tract situated in the  
12 Jno. W. Baker Survey, A-116 and the Moses Merritt Survey, A-579,  
13 TRACT "2": A 130.11 acre tract situated in the J. W. Moody Survey,  
14 A-547 and more particularly described as follows:

15       TRACT "1"

16       BEING a 491.96 acre tract of land in the Jno. W. Baker Survey,  
17 A-116 and the Moses Merritt Survey, A-579, Harris County, Texas,  
18 being part of that certain called 891.99 acre tract described and  
19 recorded under Harris County Clerk's File Number (H.C.C.F. No.)  
20 20070535841, said 491.96 acre tract being more particularly  
21 described by metes and bounds as follows:

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

1 3,004,549.33, Y: 13,921,124.64;

2       THENCE, along the western lines of said 21.148 acre tract and  
3 the eastern lines of said 891.99 acre tract the following five (5)  
4 courses:

5               S 21°51'31" W, a distance of 100.00 feet to a disturbed  
6 5/8-inch iron rod found for the point of curvature of a curve to the  
7 left;

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

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

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

20               S 02°25'44" E, a distance of 2406.07 feet to a 5/8-inch  
21 iron rod with cap stamped "BROWN & GAY set for the POINT OF  
22 BEGINNING;

23       THENCE, S 02°25'44" E, a distance of 638.84 feet to a 5/8-inch  
24 iron rod with cap stamped "BROWN & GAY set for the southeast corner  
25 of the herein described tract and the southwest corner of the said  
26 21.148 acre tract and being in the north line of a called 410.160  
27 acre tract described and recorded under H.C.C.F. No. R209030 from

1 which a found 5/8-inch iron rod bears N 65°08' W, 0.98 feet;

2       THENCE, S 87°04'34" W, a distance of 5,120.84 feet to a  
3 5/8-inch iron rod with cap stamped "BROWN & GAY" set for an interior  
4 ell corner of the herein described tract and the northwest corner of  
5 said 410.160 acre tract from which a found 4X4 concrete monument  
6 bears N 50°58' W, 1.54 feet;

7       THENCE, S 03°23'06" E, a distance of 2,819.50 feet to the most  
8 southerly southeast corner of the herein described tract and the  
9 northeast corner of a called 1,004.14 acre tract described as  
10 Parcel A, Tract 6 in the deed recorded under H.C.C.F. No. W677033  
11 from which a found 4X4 concrete monument bears N 72°29' E, 0.54 feet;

12       THENCE, S 87°02'37" W, a distance of 1,336.61 feet along the  
13 north line of said 1,004.14 acre tract to the southwest corner of  
14 the herein described tract and the southeast corner of a called  
15 2,523.670 acre tract described and recorded under H.C.C.F. No.  
16 U036618 from which a found 3/4-inch iron rod bears N 37°58' E, 0.36  
17 feet;

18       THENCE, N 02°08'21" W, a distance of 7524.66 feet along the  
19 east line of said 2,523.670 acre tract to a 5/8-inch iron rod with  
20 cap stamped "BROWN & GAY" set for the northwest corner of the herein  
21 described tract;

22       THENCE the following eight (8) courses and distances over and  
23 across said 891.99 acre tract:

24               S 68°28'02" E, a distance of 399.82 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 left;

27               In an Easterly direction, along said curve to the left,

1 a distance of 941.65 feet, having a radius of 2050.00 feet, a  
2 central angle of 26°19'06" and a chord which bears S 81°37'35" E,  
3 933.39 feet to the point of tangency;

4 N 85°12'52" E, a distance of 100.00 feet to a 5/8-inch  
5 iron rod with cap stamped "BROWN & GAY" set for the beginning of a  
6 tangent curve to the right;

7 In a Southeasterly direction, along said curve to the  
8 right, a distance of 2468.33 feet, having a radius of 1950.00 feet,  
9 a central angle of 72°31'32" and a chord which bears S 58°31'22" E,  
10 2306.81 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY"  
11 set for the point of tangency;

12 S 22°15'36" E, a distance of 873.59 feet to a 5/8-inch  
13 iron rod with cap stamped "BROWN & GAY" set for the beginning of a  
14 tangent curve to the left;

15 In a Southeasterly direction, along said curve to the  
16 left a distance of 2441.52 feet, having a radius of 2050.00 feet, a  
17 central angle of 68°14'18" and a chord which bears S 56°22'45" E,  
18 2299.76 feet to the point of tangency;

19 N 89°30'06" E, a distance of 100.00 feet to a 5/8-inch  
20 iron rod with cap stamped "BROWN & GAY" set for the beginning of a  
21 tangent curve to the right;

22 In an Easterly direction, along said curve to the right,  
23 a distance of 853.40 feet, having a radius of 1950.00 feet, a  
24 central angle of 25°04'30" and a chord which bears S 77°57'39" E,  
25 846.60 feet to the POINT OF BEGINNING and containing 491.96 acres of  
26 land.

27 TRACT "2"

1 BEING a 130.11 acre tract of land in the J.W. Moody Survey,  
2 A-547, Harris County, Texas, being part of that certain called  
3 435.44 acre tract described and recorded under Harris County  
4 Clerk's File Number (H.C.C.F. No.) 20070535841, said 130.11 acre  
5 tract being more particularly described by metes and bounds as  
6 follows:

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

14 THENCE, along the eastern lines of said 21.148 acre tract and  
15 the western lines of said 435.44 acre tract the following five (5)  
16 courses:

17 S 21°51'31" W, a distance of 100.00 feet to a 5/8-inch  
18 iron rod found for the beginning of a tangent curve to the left;

19 In a southeasterly direction, 319.01 feet along the arc  
20 of said curve to the left having a radius of 390.00 feet, a central  
21 angle of 46°52'00" and whose chord bears S 01°34'29" E, 310.19 feet  
22 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for  
23 corner;

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

27 In a southeasterly direction, 121.77 feet along the arc

1 of said curve to the right having a radius of 610.00 feet, a central  
2 angle of 22°34'45" and whose chord bears S 13°43'07" E, 238.84 feet  
3 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for point  
4 of tangency of said curve;

5 S 02°25'44" E, a distance of 2537.06 feet to a 5/8-inch  
6 iron rod with cap stamped "BROWN & GAY" set for the POINT OF  
7 BEGINNING and the beginning of a non-tangent curve of a curve to the  
8 left;

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

11 In a Southeasterly direction, along said curve to the  
12 right, a distance of 531.87 feet, having a radius of 1950.00 feet, a  
13 central angle of 15°37'39" and a chord which bears S 50°04'52" E,  
14 530.22 feet to a /8-inch iron rod with cap stamped "BROWN & GAY" set  
15 for the point of tangency;

16 S 42°16'02" E, a distance of 100.00 feet to a /8-inch  
17 iron rod with cap stamped "BROWN & GAY" set for the beginning of a  
18 tangent curve to the left;

19 In an Easterly direction, along said curve to the left,  
20 a distance of 2329.05 feet, having a radius of 2050.00 feet, a  
21 central angle of 65°05'42" and a chord which bears S 74°48'53" E,  
22 2205.79 feet to a /8-inch iron rod with cap stamped "BROWN & GAY"  
23 set for the point of tangency;

24 N 72°38'16" E, a distance of 565.96 feet to a /8-inch  
25 iron rod with cap stamped "BROWN & GAY" set for the beginning of a  
26 tangent curve to the right;

27 In an Easterly direction, along said curve to the right,

1 a distance of 531.50 feet, having a radius of 1950.00 feet, a  
2 central angle of 15°37'00" and a chord which bears N 80°26'46" E,  
3 529.85 feet to a 1/8-inch iron rod with cap stamped "BROWN & GAY" set  
4 for the point of tangency;

5 N 88°15'16" E, a distance of 75.72 feet to a 5/8-inch  
6 iron rod with cap stamped "BROWN & GAY" set for corner in the west  
7 line of a called 237.257 acre tract described and recorded under  
8 H.C.C.F. No. W483191;

9 THENCE, S 01°44'44" E, a distance of 849.90 feet to a 5/8-inch  
10 iron rod with cap stamped "BROWN & GAY" set for the most easterly  
11 southeast corner of the herein described tract and the southwest  
12 corner of the said 237.257 acre tract and being in the north line of  
13 a called 130.70 acre tract described as Parcel A, Tract 10A in the  
14 deed recorded under H.C.C.F. No. W677033;

15 THENCE, S 89°29'51" W, a distance of 942.59 feet to a 5/8-inch  
16 iron rod with cap stamped "BROWN & GAY" set for an interior ell  
17 corner of the herein described tract and the northwest corner of the  
18 said 130.70 acre tract;

19 THENCE, S 02°26'29" E, a distance of 1,308.26 feet to a  
20 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the most  
21 southerly southeast corner of the herein described tract and an  
22 interior ell corner of the said 130.70 acre tract;

23 THENCE, along the lines common to the herein described tract  
24 and a called 410.160 acre tract described and recorded under  
25 H.C.C.F. No. R209030 the following three (3) courses:

26 S 88°09'30" W, a distance of 1,389.63 feet to a 5/8-inch  
27 iron rod found for an angle point;

1           N 46°35'14" W, a distance of 1,961.15 feet to an angle  
2 point from which a found 3/4-inch iron pipe bears N 27°27' E, 0.57  
3 feet;

4           N 02°22'23" W, a distance of 1,090.04 feet to a 5/8-inch  
5 iron rod with cap stamped "BROWN & GAY set for an angle point of the  
6 herein described tract and the northeast corner of the said 410.160  
7 acre tract and being the southeast corner of said called 21.148 acre  
8 tract;

9           THENCE N 02°25'44" W, a distance of 505.95 feet along the east  
10 line of said called 21.148 acre tract to the POINT OF BEGINNING and  
11 containing 130.11 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.