

By: Legler

H.B. No. 4753

Substitute the following for H.B. No. 4753:

By: Oliveira

C.S.H.B. No. 4753

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Harris County Improvement District
3 No. 16; 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 3890 to read as follows:

8 CHAPTER 3890. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 16

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3890.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Houston.

13 (3) "Director" means a board member.

14 (4) "District" means the Harris County Improvement
15 District No. 16.

16 Sec. 3890.002. NATURE OF DISTRICT. The Harris County
17 Improvement District No. 16 is a special district created under
18 Section 59, Article XVI, Texas Constitution.

19 Sec. 3890.003. PURPOSE; DECLARATION OF INTENT. (a) The
20 creation of the district is essential to accomplish the purposes of
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
22 Texas Constitution, and other public purposes stated in this
23 chapter. By creating the district and in authorizing the City of
24 Houston, Harris County, and other political subdivisions to

1 contract with the district, the legislature has established a
2 program to accomplish the public purposes set out in Section 52-a,
3 Article III, Texas Constitution.

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

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

15 Sec. 3890.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

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

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

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

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1 (d) The district will:

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

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

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

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

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

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

23 Sec. 3890.005. INITIAL DISTRICT TERRITORY. (a) The
24 district is initially composed of the territory described by
25 Section 2 of the Act creating this chapter.

26 (b) The boundaries and field notes contained in Section 2 of
27 the Act creating this chapter form a closure. A mistake in the

1 field notes or in copying the field notes in the legislative process
2 does not affect the district's:

3 (1) organization, existence, or validity;

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

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

8 (4) legality or operation.

9 Sec. 3890.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

18 Sec. 3890.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
19 DISTRICTS LAW. Except as otherwise provided by this chapter,
20 Chapter 375, Local Government Code, applies to the district.

21 Sec. 3890.008. LIBERAL CONSTRUCTION OF CHAPTER. This
22 chapter shall be liberally construed in conformity with the
23 findings and purposes stated in this chapter.

24 [Sections 3890.009-3890.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 3890.051. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five voting directors who serve staggered

1 terms of four years, with two or three directors' terms expiring
2 June 1 of each odd-numbered year.

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

7 Sec. 3890.052. APPOINTMENT OF DIRECTORS. The mayor and
8 members of the governing body of the city shall appoint voting
9 directors from persons recommended by the board. A person is
10 appointed if the majority of the members of the governing body,
11 including the mayor, vote to appoint that person.

12 Sec. 3890.053. INITIAL VOTING DIRECTORS. (a) The initial
13 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Thad Armstrong</u>
<u>2</u>	<u>Ken Melber</u>
<u>3</u>	<u>Bank Jordan</u>
<u>4</u>	<u>Alan Arnold</u>
<u>5</u>	<u>Pat Walters</u>

20 (b) Of the initial directors, the terms of directors
21 appointed for positions 1 through 3 expire June 1, 2011, and the
22 terms of directors appointed for positions 4 and 5 expire June 1,
23 2013.

24 (c) Section 3890.052 does not apply to this section.

25 (d) This section expires September 1, 2014.

26 Sec. 3890.054. NONVOTING DIRECTORS. The board may appoint
27 nonvoting directors to serve at the pleasure of the voting

1 directors.

2 Sec. 3890.055. QUORUM. For purposes of determining the
3 requirements for a quorum of the board, the following are not
4 counted:

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

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

9 (3) a nonvoting director.

10 Sec. 3890.056. COMPENSATION. A director is entitled to
11 receive fees of office and reimbursement for actual expenses as
12 provided by Section 49.060, Water Code. Sections 375.069 and
13 375.070, Local Government Code, do not apply to the board.

14 [Sections 3890.057-3890.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 3890.101. DEVELOPMENT CORPORATION POWERS. The
17 district may exercise the powers given to a development corporation
18 under Chapter 505, Local Government Code, including the power to
19 own, operate, acquire, construct, lease, improve, or maintain a
20 project described by that chapter.

21 Sec. 3890.102. NONPROFIT CORPORATION. (a) The board by
22 resolution may authorize the creation of a nonprofit corporation to
23 assist and act for the district in implementing a project or
24 providing a service authorized by this chapter.

25 (b) The nonprofit corporation:

26 (1) has each power of and is considered for purposes of
27 this chapter to be a local government corporation created under

1 Chapter 431, Transportation Code; and

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

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

10 Sec. 3890.103. AGREEMENTS; GRANTS. (a) The district may
11 make an agreement with or accept a gift, grant, or loan from any
12 person.

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

16 Sec. 3890.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
17 SERVICES. To protect the public interest, the district may
18 contract with a qualified person, including Harris County or the
19 city, for the provision of law enforcement services in the district
20 for a fee.

21 Sec. 3890.105. APPROVAL BY CITY. (a) Except as provided by
22 Subsection (c), the district must obtain approval from the city
23 for:

24 (1) the issuance of bonds; and

25 (2) plans and specifications for an improvement
26 project related to the use of land owned by the city, an easement
27 granted by the city, or a right-of-way of a street, road, or

1 highway.

2 (b) The approval under Subsection (a)(1) must be by a
3 resolution or ordinance adopted by the governing body of the city.
4 The approval under Subsection (a)(2) may be any form of official
5 approval of the city, including approval by an administrative
6 process that does not involve the city's governing body.

7 (c) If the district obtains approval of the city's governing
8 body for a capital improvements plan for a period not to exceed 10
9 years, the district may finance the capital improvements and issue
10 bonds specified in the plan without further city approval.

11 Sec. 3890.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
12 district may join and pay dues to a charitable or nonprofit
13 organization that performs a service or provides an activity
14 consistent with the furtherance of a district purpose.

15 Sec. 3890.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
16 district may establish and provide for the administration of one or
17 more programs to promote state or local economic development and to
18 stimulate business and commercial activity in the district,
19 including programs to:

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

21 (2) provide district personnel and services.

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

24 Sec. 3890.108. NO EMINENT DOMAIN. The district may not
25 exercise the power of eminent domain.

26 Sec. 3890.109. ANNEXATION OR EXCLUSION OF LAND. (a) The
27 district may annex land as provided by Subchapter J, Chapter 49,

1 Water Code.

2 (b) In addition to the authority to annex provided by
3 Subsection (a), the board by resolution may annex territory if:

4 (1) the city's governing body by ordinance or
5 resolution consents to the annexation;

6 (2) the board holds a hearing to consider the
7 annexation; and

8 (3) the board determines that the annexation is
9 practicable and in the best interest of the district.

10 (c) An election is required for an annexation under
11 Subsection (b) or Section 49.302, Water Code, only if before the
12 annexation the district held an election at which the voters
13 approved the imposition of an ad valorem tax or the issuance of
14 bonds payable wholly or partly from ad valorem taxes.

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

18 [Sections 3890.110-3890.150 reserved for expansion]

19 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

20 Sec. 3890.151. PUBLIC TRANSIT SYSTEM. The district may
21 acquire, lease as lessor or lessee, construct, develop, own,
22 operate, and maintain a public transit system to serve the area in
23 the district.

24 Sec. 3890.152. PARKING FACILITIES AUTHORIZED; OPERATION BY
25 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
26 lessee, construct, develop, own, operate, and maintain parking
27 facilities or a system of parking facilities, including:

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

4 (2) equipment, entrances, exits, fencing, and other
5 accessories necessary for safety and convenience in parking
6 vehicles.

7 (b) A parking facility of the district may be leased to or
8 operated on behalf of the district by an entity other than the
9 district.

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

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

17 Sec. 3890.153. RULES. The district may adopt rules
18 governing the district's public transit system or public parking
19 facilities.

20 Sec. 3890.154. FINANCING OF PUBLIC PARKING FACILITIES. (a)
21 The district may use any of its resources, including revenue,
22 assessments, taxes, or grant or contract proceeds, to pay the cost
23 of acquiring or operating the district's public transit system or
24 public parking facilities.

25 (b) The district may:

26 (1) set, charge, impose, and collect fees, charges, or
27 tolls for the use of the district's public transit system or public

1 parking facilities; and

2 (2) issue bonds or notes to finance the cost of the
3 district's public transit system or public parking facilities.

4 [Sections 3890.155-3890.200 reserved for expansion]

5 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

6 Sec. 3890.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
7 board by resolution shall establish the number of directors'
8 signatures and the procedure required for a disbursement or
9 transfer of the district's money.

10 Sec. 3890.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
11 The district may acquire, construct, finance, operate, or maintain
12 any improvement or service authorized under this chapter or Chapter
13 375, Local Government Code, using any money available to the
14 district.

15 Sec. 3890.203. PETITION REQUIRED FOR FINANCING SERVICES AND
16 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
17 service or improvement project with assessments under this chapter
18 unless a written petition requesting that service or improvement
19 has been filed with the board.

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

24 Sec. 3890.204. METHOD OF NOTICE FOR HEARING. The district
25 may mail the notice required by Section 375.115(c), Local
26 Government Code, by certified or first class United States mail.
27 The board shall determine the method of mailing notice.

1 Sec. 3890.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

2 The board by resolution may impose and collect an assessment for any
3 purpose authorized by this chapter in all or any part of the
4 district.

5 (b) An assessment, a reassessment, or an assessment
6 resulting from an addition to or correction of the assessment roll
7 by the district, penalties and interest on an assessment or
8 reassessment, an expense of collection, and reasonable attorney's
9 fees incurred by the district:

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

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

15 (3) are the personal liability of and a charge against
16 the owners of the property even if the owners are not named in the
17 assessment proceedings.

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

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

26 Sec. 3890.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
27 ASSESSMENTS. The district may not impose an impact fee or

1 assessment on the property, including the equipment,
2 rights-of-way, facilities, or improvements, of:

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

5 (2) a gas utility as defined by Section 101.003 or
6 121.001, Utilities Code;

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

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

11 Sec. 3890.207. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized at an election held in accordance with Section 3890.210,
13 the district may impose an annual operation and maintenance tax on
14 taxable property in the district in accordance with Section 49.107,
15 Water Code, for any district purpose, including to:

16 (1) maintain and operate the district;

17 (2) construct or acquire improvements; or

18 (3) provide a service.

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

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

23 Sec. 3890.208. AUTHORITY TO BORROW MONEY AND TO ISSUE
24 BONDS. (a) The district may borrow money on terms and conditions
25 as determined by the board. Section 375.205, Local Government
26 Code, does not apply to a loan, line of credit, or other borrowing
27 from a bank or financial institution secured by revenue other than

1 ad valorem taxes.

2 (b) The district may issue by competitive bid or negotiated
3 sale bonds, notes, or other obligations payable wholly or partly
4 from ad valorem taxes, assessments, impact fees, revenue, contract
5 payments, grants, or other district money, or any combination of
6 those sources of money, to pay for any authorized district purpose.

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

10 Sec. 3890.209. TAXES FOR BONDS. At the time the district
11 issues bonds payable wholly or partly from ad valorem taxes, the
12 board shall provide for the annual imposition of a continuing
13 direct annual ad valorem tax, without limit as to rate or amount,
14 while all or part of the bonds are outstanding as required and in
15 the manner provided by Sections 54.601 and 54.602, Water Code.

16 Sec. 3890.210. ELECTIONS REGARDING TAXES AND BONDS. (a)
17 The district may issue, without an election, bonds, notes, and
18 other obligations secured by revenue other than ad valorem taxes.

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

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

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

1 or the bonds may be submitted in several propositions.

2 Sec. 3890.211. CITY NOT REQUIRED TO PAY DISTRICT
3 OBLIGATIONS. Except as provided by Section 375.263, Local
4 Government Code, the city may not be required to pay a bond, note,
5 or other obligation of the district.

6 Sec. 3890.212. COMPETITIVE BIDDING. Subchapter I, Chapter
7 49, Water Code, applies to the district. Sections 375.221 and
8 375.223, Local Government Code, do not apply to the district.

9 Sec. 3890.213. TAX AND ASSESSMENT ABATEMENTS. The district
10 may grant in the manner provided by Chapter 312, Tax Code, an
11 abatement for a tax or assessment owed to the district.

12 [Sections 3890.214-3890.250 reserved for expansion]

13 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
14 PROPERTY

15 Sec. 3890.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
16 DESIGNATED PROPERTY. The district may define areas or designate
17 certain property of the district to pay for improvements,
18 facilities, or services that primarily benefit that area or
19 property and do not generally and directly benefit the district as a
20 whole.

21 Sec. 3890.252. PROCEDURE FOR ELECTION. (a) Before the
22 district may impose an ad valorem tax or issue bonds payable from ad
23 valorem taxes of the area defined or property designated under
24 Section 3890.251, the board must call and hold an election as
25 provided by Section 3890.210 only in the defined area or in the
26 boundaries of the designated property.

27 (b) The board may submit the proposition to the voters on

1 the same ballot to be used in another election.

2 Sec. 3890.253. DECLARING RESULT AND ISSUING ORDER. (a) If
3 a majority of the voters voting at the election approve the
4 proposition or propositions, the board shall declare the results
5 and by order shall establish the defined area and describe it by
6 metes and bounds or designate the specific property.

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

10 Sec. 3890.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
11 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
12 approval and adoption of the order described in Section 3890.253,
13 the district may apply separately, differently, equitably, and
14 specifically its taxing power and lien authority to the defined
15 area or designated property to provide money to construct,
16 administer, maintain, and operate services, improvements, and
17 facilities that primarily benefit the defined area or designated
18 property.

19 Sec. 3890.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
20 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
21 Section 3890.253 is adopted, the district may issue bonds to
22 provide for any land, improvements, facilities, plants, equipment,
23 and appliances for the defined area or designated property.

24 SECTION 2. The Harris County Improvement District No. 16
25 initially includes all territory contained in the following area:

26 TRACT 1

27 Description of two tracts of land containing 23.8087 acres

1 (1,037,107 square feet), Save and Except a 0.1389 acre tract (6,048
2 square feet), and 4.0627 acres (176,970 square feet), located in
3 the Juan Sutton Survey, A-751 and the John Robinson Survey, A-680,
4 Harris County, Texas, and being those two certain tracts, Parcel
5 "X", 25+ acres and Parcel "Y", 4+ acres, as described in deed from
6 Corporate Property Investors to Rouse-Almeda, Inc., as recorded
7 under Harris County Clerk's File No. L484651, said tracts of land
8 are more particularly described by metes and bounds as follows,
9 with bearings referenced to the description of said 23.8087 acre
10 tract:

11 TRACT 1 - PART A

12 BEGINNING at a 5/8-inch iron rod found for the intersection
13 of the northerly right-of-way line of Kingspoint Road (60-foot wide
14 right-of-way) with the easterly right-of-way line of Kleckley Drive
15 (80-foot wide right-of-way) as described by City of Houston
16 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed
17 Records, said point being the southwest corner of the herein
18 described tract;

19 THENCE North 01° 13' 33" West, with the easterly line of said
20 Kleckley Drive, a distance of 614.96 feet to a cut "X" found at the
21 southwest corner of a certain 1.00 acre tract as described under
22 Harris County Clerk's File No. C687380;

23 THENCE North 88° 46' 27" East, leaving said easterly
24 right-of-way line and with the southerly line of said 1.00 acre
25 tract, a distance of 200.00 feet to a 1/2-inch iron rod found at the
26 southeast corner of said tract and an interior corner of the herein
27 described tract;

1 THENCE North 01° 13' 33" West, with the easterly line of said
2 1.00 acre tract, a distance of 217.80 feet to a railroad spike found
3 at the northeast corner of said tract and an interior corner of the
4 herein described tract;

5 THENCE South 88° 46' 27" West, with the northerly line of said
6 1.00 acre tract, a distance of 200.00 feet to a 5/8-inch iron rod
7 found for the northwest corner of said tract and on the easterly
8 right-of-way line of the aforementioned Kleckley Drive;

9 THENCE North 01° 13' 33" West, with the said easterly
10 right-of-way line, a distance of 240.92 feet to a 5/8-inch iron rod
11 found at the most westerly northwest corner of the herein described
12 tract and the southwest corner of a called 17.1734 acre tract as
13 described under Harris County Clerk's File No. C200933;

14 THENCE North 88° 46' 27" East, leaving said easterly
15 right-of-way line and with the southerly line of said 17.1734 acre
16 tract, a distance of 221.47 feet to a 1/2-inch iron rod found for a
17 southeast corner of said tract and an interior corner of the herein
18 described tract;

19 THENCE North 01° 13' 33" West, with an easterly line of said
20 17.1734 acre tract, a distance of 138.58 feet to 5/8-inch iron rod
21 found at an angle point;

22 THENCE North 68° 05' 25" East, continuing with said easterly
23 line, a distance of 20.00 feet to an angle point within a building
24 column;

25 THENCE North 21° 54' 35" West, continuing with said easterly
26 line, a distance of 105.94 feet to a nail and washer found at the
27 most northerly northwest corner of the herein described tract and

1 an interior corner of said 17.1734 acre tract;

2 THENCE North 68° 05' 25" East, with a southeasterly line of
3 said 17.1734 acre tract, a distance of 535.50 feet to a 3/4-inch
4 iron rod found at the most northerly northeast corner of the herein
5 described tract and an interior corner of said 17.1734 acre tract;

6 THENCE South 42° 35' 38" East, with a southwesterly line of
7 said 17.1734 acre tract a distance of 251.82 feet to a 1/2-inch iron
8 rod found for the southwest corner of said tract and an interior
9 corner of the herein described tract;

10 THENCE North 47° 24' 22" East, with a southeasterly line of
11 said 17.1734 acre tract, a distance of 278.97 feet to a 5/8-inch
12 iron rod found at the most easterly southeast corner of said tract
13 and the most easterly northeast corner of the herein described
14 tract and on the westerly right-of-way line of I.H. 45 (Gulf
15 Freeway, width varies);

16 THENCE South 42° 35' 38" East, with the westerly right-of-way
17 line of said I.H. 45, a distance of 442.06 feet to a 5/8-inch iron
18 rod found at the most easterly southeast corner of the herein
19 described tract and the northeast corner of a 13.7382 acre tract as
20 described under Harris County Clerk's File No. C200933;

21 THENCE South 47° 24' 22" West, leaving said westerly
22 right-of-way line and with a northwesterly line of said 13.7382
23 acre tract, a distance of 564.48 feet to a PK nail and washer found
24 at the northeast corner of a 0.7286 acre tract of land described in
25 deed to Federated Department Stores as recorded in Volume 6379,
26 Page 160 of the Deed Records of Harris County, Texas and at an
27 interior corner of the herein described tract;

1 THENCE South 21° 54' 35" East, with the northeasterly line of
2 the said 0.7286 acre Federated tract, a distance of 50.00 feet to a
3 cut "X" found at the east corner of the said 0.7286 acre Federated
4 tract;

5 THENCE South 68° 05' 25" West, with the southeasterly line of
6 said 0.7286 acre Federated tract, at 634.76 feet, pass the south
7 corner of the said 0.7286 acre Federated tract and the north corner
8 of a 0.7286 acre tract of land described in deed to J.C. Penny as
9 recorded in Volume 6379, Page 160 of the Deed Records of Harris
10 County, Texas, and then with the northwesterly line of the said
11 0.7286 acre J.C. Penny tract, in all a total distance of 695.69 feet
12 to a 1/2-inch iron rod found at the west corner of said tract and an
13 interior corner of the herein described tract;

14 THENCE South 21° 54' 35" East, with the southwesterly line of
15 said 0.7286 acre J.C. Penny tract, a distance of 529.64 feet to a
16 5/8-inch iron rod found at the southern corner of the said 0.7286
17 acre J.C. Penny tract and on the northerly line of a Texas Pipe Line
18 Company fee strip as described in Volume 1770, Page 161 of the Deed
19 Records of Harris County, Texas;

20 THENCE South 52° 09' 27" West, with the northerly line of said
21 fee strip, a distance of 36.83 feet to a 5/8-inch iron rod found at
22 the most westerly southeast corner of the herein described tract
23 and on the northerly right-of-way line of the aforementioned
24 Kingspoint Road;

25 THENCE North 89° 47' 33" West, with the northerly right-of-way
26 line of said Kingspoint Road, a distance of 472.53 feet to the POINT
27 OF BEGINNING containing a computed area of 23.8087 acres (1,037,107

1 square feet) of land.

2 SAVE AND EXCEPT (TRACT 1 - PART A)

3 SAVE AND EXCEPT that certain 0.1389 acre (6,048 square feet)
4 tract of land conveyed to the City of Houston, by deed recorded
5 under County Clerk's File No. N889207 and described as follows:

6 BEGINNING at a 5/8-inch iron rod found at the intersection of
7 the northerly right-of way line of Kingspoint Road (60 foot wide
8 right-of-way) with the easterly right-of-way line of Kleckley Drive
9 (80-foot wide right-of-way) as described by City of Houston
10 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed
11 Records, said point being the southwest corner of the herein
12 described tract;

13 THENCE, North 01° 13' 33" West, with the easterly right-of-way
14 line of said Kleckley Drive, a distance of 55.00 feet to a 5/8-inch
15 iron rod set at the northwest corner of the herein described tract;

16 THENCE, South 89° 47' 33" East, a distance of 110.00 feet to a
17 5/8-inch iron rod set at the northeast corner of the herein
18 described tract;

19 THENCE, South 01° 13' 33" East, a distance of 55.00 feet to a
20 5/8-inch iron rod set at the southeast corner of the herein
21 described tract and on the northerly right-of-way line of the
22 aforesaid Kingspoint Road;

23 THENCE, North 89° 47' 33" West, with the northerly
24 right-of-way line of said Kingspoint Road, a distance of 110.00
25 feet to the POINT OF BEGINNING and containing 0.1389 acres (6,048
26 square feet) of land.

27 The subject property contains 23.8087 acres (1,037,107

1 square feet) save and except 0.1389 acres (6,048 square feet) for a
2 computed net area of 23.6698 acres (1,031,059 square feet).

3 TRACT 1 - PART B

4 COMMENCING at a 5/8-inch iron rod found at the intersection
5 of the northerly right-of-way line of Kingspoint Road (60-foot wide
6 right-of-way) with the easterly right-of-way line of Kleckley Drive
7 (80-foot wide right-of-way) as described by City of Houston
8 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed
9 Records:

10 THENCE, South 89° 47' 33" East, with the northerly
11 right-of-way line of said Kingspoint Road, a distance of 939.74
12 feet to a 5/8-inch iron rod found for the POINT OF BEGINNING at the
13 southwest corner of the herein described tract and a southeast
14 corner of a 13.7382 acre tract as described under Harris County
15 Clerk's File No. C200932;

16 THENCE, North 00° 12' 27" East, leaving said northerly
17 right-of-way line and with an easterly line of said 13.7382 acre
18 tract, a distance of 289.48 feet to a 1/2-inch iron rod set at the
19 northwest corner of the herein described tract and on the southerly
20 line of a Texas Pipe Line Company Fee Strip as described in Volume
21 1770, Page 161 of the Harris County Deed Records;

22 THENCE, North 52° 09' 27" East, with the southerly line of the
23 said Fee Strip, a distance of 495.62 feet to a 5/8-inch iron rod
24 found at the northeast corner of the herein described tract and the
25 northwest corner of a called 10.7966 acre tract as described under
26 Harris County Clerk's File No. E970132;

27 THENCE, South 01° 12' 33" East, leaving the southerly line of

1 the said Fee Strip and with the westerly line of the said 10.7966
2 acre tract, a distance of 595.14 feet to a 5/8-inch iron rod found
3 at the southeast corner of the herein described tract and on the
4 northerly line of the aforementioned Kingspoint Road;

5 THENCE, North 89° 47' 33" West, with the northerly line of
6 said Kingspoint Road, a distance of 405.00 feet to the POINT OF
7 BEGINNING containing a computed area of 4.0627 acres (176,970
8 square feet) of land.

9 The subject property contains 23.8087 acres (1,037,107
10 square feet) in Tract 1 - Part A, save and except 0.1389 acres
11 (6,048 square feet), and 4.0627 acres (176,970 square feet) in
12 Tract 1 - Part B, for a computed net area of 27.7325 acres
13 (1,208,029 square feet).

14 TRACT 2

15 13.7382 acres of land out of that tract of land containing
16 56.7876 acres described in Exhibit A in deed from James P. Lee,
17 Trustee, to Federated Department Stores, Inc. as recorded in Volume
18 5207, Pages 522, et seq., of the Deed Records of Harris County,
19 Texas, said 56.7876 acres being a part of Block 19 of Genoa Outlots,
20 a subdivision of the Juan Sutton Survey, Abstract No. 751, and the
21 John Robinson Survey, Abstract No. 680, in Harris County, Texas,
22 according to the map of record in Volume 1, Page 1, of the Map
23 Records of Harris County, Texas, and also being a part of Block 3 of
24 Acre Home Addition, a subdivision of the Juan Sutton Survey,
25 Abstract No. 751, and the John Robinson Survey, Abstract No. 680, in
26 Harris County, Texas, according to the map of record in Volume 4,
27 Page 28 of the Map Records of Harris County, Texas, the tract herein

1 described and conveyed being more particularly described by Metes
2 and Bounds as follows:

3 BEGINNING at an iron rod on the north right-of-way line of
4 Kingspoint Road (60 feet wide), said iron rod being located 939.74
5 feet South 89 degrees 47 minutes 33 seconds East from the
6 intersection of the north right-of-way line of Kingspoint Road with
7 the east right-of-way line of Kleckley Drive (80 feet wide), said
8 iron rod being the southwest corner of a tract, described in deed
9 from John E. Crosland to Trustees of The Presbytery of Houston,
10 recorded in Volume 4035, Page 79, of the Deed Records of Harris
11 County, Texas;

12 THENCE with the North right-of-way line of Kingspoint Road,
13 North 89 degrees, 47 minutes, 33 seconds West for a distance of
14 467.21 feet to a 5/8-inch diameter iron rod found on the northwest
15 line of a Texas Pipe Line Company Fee strip (60 feet wide) as
16 described in Volume 1770, Page 161 of the Deed Records of Harris
17 County, Texas;

18 THENCE with the northwest line of the said Texas Pipe Line
19 Company Fee strip, North 52 degrees 09 minutes 27 seconds East, for
20 a distance of 36.83 feet to a 5/8-inch diameter iron rod found at
21 the south corner of a 0.7286 acre tract of land described in deed to
22 J.C. Penny Company as recorded in Volume 6379, Page 156 of the
23 Harris County Deed Records;

24 THENCE North 21 degrees 54 minutes 35 seconds West with the
25 southwesterly line of the said 0.7286 acre J.C. Penny tract for a
26 distance of 529.64 feet to a 1/2-inch diameter iron rod found at the
27 western corner of the said 0.7286 acre J.C. Penny tract;

1 THENCE North 68 degrees 05 minutes 25 seconds East, at 60.93
2 feet, pass the north corner of the said 0.7286 acre J.C. Penny tract
3 and the south corner of a 0.7286 acre tract described in deed to
4 Federated Department Stores as recorded in Volume 6379, Page 160 of
5 the Deed Records of Harris County, Texas and then with the
6 southeasterly line of the said 0.7286 acre Federated tract for a
7 total distance of 695.69 feet to an "X" found scribed in concrete at
8 the easterly corner of the said 0.7286 acre Federated tract;

9 THENCE North 21 degrees 54 minutes 35 seconds West with the
10 easterly line of the said 0.7286 acre Federated tract for a distance
11 of 50.00 feet to a "P.K." nail and washer found at the north corner
12 of the said 0.7286 acre Federated tract;

13 THENCE North 47 degrees 24 minutes 22 seconds East for a
14 distance of 564.48 feet to a 5/8-inch diameter iron rod found on the
15 southeasterly right-of-way line of the Gulf Freeway;

16 THENCE with the southwest right-of-way line of the Gulf
17 Freeway, South 42 degrees 35 minutes 38 seconds East for a distance
18 of 414.58 feet to a 5/8-inch diameter iron rod set on the northwest
19 line of the said Texas Pipe Line Company Fee strip;

20 THENCE with the northwesterly line of the said Texas Pipe
21 Line Company Fee strip, South 52 degrees 09 minutes 27 seconds West
22 for a distance of 868.50 feet to a 1/2-inch diameter iron rod set;

23 THENCE departing the said Texas Pipe Line Company Fee strip,
24 South 00 degrees 12 minutes 27 seconds West at 76.20 feet pass the
25 northwest corner of the said Trustees of the Presbytery of Houston
26 tract, in all a total distance of 365.68 feet to the POINT OF
27 BEGINNING containing 14.4703 acres (630.325) square feet) of land.

1 SAVE AND EXCEPT (TRACT 2)

2 SAVE AND EXCEPT a tract of land containing 0.7321 acres
3 (31,890 square feet), being part of the Texas Pipe Line Company Fee
4 strip and being more particularly described by metes and Bounds as
5 follows:

6 COMMENCING at a iron rod on the north right-of-way line of
7 Kingspoint Road (60 feet wide), said iron rod being located 939.74
8 feet South 89 degrees 47 minutes 33 seconds East from the
9 intersection of the north right-of-way line of Kingspoint Road with
10 the east right-of-way line of Kleckley Drive (80 feet wide), said
11 iron rod being the southwest corner of a tract, described in deed
12 from John E. Crosland to Trustees of The Presbytery of Houston,
13 recorded in Volume 4035, Page 79, of the Deed Records of Harris
14 County, Texas;

15 THENCE with the north right-of-way line of Kingspoint Road,
16 North 89 degrees 47 minutes 33 seconds West 369.86 feet to a
17 5/8-inch diameter iron rod set on the southeast right-of-way line
18 of the said Texas Pipe Line Company Fee strip, for POINT OF
19 BEGINNING of the tract herein described;

20 THENCE with the north right-of-way line of Kingspoint Road,
21 North 89 degrees 47 minutes 33 seconds West for a distance of 97.35
22 feet to a 5/8-inch diameter iron rod found on the northwest line of
23 the said Texas Pipe Line Company Fee strip;

24 THENCE with the northwest line of the said Texas Pipe Line
25 Company Fee strip, North 52 degrees 09 minutes 27 seconds East for a
26 distance of 593.30 feet to a 1/2-inch diameter iron rod set;

27 THENCE South 00 degrees 12 minutes 27 seconds West for a

1 distance of 76.20 feet to a 1/2-inch diameter iron rod set at the
2 northwest corner of the said Trustees of The Presbytery of Houston
3 tract and on the south right-of-way line of the said Texas Pipe Line
4 Company Fee strip;

5 THENCE with the southeast line of the Texas Pipe Line Company
6 Fee strip, South 52 degrees 09 minutes 27 seconds West for a
7 distance of 469.68 feet to the POINT OF BEGINNING containing 0.7321
8 acres (31,890 square feet) of land.

9 The subject property contains 14.4703 gross acres (630,325
10 square feet) less 0.7321 acres (31,890 square feet) in the save and
11 except tract for a net acreage of 13.7382 acres (598,435 square
12 feet) of land.

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

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

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

27 (d) The general law relating to consent by political

1 subdivisions to the creation of districts with conservation,
2 reclamation, and road powers and the inclusion of land in those
3 districts has been complied with.

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

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