

By: Bonnen

H.B. No. 4775

Substitute the following for H.B. No. 4775:

By: Morrison

C.S.H.B. No. 4775

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Alden Lake Management District;
3 providing authority to impose an assessment, impose a tax, and
4 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 3876 to read as follows:

8 CHAPTER 3876. ALDEN LAKE MANAGEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3876.001. 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 Alden Lake Management
14 District.

15 Sec. 3876.002. NATURE OF DISTRICT. The Alden Lake
16 Management District is a special district created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 3876.003. 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 Lake Jackson, Brazoria 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 the City of Lake Jackson and Brazoria County
10 from providing the level of services provided, as of the effective
11 date of the Act creating this chapter, to the area in the district.
12 The district is created to supplement and not to supplant the city
13 or county services provided in the area in the district.

14 Sec. 3876.004. 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, roads,
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. 3876.005. INITIAL DISTRICT TERRITORY. (a) The
23 district is initially composed of the territory described by
24 Section 2 of the Act creating this chapter.

25 (b) The boundary description contained in Section 2 of the
26 Act creating this chapter forms a closure. A mistake in the
27 boundary description does not affect the district's:

1 (1) organization, existence, or validity;

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

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

6 (4) legality or operation.

7 Sec. 3876.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

16 Sec. 3876.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
17 DISTRICTS LAW. Except as otherwise provided by this chapter,
18 Chapter 375, Local Government Code, applies to the district.

19 Sec. 3876.008. LIBERAL CONSTRUCTION OF CHAPTER. This
20 chapter shall be liberally construed in conformity with the
21 findings and purposes stated in this chapter.

22 [Sections 3876.009-3876.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 3876.051. GOVERNING BODY; TERMS. The district is
25 governed by a board of five voting directors who serve staggered
26 terms of four years, with two or three directors' terms expiring
27 June 1 of each odd-numbered year.

1 Sec. 3876.052. APPOINTMENT OF DIRECTORS. (a) The
2 governing body of the City of Lake Jackson shall appoint directors.
3 A person is appointed if a majority of the members of the governing
4 body, including the mayor, vote to appoint that person.

5 (b) The governing body of the City of Lake Jackson shall
6 appoint:

7 (1) three directors from a list of persons nominated
8 by the board; and

9 (2) two directors chosen by the governing body.

10 (c) Section 375.063, Local Government Code, does not apply
11 to directors appointed under Subsection (b)(2).

12 (d) If a person owns 25 percent or more of the surface area
13 of land in the district, the board shall request that the person
14 provide to the board a list of individuals for the board to nominate
15 under this section. If the person does not provide a list of
16 individuals to the board before the 31st day after the date the
17 board requests the list or if no person owns 25 percent or more of
18 the surface area of land in the district, the board is not required
19 to obtain a list and may nominate any eligible individual for
20 appointment to the board. If more than one person owns 25 percent
21 or more of the surface area of land included in the district, only
22 the person who owns the greatest amount of land included in the
23 district is entitled to have the board request a list under this
24 subsection.

25 (e) If a person who owns 25 percent or more of the surface
26 area of land in the district provides a list of individuals under
27 Subsection (d), at least a majority of the board must be composed of

1 individuals from a list or lists provided by that person.

2 (f) The City of Lake Jackson for any reason may remove a
3 director appointed under Subsection (b)(2) and appoint a person to
4 serve the remainder of the unexpired term.

5 (g) The board may appoint a person to fill a vacancy in the
6 office of a director appointed under Subsection (b)(1) for the
7 remainder of the unexpired term.

8 (h) The City of Lake Jackson may appoint a person to fill a
9 vacancy in the office of a director appointed under Subsection
10 (b)(2) for the remainder of the unexpired term.

11 Sec. 3876.053. INITIAL DIRECTORS. (a) The initial board
12 consists of two directors appointed by the governing body of the
13 City of Lake Jackson to serve in positions 1 and 2 and the following
14 directors to serve in positions 3 through 5:

| <u>Pos. No.</u> | <u>Name of Director</u> |
|-----------------|---------------------------|
| <u>3</u> | <u>John Richers</u> |
| <u>4</u> | <u>Kenneth R. Philips</u> |
| <u>5</u> | <u>Bryan K. Chapline</u> |

19 (b) Of the initial directors, the terms of directors
20 appointed for positions 1 and 3 expire June 1, 2011, and the terms
21 of directors appointed for positions 2, 4, and 5 expire June 1,
22 2013.

23 (c) Section 3876.052 does not apply to this section.

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

25 Sec. 3876.054. NONVOTING DIRECTORS. The board may appoint
26 nonvoting directors to serve at the pleasure of the voting
27 directors.

1 Sec. 3876.055. QUORUM. For purposes of determining the
2 requirements for a quorum of the board, the following are not
3 counted:

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

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

8 (3) a nonvoting director.

9 Sec. 3876.056. COMPENSATION. A director is entitled to
10 receive fees of office and reimbursement for actual expenses as
11 provided by Section 49.060, Water Code. Sections 375.069 and
12 375.070, Local Government Code, do not apply to the board.

13 [Sections 3876.057-3876.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 3876.101. DEVELOPMENT CORPORATION POWERS. The
16 district may exercise the powers given to a development corporation
17 under Chapter 505, Local Government Code, including the power to
18 own, operate, acquire, construct, lease, improve, or maintain a
19 project described by that chapter.

20 Sec. 3876.102. NONPROFIT CORPORATION. (a) The board by
21 resolution may authorize the creation of a nonprofit corporation to
22 assist and act for the district in implementing a project or
23 providing a service authorized by this chapter.

24 (b) The nonprofit corporation:

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

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

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

9 Sec. 3876.103. AGREEMENTS; GRANTS. (a) The district may
10 make an agreement with or accept a gift, grant, or loan from any
11 person.

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

15 (c) The board may enter into a contract with the board of
16 directors of a tax increment reinvestment zone created under
17 Chapter 311, Tax Code, and the governing body of the county or
18 municipality that created the zone to manage the zone or implement
19 the project plan and reinvestment zone financing plan.

20 Sec. 3876.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
21 To protect the public interest, the district may contract with a
22 qualified party, including Brazoria County or the City of Lake
23 Jackson, for the provision of law enforcement services in the
24 district for a fee.

25 Sec. 3876.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
26 district may join and pay dues to a charitable or nonprofit
27 organization that performs a service or provides an activity

1 consistent with the furtherance of a district purpose.

2 Sec. 3876.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
3 district may establish and provide for the administration of one or
4 more programs to promote state or local economic development and to
5 stimulate business and commercial activity in the district,
6 including programs to:

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

8 (2) provide district personnel and services.

9 (b) For purposes of this section, the district has all of
10 the powers of a municipality under Chapter 380, Local Government
11 Code.

12 Sec. 3876.107. NO EMINENT DOMAIN. The district may not
13 exercise the power of eminent domain.

14 Sec. 3876.108. ANNEXATION OR EXCLUSION OF LAND. (a) The
15 district may annex land as provided by Subchapter J, Chapter 49,
16 Water Code, only if the City of Lake Jackson by ordinance or
17 resolution consents to the annexation.

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

21 [Sections 3876.109-3876.150 reserved for expansion]

22 SUBCHAPTER D. PARKING FACILITIES

23 Sec. 3876.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
24 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
25 lessee, construct, develop, own, operate, and maintain parking
26 facilities or a system of parking facilities, including:

27 (1) lots, garages, parking terminals, or other

1 structures or accommodations for parking motor vehicles off the
2 streets; and

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

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

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

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

15 Sec. 3876.152. RULES. The district may adopt rules
16 covering its public parking system.

17 Sec. 3876.153. FINANCING OF PARKING FACILITIES. (a) The
18 district may use any of its resources, including revenue,
19 assessments, taxes, or grant or contract proceeds, to pay the cost
20 of acquiring or operating public parking facilities.

21 (b) The district may:

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

24 (2) issue bonds or notes to finance the cost of these
25 facilities.

26 [Sections 3876.154-3876.200 reserved for expansion]

1 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

2 Sec. 3876.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
3 board by resolution shall establish the number of directors'
4 signatures and the procedure required for a disbursement or
5 transfer of the district's money.

6 Sec. 3876.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
7 The district may acquire, construct, finance, operate, or maintain
8 any improvement or service authorized under this chapter or Chapter
9 375, Local Government Code, using any money available to the
10 district.

11 Sec. 3876.203. PETITION REQUIRED FOR FINANCING SERVICES AND
12 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
13 service or improvement project with assessments under this chapter
14 unless a written petition requesting that service or improvement
15 has been filed with the board.

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

17 (1) the owners of a majority of the assessed value of
18 real property in the district subject to the assessment according
19 to the most recent certified tax appraisal roll for Brazoria
20 County; or

21 (2) at least 25 persons who own real property in the
22 district that is subject to assessment, if more than 25 persons own
23 real property in the district subject to assessment as determined
24 by the most recent certified tax appraisal roll for Brazoria
25 County.

26 Sec. 3876.204. METHOD OF NOTICE FOR HEARING. The district
27 may mail the notice required by Section 375.115(c), Local

1 Government Code, by certified or first class United States mail.
2 The board shall determine the method of notice.

3 Sec. 3876.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
4 The board by resolution may impose and collect an assessment for any
5 purpose authorized by this chapter in all or any part of the
6 district. Section 375.114, Local Government Code, does not apply
7 to the district.

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

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

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

18 (3) are the personal liability of and a charge against
19 the owners of the property even if the owners are not named in the
20 assessment proceedings.

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

25 (d) The board may make a correction to or deletion from the
26 assessment roll that does not increase the amount of assessment of
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 Sec. 3876.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
3 ASSESSMENTS. The district may not impose an impact fee or
4 assessment on the property, including the equipment,
5 rights-of-way, facilities, or improvements, of:

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

8 (2) a gas utility as defined by Section 101.003 or
9 121.001, Utilities Code;

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

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

14 Sec. 3876.207. RESIDENTIAL PROPERTY. Section 375.161,
15 Local Government Code, does not apply to a tax imposed by the
16 district or a requirement for payment for a service provided by the
17 district.

18 Sec. 3876.208. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held in accordance with Section 3876.212,
20 the district may impose an operation and maintenance tax on taxable
21 property in the district in accordance with Section 49.107, Water
22 Code, for any district purpose, including to:

23 (1) maintain and operate the district;

24 (2) construct or acquire improvements; or

25 (3) provide a service.

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

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

3 Sec. 3876.209. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 Sec. 3876.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
13 BONDS. (a) The district may borrow money on terms and conditions
14 as determined by the board. Section 375.205, Local Government
15 Code, does not apply to a loan, line of credit, or other borrowing
16 from a bank or financial institution secured by revenue other than
17 ad valorem taxes.

18 (b) The district may issue bonds, notes, or other
19 obligations payable wholly or partly from ad valorem taxes,
20 assessments, impact fees, revenue, contract payments, grants, or
21 other district money, or any combination of those sources of money,
22 to pay for any authorized district purpose.

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

26 Sec. 3876.211. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the imposition of a continuing direct
2 annual ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 3876.212. ELECTIONS REGARDING TAXES AND BONDS. (a)
6 The district may issue, without an election, bonds, notes, and
7 other obligations secured by:

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

9 (2) contract payments described by Section 3876.209.

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

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

16 (d) All or any part of any facilities or improvements that
17 the district may acquire by the issuance of its bonds may be
18 submitted as a single proposition or as several propositions to be
19 voted on at the election.

20 Sec. 3876.213. CITY NOT REQUIRED TO PAY DISTRICT
21 OBLIGATIONS. Except as provided by Section 375.263, Local
22 Government Code, the City of Lake Jackson is not required to pay a
23 bond, note, or other obligation of the district.

24 Sec. 3876.214. COMPETITIVE BIDDING. Subchapter I, Chapter
25 49, Water Code, applies to the district. Sections 375.221 and
26 375.223, Local Government Code, do not apply to the district.

27 Sec. 3876.215. TAX AND ASSESSMENT ABATEMENTS. The district

1 may grant in the manner authorized by Chapter 312, Tax Code, an
2 abatement for a tax or assessment owed to the district.

3 [Sections 3876.216-3876.250 reserved for expansion]

4 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
5 PROPERTY

6 Sec. 3876.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
7 DESIGNATED PROPERTY. The district may define areas or designate
8 certain property of the district to pay for improvements,
9 facilities, or services that primarily benefit that area or
10 property and do not generally and directly benefit the district as a
11 whole.

12 Sec. 3876.252. PROCEDURE FOR ELECTION. (a) Before the
13 district may impose an ad valorem tax or issue bonds payable from ad
14 valorem taxes of the defined area or designated property, the board
15 shall hold an election in the defined area or within the boundaries
16 of the designated property only.

17 (b) The election shall be conducted as provided by Section
18 3876.212.

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

21 Sec. 3876.253. DECLARING RESULT AND ISSUING ORDER. (a) If
22 a majority of the voters voting at the election approve the
23 proposition or propositions, the board shall declare the results
24 and, by order, shall establish the defined area and describe it by
25 metes and bounds or designate the specific property.

26 (b) The board's order is not subject to judicial review
27 except on the ground of fraud, palpable error, or arbitrary and

1 confiscatory abuse of discretion.

2 Sec. 3876.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN
3 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and
4 adoption of the order described by Section 3876.253, the district
5 may apply separately, differently, equitably, and specifically its
6 taxing power and lien authority to the defined area or designated
7 property to provide money to construct, administer, maintain, and
8 operate services, improvements, and facilities that primarily
9 benefit the defined area or designated property.

10 Sec. 3876.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
11 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
12 Section 3876.253 is adopted, the district may issue bonds to
13 provide for any land, improvements, facilities, plants, equipment,
14 and appliances for the defined area or designated property.

15 SECTION 2. The Alden Lake Management District initially
16 includes all territory contained in the following area:

17 BEING 987.49 acres of land situated in Brazoria County,
18 Texas, approximately 849.30 acres of land located in the Stephen F.
19 Austin Five Leagues Grant, Abstract 19 and approximately 138.19
20 acres of land located in the Jarad E. Groce Five Leagues Grant,
21 Abstract 66; said 987.49 acre tract also being out of that certain
22 7424.4 acre tract of land conveyed from T. Martin et ux to the
23 Prison Commission of Texas in Deed dated February 1, 1918 and
24 recorded in Volume 145, Page 242 of Deed Records of Brazoria County,
25 Texas; and being all of and the same as that certain called 987.49
26 acre tract of land as conveyed by the Texas Department of Criminal
27 Justice to the State of Texas Permanent School Fund in Deed dated

1 May 07, 2004, as recorded in File Number 2004028412 of the Official
2 Records of Brazoria County, Texas; said 987.49 acre tract of land
3 bearings are based on Texas Coordinate System, South Central Zone,
4 North American Datum 1983 (2002 adjustment), referenced to
5 Continuously Operating Reference Stations NETP (Grid North:
6 13,853,429.64, East: 3,131,034.28) and GALI (Grid North:
7 13,692,235.17, East: 3,326,526.51), with all distances described
8 herein being surface and may be converted to grid by dividing by the
9 combined scale factor of 1.000129997; and being more particularly
10 described as follows:

11 BEGINNING at a set "X" in the concrete base of fence post
12 (Grid North: 13,588,395.64, East: 3,101,401.59) at the southeast
13 corner of said 987.49 acre tract, said iron rod bears South 86
14 degrees 36 minutes 03 seconds West a distance of 512.01 feet from a
15 found Texas Department of Transportation Type II Monument at the
16 Southeast corner of said 7424.4 acre tract and the Northeast corner
17 of a 123.19 acre tract of land conveyed to the City of Lake Jackson
18 in deed and recorded in Volume 754, Page 478 of the Deed Records of
19 Brazoria County, Texas;

20 THENCE along the South line of said 7424.4 acre tract and the
21 North line of said 123.19 acre tract South 86 degrees 36 minutes 03
22 seconds West at 541.42 feet pass a set 3/4 inch iron rod with a
23 "DANNENBAUM ENGINEERING" cap for a reference point, for a total
24 distance of 601.42 feet to a point on the East gradient boundary
25 line of Oyster Creek, a navigable stream;

26 THENCE along the East gradient boundary line of said Oyster
27 Creek, to angle points, as follows:

1 G1 North 61 degrees 44 minutes 59 seconds West a distance
2 of 43.57 feet;
3 G2 North 73 degrees 43 minutes 21 seconds West a distance
4 of 93.47 feet;
5 G3 North 80 degrees 38 minutes 20 seconds West a distance
6 of 113.73 feet;
7 G4 North 88 degrees 58 minutes 48 seconds West a distance
8 of 188.81 feet;
9 G5 South 86 degrees 52 minutes 34 seconds West a distance
10 of 253.92 feet to a point, said point bears South 55 degrees 46
11 minutes 44 seconds West a distance of 143.92 feet from a set 3/4
12 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a reference
13 point;
14 G6 South 81 degrees 21 minutes 17 seconds West a distance
15 of 185.58 feet;
16 G7 South 82 degrees 30 minutes 47 seconds West a distance
17 of 206.17 feet;
18 G8 South 79 degrees 45 minutes 34 seconds West a distance
19 of 203.43 feet;
20 G9 South 80 degrees 38 minutes 36 seconds West a distance
21 of 199.26 feet;
22 G10 South 84 degrees 25 minutes 38 seconds West a
23 distance of 139.34 feet;
24 G11 South 85 degrees 02 minutes 56 seconds West a
25 distance of 208.51 feet to a point, said point bears South 46
26 degrees 33 minutes 39 seconds West a distance of 126.44 feet from a
27 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a

1 reference point;
2 G12 North 87 degrees 33 minutes 24 seconds West a
3 distance of 173.57 feet;
4 G13 North 73 degrees 02 minutes 00 seconds West a
5 distance of 218.98 feet;
6 G14 North 76 degrees 30 minutes 47 seconds West a
7 distance of 166.76 feet;
8 G15 North 68 degrees 42 minutes 40 seconds West a
9 distance of 192.85 feet;
10 G16 North 69 degrees 19 minutes 46 seconds West a
11 distance of 201.58 feet to a point, said point bears South 11
12 degrees 40 minutes 10 seconds West a distance of 67.54 feet from a
13 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
14 reference point;
15 G17 North 61 degrees 33 minutes 02 seconds West a
16 distance of 205.39 feet;
17 G18 North 55 degrees 56 minutes 49 seconds West a
18 distance of 201.86 feet;
19 G19 North 44 degrees 56 minutes 57 seconds West a
20 distance of 139.17 feet;
21 G20 North 33 degrees 00 minutes 13 seconds West a
22 distance of 237.07 feet;
23 G21 North 35 degrees 28 minutes 37 seconds West a
24 distance of 189.82 feet;
25 G22 North 39 degrees 14 minutes 15 seconds West a
26 distance of 125.02 feet to a point, said point bears South 15
27 degrees 15 minutes 57 seconds West a distance of 73.97 feet from a

1 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
2 reference point;

3 G23 North 38 degrees 57 minutes 35 seconds West a
4 distance of 114.05 feet;

5 G24 North 39 degrees 33 minutes 46 seconds West a
6 distance of 153.94 feet;

7 G25 North 31 degrees 01 minutes 11 seconds West a
8 distance of 145.00 feet;

9 G26 North 33 degrees 23 minutes 32 seconds West a
10 distance of 152.23 feet;

11 G27 North 24 degrees 36 minutes 13 seconds West a
12 distance of 107.72 feet;

13 G28 North 22 degrees 14 minutes 23 seconds West a
14 distance of 151.58 feet;

15 G29 North 32 degrees 15 minutes 04 seconds West a
16 distance of 82.88 feet;

17 G30 North 29 degrees 08 minutes 45 seconds West a
18 distance of 149.93 feet;

19 G31 North 02 degrees 51 minutes 07 seconds West a
20 distance of 85.67 feet;

21 G32 North 15 degrees 53 minutes 55 seconds East a
22 distance of 100.97 feet to a point, said point bears North 51
23 degrees 04 minutes 42 seconds West a distance of 50.49 feet from a
24 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
25 reference point;

26 G33 North 22 degrees 12 minutes 47 seconds East a
27 distance of 85.33 feet;

1 G34 North 25 degrees 38 minutes 23 seconds East a
2 distance of 82.57 feet;
3 G35 North 35 degrees 56 minutes 23 seconds East a
4 distance of 218.82 feet;
5 G36 North 42 degrees 43 minutes 59 seconds East a
6 distance of 140.25 feet;
7 G37 North 52 degrees 29 minutes 42 seconds East a
8 distance of 142.30 feet;
9 G38 North 48 degrees 55 minutes 34 seconds East a
10 distance of 123.58 feet;
11 G39 North 50 degrees 50 minutes 45 seconds East a
12 distance of 124.47 feet;
13 G40 North 53 degrees 11 minutes 26 seconds East a
14 distance of 130.24 feet;
15 G41 North 55 degrees 59 minutes 10 seconds East a
16 distance of 150.45 feet;
17 G42 North 50 degrees 15 minutes 08 seconds East a
18 distance of 150.72 feet to a point, said point bears North 11
19 degrees 01 minutes 52 seconds West a distance of 73.81 feet from a
20 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
21 reference point;
22 G43 North 43 degrees 01 minutes 06 seconds East a
23 distance of 117.16 feet;
24 G44 North 39 degrees 25 minutes 48 seconds East a
25 distance of 83.71 feet;
26 G45 North 26 degrees 21 minutes 30 seconds East a
27 distance of 149.28 feet;

1 G46 North 17 degrees 27 minutes 30 seconds East a
2 distance of 146.50 feet;
3 G47 North 08 degrees 29 minutes 53 seconds East a
4 distance of 84.49 feet;
5 G48 North 05 degrees 20 minutes 21 seconds East a
6 distance of 102.92 feet;
7 G49 North 03 degrees 53 minutes 03 seconds West a
8 distance of 110.81 feet to a point, said point bears South 51
9 degrees 12 minutes 00 seconds West a distance of 48.67 feet from a
10 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
11 reference point;
12 G50 North 12 degrees 56 minutes 32 seconds West a
13 distance of 212.55 feet;
14 G51 North 26 degrees 41 minutes 07 seconds West a
15 distance of 122.68 feet;
16 G52 North 39 degrees 12 minutes 00 seconds West a
17 distance of 103.34 feet;
18 G53 North 46 degrees 12 minutes 10 seconds West a
19 distance of 120.83 feet;
20 G54 North 52 degrees 46 minutes 42 seconds West a
21 distance of 151.57 feet;
22 G55 North 61 degrees 52 minutes 37 seconds West a
23 distance of 165.10 feet;
24 G56 North 68 degrees 24 minutes 44 seconds West a
25 distance of 211.54 feet;
26 G57 North 62 degrees 07 minutes 45 seconds West a
27 distance of 219.75 feet;

1 G58 North 65 degrees 59 minutes 15 seconds West a
2 distance of 166.52 feet;

3 G59 North 67 degrees 22 minutes 00 seconds West a
4 distance of 131.86 feet to a point, said point bears South 62
5 degrees 16 minutes 01 seconds West a distance of 81.91 feet from a
6 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
7 reference point;

8 G60 North 71 degrees 25 minutes 45 seconds West a
9 distance of 251.84 feet;

10 G61 North 77 degrees 58 minutes 34 seconds West a
11 distance of 218.99 feet;

12 G62 North 78 degrees 43 minutes 39 seconds West a
13 distance of 186.27 feet;

14 G63 North 80 degrees 33 minutes 10 seconds West a
15 distance of 141.24 feet;

16 G64 North 82 degrees 43 minutes 25 seconds West a
17 distance of 176.38 feet;

18 G65 North 75 degrees 12 minutes 06 seconds West a
19 distance of 133.35 feet to a point, said point bears South 42
20 degrees 08 minutes 21 seconds West a distance of 38.40 feet from a
21 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
22 reference point;

23 G66 North 86 degrees 48 minutes 52 seconds West a
24 distance of 217.78 feet;

25 G67 North 88 degrees 09 minutes 20 seconds West a
26 distance of 270.26 feet;

27 G68 North 89 degrees 33 minutes 24 seconds West a

1 distance of 163.83 feet;
2 G69 South 86 degrees 41 minutes 21 seconds West a
3 distance of 223.77 feet;
4 G70 South 83 degrees 21 minutes 21 seconds West a
5 distance of 172.61 feet;
6 G71 South 83 degrees 51 minutes 00 seconds West a
7 distance of 155.40 feet to a point, said point bears South 45
8 degrees 17 minutes 08 seconds East a distance of 46.90 feet from a
9 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
10 reference point;
11 G72 South 78 degrees 10 minutes 10 seconds West a
12 distance of 147.74 feet;
13 G73 South 83 degrees 42 minutes 11 seconds West a
14 distance of 132.81 feet;
15 G74 South 87 degrees 10 minutes 15 seconds West a
16 distance of 178.50 feet;
17 G75 North 87 degrees 25 minutes 17 seconds West a
18 distance of 135.09 feet;
19 G76 South 88 degrees 19 minutes 55 seconds West a
20 distance of 156.06 feet;
21 G77 North 85 degrees 41 minutes 00 seconds West a
22 distance of 82.78 feet to a point, said point bears South 33 degrees
23 43 minutes 58 seconds East a distance of 54.39 feet from a set 3/4
24 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a reference
25 point;
26 G78 South 87 degrees 02 minutes 37 seconds West a
27 distance of 101.27 feet;

1 G79 North 73 degrees 17 minutes 12 seconds West a
2 distance of 111.92 feet;
3 G80 North 69 degrees 12 minutes 00 seconds West a
4 distance of 113.14 feet;
5 G81 North 57 degrees 30 minutes 43 seconds West a
6 distance of 104.75 feet;
7 G82 North 41 degrees 00 minutes 44 seconds West a
8 distance of 111.30 feet to a point, said point bears South 28
9 degrees 29 minutes 11 seconds West a distance of 117.91 feet from a
10 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
11 reference point;
12 G83 North 24 degrees 51 minutes 54 seconds West a
13 distance of 134.57 feet;
14 G84 North 09 degrees 14 minutes 29 seconds West a
15 distance of 105.84 feet;
16 G85 North 02 degrees 05 minutes 17 seconds West a
17 distance of 90.38 feet;
18 G86 North 14 degrees 57 minutes 28 seconds East a
19 distance of 148.49 feet;
20 G87 North 24 degrees 09 minutes 24 seconds East a
21 distance of 158.40 feet;
22 G88 North 40 degrees 22 minutes 44 seconds East a
23 distance of 165.76 feet;
24 G89 North 47 degrees 02 minutes 46 seconds East a
25 distance of 198.70 feet to a point, said point bears North 08
26 degrees 19 minutes 28 seconds East a distance of 56.91 feet from a
27 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a

1 reference point;
2 G90 North 48 degrees 28 minutes 07 seconds East a
3 distance of 177.12 feet;
4 G91 North 48 degrees 48 minutes 11 seconds East a
5 distance of 262.38 feet;
6 G92 North 46 degrees 38 minutes 11 seconds East a
7 distance of 207.99 feet;
8 G93 North 49 degrees 54 minutes 00 seconds East a
9 distance of 166.30 feet;
10 G94 North 56 degrees 07 minutes 52 seconds East a
11 distance of 166.77 feet;
12 G95 North 47 degrees 54 minutes 39 seconds East a
13 distance of 134.62 feet;
14 G96 North 52 degrees 12 minutes 00 seconds East a
15 distance of 172.93 feet to a point, said point bears North 22
16 degrees 35 minutes 08 seconds East a distance of 64.86 feet from a
17 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
18 reference point;
19 G97 North 50 degrees 05 minutes 25 seconds East a
20 distance of 191.12 feet;
21 G98 North 48 degrees 11 minutes 49 seconds East a
22 distance of 196.64 feet;
23 G99 North 47 degrees 50 minutes 35 seconds East a
24 distance of 197.27 feet;
25 G100 North 47 degrees 25 minutes 10 seconds East a
26 distance of 189.70 feet;
27 G101 North 48 degrees 32 minutes 40 seconds East a

1 distance of 186.20 feet to a point, said point bears North 24
2 degrees 54 minutes 37 seconds East a distance of 82.99 feet from a
3 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
4 reference point;

5 G102 North 62 degrees 34 minutes 17 seconds East a
6 distance of 297.28 feet;

7 G103 North 69 degrees 16 minutes 43 seconds East a
8 distance of 231.02 feet;

9 G104 North 66 degrees 05 minutes 11 seconds East a
10 distance of 215.91 feet;

11 G105 North 73 degrees 14 minutes 02 seconds East a
12 distance of 341.31 feet;

13 G106 North 73 degrees 59 minutes 35 seconds East a
14 distance of 207.86 feet;

15 G107 North 61 degrees 35 minutes 34 seconds East a
16 distance of 102.12 feet;

17 G108 North 56 degrees 42 minutes 21 seconds East a
18 distance of 123.61 feet;

19 G109 North 42 degrees 39 minutes 46 seconds East a
20 distance of 118.62 feet;

21 G110 North 38 degrees 14 minutes 09 seconds East a
22 distance of 122.52 feet;

23 G111 North 40 degrees 27 minutes 30 seconds East a
24 distance of 109.48 feet;

25 G112 North 33 degrees 36 minutes 41 seconds East a
26 distance of 62.46 feet;

27 G113 North 00 degrees 03 minutes 19 seconds East a

1 distance of 106.64 feet;
2 G114 North 28 degrees 20 minutes 05 seconds West a
3 distance of 74.84 feet;
4 G115 North 47 degrees 28 minutes 12 seconds West a
5 distance of 98.25 feet;
6 G116 North 55 degrees 20 minutes 11 seconds West a
7 distance of 84.78 feet;
8 G117 North 61 degrees 01 minutes 36 seconds West a
9 distance of 91.07 feet to a point at the Northwest corner of the
10 herein described tract of land;

11 THENCE departing said Gradient boundary line, North 83
12 degrees 41 minutes 43 seconds East a distance of 80.00 feet pass a
13 set 3/4 inch iron rod with a "DANNENBAUM ENGINEERING" cap for a
14 reference point, a distance of 2342.51 feet pass a fence corner, and
15 continuing North 83 degrees 41 minutes 43 seconds East along an
16 existing fence line, a total distance of 4391.77 feet to set 3/4
17 inch iron rod at a fence corner, with a "DANNENBAUM ENGINEERING" cap
18 on the West right-of-way line of State Highway 288 as recorded in
19 Volume 1239, Page 933 of the Deed Records of Brazoria County, Texas,
20 and being the Northeast corner of the herein described tract of
21 land;

22 THENCE along the West right-of-way line of State Highway 288
23 and the East line of the herein described tract of land the
24 following courses:

25 - South 03 degrees 23 minutes 47 seconds East a distance of
26 334.81 feet to a set 3/4 inch iron rod with a "DANNENBAUM
27 ENGINEERING" cap at a point of curvature;

1 - Along an arc of a curve to the right, having a chord
2 distance of South 21 degrees 51 minutes 13 seconds West a distance
3 of 888.75 feet, a radius of 1041.74 feet and a central angle of 50
4 degrees 30 minutes 00 seconds, a distance of 918.18 feet to a set
5 5/8 inch iron rod with a "DANNENBAUM ENGINEERING" cap. Said iron rod
6 bears North 21 degrees 19 minutes 39 seconds East a distance of 0.42
7 feet from a Type I concrete monument;

8 - South 47 degrees 06 minutes 13 seconds West a distance of
9 175.34 feet to a set 5/8 inch iron rod with a "DANNENBAUM
10 ENGINEERING" cap at a point of curvature. Said iron rod bears North
11 19 degrees 21 minutes 20 seconds East a distance of 0.38 feet from a
12 Type I concrete monument;

13 - Along an arc of a curve to the left, having a chord
14 distance of South 24 degrees 37 minutes 56 seconds West a distance
15 of 394.04 feet, a radius of 515.46 feet and a central angle of 44
16 degrees 56 minutes 35 seconds, a distance of 404.33 feet to a set
17 5/8 inch iron rod with a "DANNENBAUM ENGINEERING" cap. Said iron rod
18 bears North 71 degrees 09 minutes 15 seconds West a distance of 0.73
19 feet from a Type I concrete monument;

20 - South 43 degrees 00 minutes 11 seconds West a distance of
21 72.39 feet to a set 5/8 inch iron rod with a "DANNENBAUM
22 ENGINEERING" cap. Said iron rod bears South 31 degrees 26 minutes 39
23 seconds East a distance of 0.20 feet from a Type I concrete
24 monument;

25 - South 86 degrees 36 minutes 13 seconds West a distance of
26 200.00 feet to a set 5/8 inch iron rod with a "DANNENBAUM
27 ENGINEERING" cap. Said iron rod bears South 13 degrees 58 minutes 29

1 seconds East a distance of 0.18 feet from a Type I concrete
2 monument;

3 - South 03 degrees 23 minutes 47 seconds East a distance of
4 120.00 feet to a set 5/8 inch iron rod with a "DANNENBAUM
5 ENGINEERING" cap. Said iron rod bears South 41 degrees 51 minutes 42
6 seconds East a distance of 0.38 feet from a Type I concrete
7 monument;

8 - North 86 degrees 36 minutes 13 seconds East a distance of
9 200.00 feet to a set 5/8 inch iron rod with a "DANNENBAUM
10 ENGINEERING" cap. Said iron rod bears North 68 degrees 06 minutes 20
11 seconds East a distance of 0.75 feet from a Type I concrete
12 monument;

13 - South 49 degrees 47 minutes 45 seconds East a distance of
14 72.39 feet to a set 5/8 inch iron rod with a "DANNENBAUM
15 ENGINEERING" cap to a point of curvature;

16 - Along an arc of a curve to the left, having a chord
17 distance of South 31 degrees 25 minutes 32 seconds East a distance
18 of 394.04 feet, a radius of 515.46 feet and a central angle of 44
19 degrees 56 minutes 35 seconds, a distance of 404.33 feet to a set
20 5/8 inch iron rod with a "DANNENBAUM ENGINEERING" cap. Said iron rod
21 bears South 64 degrees 47 minutes 02 seconds East a distance of 0.74
22 feet from a Type I concrete monument;

23 - South 53 degrees 53 minutes 47 seconds East a distance of
24 126.21 feet to a set 5/8 inch iron rod with a "DANNENBAUM
25 ENGINEERING" cap at a point of curvature. Said iron rod bears North
26 87 degrees 26 minutes 34 seconds East a distance of 1.13 feet from a
27 Type I concrete monument;

1 - Along an arc of a curve to the right, having a chord
2 distance of South 28 degrees 38 minutes 47 seconds East a distance
3 of 977.62 feet, a radius of 1145.92 feet and a central angle of 50
4 degrees 30 minutes 00 seconds, a distance of 1010.00 feet to a set
5 5/8 inch iron rod with a "DANNENBAUM ENGINEERING" cap. Said iron rod
6 bears North 80 degrees 54 minutes 46 seconds East a distance of 0.44
7 feet from a Type I concrete monument;

8 - South 03 degrees 23 minutes 47 seconds East a distance of
9 4860.82 feet to a set 5/8 inch iron rod with a "DANNENBAUM
10 ENGINEERING" cap at a point of curvature. Said iron rod bears South
11 71 degrees 34 minutes 42 seconds West a distance of 0.40 feet from a
12 Type I concrete monument;

13 - Along an arc of a curve to the right, having a chord
14 distance of South 01 degrees 50 minutes 31 seconds West a distance
15 of 1007.83 feet, a radius of 5519.58 feet and a central angle of 10
16 degrees 28 minutes 35 seconds, a distance of 1009.24 feet to a set
17 5/8 inch iron rod with a "DANNENBAUM ENGINEERING" cap to the PLACE
18 OF BEGINNING; containing 987.49 acres of land, more or less.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor,
4 lieutenant governor, and speaker of the house of representatives
5 within the required time.

6 (d) The general law relating to consent by political
7 subdivisions to the creation of districts with conservation,
8 reclamation, and road powers and the inclusion of land in those
9 districts has been complied with.

10 (e) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act have been
13 fulfilled and accomplished.

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