

By: Edwards

H.B. No. 4777

Substitute the following for H.B. No. 4777:

By: Berman

C.S.H.B. No. 4777

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Improvement District No. 12; providing authority to impose an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3880 to read as follows:

CHAPTER 3880. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 12

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3880.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Improvement District No. 12.

Sec. 3880.002. NATURE OF DISTRICT. The Harris County Improvement District No. 12 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3880.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the City of Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a

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

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

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

14 Sec. 3880.004. 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. 3880.005. 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

does not affect the district's:

(1) organization, existence, or validity;

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

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

(4) legality or operation.

Sec. 3880.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

Sec. 3880.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3880.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3880.009-3880.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3880.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven voting directors who serve staggered terms of four years, with three or four directors' terms expiring

June 1 of each odd-numbered year.

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

Sec. 3880.052. APPOINTMENT OF DIRECTORS. The mayor and members of the governing body of the City of Houston shall appoint voting directors from persons recommended by the board. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint the person.

Sec. 3880.053. INITIAL VOTING DIRECTORS. (a) The initial board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Randy Robertson</u>
<u>2</u>	<u>Steve Helm</u>
<u>3</u>	<u>Stewart Masterson</u>
<u>4</u>	<u>Kyle Sears</u>
<u>5</u>	<u>Lisa Stone</u>
<u>6</u>	<u>Brandon Dudley</u>
<u>7</u>	<u>Billy Briscoe</u>

(b) Of the initial directors, the terms of directors appointed for positions 1 through 4 expire June 1, 2011, and the terms of directors appointed for positions 5 through 7 expire June 1, 2013.

(c) Section 3880.052 does not apply to this section.

(d) This section expires September 1, 2014.

Sec. 3880.054. NONVOTING DIRECTORS. The board may appoint

nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3880.055. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

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

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

(3) a nonvoting director.

Sec. 3880.056. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

[Sections 3880.057-3880.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3880.101. DEVELOPMENT CORPORATION POWERS. The district may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project described by that chapter.

Sec. 3880.102. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

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

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

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

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

Sec. 3880.103. AGREEMENTS; GRANTS. (a) The district may make an agreement with or accept a gift, grant, or loan from any person.

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

Sec. 3880.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified person, including Harris County or the City of Houston, for the provision of law enforcement services in the district for a fee.

Sec. 3880.105. APPROVAL BY THE CITY OF HOUSTON. (a) Except as provided by Subsection (c), the district must obtain the approval of the City of Houston for:

(1) the issuance of bonds; and
(2) the plans and specifications of an improvement project related to the use of land owned by the city, an easement

1 granted by the city, or a right-of-way of a street, road, or
2 highway.

3 (b) The governing body of the City of Houston must provide
4 the approval required by Subsection (a)(1) by adoption of a
5 resolution or ordinance of the governing body of the City of
6 Houston. The approval required by Subsection (a)(2) may be
7 provided by an administrative process that does not involve the
8 city's governing body.

9 (c) If the district obtains the approval of the governing
10 body of the City of Houston of a capital improvements budget for a
11 period not to exceed 10 years, the district may finance the capital
12 improvements and issue bonds specified in the budget without
13 further approval from the city.

14 Sec. 3880.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
15 district may join and pay dues to a charitable or nonprofit
16 organization that performs a service or provides an activity
17 consistent with the furtherance of a district purpose.

18 Sec. 3880.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
19 district may establish and provide for the administration of one or
20 more programs to promote state or local economic development and to
21 stimulate business and commercial activity in the district,
22 including programs to:

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

24 (2) provide district personnel and services.

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

27 Sec. 3880.108. NO EMINENT DOMAIN. The district may not

exercise the power of eminent domain.

Sec. 3880.109. ANNEXATION OR EXCLUSION OF LAND. (a) The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

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

[Sections 3880.110-3880.150 reserved for expansion]

SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PUBLIC PARKING FACILITIES

Sec. 3880.151. PUBLIC TRANSIT SYSTEM. The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain a public transit system to serve the area in the district.

Sec. 3880.152. PARKING FACILITIES AUTHORIZED; OPERATION BY PRIVATE ENTITY. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including:

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

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

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

(c) The district's parking facilities are a program

1 authorized by the legislature under Section 52-a, Article III,
2 Texas Constitution.

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

7 Sec. 3880.153. RULES. The district may adopt rules
8 governing the district's public parking facilities.

9 Sec. 3880.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR PUBLIC
10 PARKING FACILITIES. (a) The district may use any of its resources,
11 including revenue, assessments, taxes, or grant or contract
12 proceeds, to pay the cost of acquiring or operating a public transit
13 system or public parking facilities.

14 (b) The district may:

15 (1) set, charge, impose, and collect fees, charges, or
16 tolls for the use of the district's public transit system or public
17 parking facilities; and

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

20 [Sections 3880.155-3880.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 3880.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
23 board by resolution shall establish the number of directors'
24 signatures and the procedure required for a disbursement or
25 transfer of the district's money.

26 Sec. 3880.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
27 The district may acquire, construct, finance, operate, or maintain

1 any improvement or service authorized under this chapter or Chapter
2 375, Local Government Code, using any money available to the
3 district.

4 Sec. 3880.203. PETITION REQUIRED FOR FINANCING SERVICES AND
5 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
6 service or improvement project with assessments under this chapter
7 unless a written petition requesting that service or improvement
8 has been filed with the board.

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

13 Sec. 3880.204. METHOD OF NOTICE FOR HEARING. The district
14 may mail the notice required by Section 375.115(c), Local
15 Government Code, by certified or first class United States mail.
16 The board shall determine the method of notice.

17 Sec. 3880.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
18 The board by resolution may impose and collect an assessment for any
19 purpose authorized by this chapter in all or any part of the
20 district.

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

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

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

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

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

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

15 Sec. 3880.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
16 ASSESSMENTS. The district may not impose an impact fee or
17 assessment on the property, including the equipment,
18 rights-of-way, facilities, or improvements, of:

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

21 (2) a gas utility as defined by Section 101.003 or
22 121.001, Utilities Code;

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

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

27 Sec. 3880.207. RESIDENTIAL PROPERTY. Section 375.161,

1 Local Government Code, does not apply to a tax imposed by the
2 district or a requirement for payment of a service provided by the
3 district.

4 Sec. 3880.208. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held in accordance with Section 3880.212,
6 the district may impose an annual operation and maintenance tax on
7 taxable property in the district in accordance with Section 49.107,
8 Water Code, for any district purpose, including to:

9 (1) maintain and operate the district;

10 (2) construct or acquire improvements; or

11 (3) provide a service.

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

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

16 Sec. 3880.209. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other than
18 an operation and maintenance tax and use the revenue derived from
19 the tax to make payments under a contract after the provisions of
20 the contract have been approved by a majority of the district voters
21 voting at an election held for that purpose.

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

25 Sec. 3880.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
26 BONDS. (a) The district may borrow money on terms and conditions
27 as determined by the board. Section 375.205, Local Government

1 Code, does not apply to a loan, line of credit, or other borrowing
2 from a bank or financial institution secured by revenue other than
3 ad valorem taxes.

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

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

12 Sec. 3880.211. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 3880.212. ELECTIONS REGARDING TAXES AND BONDS. (a)
19 The district may issue, without an election, bonds, notes, and
20 other obligations secured by:

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

22 (2) contract payments described by Section 3880.209.

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

27 (c) Section 375.243, Local Government Code, does not apply

1 to the district.

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

6 Sec. 3880.213. CITY NOT REQUIRED TO PAY DISTRICT
7 OBLIGATIONS. Except as provided by Section 375.263, Local
8 Government Code, the City of Houston is not required to pay a bond,
9 note, or other obligation of the district.

10 Sec. 3880.214. COMPETITIVE BIDDING. Subchapter I, Chapter
11 49, Water Code, applies to the district. Sections 375.221 and
12 375.223, Local Government Code, do not apply to the district.

13 Sec. 3880.215. TAX AND ASSESSMENT ABATEMENTS. The district
14 may grant in the manner authorized by Chapter 312, Tax Code, an
15 abatement for a tax or assessment owed to the district.

16 [Sections 3880.216-3880.250 reserved for expansion]

17 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
18 PROPERTY

19 Sec. 3880.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
20 DESIGNATED PROPERTY. The district may define areas or designate
21 certain property of the district to pay for improvements,
22 facilities, or services that primarily benefit that area or
23 property and do not generally and directly benefit the district as a
24 whole.

25 Sec. 3880.252. PROCEDURE FOR ELECTION. (a) Before the
26 district may impose an ad valorem tax or issue bonds payable from ad
27 valorem taxes of the area defined or property designated under

1 Section 3880.251, the board must call and hold an election as
2 provided by Section 3880.212 only in the defined area or in the
3 boundaries of the designated property.

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

6 Sec. 3880.253. DECLARING RESULT AND ISSUING ORDER. (a) If
7 a majority of the voters voting at the election approve the
8 proposition or propositions, the board shall declare the results
9 and by order shall establish the defined area and describe it by
10 metes and bounds or designate the specific property.

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

14 Sec. 3880.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
15 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
16 approval and adoption of the order described by Section 3880.253,
17 the district may apply separately, differently, equitably, and
18 specifically its taxing power and lien authority to the defined
19 area or designated property to provide money to construct,
20 administer, maintain, and operate services, improvements, and
21 facilities that primarily benefit the defined area or designated
22 property.

23 Sec. 3880.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
24 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
25 Section 3880.253 is adopted, the district may issue bonds to
26 provide for any land, improvements, facilities, plants, equipment,
27 and appliances for the defined area or designated property.

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

Being a tract or parcel containing 254.065 gross acres of land situated in the B.B.B. & C. Railroad Company Survey, Abstract Number 179 and the B.B.B. & C. Railroad Company Survey, Abstract Number 173, Harris County, Texas; Save and Except, 2.998 acres of land, being Lots 10, 11 and 15 of the Cohen Subdivision recorded in Volume 414, Page 560 Harris County Deed Records (H.C.D.R.); said 251.067 net acre tract being more particularly described as follows (bearings are based on the record information contained in the deed recorded under Harris County Clerk's File (H.C.C.F.) Number W130111):

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" found in the south line of a called 5.54 acre tract as recorded under H.C.C.F. Number F859575 and marking the northwest corner of a called 0.9469 acre tract as recorded under H.C.C.F. Number W130111, being in the west line of the Pye, Martyr and Fox Subdivision as recorded in Volume 1, Page 120 of the Harris County Map Records (H.C.M.R.) and marking the most northerly northwest corner of the herein described tract, from which a found 1-1/2-inch iron pipe bears South 86°24'29" West, 0.52 feet;

THENCE, North 86°24'29" East, along the south line of said called 5.54 acre tract and along the north line of said called 0.9469 acre tract, a distance of 14.70 feet to a 5/8-inch iron rod with plastic cap stamped "Terra Surveying" found in the south right-of-way (R.O.W.) line of West Bellfort Boulevard (100-foot wide R.O.W.), marking the most westerly corner of a called 0.22725

C.S.H.B. No. 4777

1 acre tract for West Bellfort Boulevard as recorded under H.C.C.F.
2 Numbers R065536 and S199160;

3 THENCE, Easterly, along the arc of a curve to the left and
4 along said south R.O.W. line of West Bellfort Boulevard, at an arc
5 distance of 270.49 feet passing a 5/8-inch iron rod found in the
6 northwesterly R.O.W. line of Old South Main Street (Not Open), at an
7 arc distance of 349.51 feet passing a 5/8-inch iron rod with plastic
8 cap stamped "Terra Surveying" found in the southeasterly R.O.W.
9 line of said Old South Main Street and a northwesterly corner of a
10 called 64.958 acre tract as recorded under H.C.C.F. Number W130111,
11 at an arc distance of 392.39 feet passing a 5/8-inch iron rod found
12 marking another corner of said called 64.958 acre tract and the
13 northwest corner of a called 2.536 acre tract as recorded under
14 H.C.C.F. Number W121644, at an arc distance of 773.26 feet passing a
15 5/8-inch iron rod with plastic cap stamped "Terra Surveying" found
16 marking the northeast corner of said called 2.536 acre tract and in
17 the west line of a called 2.32 acre tract as recorded under H.C.C.F.
18 Number W119371, at a distance of 1,057.47 feet passing the common
19 line of said called 2.32 acre tract and a called 0.4666 acre tract,
20 from which the common northerly corner of said 2.32 acres and said
21 0.4666 acres bears North 03°00'42" West, 12.17 feet, continuing, in
22 all, a distance of 1,104.70 feet along the arc of said curve to the
23 left, having a radius of 2,050.00 feet, a central angle of 30°52'32"
24 and a chord which bears North 86°39'30" East, 1,091.38 feet to a
25 point in the south line of Lakes At 610, Section Two, a plat of
26 subdivision recorded in Volume 315, Page 13 H.C.M.R.;

27 THENCE, North 86°48'53" East, along the south line of said

1 Section 2, a distance of 121.60 feet to a 1/2-inch iron rod found
2 marking the southwest corner of the Replat of Unrestricted Reserve
3 "E", Lakes At 610, Section Two as recorded in Volume 332, Page 137
4 H.C.M.R., marking the northwest corner of a called 2.018 acre tract
5 as recorded under H.C.C.F. Number Y294667 and marking the northeast
6 corner of Buffalo Speedway Extension, a plat of subdivision
7 recorded at Film Code Number 613118 H.C.M.R. for an angle point;

8 THENCE, Southerly, along the east R.O.W. line of said Buffalo
9 Speedway Extension and along the west line of said called 2.018 acre
10 tract, a distance of 212.68 feet along the arc of a curve to the
11 right, having a radius of 2,050 feet, a central angle of 05°56'39"
12 and a chord which bears South 00°13'09" East, 212.59 feet to the
13 southwest corner of said called 2.018 acre tract and to the
14 northwest corner of a called 4.289 acre tract as recorded under
15 H.C.C.F. Number Z116895;

16 THENCE, North 86°56'34" East, along the common line of said
17 2.018 acre tract and said 4.289 acre tract, a distance of 420.52
18 feet to a point for the southeast corner of said called 2.018 acre
19 tract for an angle point;

20 THENCE, North 03°11'14" West, continuing along the common
21 line of said 2.018 acre tract and said 4.289 acre tract, a distance
22 of 213.24 feet to a 5/8-inch iron found in the south line of the
23 aforesaid Replat of Unrestricted Reserve "E", Lakes At 610, Section
24 Two, said iron rod marking the northeast corner of said 2.018 acre
25 tract and the most northerly northwest corner of said 4.289 acre
26 tract;

27 THENCE, North 86°56'34" East, along the common line of said

1 4.289 acre tract and the Replat of Unrestricted Reserve "E", at a
2 distance of 334.31 feet passing a 5/8-inch iron rod found marking
3 the northeast corner of said called 4.289 acre tract and the
4 northwest corner of a called 1.0005 acre tract as recorded under
5 H.C.C.F. Number W224269, continuing along the south line of said
6 Replat of Unrestricted Reserve "E", a distance of 466.34 feet to the
7 northeast corner of said 1.0005 acre tract and to the northwest
8 corner of Bedford Falls, a plat of subdivision recorded at Film Code
9 Number 561066 H.C.M.R. for the northeast corner of the herein
10 described tract;

11 THENCE, South 03°01'40" East, along the west line of Bedford
12 Falls and along the east line of said called 1.0005 acre tract, a
13 called 1.0094 acre tract, a called 1.0057 acre tract and a called
14 1.0326 acre tract as recorded under H.C.C.F. Numbers W121643,
15 W119372 and W119373, a distance of 1,329.95 feet to a 3/4-inch iron
16 rod found in the north line of Lot 2, Block 3, Corrected Map of W.E.
17 Armstrong Subdivision of 100 Acres as recorded in Volume 173, Page
18 402 H.C.D.R., said iron rod marking the common southerly corner of
19 said Bedford Falls and said 1.0326 acre tract for an angle point;

20 THENCE, South 86°30'14" West, along the south line of said
21 called 1.0326 acre tract and along the north line of said Corrected
22 Map of W.E. Armstrong Subdivision of 100 Acres, a distance of 132.00
23 feet to a 3/4-inch pinch top pipe found in the east line of the
24 aforesaid called 64.958 acre tract, said iron rod marking the
25 southwest corner of said called 1.0326 acre tract and the northwest
26 corner of said Corrected Map of W.E. Armstrong Subdivision of 100
27 Acres for an angle point;

1 THENCE, South 02°49'56" East, along the east line of said
2 called 64.958 acre tract and along the west line of said Corrected
3 Map of W.E. Armstrong Subdivision of 100 Acres, a distance of 425.22
4 feet to a 5/8-inch iron rod with plastic cap stamped "Terra
5 Surveying" found marking the southeast corner of said called 64.958
6 acre tract and the northeast corner of Lot 27, Mrs. M.B. Martyr's
7 Subdivision of 26-2/3 Acres as recorded in Volume 1, Page 112
8 H.C.M.R. for an angle point;

9 THENCE, South 02°56'01" East, along the east line of said Mrs.
10 M.B. Martyr's Subdivision and along the west line of said Corrected
11 Map of W.E. Armstrong Subdivision of 100 Acres, a distance of 481.43
12 feet to a 5/8-inch iron rod with plastic cap stamped "Terra
13 Surveying" set marking the common east corner of Lot 20 and Lot 19
14 of Mrs. M.B. Martyr's Subdivision for an angle point;

15 THENCE, South 86°51'22" West, along the common line of said
16 Lot 20 and Lot 19, a distance of 361.74 feet to a 5/8-inch iron rod
17 with plastic cap stamped "Terra Surveying" set in the east line of a
18 16-foot wide Road as delineated by said Mrs. M.B. Martyr's
19 Subdivision and marking the common west corner of Lot 20 and Lot 19
20 of Mrs. M.B. Martyr's Subdivision for an angle point;

21 THENCE, North 02°54'40" West, along the west line of said Lot
22 20 and along the east line of said 16-foot wide Road, a distance of
23 60.15 feet to an angle point;

24 THENCE, South 86°48'23" West, crossing said 16-foot wide Road
25 and along the center of Lot 21 which divides the north half of Lot 21
26 from the south half of Lot 21 out of Mrs. M.B. Martyr's Subdivision,
27 a distance of 378.68 feet to a 5/8-inch iron rod found in the east

1 line of Lot 13 of the H.F. Cohen Subdivision as recorded in Volume
2 414, Page 560 H.C.D.R. and in the west line of said Mrs. M.B.
3 Martyr's Subdivision for an angle point;

4 THENCE, South 02°56'14" East, along the east line of said H.F.
5 Cohen Subdivision and along the west line of said Mrs. M.B. Martyr's
6 Subdivision, a distance of 540.52 feet to a point for the common
7 west corner of Lot 13 and Lot 10 of said Mrs. M.B. Martyr's
8 Subdivision for an angle point;

9 THENCE, North 86°54'43" East, along the common line of said
10 Lot 13 and Lot 10, a distance of 362.44 feet to a point in the west
11 line of the aforesaid 16-foot wide Road and to the common east
12 corner of said Lot 13 and Lot 10 for an angle point;

13 THENCE, South 02°54'40" East, along the east line of Lot 10,
14 9, 6, 5, 2 and 1 of said Mrs. M.B. Martyr's Subdivision and along the
15 west line of said 16-foot wide Road, a distance of 609.03 feet to a
16 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set in
17 the northerly line of the G.H. & S.A. Railroad (100-foot wide), said
18 iron rod marking the southeast corner of Lot 1 of said Mrs. M.B.
19 Martyr's Subdivision for the southeasterly corner of the herein
20 described tract;

21 THENCE, South 69°14'45" West, parallel with and 50.00 feet
22 northerly of the centerline of the main line of said G.H. & S.A.
23 Railroad, at a distance of 380.40 feet passing a 5/8-inch iron rod
24 with plastic cap stamped "Terra Surveying" set marking the
25 southerly corner of said H.F. Cohen Subdivision and said Mrs. M.B.
26 Martyr's Subdivision, at a distance of 899.40 feet passing a
27 5/8-inch iron rod with plastic cap stamped "Terra Surveying" set

1 marking the common southerly corner of said H.F. Cohen Subdivision
2 and a called 32.750 acre tract as recorded under H.C.C.F. Numbers
3 W888894, W888895, W888896 and W888897, at a distance of 1,667.32
4 feet passing a 3/4-inch iron pipe found marking the common
5 southerly corner of said 32.750 acre tract and a called 78.8844 acre
6 tract as recorded under H.C.C.F. Numbers X866237 and X866239,
7 continuing, in all, a distance of 2,039.51 feet to a 3/4-inch iron
8 pipe found marking the southeast corner of a called 4.241 acre tract
9 as recorded under H.C.C.F. Number P622067 for an angle point;

10 THENCE, North 03°06'21" West, along a line of said called
11 78.8844 acre tract and along the east line of said called 4.241 acre
12 tract, a distance of 409.00 feet to the northeast corner of said
13 4.241 acre tract for an angle point;

14 THENCE, South 87°09'37" West, along the north line of said
15 called 4.241 acre tract, a distance of 116.89 feet to an angle
16 point;

17 THENCE, South 67°02'11" West, continuing along the north line
18 of said called 4.241 acre tract, at a distance of 35.92 feet passing
19 a 5/8-inch iron rod found marking the southeast corner of a called
20 2.684 acre tract as recorded under H.C.C.F. Number Z063340,
21 continuing, in all, a distance of 119.13 feet to a 5/8-inch iron rod
22 found marking an angle point;

23 THENCE, South 68°16'18" West, continuing along the north line
24 of said called 4.241 acre tract and along the south line of said
25 called 2.684 acre tract, a distance of 204.19 feet to a 5/8-inch
26 iron rod found in the east line of a called 13.946 acre tract as
27 recorded under H.C.C.F. Number Z063342, marking the southwest

1 corner of said called 2.684 acre tract and marking the northwest
2 corner of said called 4.241 acre tract for an angle point;

3 THENCE, South 03°13'00" East, along the east line of said
4 13.946 acre tract and along the west line of said called 4.241 acre
5 tract, a distance of 438.47 feet to a 5/8-inch iron rod found in the
6 aforesaid northerly line of the G.H. & S.A. Railroad (width
7 varies), said iron rod marking the southwest corner of said 4.241
8 acre tract and the southeast corner of said called 13.946 acre tract
9 for an angle point;

10 THENCE, South 71°11'27" West, along the south line of said
11 13.946 acre tract and along the northerly line of the G.H. & S.A.
12 Railroad, a distance of 49.24 feet to a 3/4-inch iron rod found
13 marking the southeast corner of that certain tract conveyed to the
14 City of Houston for Willowbend Boulevard (100-foot R.O.W.) as
15 recorded under H.C.C.F. Number D551516 for an angle point;

16 THENCE, South 71°50'03" West, along the south line of said
17 City of Houston tract and along the northerly line of the G.H. &
18 S.A. Railroad, a distance of 52.36 feet to a 5/8-inch iron rod found
19 marking an angle point;

20 THENCE, South 73°29'13" West, along the south line of said
21 City of Houston tract and along the northerly line of the G.H. &
22 S.A. Railroad, a distance of 53.69 feet to a 5/8-inch iron rod with
23 plastic cap stamped "Terra Surveying" set marking the southwest
24 corner of said City of Houston tract and the southeast corner of a
25 called 1.715 acre tract as recorded under H.C.C.F. Number Z063342
26 for an angle point;

27 THENCE, South 73°31'49" West, along the south line of said

C.S.H.B. No. 4777

1 1.715 acre tract and along the northerly line of the G.H. & S.A.
2 Railroad, a distance of 302.97 feet to a point for the southwest
3 corner of said 1.715 acre tract and for the southeast corner of a
4 called 6.6173 acre tract as recorded under H.C.C.F. Numbers X866237
5 and X866239 for an angle point;

6 THENCE, South 73°29'16" West, along the south line of said
7 6.6173 acre tract and along the northerly line of the G.H. & S.A.
8 Railroad, a distance of 403.39 feet to a 5/8-inch iron rod found
9 marking the southwest corner of said called 6.6173 acre tract and
10 the southeast corner of a called 19.4807 acre tract as recorded
11 under H.C.C.F. Number P948748 for the southwest corner of the
12 herein described tract;

13 THENCE, North 02°56'42" West, along the common line of said
14 6.6173 acre tract and said 19.4807 acre tract, a distance of 946.14
15 feet to a 5/8-inch iron rod found in the southerly R.O.W. line of
16 Willowbend Boulevard (100-foot wide) as recorded under H.C.C.F.
17 Numbers D578468 and D501181, said iron rod marking the northwest
18 corner of said called 6.6173 acre tract and the northeast corner of
19 said called 19.4807 acre tract for an angle point;

20 THENCE, North 02°58'47" West, crossing Willowbend Boulevard,
21 a distance of 120.22 feet to a 5/8-inch iron rod found in the
22 northerly R.O.W. line of said Willowbend Boulevard, marking the
23 southeast corner of Unrestricted Reserve "A" (7.9459 acres), R.
24 Hassell Properties, a plat of subdivision recorded at Film Code
25 Number 531140 H.C.M.R. and the southwesterly corner of the
26 aforesaid called 78.8844 acre tract for an angle point;

27 THENCE, North 02°58'17" West, along the east line of said

Unrestricted Reserve "A" and along the west line of said 78.8844 acre tract, a distance of 1,468.17 feet to a point for the northeast corner of said Unrestricted Reserve "A" and the northwest corner of said called 78.8844 acre tract for the most westerly northwest corner of the herein described tract;

THENCE, North 45°48'01" East, along the north line of said 78.8844 acre tract, a distance of 689.16 feet to a 5/8-inch iron rod found marking an angle point;

THENCE, North 45°50'45" East, along the north line of said 78.8844 acre tract, a distance of 1,447.21 feet to a point in the centerline of the aforesaid Old South Main Street (Not Open), and in west line of the aforesaid Pye, Martyr and Fox Subdivision for an angle point;

THENCE, North 02°28'55" West, along the west line of said Pye, Martyr and Fox Subdivision, a distance of 41.97 feet to a 6-inch by 6-inch concrete monument found flush with the ground, in the northwesterly R.O.W. line of Old South Main Street and marking the southeast corner of a called 19.3266 acre tract as recorded under H.C.C.F. Number T152334 and marking the southwesterly corner of the aforesaid called 0.9469 acre tract for an angle point;

THENCE, North 03°05'39" West, along the west line of said Pye, Martyr and Fox Subdivision, along the west line of said called 0.9469 acre tract and along the east line of said called 19.3266 acre tract, a distance of 297.83 feet to the POINT OF BEGINNING and containing 254.065 gross acres of land. Save and Except 2.998 acres of land, being Lots 10, 11 and 15 of the Cohen Subdivision recorded in Volume 414, Page 560 Harris County Deed Records for a 251.067 net

1 acre tract.

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

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (d) The general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with.

20 (e) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act have been
23 fulfilled and accomplished.

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

C.S.H.B. No. 4777

1 Act takes effect September 1, 2009.