

By: Fletcher

H.B. No. 4784

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8354 to read as follows:

CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8354.001. 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 Municipal Utility District No. 524.

Sec. 8354.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8354.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8354.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has
2 consented by ordinance or resolution to the creation of the
3 district and to the inclusion of land in the district.

4 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
5 The district is created to serve a public purpose and benefit.

6 (b) The district is created to accomplish the purposes of:

7 (1) a municipal utility district as provided by
8 general law and Section 59, Article XVI, Texas Constitution; and

9 (2) Section 52, Article III, Texas Constitution, that
10 relate to the construction, acquisition, or improvement of
11 macadamized, graveled, or paved roads described by Section 54.234,
12 Water Code, or improvements, including storm drainage, in aid of
13 those roads.

14 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect the district's:

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8354.007-8354.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8354.052, directors serve
5 staggered four-year terms.

6 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act creating this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as temporary directors the five persons
13 named in the petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8354.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act creating this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8354.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8354.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the Texas Commission on Environmental
4 Quality requesting that the commission appoint as successor
5 temporary directors the five persons named in the petition. The
6 commission shall appoint as successor temporary directors the five
7 persons named in the petition.

8 [Sections 8354.053-8354.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve, and
21 convey to this state, a county, or a municipality for operation and
22 maintenance macadamized, graveled, or paved roads described by
23 Section 54.234, Water Code, or improvements, including storm
24 drainage, in aid of those roads.

25 (b) The district may exercise the powers provided by this
26 section without submitting a petition to or obtaining approval from
27 the Texas Commission on Environmental Quality as required by

1 Section 54.234, Water Code.

2 Sec. 8354.104. APPROVAL OF ROAD PROJECT. (a) The district
3 may not undertake a road project authorized by Section 8354.103
4 unless:

5 (1) each municipality or county that will operate and
6 maintain the road has approved the plans and specifications of the
7 road project, if a municipality or county will operate and maintain
8 the road; or

9 (2) the Texas Transportation Commission has approved
10 the plans and specifications of the road project, if the state will
11 operate and maintain the road.

12 (b) Except as provided by Subsection (a), the district is
13 not required to obtain approval from the Texas Transportation
14 Commission to design, acquire, construct, finance, issue bonds for,
15 improve, or convey a road project.

16 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
17 OR RESOLUTION. The district shall comply with all applicable
18 requirements of any ordinance or resolution that is adopted under
19 Section 54.016 or 54.0165, Water Code, and that consents to the
20 creation of the district or to the inclusion of land in the
21 district.

22 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The
23 district may not exercise the power of eminent domain outside the
24 district to acquire a site or easement for:

25 (1) a road project authorized by Section 8354.103; or

26 (2) a recreational facility as defined by Section
27 49.462, Water Code.

1 Sec. 8354.107. DIVISION OF DISTRICT. (a) The district may
2 be divided into two or more new districts only if the district:

3 (1) has no outstanding bonded debt; and

4 (2) is not imposing ad valorem taxes.

5 (b) This chapter applies to any new district created by the
6 division of the district, and a new district has all the powers and
7 duties of the district.

8 (c) Any new district created by the division of the district
9 may not, at the time the new district is created, contain any land
10 outside the area described by Section 2 of the Act creating this
11 chapter.

12 (d) The board, on its own motion or on receipt of a petition
13 signed by the owner or owners of a majority of the assessed value of
14 the real property in the district, may adopt an order dividing the
15 district.

16 (e) The board may adopt an order dividing the district
17 before or after the date the board holds an election under Section
18 8354.003 to confirm the district's creation.

19 (f) An order dividing the district:

20 (1) shall:

21 (A) name each new district;

22 (B) include the metes and bounds of each new
23 district;

24 (C) appoint temporary directors for each new
25 district, or provide that the owner or owners of a majority of the
26 assessed value of the real property in each new district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the
2 five persons named in the petition; and

3 (D) provide for the division of assets and
4 liabilities between or among the new districts; and

5 (2) is subject to a confirmation election in each new
6 district.

7 (g) On or before the 30th day after the date of adoption of
8 an order dividing the district, the district shall file the order
9 with the Texas Commission on Environmental Quality and record the
10 order in the real property records of each county in which the
11 district is located.

12 (h) Any new district created by the division of the district
13 shall hold a confirmation and directors' election as required by
14 Section 8354.003. The results of that election must be filed as
15 required by Sections 49.102(e) and (f), Water Code. If the voters
16 of a new district do not confirm the creation of the new district,
17 the assets, liabilities, territory, and governance of the new
18 district revert to the original district.

19 (i) Municipal consent to the creation of the district and to
20 the inclusion of land in the district granted under Section
21 8354.004 acts as municipal consent to the creation of any new
22 district created by the division of the district and to the
23 inclusion of land in the new district.

24 (j) Any new district created by the division of the district
25 must hold an election as required by this chapter to obtain voter
26 approval before the district may impose a maintenance tax or issue
27 bonds payable wholly or partly from ad valorem taxes.

1 Sec. 8354.108. FIREFIGHTING AND EMERGENCY MEDICAL
2 SERVICES. Subchapter L, Chapter 49, Water Code, applies to the
3 district.

4 [Sections 8354.109-8354.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8354.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
7 district may issue, without an election, bonds and other
8 obligations secured by:

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

10 (2) contract payments described by Section 8354.153.

11 (b) The district must hold an election in the manner
12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
13 before the district may impose an ad valorem tax or issue bonds
14 payable from ad valorem taxes.

15 (c) The district may not issue bonds payable from ad valorem
16 taxes to finance a road project unless the issuance is approved by a
17 vote of a two-thirds majority of the district voters voting at an
18 election held for that purpose.

19 Sec. 8354.152. OPERATION AND MAINTENANCE TAX. (a) If
20 authorized at an election held under Section 8354.151, the district
21 may impose an operation and maintenance tax on taxable property in
22 the district in accordance with Section 49.107, Water Code.

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

25 Sec. 8354.153. CONTRACT TAXES. (a) In accordance with
26 Section 49.108, Water Code, the district may impose a tax other than
27 an operation and maintenance tax and use the revenue derived from

1 the tax to make payments under a contract after the provisions of
2 the contract have been approved by a majority of the district voters
3 voting at an election held for that purpose.

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

7 [Sections 8354.154-8354.200 reserved for expansion]

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 8354.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. The district may issue bonds or other obligations
11 payable wholly or partly from ad valorem taxes, impact fees,
12 revenue, contract payments, grants, or other district money, or any
13 combination of those sources, to pay for any authorized district
14 purpose.

15 Sec. 8354.202. TAXES FOR BONDS. At the time the district
16 issues bonds payable wholly or partly from ad valorem taxes, the
17 board shall provide for the annual imposition of a continuing
18 direct ad valorem tax, without limit as to rate or amount, while all
19 or part of the bonds are outstanding as required and in the manner
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 8354.203. BONDS FOR ROAD PROJECTS. At the time of
22 issuance, the total principal amount of bonds or other obligations
23 issued or incurred to finance road projects and payable from ad
24 valorem taxes may not exceed one-fourth of the assessed value of the
25 real property in the district.

26 SECTION 2. The Harris County Municipal Utility District No.
27 524 initially includes all the territory contained in the following

1 area: 990.804 acres in 5 non-contiguous tracts out of Sections 9,
2 10, 15, and 16 of Harris County School Land Survey, Abstract No 332,
3 recorded in Vol 17, Pg 222 of the Deed Records of Harris County,
4 Texas and including within Tracts 1, 2, 3, and 4 an unnamed 66 foot
5 roadway as shown on the plat of said Harris County School Land being
6 granted by Commissioners Award recorded in Vol 7448, Pg 181, HCDR;
7 said roadway does not exist physically on the ground: (All bearings
8 used herein are based on Highway Right-of-Way Maps provided by the
9 Texas Department of Transportation)

10 Tract 1

11 A tract or parcel of land containing 255.572 acres (11,132,730
12 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and Lots 1,
13 2, 7, & 8 of Section 16 of said Harris County School Land Survey,
14 Abstract No 332, Harris County, Texas; said 255.572 acres being
15 that same tract of land called 257.230 acres described by deed
16 recorded in HCCF No M577056 ("Tract 1", therein) and conveyed to
17 Delta Troy Interests, Ltd by deed recorded in X381657 and more
18 particularly described by metes and bounds as follows:

19 COMMENCING at a State Department of Highways and Public
20 Transportation Horizontal Control Monument located in the
21 southerly right-of-way line of U.S. 290, 160.00 feet at right
22 angles from the centerline, across from Engineers Station
23 109+27.74;

24 THENCE along said southerly right-of-way line, clockwise,
25 following the arc of a 1855.86 foot radius curve-to-the-right,
26 subtending a central angle of 03 degrees 20 min 18 seconds, through
27 an arc length of 108.13 feet (chord bearing of South 66 degrees 23

1 minutes 38 seconds East, 108.12 feet) to a 5/8 inch iron rod found
2 marking the POINT OF BEGINNING and most northerly Northeast corner
3 of the herein described tract, same being the East corner of that
4 called 12.4147 acre tract of land conveyed to Peter S. Terpstra,
5 Trustee by deed recorded in HCCF No 20060246633;

6 THENCE continuing along said right-of-way line and said curve,
7 subtending a central angle of 06 degrees 36 minutes 09 seconds,
8 through an arc length of 213.86 feet (chord bearing of South 61
9 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch iron
10 rod set marking the end of said curve; said point being located in
11 the southerly right-of-way line of U.S. 290, 202.32 feet at right
12 angles from the centerline, across from Engineers Station
13 112+46.53;

14 THENCE continuing along said right-of-line line, following the arc
15 of a 1963.86 foot radius curve-to-the-left (radius point of said
16 curve falls along a bearing of North 31 degrees 52 minutes 42
17 seconds East), subtending a central angle of 12 degrees 31 minutes
18 54 seconds, through an arc length of 429.54 feet (chord bearing of
19 South 64 degrees 23 minutes 15 seconds East, 428.68 feet) to a 5/8
20 inch iron rod set marking a point-of-tangency in the southerly
21 right-of-way line; said point-of-tangency being located in the
22 southerly right-of-way line of U.S. 290, 249.10 feet at right
23 angles from the centerline, across from Engineers Station
24 116+72.65;

25 THENCE South 70 degrees 39 minutes 12 seconds East, along said
26 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron rod
27 set marking the Northerly end of cut-back corner at the southwest

1 corner of the intersection of said U.S. 290 and Binford Road; said
2 corner being located in the southerly right-of-way line of U.S.
3 290, 249.10 feet at right angles from the centerline, across from
4 Engineers Station 120+54.80;

5 THENCE South 30 degrees 37 minutes 41 seconds East, along said
6 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set
7 marking the Southerly end of said cut-back and the most Easterly
8 Northeast corner of the herein described tract; said corner being
9 located in the southerly right-of-way line of U.S. 290, 310.37 feet
10 at right angles from the centerline, across from Engineers Station
11 121+28.11;

12 THENCE South 09 degrees 03 minutes 59 seconds East, along the
13 westerly right-of-way of said Binford Road (right-of-way varies at
14 this point), a distance of 452.04 feet to a 5/8 inch iron rod set
15 marking an angle point in said right-of-way line; a 1 inch iron pipe
16 found bears South 03 degrees 41 minutes 58 seconds East, 35.93 feet
17 from said angle point;

18 THENCE South 02 degrees 39 minutes 08 seconds East, along the
19 westerly right-of-way line of said Binford Road (66' right-of-way)
20 and crossing Lots 9 and 16 of said Section 9 and Lots 1 and 8 of
21 Section 16, a distance of 3953.90 feet (call: 3954.35 feet) to a 5/8
22 inch iron rod set marking the Southeast corner of the herein
23 described tract, same being the Northwest corner of the
24 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead
25 Highway) and said Binford Road; a 5/8 inch iron rod found bears
26 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said
27 corner;

1 THENCE North 68 degrees 08 minutes 01 seconds West, along the
2 Northerly right-of-way line of said U.S. 290 (old)/State Highway 6
3 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said
4 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a 5/8
5 inch iron set marking the Southwest corner of the herein described
6 tract, same being the Southeast corner of that called 30.213 acre
7 tract of land conveyed to Michael L. Perry and Edna A. Perry by deed
8 recorded in HCCF No U717338; a 5/8 inch iron rod found bears South
9 02 degrees 24 minutes 55 seconds East, 7.01 feet from said corner;
10 THENCE North 02 degrees 24 minutes 55 seconds West, along the
11 Easterly line of said 30.213 acres, same being the Westerly line of
12 Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said Section 9,
13 and with the Easterly line of that called 70.801 acre tract conveyed
14 to A.J. Foyt, Jr. by deed recorded in HCCF No U071611 and that
15 called 11.15 acre tract conveyed to L.J. Hakemack and wife, Ney
16 Hakemack, by deed recorded in HCCF No P056681, a distance of 3736.61
17 feet (call: 3753.11 feet) to a point for corner at the Northwest
18 corner of the herein described tract, same being the Southwest
19 corner of the aforesaid 12.4147 acre Terpstra Tract;
20 THENCE North 87 degrees 11 minutes 26 seconds East, along the
21 Southerly line of said 12.4147 acre tract, a distance of 1612.53
22 feet (call: 1623.36 feet) to the Point of Beginning and containing
23 255.572 Acres (11,132,730 square feet) of land.

24 Tract 2

25 A tract or parcel of land containing 440.146 acres (19,172,762
26 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15, & 16
27 of Section 15 of said Harris County School Land Survey, Abstract No

1 332, Harris County, Texas; said 440.146 acres out of that same tract
2 of land called 451.6392 acres described by deed recorded in HCCF No
3 M577056 ("Tract 2-A", therein) and conveyed to Delta Troy
4 Interests, Ltd by deed recorded in X381657 and more particularly
5 described by metes and bounds as follows:

6 COMMENCING at a State Department of Highways and Public
7 Transportation Horizontal Control Monument located in the
8 southerly right-of-way line of U.S. 290, 160.00 feet at right
9 angles from the centerline, across from Engineers Station
10 109+27.74;

11 THENCE South 70 degrees 39 minutes 12 seconds East, a distance of
12 1690.16 feet to a point-of-curvature in the former southerly
13 right-of-way line of said U.S. 290; said point-of-curvature being
14 located 160.00 feet at right angles from the centerline, across
15 from Engineers Station 126+17.90;

16 THENCE along said former southerly right-of-way line, clockwise,
17 following the arc of a 7479.44 foot radius curve-to-the-right
18 (radius point of said curve falls along a bearing of South 19
19 degrees 20 minutes 48 seconds West), subtending a central angle of
20 03 degrees 05 min 32 seconds, through an arc length of 403.66 feet
21 (chord bearing of South 69 degrees 06 minutes 26 seconds East,
22 403.61 feet) to a 5/8 inch iron rod set in the current Southerly
23 right-of-way line of said U.S. 290 marking the POINT OF BEGINNING
24 and the most Easterly Northwest corner of the herein described
25 tract; said point being located 160.00 feet at right angles from the
26 centerline, across from Engineers Station 130+30.21;

27 THENCE continuing along said right-of-way line and said curve,

1 subtending a central angle of 13 degrees 42 minutes 56 seconds,
2 through an arc length of 1790.44 feet (chord bearing of South 60
3 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch iron
4 rod set marking a point-of-tangency in said right-of-way line; said
5 point being located in the southerly right-of-way line of U.S. 290,
6 160.00 feet at right angles from the centerline, across from
7 Engineers Station 148+59.00;
8 THENCE South 53 degrees 50 minutes 44 seconds East, along said
9 right-of-way line, a distance of 2795.16 feet (call: 2793.73 feet -
10 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
11 said right-of-way line;
12 THENCE along said southerly right-of-way line, clockwise,
13 following the arc of a 532.96 foot radius curve-to-the-right,
14 subtending a central angle of 51 degrees 31 min 30 seconds (call: 51
15 degrees 32 minutes 51 seconds - TxDOT), through an arc length of
16 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing of South 28
17 degrees 04 minutes 59 seconds East, 463.29 feet) to a 5/8 inch iron
18 rod found marking a point-of-tangency in said southerly
19 right-of-way line;
20 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
21 degrees 17 minutes 53 seconds East - TxDOT), along said southerly
22 right-of-way line, a distance of 187.88 feet (call: 188.32 feet -
23 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
24 said southerly right-of-way line;
25 THENCE counter-clockwise continuing along said right-of-way line
26 and a 612.96 foot radius curve-to-the-left, subtending a central
27 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34

1 minutes 06 seconds), through an arc length of 261.99 feet (call:
2 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56
3 seconds East, 260.00 feet) to a 5/8 inch iron rod set for corner,
4 same being the most Northerly corner of that called 1.939 acre tract
5 of land conveyed to the State of Texas as a Drainage Easement for
6 Highway Purposes by deed recorded in HCCF No R450176 out of that
7 called 30 acre residue of that called 920.21 acre Schindler "First
8 Tract" as described by deed recorded in Vol 2187, Pg 525, HCDR;
9 THENCE South 63 degrees 11 minutes 23 seconds West (call: South 63
10 degrees 08 minutes 01 seconds West), along the northwesterly line
11 of said 1.939 acre tract, a distance of 620.23 feet (call: 620.08
12 feet) to a 5/8 inch iron rod set at the northwesterly corner of said
13 1.939 acre tract;
14 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
15 degrees 17 minutes 53 seconds East), along the westerly line of said
16 1.939 acre tract, passing at a distance of 1102.28 feet (call:
17 1100.29 feet) a 1/2 inch iron rod found marking the Southwest corner
18 of said 1.939 acre and 30 acre tract and the Northwest corner of
19 that called 10.298 acre tract conveyed to MRJ Wood Products by deed
20 recorded in HCCF No U232228, continuing along the westerly line of
21 said 10.298 acre tract, a total distance of 1502.28 feet (call:
22 1500.29 feet) to a 5/8 inch iron rod set for corner, same being the
23 southwest corner of said 10.298 acre tract;
24 THENCE North 87 degrees 40 minutes 46 seconds East (call: North 87
25 degrees 42 minutes 07 seconds East), along the southerly line of
26 said 10.298 acre tract, a distance of 1121.41 feet to a 5/8 inch
27 iron rod set in the Westerly right-of-way line of Kickapoo Road

1 marking the most Northerly Southeast corner of the herein described
2 tract, same being the southeasterly corner of said 10.298 acre
3 tract;

4 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
5 degrees 17 minutes 53 seconds East), along the Westerly
6 right-of-way line of said Kickapoo Road, a distance of 939.31 feet
7 (call: 938.70 feet) to a 1 inch iron pipe found for corner, same
8 being the Northeast corner of that called 2.401 acre tract conveyed
9 to Leaman Building Materials by deed recorded in HCCF No X159580
10 ("Tract One");

11 THENCE North 68 degrees 08 minutes 01 seconds West, along the
12 northerly line of said 2.401 acre tract, a distance of 597.94 feet
13 (call: 600.00') to a 5/8 inch iron rod set for corner, same being
14 the Northwest corner of said 2.401 acre tract;

15 THENCE South 02 degrees 19 minutes 14 seconds East, along the
16 westerly line of said 2.401 acre tract and that called 1.804 acre
17 tract also conveyed to said Leaman Building Materials in said HCCF
18 No X159580 ("Tract Two"), a distance of 362.42 feet (call: 363.00
19 feet) to a 5/8 inch iron rod set in the northerly right-of-way line
20 of U.S. 290 (old)/State Highway 6 (aka Hempstead Highway) marking
21 the most Southerly Southeast corner of the herein described tract;
22 a 1 inch iron rod found bears South 02 degrees 19 minutes 14 seconds
23 East, 2.33 feet from said property corner; a 2 inch iron rod found
24 marking the Northeast corner of the intersection of said Kickapoo
25 Road and said U.S. 290 (old)/State Highway 6 (aka Hempstead
26 Highway) bears South 68 degrees 08 minutes 01 seconds East, 670.29
27 feet from said property corner;

1 THENCE North 68 degrees 08 minutes 01 seconds West, along the
2 northerly right-of-way line of said U.S. 290 (old)/State Highway 6
3 (aka Hempstead Highway), a distance of 5170.99 feet (call: 5167.61
4 feet) to a 5/8 inch iron rod set marking the Southwest corner of the
5 herein described tract, same being the Northeast corner of the
6 intersection of Binford Road and said U.S. 290 (old)/State Highway
7 6 (aka Hempstead Highway); a 5/8 inch iron rod set marking the
8 Northwest corner of said intersection bears North 68 degrees 08
9 minutes 01 seconds West, 72.54 feet from which a 5/8 inch iron rod
10 found bears North 68 degrees 08 minutes 01 seconds West, 4.54 feet;
11 THENCE North 02 degrees 39 minutes 08 seconds West, along the
12 Easterly right-of-way of said Binford Road (66' right-of-way), a
13 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron rod
14 set marking an angle point in said Easterly right-of-way line;
15 THENCE North 03 degrees 59 minutes 00 seconds East, continuing
16 along the Easterly right-of-way of said Binford Road (right-of-way
17 varies at this point), a distance of 370.66 feet to a 5/8 inch iron
18 rod set marking the Southerly end of cut-back corner at the
19 southeast corner of the intersection of the aforesaid U.S. 290
20 (new) and said Binford Road; said corner being located in the
21 southerly right-of-way line of U.S. 290, 326.25 feet at right
22 angles from the centerline, across from Engineers Station
23 123+06.25;
24 THENCE North 56 degrees 39 minutes 54 seconds East, along said
25 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set
26 marking the most Northerly Northwest corner of the herein described
27 tract; said corner being located in the southerly right-of-way line

1 of U.S. 290, 249.10 feet at right angles from the centerline, across
2 from Engineers Station 123+65.05;
3 THENCE South 70 degrees 39 minutes 12 seconds East, along said
4 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron rod
5 set marking a point-of-curvature in said right-of-way line; said
6 point-of-curvature being located in the southerly right-of-way
7 line of U.S. 290, 249.10 feet at right angles from the centerline,
8 across from Engineers Station 124+72.67;
9 THENCE continuing along said right-of-line line,
10 counter-clockwise, following the arc of a 1963.86 foot radius
11 curve-to-the-left (radius point of said curve falls along a bearing
12 of North 19 degrees 20 minutes 48 seconds East), subtending a
13 central angle of 16 degrees 13 minutes 27 seconds, through an arc
14 length of 556.10 feet (chord bearing of South 78 degrees 45 minutes
15 56 seconds East, 554.24 feet) to the POINT OF BEGINNING and
16 containing 440.146 acres (19,172,762 square feet) of land.

17 Tract 3

18 A tract or parcel of land containing 10.536 acres (458,955 square
19 feet) out of Lot 1 of Section 15 of said Harris County School Land
20 Survey, Abstract No 332, Harris County, Texas; said 10.536 acres
21 being that same tract of land called 10.5483 acres described by deed
22 recorded in HCCF No M577056 ("Tract 3", therein) and conveyed to
23 Delta Troy Interests, Ltd by deed recorded in X381657 and more
24 particularly described by metes and bounds as follows:

25 BEGINNING at a 1/2 inch iron rod found marking the Northwest corner
26 of the intersection of the northerly right-of-way line of U.S. 290
27 and the westerly right-of-way line of Kickapoo Road (66'

1 right-of-way), same being the Southeast corner of the herein
2 described tract;
3 THENCE North 87 degrees 42 minutes 07 seconds West, along the
4 northerly right-of-way line of said U.S. 290, a distance of 468.34
5 feet to a 5/8 inch iron rod set marking a point-of-curvature in
6 said northerly right-of-way line; a 3/8 inch iron rod found bears
7 South 56 degrees 27 minutes 32 seconds East, 2.03 feet from said
8 point-of-curvature;
9 THENCE clockwise along said northerly right-of-way line and
10 following a 532.96 foot radius curve-to-the-right, subtending a
11 central angle of 38 degrees 27 minutes 09 seconds, through an arc
12 length of 357.68 feet (chord bearing of North 73 degrees 04 minutes
13 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set marking a
14 point-of-tangency in said northerly right-of-way line; said
15 point-of-tangency being located in the northerly right-of-way line
16 of U.S. 290, 160.00 feet at right angles from the centerline, across
17 from Engineers Station 174+17.41;
18 THENCE North 53 degrees 50 minutes 44 seconds West, along said
19 northerly right-of-way line, a distance of 595.14 feet (call:
20 596.40 feet) to a 5/8 inch iron rod set marking the Northwest corner
21 of the herein described tract in the common line of Lot 16 of
22 Section 10 and said Lot 1 of Section 15;
23 THENCE North 87 degrees 57 minutes 51 seconds East, along said
24 common line, same being the centerline of the aforesaid unnamed 66'
25 roadway, a distance of 1266.25 feet (call: 1266.84 feet) to a 5/8
26 inch iron rod set in the westerly right-of-way line of said Kickapoo
27 Road marking the Northeast corner of the herein described tract; a 1

1 inch iron pipe found marking the Southeast corner of the called
2 78.9245 acre Schindler tract bears North 02 degrees 15 minutes 05
3 seconds West, 33.00 feet for reference;
4 THENCE South 02 degrees 15 minutes 05 seconds East, along the
5 westerly right-of-way line of said Kickapoo Road, a distance of
6 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and
7 containing 10.536 acres (458,955 square feet) of land.

8 Tract 4

9 A tract or parcel of land containing 283.558 acres (12,351,801
10 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10 of
11 said Harris County School Land Survey, Abstract No 332, Harris
12 County, Texas; said 283.558 acres being out of that tract of land
13 called 393.3575 acres described by deed recorded in HCCF No M577056
14 ("Tract 4-A", therein) and conveyed to Delta Troy Interests, Ltd by
15 deed recorded in X381657 and more particularly described by metes
16 and bounds as follows:

17 BEGINNING at a 5/8 inch iron rod set marking the Northeast corner of
18 the herein described tract, same being the southwest corner of the
19 intersection of Kickapoo Road and said FM 2920 (aka Waller-Tomball
20 Road); a 1 inch iron pipe found bears South 02 degrees 15 minutes 05
21 seconds East, 0.99 foot from said property corner;

22 THENCE South 02 degrees 15 minutes 05 seconds East (call: South 02
23 degrees 17 minutes 53 seconds East), along the westerly
24 right-of-way line of said Kickapoo Road (66' right-of-way), a
25 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-HCCF
26 No M577056) to a 5/8 inch iron rod set marking the most northerly
27 Southeast corner of the herein described tract, same being in the

1 common line of Lots 8 and 9 of said Section 10 and being the
2 Northeast corner of that called 78.9245 acre Schindler tract of
3 land described in HCCF No M798918 and that called 23.6773 acre tract
4 out of same conveyed to Michael McDonald and wife, Kimela McDonald,
5 by deed recorded in HCCF No X611580; a 5/8 inch iron rod found bears
6 North 87 degrees 33 minutes 33 seconds East, 2.99 feet from said
7 corner;

8 Thence South 87 degrees 33 minutes 33 seconds West, along the common
9 line of said Lots 8 and 9, same being the northerly line of said
10 78.9245 acre Schindler tract, a distance of 1316.56 feet (call:
11 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe found for
12 corner, same being the common corner of Lots 7, 8, 9, and 10 of said
13 Section 10 and the Northwest corner of said 78.9245 acre Schindler
14 tract; a capped iron rod found bears North 41 degrees 57 minutes 18
15 seconds East, 12.64 feet from said corner;

16 THENCE South 02 degrees 31 minutes 48 seconds East, along the common
17 line of Lots 9, 10, 15, and 16 of said Section 10, same being the
18 westerly line of said 78.9245 acre Schindler tract, passing at a
19 distance of 2618.58 feet (call: 2617.89 feet- HCCF No M798918) a 1
20 inch iron pipe found marking the most Southwest corner of said
21 78.9245 acre Schindler tract, same being in the northerly line of
22 the aforesaid unnamed 66' roadway, continuing a total distance of
23 2621.94 feet (call: 2631.01 feet) to a 5/8 inch iron rod set in the
24 northerly right-of-way line of the aforesaid U.S. 290 marking the
25 most southerly Southeast corner of the herein described tract;

26 THENCE North 53 degrees 50 minutes 44 seconds West, along the
27 northerly right-of-way line of said U.S. 290, a distance of 1915.33

1 feet (call: 1917.64 feet) to a 5/8 inch iron rod set marking a
2 point-of-curvature in the northerly right-of-way line of U.S. 290,
3 160.00 feet at right angles from the centerline, across from
4 Engineers Station 148+59.00;
5 THENCE along said northerly right-of-way line, counter-clockwise,
6 following the arc of a 7799.44 foot radius curve-to-the-left,
7 subtending a central angle of 04 degrees 50 min 53 seconds, through
8 an arc length of 659.96 feet (chord bearing of North 55 degrees 16
9 minutes 11 seconds West, 659.76 feet) to the Southwest corner of the
10 herein described tract, same being the Southeast corner of that
11 called 107.6370 acre tract conveyed to Peter S. Terpstra by deed
12 recorded in HCCF No 20070033123; a 3/8 inch iron rod found bears
13 South 79 degrees 56 minutes 25 seconds West, 0.88 foot from said
14 corner;
15 THENCE North 02 degrees 18 minutes 00 seconds West, crossing Lots
16 11, 6, and 3 of said Section 10 and along the easterly line of said
17 107.6370 acre tract, a distance of 3638.55 feet (call: 3639.80
18 feet) to a 5/8 inch iron rod set in the southerly right-of-way line
19 of FM 2920 (aka Waller-Tomball Road - 100' right-of-way) marking
20 the Northwest corner of the herein described tract, same being the
21 Northeast corner of said 107.6370 acres; 5/8 inch iron rods found
22 marking the northeast and northwest corners of a 10'x20' SWBT
23 easement dedicated by instrument recorded in HCCF No H844991 bear
24 South 87 degrees 42 minutes 00 seconds West, along said southerly
25 right-of-way line at 379.81 feet and 399.81 feet, respectively,
26 from said property corner;
27 THENCE North 87 degrees 42 minutes 00 seconds East, along said

1 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch
2 iron rod found marking the northeast corner of a 20'x20' SWBT
3 easement dedicated by instrument recorded in HCCF No H844992,
4 continuing a total distance of 3341.68 feet (call: 3335.99 feet) to
5 the POINT OF BEGINNING and containing 283.558 acres (12,351,801
6 square feet) of land.

7 Tract 5

8 Being 0.992 acre (43,220 square feet) out of Lot 1, Section 9 of
9 Harris County School Land Survey, Abstract No 332 and being that
10 called 1 acre conveyed to Leon Schindler and R.G. Schindler by deed
11 recorded in Volume 2187, Page 525 of the Deed Records of Harris
12 County, Texas; said 0.992 acre fronting 208.00 feet on Binford Road
13 and being surrounded on three sides by that called 127.96 acre tract
14 conveyed to Peter S. Terpstra, Trustee, by deed recorded in HCCF Nos
15 20060246634 & 20060246637; said 0.992 acre also being that same
16 tract of land called 1 acre conveyed to Leon Schindler and R.G.
17 Schindler by deed recorded in Vol 2187, Pg 525, HCDR ("Fourth
18 Tract", therein) and called 0.9922 acre as described by deed
19 recorded in HCCF No M577056 ("Tract 5", therein) and conveyed to
20 Delta Troy Interests, Ltd by deed recorded in X381657 and more
21 particularly described by metes and bounds as follows:

22 COMMENCING at a 5/8 inch iron rod found marking the Southerly end of
23 cut-back corner at the northwest corner of the intersection of the
24 aforesaid U.S. 290 (new) and Binford Road; said corner being
25 located in the northerly right-of-way line of U.S. 290, 248.90 feet
26 at right angles from the centerline, across from Engineers Station
27 118+23.58;

1 THENCE North 56 degrees 39 minutes 54 seconds East, along said
2 cut-back, a distance of 97.00 feet to a point in the westerly
3 right-of-way line of said Binford Road at the Northerly end of said
4 cut-back;

5 THENCE North 03 degrees 59 minutes 00 seconds East, along the
6 westerly right-of-way line of said Binford Road (right-of-way
7 varies at this point), a distance of 370.87 feet to a 5/8 inch iron
8 rod found marking an angle point in said westerly right-of-way
9 line;

10 THENCE North 02 degrees 42 minutes 01 seconds West, along the
11 westerly right-of-way line of said Binford Road (66' right-of-way),
12 a distance of 1690.50 feet to a 1 inch iron pipe found marking the
13 POINT OF BEGINNING and southeast corner of the herein described
14 tract;

15 THENCE South 89 degrees 52 minutes 54 seconds West, crossing said
16 Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch iron rod
17 set marking the southwest corner of the herein described tract; a
18 5/8 inch iron rod found bears North 14 degrees 12 minutes 39 seconds
19 East, 2.36 feet from said corner;

20 THENCE North 02 degrees 42 seconds 01 seconds West (call: North 02
21 degrees 41 seconds 16 seconds West, crossing said Lot 1 of Section
22 9, a distance of 208.00 feet to a 5/8 inch iron rod set marking the
23 northwest corner of the herein described tract;

24 THENCE North 89 degrees 52 minutes 54 seconds East, crossing said
25 Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch iron pipe
26 found in the westerly right-of-way line of said Binford Road (66'
27 right-of-way) marking the northeast corner of the herein described

1 tract;

2 THENCE South 02 degrees 42 minutes 01 seconds East (call:
3 South 02 degrees 41 minutes 16 seconds East, along the westerly
4 right-of-way line of said Binford Road, a distance of 208.00 feet to
5 the POINT OF BEGINNING and containing 0.992 acre (43,220 square
6 feet) of land.

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

14 (b) The governor, one of the required recipients, has
15 submitted the notice and Act to the Texas Commission on
16 Environmental Quality.

17 (c) The Texas Commission on Environmental Quality has filed
18 its recommendations relating to this Act with the governor, the
19 lieutenant governor, and the speaker of the house of
20 representatives within the required time.

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 4784

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.