

1-1 By: Fletcher (Senate Sponsor - Patrick) H.B. No. 4784
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 23, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 23, 2009, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Harris County Municipal Utility
1-10 District No. 524; providing authority to impose a tax and issue
1-11 bonds; granting a limited power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8354 to read as follows:

1-15 CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8354.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Harris County Municipal
1-21 Utility District No. 524.

1-22 Sec. 8354.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district created under Section 59, Article XVI,
1-24 Texas Constitution.

1-25 Sec. 8354.003. CONFIRMATION AND DIRECTORS' ELECTION
1-26 REQUIRED. The temporary directors shall hold an election to
1-27 confirm the creation of the district and to elect five permanent
1-28 directors as provided by Section 49.102, Water Code.

1-29 Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-30 temporary directors may not hold an election under Section 8354.003
1-31 until each municipality in whose corporate limits or
1-32 extraterritorial jurisdiction the district is located has
1-33 consented by ordinance or resolution to the creation of the
1-34 district and to the inclusion of land in the district.

1-35 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-36 The district is created to serve a public purpose and benefit.

1-37 (b) The district is created to accomplish the purposes of:

1-38 (1) a municipal utility district as provided by
1-39 general law and Section 59, Article XVI, Texas Constitution; and

1-40 (2) Section 52, Article III, Texas Constitution, that
1-41 relate to the construction, acquisition, or improvement of
1-42 macadamized, graveled, or paved roads described by Section 54.234,
1-43 Water Code, or improvements, including storm drainage, in aid of
1-44 those roads.

1-45 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The
1-46 district is initially composed of the territory described by
1-47 Section 2 of the Act creating this chapter.

1-48 (b) The boundaries and field notes contained in Section 2 of
1-49 the Act creating this chapter form a closure. A mistake made in the
1-50 field notes or in copying the field notes in the legislative process
1-51 does not affect the district's:

1-52 (1) organization, existence, or validity;

1-53 (2) right to issue any type of bond for the purposes
1-54 for which the district is created or to pay the principal of and
1-55 interest on a bond;

1-56 (3) right to impose a tax; or

1-57 (4) legality or operation.

1-58 [Sections 8354.007-8354.050 reserved for expansion]

1-59 SUBCHAPTER B. BOARD OF DIRECTORS

1-60 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district is
1-61 governed by a board of five elected directors.

1-62 (b) Except as provided by Section 8354.052, directors serve
1-63 staggered four-year terms.

1-64 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the

2-1 effective date of the Act creating this chapter, the owner or owners
 2-2 of a majority of the assessed value of the real property in the
 2-3 district may submit a petition to the Texas Commission on
 2-4 Environmental Quality requesting that the commission appoint as
 2-5 temporary directors the five persons named in the petition. The
 2-6 commission shall appoint as temporary directors the five persons
 2-7 named in the petition.

2-8 (b) Temporary directors serve until the earlier of:

2-9 (1) the date permanent directors are elected under
 2-10 Section 8354.003; or

2-11 (2) the fourth anniversary of the effective date of
 2-12 the Act creating this chapter.

2-13 (c) If permanent directors have not been elected under
 2-14 Section 8354.003 and the terms of the temporary directors have
 2-15 expired, successor temporary directors shall be appointed or
 2-16 reappointed as provided by Subsection (d) to serve terms that
 2-17 expire on the earlier of:

2-18 (1) the date permanent directors are elected under
 2-19 Section 8354.003; or

2-20 (2) the fourth anniversary of the date of the
 2-21 appointment or reappointment.

2-22 (d) If Subsection (c) applies, the owner or owners of a
 2-23 majority of the assessed value of the real property in the district
 2-24 may submit a petition to the Texas Commission on Environmental
 2-25 Quality requesting that the commission appoint as successor
 2-26 temporary directors the five persons named in the petition. The
 2-27 commission shall appoint as successor temporary directors the five
 2-28 persons named in the petition.

2-29 [Sections 8354.053-8354.100 reserved for expansion]

2-30 SUBCHAPTER C. POWERS AND DUTIES

2-31 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district has
 2-32 the powers and duties necessary to accomplish the purposes for
 2-33 which the district is created.

2-34 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-35 DUTIES. The district has the powers and duties provided by the
 2-36 general law of this state, including Chapters 49 and 54, Water Code,
 2-37 applicable to municipal utility districts created under Section 59,
 2-38 Article XVI, Texas Constitution.

2-39 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-40 Section 52, Article III, Texas Constitution, the district may
 2-41 design, acquire, construct, finance, issue bonds for, improve, and
 2-42 convey to this state, a county, or a municipality for operation and
 2-43 maintenance macadamized, graveled, or paved roads described by
 2-44 Section 54.234, Water Code, or improvements, including storm
 2-45 drainage, in aid of those roads.

2-46 (b) The district may exercise the powers provided by this
 2-47 section without submitting a petition to or obtaining approval from
 2-48 the Texas Commission on Environmental Quality as required by
 2-49 Section 54.234, Water Code.

2-50 Sec. 8354.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-51 may not undertake a road project authorized by Section 8354.103
 2-52 unless:

2-53 (1) each municipality or county that will operate and
 2-54 maintain the road has approved the plans and specifications of the
 2-55 road project, if a municipality or county will operate and maintain
 2-56 the road; or

2-57 (2) the Texas Transportation Commission has approved
 2-58 the plans and specifications of the road project, if the state will
 2-59 operate and maintain the road.

2-60 (b) Except as provided by Subsection (a), the district is
 2-61 not required to obtain approval from the Texas Transportation
 2-62 Commission to design, acquire, construct, finance, issue bonds for,
 2-63 improve, or convey a road project.

2-64 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-65 OR RESOLUTION. The district shall comply with all applicable
 2-66 requirements of any ordinance or resolution that is adopted under
 2-67 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-68 creation of the district or to the inclusion of land in the
 2-69 district.

3-1 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The
3-2 district may not exercise the power of eminent domain outside the
3-3 district to acquire a site or easement for:
3-4 (1) a road project authorized by Section 8354.103; or
3-5 (2) a recreational facility as defined by Section
3-6 49.462, Water Code.
3-7 Sec. 8354.107. DIVISION OF DISTRICT. (a) The district may
3-8 be divided into two or more new districts only if the district:
3-9 (1) has no outstanding bonded debt; and
3-10 (2) is not imposing ad valorem taxes.
3-11 (b) This chapter applies to any new district created by the
3-12 division of the district, and a new district has all the powers and
3-13 duties of the district.
3-14 (c) Any new district created by the division of the district
3-15 may not, at the time the new district is created, contain any land
3-16 outside the area described by Section 2 of the Act creating this
3-17 chapter.
3-18 (d) The board, on its own motion or on receipt of a petition
3-19 signed by the owner or owners of a majority of the assessed value of
3-20 the real property in the district, may adopt an order dividing the
3-21 district.
3-22 (e) The board may adopt an order dividing the district
3-23 before or after the date the board holds an election under Section
3-24 8354.003 to confirm the district's creation.
3-25 (f) An order dividing the district:
3-26 (1) shall:
3-27 (A) name each new district;
3-28 (B) include the metes and bounds of each new
3-29 district;
3-30 (C) appoint temporary directors for each new
3-31 district, or provide that the owner or owners of a majority of the
3-32 assessed value of the real property in each new district may submit
3-33 a petition to the Texas Commission on Environmental Quality
3-34 requesting that the commission appoint as temporary directors the
3-35 five persons named in the petition; and
3-36 (D) provide for the division of assets and
3-37 liabilities between or among the new districts; and
3-38 (2) is subject to a confirmation election in each new
3-39 district.
3-40 (g) On or before the 30th day after the date of adoption of
3-41 an order dividing the district, the district shall file the order
3-42 with the Texas Commission on Environmental Quality and record the
3-43 order in the real property records of each county in which the
3-44 district is located.
3-45 (h) Any new district created by the division of the district
3-46 shall hold a confirmation and directors' election as required by
3-47 Section 8354.003. The results of that election must be filed as
3-48 required by Sections 49.102(e) and (f), Water Code. If the voters
3-49 of a new district do not confirm the creation of the new district,
3-50 the assets, liabilities, territory, and governance of the new
3-51 district revert to the original district.
3-52 (i) Municipal consent to the creation of the district and to
3-53 the inclusion of land in the district granted under Section
3-54 8354.004 acts as municipal consent to the creation of any new
3-55 district created by the division of the district and to the
3-56 inclusion of land in the new district.
3-57 (j) Any new district created by the division of the district
3-58 must hold an election as required by this chapter to obtain voter
3-59 approval before the district may impose a maintenance tax or issue
3-60 bonds payable wholly or partly from ad valorem taxes.
3-61 Sec. 8354.108. FIREFIGHTING AND EMERGENCY MEDICAL
3-62 SERVICES. Subchapter L, Chapter 49, Water Code, applies to the
3-63 district.
3-64 [Sections 8354.109-8354.150 reserved for expansion]
3-65 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-66 Sec. 8354.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-67 district may issue, without an election, bonds and other
3-68 obligations secured by:
3-69 (1) revenue other than ad valorem taxes; or

4-1 (2) contract payments described by Section 8354.153.

4-2 (b) The district must hold an election in the manner
 4-3 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 4-4 before the district may impose an ad valorem tax or issue bonds
 4-5 payable from ad valorem taxes.

4-6 (c) The district may not issue bonds payable from ad valorem
 4-7 taxes to finance a road project unless the issuance is approved by a
 4-8 vote of a two-thirds majority of the district voters voting at an
 4-9 election held for that purpose.

4-10 Sec. 8354.152. OPERATION AND MAINTENANCE TAX. (a) If
 4-11 authorized at an election held under Section 8354.151, the district
 4-12 may impose an operation and maintenance tax on taxable property in
 4-13 the district in accordance with Section 49.107, Water Code.

4-14 (b) The board shall determine the tax rate. The rate may not
 4-15 exceed the rate approved at the election.

4-16 Sec. 8354.153. CONTRACT TAXES. (a) In accordance with
 4-17 Section 49.108, Water Code, the district may impose a tax other than
 4-18 an operation and maintenance tax and use the revenue derived from
 4-19 the tax to make payments under a contract after the provisions of
 4-20 the contract have been approved by a majority of the district voters
 4-21 voting at an election held for that purpose.

4-22 (b) A contract approved by the district voters may contain a
 4-23 provision stating that the contract may be modified or amended by
 4-24 the board without further voter approval.

4-25 [Sections 8354.154-8354.200 reserved for expansion]

4-26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-27 Sec. 8354.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-28 OBLIGATIONS. The district may issue bonds or other obligations
 4-29 payable wholly or partly from ad valorem taxes, impact fees,
 4-30 revenue, contract payments, grants, or other district money, or any
 4-31 combination of those sources, to pay for any authorized district
 4-32 purpose.

4-33 Sec. 8354.202. TAXES FOR BONDS. At the time the district
 4-34 issues bonds payable wholly or partly from ad valorem taxes, the
 4-35 board shall provide for the annual imposition of a continuing
 4-36 direct ad valorem tax, without limit as to rate or amount, while all
 4-37 or part of the bonds are outstanding as required and in the manner
 4-38 provided by Sections 54.601 and 54.602, Water Code.

4-39 Sec. 8354.203. BONDS FOR ROAD PROJECTS. At the time of
 4-40 issuance, the total principal amount of bonds or other obligations
 4-41 issued or incurred to finance road projects and payable from ad
 4-42 valorem taxes may not exceed one-fourth of the assessed value of the
 4-43 real property in the district.

4-44 SECTION 2. The Harris County Municipal Utility District No.
 4-45 524 initially includes all the territory contained in the following
 4-46 area: 990.804 acres in 5 non-contiguous tracts out of Sections 9,
 4-47 10, 15, and 16 of Harris County School Land Survey, Abstract No 332,
 4-48 recorded in Vol 17, Pg 222 of the Deed Records of Harris County,
 4-49 Texas and including within Tracts 1, 2, 3, and 4 an unnamed 66 foot
 4-50 roadway as shown on the plat of said Harris County School Land being
 4-51 granted by Commissioners Award recorded in Vol 7448, Pg 181, HCDR;
 4-52 said roadway does not exist physically on the ground: (All bearings
 4-53 used herein are based on Highway Right-of-Way Maps provided by the
 4-54 Texas Department of Transportation)

4-55 Tract 1

4-56 A tract or parcel of land containing 255.572 acres (11,132,730
 4-57 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and Lots 1,
 4-58 2, 7, & 8 of Section 16 of said Harris County School Land Survey,
 4-59 Abstract No 332, Harris County, Texas; said 255.572 acres being
 4-60 that same tract of land called 257.230 acres described by deed
 4-61 recorded in HCCF No M577056 ("Tract 1", therein) and conveyed to
 4-62 Delta Troy Interests, Ltd by deed recorded in X381657 and more
 4-63 particularly described by metes and bounds as follows:

4-64 COMMENCING at a State Department of Highways and Public
 4-65 Transportation Horizontal Control Monument located in the
 4-66 southerly right-of-way line of U.S. 290, 160.00 feet at right
 4-67 angles from the centerline, across from Engineers Station
 4-68 109+27.74;

4-69 THENCE along said southerly right-of-way line, clockwise,

5-1 following the arc of a 1855.86 foot radius curve-to-the-right,
5-2 subtending a central angle of 03 degrees 20 min 18 seconds, through
5-3 an arc length of 108.13 feet (chord bearing of South 66 degrees 23
5-4 minutes 38 seconds East, 108.12 feet) to a 5/8 inch iron rod found
5-5 marking the POINT OF BEGINNING and most northerly Northeast corner
5-6 of the herein described tract, same being the East corner of that
5-7 called 12.4147 acre tract of land conveyed to Peter S. Terpstra,
5-8 Trustee by deed recorded in HCCF No 20060246633;
5-9 THENCE continuing along said right-of-way line and said curve,
5-10 subtending a central angle of 06 degrees 36 minutes 09 seconds,
5-11 through an arc length of 213.86 feet (chord bearing of South 61
5-12 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch iron
5-13 rod set marking the end of said curve; said point being located in
5-14 the southerly right-of-way line of U.S. 290, 202.32 feet at right
5-15 angles from the centerline, across from Engineers Station
5-16 112+46.53;
5-17 THENCE continuing along said right-of-line line, following the arc
5-18 of a 1963.86 foot radius curve-to-the-left (radius point of said
5-19 curve falls along a bearing of North 31 degrees 52 minutes 42
5-20 seconds East), subtending a central angle of 12 degrees 31 minutes
5-21 54 seconds, through an arc length of 429.54 feet (chord bearing of
5-22 South 64 degrees 23 minutes 15 seconds East, 428.68 feet) to a 5/8
5-23 inch iron rod set marking a point-of-tangency in the southerly
5-24 right-of-way line; said point-of-tangency being located in the
5-25 southerly right-of-way line of U.S. 290, 249.10 feet at right
5-26 angles from the centerline, across from Engineers Station
5-27 116+72.65;
5-28 THENCE South 70 degrees 39 minutes 12 seconds East, along said
5-29 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron rod
5-30 set marking the Northerly end of cut-back corner at the southwest
5-31 corner of the intersection of said U.S. 290 and Binford Road; said
5-32 corner being located in the southerly right-of-way line of U.S.
5-33 290, 249.10 feet at right angles from the centerline, across from
5-34 Engineers Station 120+54.80;
5-35 THENCE South 30 degrees 37 minutes 41 seconds East, along said
5-36 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set
5-37 marking the Southerly end of said cut-back and the most Easterly
5-38 Northeast corner of the herein described tract; said corner being
5-39 located in the southerly right-of-way line of U.S. 290, 310.37 feet
5-40 at right angles from the centerline, across from Engineers Station
5-41 121+28.11;
5-42 THENCE South 09 degrees 03 minutes 59 seconds East, along the
5-43 westerly right-of-way of said Binford Road (right-of-way varies at
5-44 this point), a distance of 452.04 feet to a 5/8 inch iron rod set
5-45 marking an angle point in said right-of-way line; a 1 inch iron pipe
5-46 found bears South 03 degrees 41 minutes 58 seconds East, 35.93 feet
5-47 from said angle point;
5-48 THENCE South 02 degrees 39 minutes 08 seconds East, along the
5-49 westerly right-of-way line of said Binford Road (66' right-of-way)
5-50 and crossing Lots 9 and 16 of said Section 9 and Lots 1 and 8 of
5-51 Section 16, a distance of 3953.90 feet (call: 3954.35 feet) to a 5/8
5-52 inch iron rod set marking the Southeast corner of the herein
5-53 described tract, same being the Northwest corner of the
5-54 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead
5-55 Highway) and said Binford Road; a 5/8 inch iron rod found bears
5-56 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said
5-57 corner;
5-58 THENCE North 68 degrees 08 minutes 01 seconds West, along the
5-59 Northerly right-of-way line of said U.S. 290 (old)/State Highway 6
5-60 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said
5-61 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a 5/8
5-62 inch iron set marking the Southwest corner of the herein described
5-63 tract, same being the Southeast corner of that called 30.213 acre
5-64 tract of land conveyed to Michael L. Perry and Edna A. Perry by deed
5-65 recorded in HCCF No U717338; a 5/8 inch iron rod found bears South
5-66 02 degrees 24 minutes 55 seconds East, 7.01 feet from said corner;
5-67 THENCE North 02 degrees 24 minutes 55 seconds West, along the
5-68 Easterly line of said 30.213 acres, same being the Westerly line of
5-69 Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said Section 9,

6-1 and with the Easterly line of that called 70.801 acre tract conveyed
6-2 to A.J. Foyt, Jr. by deed recorded in HCCF No U071611 and that
6-3 called 11.15 acre tract conveyed to L.J. Hakemack and wife, Ney
6-4 Hakemack, by deed recorded in HCCF No P056681, a distance of 3736.61
6-5 feet (call: 3753.11 feet) to a point for corner at the Northwest
6-6 corner of the herein described tract, same being the Southwest
6-7 corner of the aforesaid 12.4147 acre Terpstra Tract;
6-8 THENCE North 87 degrees 11 minutes 26 seconds East, along the
6-9 Southerly line of said 12.4147 acre tract, a distance of 1612.53
6-10 feet (call: 1623.36 feet) to the Point of Beginning and containing
6-11 255.572 Acres (11,132,730 square feet) of land.
6-12 Tract 2
6-13 A tract or parcel of land containing 440.146 acres (19,172,762
6-14 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15, & 16
6-15 of Section 15 of said Harris County School Land Survey, Abstract No
6-16 332, Harris County, Texas; said 440.146 acres out of that same tract
6-17 of land called 451.6392 acres described by deed recorded in HCCF No
6-18 M577056 ("Tract 2-A", therein) and conveyed to Delta Troy
6-19 Interests, Ltd by deed recorded in X381657 and more particularly
6-20 described by metes and bounds as follows:
6-21 COMMENCING at a State Department of Highways and Public
6-22 Transportation Horizontal Control Monument located in the
6-23 southerly right-of-way line of U.S. 290, 160.00 feet at right
6-24 angles from the centerline, across from Engineers Station
6-25 109+27.74;
6-26 THENCE South 70 degrees 39 minutes 12 seconds East, a distance of
6-27 1690.16 feet to a point-of-curvature in the former southerly
6-28 right-of-way line of said U.S. 290; said point-of-curvature being
6-29 located 160.00 feet at right angles from the centerline, across
6-30 from Engineers Station 126+17.90;
6-31 THENCE along said former southerly right-of-way line, clockwise,
6-32 following the arc of a 7479.44 foot radius curve-to-the-right
6-33 (radius point of said curve falls along a bearing of South 19
6-34 degrees 20 minutes 48 seconds West), subtending a central angle of
6-35 03 degrees 05 min 32 seconds, through an arc length of 403.66 feet
6-36 (chord bearing of South 69 degrees 06 minutes 26 seconds East,
6-37 403.61 feet) to a 5/8 inch iron rod set in the current Southerly
6-38 right-of-way line of said U.S. 290 marking the POINT OF BEGINNING
6-39 and the most Easterly Northwest corner of the herein described
6-40 tract; said point being located 160.00 feet at right angles from the
6-41 centerline, across from Engineers Station 130+30.21;
6-42 THENCE continuing along said right-of-way line and said curve,
6-43 subtending a central angle of 13 degrees 42 minutes 56 seconds,
6-44 through an arc length of 1790.44 feet (chord bearing of South 60
6-45 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch iron
6-46 rod set marking a point-of-tangency in said right-of-way line; said
6-47 point being located in the southerly right-of-way line of U.S. 290,
6-48 160.00 feet at right angles from the centerline, across from
6-49 Engineers Station 148+59.00;
6-50 THENCE South 53 degrees 50 minutes 44 seconds East, along said
6-51 right-of-way line, a distance of 2795.16 feet (call: 2793.73 feet -
6-52 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
6-53 said right-of-way line;
6-54 THENCE along said southerly right-of-way line, clockwise,
6-55 following the arc of a 532.96 foot radius curve-to-the-right,
6-56 subtending a central angle of 51 degrees 31 min 30 seconds (call: 51
6-57 degrees 32 minutes 51 seconds - TxDOT), through an arc length of
6-58 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing of South 28
6-59 degrees 04 minutes 59 seconds East, 463.29 feet) to a 5/8 inch iron
6-60 rod found marking a point-of-tangency in said southerly
6-61 right-of-way line;
6-62 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
6-63 degrees 17 minutes 53 seconds East - TxDOT), along said southerly
6-64 right-of-way line, a distance of 187.88 feet (call: 188.32 feet -
6-65 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
6-66 said southerly right-of-way line;
6-67 THENCE counter-clockwise continuing along said right-of-way line
6-68 and a 612.96 foot radius curve-to-the-left, subtending a central
6-69 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34

7-1 minutes 06 seconds), through an arc length of 261.99 feet (call:
7-2 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56
7-3 seconds East, 260.00 feet) to a 5/8 inch iron rod set for corner,
7-4 same being the most Northerly corner of that called 1.939 acre tract
7-5 of land conveyed to the State of Texas as a Drainage Easement for
7-6 Highway Purposes by deed recorded in HCCF No R450176 out of that
7-7 called 30 acre residue of that called 920.21 acre Schindler "First
7-8 Tract" as described by deed recorded in Vol 2187, Pg 525, HCDR;
7-9 THENCE South 63 degrees 11 minutes 23 seconds West (call: South 63
7-10 degrees 08 minutes 01 seconds West), along the northwesterly line
7-11 of said 1.939 acre tract, a distance of 620.23 feet (call: 620.08
7-12 feet) to a 5/8 inch iron rod set at the northwesterly corner of said
7-13 1.939 acre tract;
7-14 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
7-15 degrees 17 minutes 53 seconds East), along the westerly line of said
7-16 1.939 acre tract, passing at a distance of 1102.28 feet (call:
7-17 1100.29 feet) a 1/2 inch iron rod found marking the Southwest corner
7-18 of said 1.939 acre and 30 acre tract and the Northwest corner of
7-19 that called 10.298 acre tract conveyed to MRJ Wood Products by deed
7-20 recorded in HCCF No U232228, continuing along the westerly line of
7-21 said 10.298 acre tract, a total distance of 1502.28 feet (call:
7-22 1500.29 feet) to a 5/8 inch iron rod set for corner, same being the
7-23 southwest corner of said 10.298 acre tract;
7-24 THENCE North 87 degrees 40 minutes 46 seconds East (call: North 87
7-25 degrees 42 minutes 07 seconds East), along the southerly line of
7-26 said 10.298 acre tract, a distance of 1121.41 feet to a 5/8 inch
7-27 iron rod set in the Westerly right-of-way line of Kickapoo Road
7-28 marking the most Northerly Southeast corner of the herein described
7-29 tract, same being the southeasterly corner of said 10.298 acre
7-30 tract;
7-31 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
7-32 degrees 17 minutes 53 seconds East), along the Westerly
7-33 right-of-way line of said Kickapoo Road, a distance of 939.31 feet
7-34 (call: 938.70 feet) to a 1 inch iron pipe found for corner, same
7-35 being the Northeast corner of that called 2.401 acre tract conveyed
7-36 to Leaman Building Materials by deed recorded in HCCF No X159580
7-37 ("Tract One");
7-38 THENCE North 68 degrees 08 minutes 01 seconds West, along the
7-39 northerly line of said 2.401 acre tract, a distance of 597.94 feet
7-40 (call: 600.00') to a 5/8 inch iron rod set for corner, same being
7-41 the Northwest corner of said 2.401 acre tract;
7-42 THENCE South 02 degrees 19 minutes 14 seconds East, along the
7-43 westerly line of said 2.401 acre tract and that called 1.804 acre
7-44 tract also conveyed to said Leaman Building Materials in said HCCF
7-45 No X159580 ("Tract Two"), a distance of 362.42 feet (call: 363.00
7-46 feet) to a 5/8 inch iron rod set in the northerly right-of-way line
7-47 of U.S. 290 (old)/State Highway 6 (aka Hempstead Highway) marking
7-48 the most Southerly Southeast corner of the herein described tract;
7-49 a 1 inch iron rod found bears South 02 degrees 19 minutes 14 seconds
7-50 East, 2.33 feet from said property corner; a 2 inch iron rod found
7-51 marking the Northeast corner of the intersection of said Kickapoo
7-52 Road and said U.S. 290 (old)/State Highway 6 (aka Hempstead
7-53 Highway) bears South 68 degrees 08 minutes 01 seconds East, 670.29
7-54 feet from said property corner;
7-55 THENCE North 68 degrees 08 minutes 01 seconds West, along the
7-56 northerly right-of-way line of said U.S. 290 (old)/State Highway 6
7-57 (aka Hempstead Highway), a distance of 5170.99 feet (call: 5167.61
7-58 feet) to a 5/8 inch iron rod set marking the Southwest corner of the
7-59 herein described tract, same being the Northeast corner of the
7-60 intersection of Binford Road and said U.S. 290 (old)/State Highway
7-61 6 (aka Hempstead Highway); a 5/8 inch iron rod set marking the
7-62 Northwest corner of said intersection bears North 68 degrees 08
7-63 minutes 01 seconds West, 72.54 feet from which a 5/8 inch iron rod
7-64 found bears North 68 degrees 08 minutes 01 seconds West, 4.54 feet;
7-65 THENCE North 02 degrees 39 minutes 08 seconds West, along the
7-66 Easterly right-of-way of said Binford Road (66' right-of-way), a
7-67 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron rod
7-68 set marking an angle point in said Easterly right-of-way line;
7-69 THENCE North 03 degrees 59 minutes 00 seconds East, continuing

8-1 along the Easterly right-of-way of said Binford Road (right-of-way
8-2 varies at this point), a distance of 370.66 feet to a 5/8 inch iron
8-3 rod set marking the Southerly end of cut-back corner at the
8-4 southeast corner of the intersection of the aforesaid U.S. 290
8-5 (new) and said Binford Road; said corner being located in the
8-6 southerly right-of-way line of U.S. 290, 326.25 feet at right
8-7 angles from the centerline, across from Engineers Station
8-8 123+06.25;
8-9 THENCE North 56 degrees 39 minutes 54 seconds East, along said
8-10 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set
8-11 marking the most Northerly Northwest corner of the herein described
8-12 tract; said corner being located in the southerly right-of-way line
8-13 of U.S. 290, 249.10 feet at right angles from the centerline, across
8-14 from Engineers Station 123+65.05;
8-15 THENCE South 70 degrees 39 minutes 12 seconds East, along said
8-16 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron rod
8-17 set marking a point-of-curvature in said right-of-way line; said
8-18 point-of-curvature being located in the southerly right-of-way
8-19 line of U.S. 290, 249.10 feet at right angles from the centerline,
8-20 across from Engineers Station 124+72.67;
8-21 THENCE continuing along said right-of-line line,
8-22 counter-clockwise, following the arc of a 1963.86 foot radius
8-23 curve-to-the-left (radius point of said curve falls along a bearing
8-24 of North 19 degrees 20 minutes 48 seconds East), subtending a
8-25 central angle of 16 degrees 13 minutes 27 seconds, through an arc
8-26 length of 556.10 feet (chord bearing of South 78 degrees 45 minutes
8-27 56 seconds East, 554.24 feet) to the POINT OF BEGINNING and
8-28 containing 440.146 acres (19,172,762 square feet) of land.
8-29 Tract 3
8-30 A tract or parcel of land containing 10.536 acres (458,955 square
8-31 feet) out of Lot 1 of Section 15 of said Harris County School Land
8-32 Survey, Abstract No 332, Harris County, Texas; said 10.536 acres
8-33 being that same tract of land called 10.5483 acres described by deed
8-34 recorded in HCCF No M577056 ("Tract 3", therein) and conveyed to
8-35 Delta Troy Interests, Ltd by deed recorded in X381657 and more
8-36 particularly described by metes and bounds as follows:
8-37 BEGINNING at a 1/2 inch iron rod found marking the Northwest corner
8-38 of the intersection of the northerly right-of-way line of U.S. 290
8-39 and the westerly right-of-way line of Kickapoo Road (66'
8-40 right-of-way), same being the Southeast corner of the herein
8-41 described tract;
8-42 THENCE North 87 degrees 42 minutes 07 seconds West, along the
8-43 northerly right-of-way line of said U.S. 290, a distance of 468.34
8-44 feet to a 5/8 inch iron rod set marking a point-of-curvature in
8-45 said northerly right-of-way line; a 3/8 inch iron rod found bears
8-46 South 56 degrees 27 minutes 32 seconds East, 2.03 feet from said
8-47 point-of-curvature;
8-48 THENCE clockwise along said northerly right-of-way line and
8-49 following a 532.96 foot radius curve-to-the-right, subtending a
8-50 central angle of 38 degrees 27 minutes 09 seconds, through an arc
8-51 length of 357.68 feet (chord bearing of North 73 degrees 04 minutes
8-52 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set marking a
8-53 point-of-tangency in said northerly right-of-way line; said
8-54 point-of-tangency being located in the northerly right-of-way line
8-55 of U.S. 290, 160.00 feet at right angles from the centerline, across
8-56 from Engineers Station 174+17.41;
8-57 THENCE North 53 degrees 50 minutes 44 seconds West, along said
8-58 northerly right-of-way line, a distance of 595.14 feet (call:
8-59 596.40 feet) to a 5/8 inch iron rod set marking the Northwest corner
8-60 of the herein described tract in the common line of Lot 16 of
8-61 Section 10 and said Lot 1 of Section 15;
8-62 THENCE North 87 degrees 57 minutes 51 seconds East, along said
8-63 common line, same being the centerline of the aforesaid unnamed 66'
8-64 roadway, a distance of 1266.25 feet (call: 1266.84 feet) to a 5/8
8-65 inch iron rod set in the westerly right-of-way line of said Kickapoo
8-66 Road marking the Northeast corner of the herein described tract; a 1
8-67 inch iron pipe found marking the Southeast corner of the called
8-68 78.9245 acre Schindler tract bears North 02 degrees 15 minutes 05
8-69 seconds West, 33.00 feet for reference;

9-1 THENCE South 02 degrees 15 minutes 05 seconds East, along the
9-2 westerly right-of-way line of said Kickapoo Road, a distance of
9-3 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and
9-4 containing 10.536 acres (458,955 square feet) of land.
9-5 Tract 4
9-6 A tract or parcel of land containing 283.558 acres (12,351,801
9-7 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10 of
9-8 said Harris County School Land Survey, Abstract No 332, Harris
9-9 County, Texas; said 283.558 acres being out of that tract of land
9-10 called 393.3575 acres described by deed recorded in HCCF No M577056
9-11 ("Tract 4-A", therein) and conveyed to Delta Troy Interests, Ltd by
9-12 deed recorded in X381657 and more particularly described by metes
9-13 and bounds as follows:
9-14 BEGINNING at a 5/8 inch iron rod set marking the Northeast corner of
9-15 the herein described tract, same being the southwest corner of the
9-16 intersection of Kickapoo Road and said FM 2920 (aka Waller-Tomball
9-17 Road); a 1 inch iron pipe found bears South 02 degrees 15 minutes 05
9-18 seconds East, 0.99 foot from said property corner;
9-19 THENCE South 02 degrees 15 minutes 05 seconds East (call: South 02
9-20 degrees 17 minutes 53 seconds East), along the westerly
9-21 right-of-way line of said Kickapoo Road (66' right-of-way), a
9-22 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-HCCF
9-23 No M577056) to a 5/8 inch iron rod set marking the most northerly
9-24 Southeast corner of the herein described tract, same being in the
9-25 common line of Lots 8 and 9 of said Section 10 and being the
9-26 Northeast corner of that called 78.9245 acre Schindler tract of
9-27 land described in HCCF No M798918 and that called 23.6773 acre tract
9-28 out of same conveyed to Michael McDonald and wife, Kimela McDonald,
9-29 by deed recorded in HCCF No X611580; a 5/8 inch iron rod found bears
9-30 North 87 degrees 33 minutes 33 seconds East, 2.99 feet from said
9-31 corner;
9-32 Thence South 87 degrees 33 minutes 33 seconds West, along the common
9-33 line of said Lots 8 and 9, same being the northerly line of said
9-34 78.9245 acre Schindler tract, a distance of 1316.56 feet (call:
9-35 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe found for
9-36 corner, same being the common corner of Lots 7, 8, 9, and 10 of said
9-37 Section 10 and the Northwest corner of said 78.9245 acre Schindler
9-38 tract; a capped iron rod found bears North 41 degrees 57 minutes 18
9-39 seconds East, 12.64 feet from said corner;
9-40 THENCE South 02 degrees 31 minutes 48 seconds East, along the common
9-41 line of Lots 9, 10, 15, and 16 of said Section 10, same being the
9-42 westerly line of said 78.9245 acre Schindler tract, passing at a
9-43 distance of 2618.58 feet (call: 2617.89 feet- HCCF No M798918) a 1
9-44 inch iron pipe found marking the most Southwest corner of said
9-45 78.9245 acre Schindler tract, same being in the northerly line of
9-46 the aforesaid unnamed 66' roadway, continuing a total distance of
9-47 2621.94 feet (call: 2631.01 feet) to a 5/8 inch iron rod set in the
9-48 northerly right-of-way line of the aforesaid U.S. 290 marking the
9-49 most southerly Southeast corner of the herein described tract;
9-50 THENCE North 53 degrees 50 minutes 44 seconds West, along the
9-51 northerly right-of-way line of said U.S. 290, a distance of 1915.33
9-52 feet (call: 1917.64 feet) to a 5/8 inch iron rod set marking a
9-53 point-of-curvature in the northerly right-of-way line of U.S. 290,
9-54 160.00 feet at right angles from the centerline, across from
9-55 Engineers Station 148+59.00;
9-56 THENCE along said northerly right-of-way line, counter-clockwise,
9-57 following the arc of a 7799.44 foot radius curve-to-the-left,
9-58 subtending a central angle of 04 degrees 50 min 53 seconds, through
9-59 an arc length of 659.96 feet (chord bearing of North 55 degrees 16
9-60 minutes 11 seconds West, 659.76 feet) to the Southwest corner of the
9-61 herein described tract, same being the Southeast corner of that
9-62 called 107.6370 acre tract conveyed to Peter S. Terpstra by deed
9-63 recorded in HCCF No 20070033123; a 3/8 inch iron rod found bears
9-64 South 79 degrees 56 minutes 25 seconds West, 0.88 foot from said
9-65 corner;
9-66 THENCE North 02 degrees 18 minutes 00 seconds West, crossing Lots
9-67 11, 6, and 3 of said Section 10 and along the easterly line of said
9-68 107.6370 acre tract, a distance of 3638.55 feet (call: 3639.80
9-69 feet) to a 5/8 inch iron rod set in the southerly right-of-way line

10-1 of FM 2920 (aka Waller-Tomball Road - 100' right-of-way) marking
 10-2 the Northwest corner of the herein described tract, same being the
 10-3 Northeast corner of said 107.6370 acres; 5/8 inch iron rods found
 10-4 marking the northeast and northwest corners of a 10'x20' SWBT
 10-5 easement dedicated by instrument recorded in HCCF No H844991 bear
 10-6 South 87 degrees 42 minutes 00 seconds West, along said southerly
 10-7 right-of-way line at 379.81 feet and 399.81 feet, respectively,
 10-8 from said property corner;
 10-9 THENCE North 87 degrees 42 minutes 00 seconds East, along said
 10-10 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch
 10-11 iron rod found marking the northeast corner of a 20'x20' SWBT
 10-12 easement dedicated by instrument recorded in HCCF No H844992,
 10-13 continuing a total distance of 3341.68 feet (call: 3335.99 feet) to
 10-14 the POINT OF BEGINNING and containing 283.558 acres (12,351,801
 10-15 square feet) of land.
 10-16 Tract 5
 10-17 Being 0.992 acre (43,220 square feet) out of Lot 1, Section 9 of
 10-18 Harris County School Land Survey, Abstract No 332 and being that
 10-19 called 1 acre conveyed to Leon Schindler and R.G. Schindler by deed
 10-20 recorded in Volume 2187, Page 525 of the Deed Records of Harris
 10-21 County, Texas; said 0.992 acre fronting 208.00 feet on Binford Road
 10-22 and being surrounded on three sides by that called 127.96 acre tract
 10-23 conveyed to Peter S. Terpstra, Trustee, by deed recorded in HCCF Nos
 10-24 20060246634 & 20060246637; said 0.992 acre also being that same
 10-25 tract of land called 1 acre conveyed to Leon Schindler and R.G.
 10-26 Schindler by deed recorded in Vol 2187, Pg 525, HCDR ("Fourth
 10-27 Tract", therein) and called 0.9922 acre as described by deed
 10-28 recorded in HCCF No M577056 ("Tract 5", therein) and conveyed to
 10-29 Delta Troy Interests, Ltd by deed recorded in X381657 and more
 10-30 particularly described by metes and bounds as follows:
 10-31 COMMENCING at a 5/8 inch iron rod found marking the Southerly end of
 10-32 cut-back corner at the northwest corner of the intersection of the
 10-33 aforesaid U.S. 290 (new) and Binford Road; said corner being
 10-34 located in the northerly right-of-way line of U.S. 290, 248.90 feet
 10-35 at right angles from the centerline, across from Engineers Station
 10-36 118+23.58;
 10-37 THENCE North 56 degrees 39 minutes 54 seconds East, along said
 10-38 cut-back, a distance of 97.00 feet to a point in the westerly
 10-39 right-of-way line of said Binford Road at the Northerly end of said
 10-40 cut-back;
 10-41 THENCE North 03 degrees 59 minutes 00 seconds East, along the
 10-42 westerly right-of-way line of said Binford Road (right-of-way
 10-43 varies at this point), a distance of 370.87 feet to a 5/8 inch iron
 10-44 rod found marking an angle point in said westerly right-of-way
 10-45 line;
 10-46 THENCE North 02 degrees 42 minutes 01 seconds West, along the
 10-47 westerly right-of-way line of said Binford Road (66' right-of-way),
 10-48 a distance of 1690.50 feet to a 1 inch iron pipe found marking the
 10-49 POINT OF BEGINNING and southeast corner of the herein described
 10-50 tract;
 10-51 THENCE South 89 degrees 52 minutes 54 seconds West, crossing said
 10-52 Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch iron rod
 10-53 set marking the southwest corner of the herein described tract; a
 10-54 5/8 inch iron rod found bears North 14 degrees 12 minutes 39 seconds
 10-55 East, 2.36 feet from said corner;
 10-56 THENCE North 02 degrees 42 seconds 01 seconds West (call: North 02
 10-57 degrees 41 seconds 16 seconds West, crossing said Lot 1 of Section
 10-58 9, a distance of 208.00 feet to a 5/8 inch iron rod set marking the
 10-59 northwest corner of the herein described tract;
 10-60 THENCE North 89 degrees 52 minutes 54 seconds East, crossing said
 10-61 Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch iron pipe
 10-62 found in the westerly right-of-way line of said Binford Road (66'
 10-63 right-of-way) marking the northeast corner of the herein described
 10-64 tract;
 10-65 THENCE South 02 degrees 42 minutes 01 seconds East (call:
 10-66 South 02 degrees 41 minutes 16 seconds East, along the westerly
 10-67 right-of-way line of said Binford Road, a distance of 208.00 feet to
 10-68 the POINT OF BEGINNING and containing 0.992 acre (43,220 square
 10-69 feet) of land.

11-1 SECTION 3. (a) The legal notice of the intention to
11-2 introduce this Act, setting forth the general substance of this
11-3 Act, has been published as provided by law, and the notice and a
11-4 copy of this Act have been furnished to all persons, agencies,
11-5 officials, or entities to which they are required to be furnished
11-6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11-7 Government Code.

11-8 (b) The governor, one of the required recipients, has
11-9 submitted the notice and Act to the Texas Commission on
11-10 Environmental Quality.

11-11 (c) The Texas Commission on Environmental Quality has filed
11-12 its recommendations relating to this Act with the governor, the
11-13 lieutenant governor, and the speaker of the house of
11-14 representatives within the required time.

11-15 (d) All requirements of the constitution and laws of this
11-16 state and the rules and procedures of the legislature with respect
11-17 to the notice, introduction, and passage of this Act are fulfilled
11-18 and accomplished.

11-19 SECTION 4. This Act takes effect immediately if it receives
11-20 a vote of two-thirds of all the members elected to each house, as
11-21 provided by Section 39, Article III, Texas Constitution. If this
11-22 Act does not receive the vote necessary for immediate effect, this
11-23 Act takes effect September 1, 2009.

11-24

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