

By: Weber

H.B. No. 4786

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 63; 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 8365 to read as follows:

CHAPTER 8365. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 63

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8365.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Brazoria County Municipal Utility District No. 63.

Sec. 8365.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8365.003. 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. 8365.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8365.003 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. 8365.005. 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. 8365.006. 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 8365.007-8365.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8365.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8365.052, directors serve
5 staggered four-year terms.

6 Sec. 8365.052. 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 8365.003; 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 8365.003 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 8365.003; 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 8365.053-8365.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8365.101. 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. 8365.102. 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. 8365.103. 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. 8365.104. APPROVAL OF ROAD PROJECT. (a) The district
3 may not undertake a road project authorized by Section 8365.103
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. 8365.105. 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. 8365.106. 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 8365.103; or

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

1 Sec. 8365.107. 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 8365.003 to confirm the district's creation.

19 (f) An order dividing the district shall:

20 (1) name each new district;

21 (2) include the metes and bounds description of the
22 territory of each new district;

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

1 the petition;

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

4 (5) be subject to a confirmation election in each new
5 district.

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

11 (h) Any new district created by the division of the district
12 shall hold a confirmation and directors' election as required by
13 Section 8365.003. The results of that election must be filed as
14 required by Sections 49.102(e) and (f), Water Code. If the voters
15 of a new district do not confirm the creation of the new district,
16 the assets, liabilities, territory, and governance of the new
17 district revert to the original district.

18 (i) Municipal consent to the creation of the district and to
19 the inclusion of land in the district granted under Section
20 8365.004 acts as municipal consent to the creation of any new
21 district created by the division of the district and to the
22 inclusion of land in the new district.

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

27 [Sections 8365.108-8365.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8365.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3 district may issue, without an election, bonds and other
4 obligations secured by:

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

6 (2) contract payments described by Section 8365.153.

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

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

15 Sec. 8365.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8365.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with Section 49.107, Water Code.

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

21 Sec. 8365.153. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 [Sections 8365.154-8365.200 reserved for expansion]

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 8365.201. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, contract payments, grants, or other district money, or any
9 combination of those sources, to pay for any authorized district
10 purpose.

11 Sec. 8365.202. TAXES FOR BONDS. At the time the district
12 issues bonds payable wholly or partly from ad valorem taxes, the
13 board shall provide for the annual imposition of a continuing
14 direct ad valorem tax, without limit as to rate or amount, while all
15 or part of the bonds are outstanding as required and in the manner
16 provided by Sections 54.601 and 54.602, Water Code.

17 Sec. 8365.203. BONDS FOR ROAD PROJECTS. At the time of
18 issuance, the total principal amount of bonds or other obligations
19 issued or incurred to finance road projects and payable from ad
20 valorem taxes may not exceed one-fourth of the assessed value of the
21 real property in the district.

22 SECTION 2. The Brazoria County Municipal Utility District
23 No. 63 initially includes all the territory contained in the
24 following area:

25 EIGHT TRACTS OF LAND TOTALING 960.05 ACRES DESCRIBED AS FOLLOWS:

26 TRACT 1:

27 A survey of 185.59 acres of land, being a part of that certain

1 called 325.54 Acre Tract containing Lots 12, 13, and 14, and those
2 platted roads lying between said Lots, of the Bogart and Taylor
3 Subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69,
4 Brazoria County, Texas, according to the Plat recorded in Volume 1,
5 Page 64, Plat Records, and Volume 16, Pages 518-519, Deed Records of
6 Brazoria County, Texas (B.C.D.R), and being a part of that certain
7 called 326.04 Acre Tract described in a deed from Elmer M. Cannon,
8 Jr. to Tehama Communities, LLP recorded in Clerk's File (C.F.)
9 2006-074531, said 185.59 Acre Tract being more particularly
10 described as follows:

11 BEGINNING at a 1/2 inch iron rod found in the West
12 right-of-way line of County Road 48 (60.0 feet wide), said point
13 being a Northeast corner of this tract and the Southeast corner of a
14 tract described as Tract One in a deed to Allen W. Gibson recorded
15 in C.F. 2001-017726, said point being located South 03 degrees 02
16 minutes 44 seconds East, 990.09 feet, from a sucker rod found at the
17 intersection of the West right-of-way line of County Road 48 with
18 the South right-of-way line of County Road 841 (60.0 feet wide);

19 THENCE South 03 degrees 02 minutes 44 seconds East, along
20 said West right-of-way line of County Road 48, 330.0 feet, to a
21 point for corner a the Northeast corner of the Ann M. Doggett Tract
22 described in Volume 1474, Page 244, B.C.D.R.;

23 THENCE South 86 degrees 56 minutes 42 seconds West, along the
24 North line of said Doggett Tract, at 7.0 feet pass a 1/2 inch iron
25 rod set for reference, and continue for a total distance of 1,318.61
26 feet to a 1/2 inch iron rod found inside a 3 inch iron pipe at the
27 Northwest corner of said Doggett Tract;

1 THENCE South 02 degrees 56 minutes 25 seconds East, along the
2 West line of said Doggett Tract, 330.30 feet, to a 1/2 inch iron rod
3 found inside a 3 inch iron pipe at the Southwest corner of said
4 Doggett Tract;

5 THENCE North 86 degrees 56 minutes 42 seconds East, along the
6 South line of said Doggett Tract, at 1,311.87 feet pass a 1 inch
7 iron pipe found, and continue for a total distance of 1319.22 feet
8 to a point marking the Southeast corner of said Doggett Tract in
9 said West right-of-way line of said County Road 48;

10 THENCE South 03 degrees 02 minutes 44 seconds East, along
11 said West right-of-way line of County Road 48, 979.20 feet, to the
12 centerline of a 60.0 foot platted road (not open) for corner, said
13 point being the Eastern most Southeast corner of the herein
14 described tract;

15 THENCE South 86 degrees 57 minutes 14 seconds West, along
16 said centerline of a 60.0 foot platted road, 3,882.14 feet, to the
17 Southern most Southwest corner of the herein described tract for
18 corner, said point also lying in the Northeast right-of-way line of
19 F.M. 521 (100.0 feet wide);

20 THENCE North 18 degrees 47 minutes 40 seconds West, along
21 said Northeast right-of-way line of F.M. 521, 449.11 feet, to a
22 broken concrete monument found for corner in the common line of the
23 W.D.C. Hall League, Abstract 69, and the John Hall League, Abstract
24 68, said point being the Southern most corner of the Earl A. Key
25 Tract described in C.F. 1998-045344;

26 THENCE North 03 degrees 15 minutes 37 seconds West, along the
27 said common line of the W.D.C. Hall League, Abstract 69, and the

1 John Hall League, Abstract 68, being the Easterly line of said Key
2 Tract, the Key Tract described in C.F. 1998-028462, the William E.
3 Murphy Tract described in C.F. 2001-009763, the Nicholas O.
4 Martinez Tract described in C.F. 2002-037450, the Danny Netterville
5 Tract described in C.F. 2007-015818, the David Saucedo Tract
6 described in C.F. 2003-004766, the Ifeoma A. Nwankwo Tract
7 described in C.F. 2004-044384, the Larry Robinson Tract described
8 in C.F. 2003-038622, the Roque Arredondo Tract described in C.F.
9 2005-046389, and the Sierra Homes Tract described in C.F.
10 2006-059259, passing several 1/2 inch iron rods found on line,
11 2,179.53 feet, to a 3/4 inch iron pipe set for the Western most
12 Northwest corner of the herein described tract at the Northwest
13 corner of Lot 14, from which point a 1 - 1/2 inch iron pipe found
14 bears South 86 degrees 10 minutes 54 seconds West, 1.96 feet;

15 THENCE North 86 degrees 10 minutes 54 seconds East, along the
16 said North line of Lot 14 and the South line of a 60.0 foot platted
17 road, 1,341.71 feet, to a 3/4 inch iron pipe set for the Northern
18 most Northeast corner of the herein described tract in the
19 centerline of a 60.0 foot platted road (not open), from which point
20 a 1/2 inch iron pipe found at the Northwest corner of Lot 13 bears
21 North 86 degrees 10 minutes 54 seconds East, 30.0 feet;

22 THENCE South 03 degrees 04 minutes 59 seconds East, along the
23 centerline of said 60.0 foot platted road, 659.44 feet, to a 3/4
24 inch iron pipe set for corner;

25 THENCE North 86 degrees 59 minutes 02 seconds East, at 30.0
26 feet pass a 1- 1/4 inch iron pipe found in the East line of said 60.0
27 foot road at the Southwest corner of the Ronny Dumesnil Tract

1 described in Volume 1237, Page 638, B.C.D.R., and continue along
2 the South line of said Dumesnil Tract, the Jon S. Dumesnil Tract
3 described in Volume (92) 1029, Page 564, Official Records, the
4 Scott G. Frankie Tract described in C.F. 1997-033820, the Scott G.
5 Frankie Tract described in C.F. 2004-013757, and the Jan Felder
6 Tract described in Volume 1670, Page 241, B.C.D.R., 2,009.58 feet,
7 to a 1 inch iron pipe found for corner in the West line of the Allen
8 W. Gibson Tract Two described in C.F. 2001-017726;

9 THENCE South 03 degrees 06 minutes 52 seconds East, along the
10 said West line of the Gibson Tract Two and Tract One, 329.95 feet,
11 to a 1- 1/4 inch iron pipe found at the Southwest corner of said
12 Gibson Tract One;

13 THENCE North 86 degrees 56 minutes 43 seconds East, along the
14 South line of said Gibson Tract One, 660.22 feet to the POINT OF
15 BEGINNING and containing 185.59 acres of land.

16 TRACT 2:

17 All that certain 160.92 acres tract of land, being a part of
18 that certain called 264.533 Acre Tract containing Lots 10, 11, and
19 19 of the Bogart and Taylor Subdivision of the West 1/2 of the
20 W.D.C. Hall League, Abstract 69, Brazoria County, Texas, a Plat of
21 record in Volume 16, at Pages 518 and 519 of the Deed Records of
22 Brazoria County, Texas (B.C.D.R.), and being that 264.533 Acre
23 Tract described in a deed from Buffet Inc. to Tehama Communities,
24 LLP recorded in Clerk's File (C.F.) 2005-069871, said 160.92 acres
25 tract of land being more particularly described as follows:

26 BEGINNING at a 4 -inch square concrete monument found at the
27 Northeast corner of said Lot 10, said concrete monument being the

1 same described in that certain deed to Claud B. Hamill recorded in
2 Volume 1121, at Page 386 of the B.C.D.R., being also the Northwest
3 corner of Lot 9 of said Bogart and Taylor Subdivision;

4 THENCE South 03 degrees 02 minutes 53 seconds East, 2,652.55
5 feet coincident with the West line of said Claud B. Hamill Tract,
6 being also the East line of Lot 10 of said Bogart and Taylor
7 Subdivision, point also being the Southeast corner of the herein
8 tract;

9 THENCE South 86 degrees 57 minutes 14 seconds West, 2,642.69
10 feet coincident with the North lines of Lot 18 and 19, being also
11 the South line of Lots 10 and 11 of said Bogart and Taylor
12 Subdivision to a point for corner, from which a 1/2-inch iron rod
13 set for reference bears North 76 degrees 03 minutes 10 seconds West,
14 18.35 feet, and a 3/4 inch iron pipe found for reference bears North
15 01 degrees 24 minutes 37 seconds East, 23.52 feet;

16 THENCE North 03 degrees 02 minutes 53 seconds West, 2,652.55
17 feet coincident with the West line of said Lot 11 to a 1 1/4 inch
18 iron pipe found for corner;

19 THENCE North 86 degrees 57 minutes 14 seconds East, 2,642.69
20 feet coincident with the North lines of said Lots 10 and 11, along
21 the South line of a platted road to the POINT OF BEGINNING,
22 containing 160.92 acres of land, more or less.

23 TRACT 3:

24 A survey of 42.95 Acres out of Lot 9 of the Bogart and Taylor
25 subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69
26 according to the Plat recorded in Volume 1, Page 64 of the Map
27 Records of Brazoria County, Texas (B.C.M.R), and being more

1 particularly described by metes and bounds as follows:

2 BEGINNING at a set 1/2 inch iron rod with a cap in the
3 Northwest corner of Lot 9 set on the South right-of way line of
4 Adams Road / County Road 841, a public road, presently unopened, for
5 the Northwest corner of this tract and the POINT OF BEGINNING;

6 THENCE North 86 degrees 57 minutes 02 seconds East, along the
7 South line of said public road, a distance of 700.55 feet for the
8 Northeast corner of this tract;

9 THENCE South 03 degrees 00 minutes 50 seconds East, a
10 distance of 2,657.47 feet for the Southeast corner of this tract,
11 said point being in the South lines of Lot 9;

12 THENCE South 86 degrees 57 minutes 14 seconds West, along the
13 centerline of Ditch 316-00-00 as recorded in Iowa Colony Drainage
14 District No. 5, a distance of 707.48 feet for the Southwest corner
15 of this tract;

16 THENCE North 02 degrees 51 minutes 52 seconds West, along the
17 West lines of Lot 9, same being the East line of that tract of land
18 (Lots 10, 11, and 19, Bogart and Taylor) as described by deed
19 recorded in B.C.C.F. No. 85030634, a distance of 2,657.44 feet to
20 the POINT OF BEGINNING and containing 42.95 acres of land, more or
21 less, and being a part of the same property described in the deed
22 "Tract C" as described in the Clerk's File No. 2008-037928 of
23 Brazoria County, Texas, to which deed and the record thereof
24 reference is here made for all appropriate purposes.

25 TRACT 4:

26 A survey of 203.29 Acres out of Lots 4, 5, and 6 of the Bogart
27 and Taylor Subdivision of the West 1/2 of the W.D.C. Hall League,

1 Abstract 69 according to the Plat recorded in Volume 1, Page 64 of
2 the Map Records of Brazoria County, Texas (B.C.M.R.), and being
3 more particularly described by metes and bounds as follows:

4 BEGINNING at a found 1 inch pipe the Northwest corner of Lot
5 4, said point being located in the East right-of-way line of Airline
6 Road / County Road 48, with said point also being the Northwest
7 corner of this tract and the POINT OF BEGINNING;

8 THENCE North 86 degrees 57 minutes 02 seconds East, along the
9 North line of Lots 4, 5, and 6, same being the South lines of that
10 called 70.96 Acre Tract as described by deed recorded in B.C.C.F.
11 No. 03-004685 out of Lots 47-50 of the CS Palmer Subdivision of
12 Section 9 of the HT&B RR Company Survey, A-238, recorded in Volume
13 2, Page 29, B.C.M.R., distance of 2974.14 feet to a set 1/2 inch
14 iron rod with cap at point of intersection;

15 THENCE North 87 degrees 35 minutes 00 seconds East,
16 continuing along the North line of Lot 6, same being the South lines
17 of that called 74.33 Acre Tract described by deed recorded in
18 B.C.C.F. No. 03-064681 (therein called "Tract 1") out of the CM Hays
19 Survey, Section 8, A-534, a distance of 382.13 feet for the
20 Northeast corner of this tract;

21 THENCE South 03 degrees 00 minutes 50 seconds East, a
22 distance of 2,633.04 feet for the Southeast corner of this tract,
23 said point being located in the North right-of-way line of Adams
24 Road / County Road 841, a public road, presently unopened;

25 THENCE South 86 degrees 57 minutes 02 seconds West, along the
26 North right-of-way line of Adams Road, a distance of 3,359.80 feet
27 to a set 1/2 inch iron rod with cap for the Southwest corner of this

1 tract, said point also being the Southwest corner of Lot 4 and being
2 located in the East right-of-way line of Airline Road;

3 THENCE North 02 degrees 56 minutes 12 seconds West, along the
4 East right-of-way line of Airline Road, a distance of 2,637.27 feet
5 to the POINT OF BEGINNING and containing 203.29 acres of land, more
6 or less, and being a part of the same property described in the deed
7 "Tract B" as described in the Clerk's File No. 2008-037928 of
8 Brazoria County, Texas, to which deed and the record thereof
9 reference is here made for all appropriate purposes.

10 TRACT 5

11 A survey of 243.807 Acres being all of Lots 1, 2 and 3, and
12 also that portion of a 60 foot wide road lying between said Lots 1
13 and 2 of the Bogart and Taylor Subdivision of the West 1/2 of the
14 W.D.C. Hall League, Abstract 69 according to the Plat recorded in
15 Volume 1, Page 64 of the map records of Brazoria County, Texas; said
16 60 foot platted right-of-way being closed, abandoned, and vacated
17 by the Commissioners' Court at the petition of Claud B. Hamill and
18 other freeholders per Volume 1269, Page 945 and Volume 1277, Page
19 900, B.C.D.R.; said 243.807 Acres being more particularly described
20 as follows:

21 BEGINNING at a found 1/2 inch iron rod with cap, the Northwest
22 Corner of Lot 1, of said Subdivision the Northwest corner of this
23 tract;

24 THENCE North 87 degrees 01 minutes 49 seconds East, along the
25 North lines of said Lots 1, 2, 3, and the North end of said 60 foot
26 road, same being the South lines of Lots 163-191 of Grasslands
27 Subdivision (aka "Old Airline Road Estates"), a called 140.024 acre

1 unrecorded subdivision out of Lots 35, 41-45, 51-55 and portions of
2 Lots 36, 46, 56 and 57 of the CW Palmer Subdivision of Section 9,
3 HT&B RR Company Survey, A-238, as recorded in Volume 2, Page 29,
4 BCPR, a distance of 4026.98 feet to a set 1/2 inch iron rod with cap,
5 on the West line of Airline Road/County Road 48, the Northeast
6 corner of Lot 3 as shown on said Plat of Bogart and Taylor;

7 THENCE South 02 degrees 56 minutes 12 seconds East, along the
8 West line of Airline Road, a distance of 2637.27 feet to a set 1/2
9 inch iron rod on the North line of Adams Road/County Road 841, the
10 Southeast corner of Lot 3 as shown on said Plat of Bogart and
11 Taylor;

12 THENCE South 87 degrees 01 minutes 49 seconds West, along the
13 North line of Adams Road, a distance of 4026.98 feet to a set 1/2
14 inch iron rod, the Southwest corner of Lot 1 as shown on said Plat of
15 Bogart and Taylor;

16 THENCE North 02 degrees 56 minutes 12 seconds West, along the
17 West line of said Lot 1, same being the East line of that called
18 264.533 Acre Tract of land as described by deed recorded in Brazoria
19 County Clerk's File No. 2005-069871, a distance of 2637.27 feet to
20 the POINT OF BEGINNING, and containing 243.807 acres of land, more
21 or less, and being that same tract of land as described in the deed
22 from J.O. Garrett, Trustee, to Claud B. Hamill recorded in Volume
23 1175, Page 763 (as to Lot 1) and Alice Cannon Carlson to Claud B.
24 Hamill recorded as "First Tract" in Volume 1147, Page 483 (as to
25 Lots 2 and 3), and portion of the right-of-way as abandoned by the
26 County in Volume 1269, Page 945 and Volume 1277, Page 900, all of
27 the deed records of Brazoria County, Texas, to which deeds and the

1 records thereof reference is here made for all appropriate
2 purposes.

3 TRACT 6

4 A FIELD NOTE DESCRIPTION of 14.991 acres of land being the
5 remainder of a call 66.74 Acre Tract of land (Brazoria County
6 Clerk's File No. 02-036975) being out of a call 137.24 Acre Tract of
7 land (Volume 85-226, Page 493; Official Records of Brazoria County,
8 Texas) being out of Lots 37, 38, 39, 40, 47, 48, 49 and 50 of the
9 C.W. Palmer Subdivision (Volume 2, Page 29; Plat Records of
10 Brazoria County, Texas) being in the H.T. & B. Railroad Company
11 Survey, Section No. 9, Abstract No. 238, Brazoria County, Texas.

12 BEGINNING at one and one-quarter inch outside diameter iron
13 pipe found in the existing Easterly right-of-way line of Brazoria
14 County Road No. 48 (Airline Road - 60 feet wide at this point) for
15 the Southwest corner of said call 66.74 Acre Tract; said corner
16 being the Northwest corner of a call 70.96 Acre Tract (Brazoria
17 County Clerk's File No. 03-004685) and being in the Westerly line of
18 said call 137.24 Acre Tract; said corner being the Southwest corner
19 of this 14.991 Acre Tract;

20 THENCE North 3 degrees 7 minutes 32 seconds West - 166.54 feet
21 along the Westerly line of said call 66.74 Acre Tract being along
22 the existing Easterly right-of-way line of said County Road No. 48
23 to a point for the most Westerly Northwest corner of this tract;
24 said corner being the most Westerly Southwest corner of Stoneridge
25 Lakes Section One Subdivision (Volume 23, Pages 353, 354, 355 and
26 356; Plat Records of Brazoria County, Texas);

27 THENCE North 87 degrees 1 minute 23 seconds East, at 20.00

1 feet pass a 5/8 inch diameter iron rod with aluminum cap in concrete
2 found for reference corner in the Easterly right-of-way line of
3 said County Road No. 48 (80 feet wide as dedicated), at 304.63 feet
4 pass the centerline of Lake Ridge Circle (70 feet wide), in all
5 540.09 feet along a Southerly line of said Stoneridge Lakes Section
6 One Subdivision to a 5/8 inch diameter iron rod with aluminum cap in
7 concrete found for interior corner of this tract;

8 THENCE North 2 degrees 58 minutes 37 seconds West - 67.02 feet
9 along an Easterly line of said Stoneridge Lakes Section One
10 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in
11 concrete found for re-entrant corner of this tract;

12 THENCE Easterly, along the Southerly lines of said Stoneridge
13 Lakes Section One Subdivision with the following courses and
14 distances:

15 North 87 degrees 1 minute 23 seconds East - 1092.26 feet to a
16 point for corner;

17 Along a tangent curve to the right with the following curve
18 data:

19 Delta:81 Degrees, 37 Minutes, 19 Seconds

20 Radius:235.00 feet

21 Length:334.77 feet

22 Tangent:202.93 feet

23 Chord:South 52 Degrees, 9 Minutes, 58 Seconds East -

24 307.18 feet to a point for corner;

25 North 87 degrees 1 minute, 23 seconds East, at 55.93 feet pass
26 a 5/8 inch diameter iron rod found for reference in the
27 Westerly line of a 130 foot wide drainage easement, at 185.93

1 feet pass a 5/8 inch diameter iron rod found for reference in
2 the Easterly line of said 130 foot wide drainage easement, at
3 476.85 feet pass the centerline of said Lake Ridge Circle, in
4 all 715.35 feet to a 5/8 inch diameter iron rod with aluminum
5 cap in concrete found for interior corner of this tract;

6 THENCE North 2 degrees 58 minutes 37 seconds West - 440.76
7 feet along an Easterly line of said Stonebridge Lakes Section One
8 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in
9 concrete found for re-entrant corner of this tract;

10 THENCE North 87 degrees 1 minute 23 seconds East - 470.04 feet
11 along a Southerly line of said Stoneridge Lakes Section One
12 Subdivision to a 5/8 inch diameter iron rod with aluminum cap in
13 concrete found for the Northeast corner of this tract; said corner
14 being the most Easterly Southeast corner of said Stoneridge Lakes
15 Section One Subdivision and being in the Easterly line of said call
16 66.74 Acre Tract;

17 THENCE South 2 degrees 17 minutes 8 seconds East - 486.94 feet
18 along the Easterly line of said call 66.74 Acre Tract being along
19 the bank of a drainage ditch to a 5/8 inch diameter iron rod with
20 plastic cap set for the Southeast corner of this tract; said corner
21 being the Southeast corner of said call 66.74 Acre Tract, the
22 Northeast corner of said 70.956 Acre Tract and bears North 2
23 Degrees, 17 Minutes, 8 Seconds West - 1020.95 feet from a 3/4 inch
24 diameter iron rod found for the Southeast corner of said call 137.24
25 Acre Tract;

26 THENCE South 87 degrees 16 minutes 27 seconds West (reference
27 bearing), at 993.60 feet pass the Easterly line of said 130 foot

1 wide drainage easement, at 1123.60 feet pass the Westerly line of
2 said 130 foot wide drainage easement, in all 3043.95 feet along the
3 Southerly line of said call 66.74 Acre Tract and along the Northerly
4 line of said call 70.96 Acre Tract to the POINT OF BEGINNING and
5 containing 14.991 acres of land.

6 TRACT 7

7 A FIELD NOTE DESCRIPTION of 70.956 acres of land being a call
8 70.96 Acre Tract of land (Brazoria County Clerk's File No.
9 03-004685) being out of a call 137.24 Acre Tract of land (Volume
10 85-226, Page 493; Official Records of Brazoria County, Texas) being
11 out of Lots 37, 38, 39, 40, 47, 48, 49 and 50 of the C.W. Palmer
12 Subdivision (Volume 2, Page 29; Plat Records of Brazoria County,
13 Texas) being in the H.T. & B. Railroad Company Survey, Section No.
14 9, Abstract No. 238, Brazoria County, Texas.

15 BEGINNING at a one and one-quarter inch outside diameter iron
16 pipe found in the existing Easterly right-of-way line of Brazoria
17 County Road No. 48 (Airline Road - 60 feet wide at this point) for
18 the Northwest corner of said call 70.96 Acre Tract; said corner
19 being the Southwest corner of a 14.991 Acre Tract, being the
20 Southwest corner of a call 66.74 Acre Tract (Brazoria County
21 Clerk's File No. 02-036975) and being in the Westerly line of said
22 call 137.24 Acre Tract; said corner being the Northwest corner of
23 this tract;

24 THENCE North 87 degrees 16 minutes 27 seconds East (reference
25 bearing), at 1920.35 feet pass the Westerly line of a 130 foot wide
26 drainage easement, at 2050.35 feet pass the Easterly line of said
27 130 foot wide drainage easement, in all 3043.95 feet along the

1 Northerly line of said call 70.96 Acre Tract, being along the
2 Southerly line of said 14.991 Acre Tract and along the Southerly
3 line of said call 66.74 Acre Tract to a 5/8 inch diameter iron rod
4 with plastic cap set for the Northeast corner of this tract; said
5 corner being the Southeast corner of said 14.991 Acre Tract and
6 bears South 2 degrees 17 minutes 8 seconds East - 486.94 feet from a
7 5/8 inch diameter iron rod with aluminum cap in concrete found for
8 the most Easterly Southeast corner of Stoneridge Lakes Section One
9 Subdivisions (Volume 23, Pages 353, 354, 355, and 356; Plat Records
10 of Brazoria County, Texas);

11 THENCE South 2 degrees 17 minutes 8 seconds East - 1020.95
12 feet along the Easterly line of said call 70.96 Acre Tract, along
13 the Easterly line of said call 137.24 Acre Tract and along the
14 Westerly line of a call 8.58 Acre Tract (Brazoria County Clerk's
15 File No. 01-032189) to a 3/4 inch diameter iron rod found for the
16 Southeast corner of this tract; said corner being the Southeast
17 corner of said call 70.96 Acre Tract being the Southwest corner of
18 said call 8.58 Acre Tract and bears South 87 degrees 55 minutes 39
19 seconds West - 80.00 feet from a 1/2 inch diameter iron rod with a
20 cap found for the Southwest corner of a 74.337 Acre Tract;

21 THENCE South 87 degrees 16 minutes 27 seconds West, at 902.33
22 feet pass the Easterly line of said 130 foot wide drainage easement,
23 at 1032.33 feet pass the Westerly line of said 130 foot wide
24 drainage easement, at 2962.33 feet pass North 2 degrees 43 minutes
25 33 seconds West - 11.82 feet from a one and one-quarter inch outside
26 diameter iron pipe found for reference, in all 2987.26 feet along
27 the Southerly line of said call 70.96 Acre Tract, along the

1 Southerly line of said call 137.24 Acre Tract and along the
2 Northerly line of a call 264.481750 Acre Tract (Second Tract,
3 Volume 1147, Page 483, Deed Records of Brazoria County, Texas) to a
4 5/8 inch diameter iron rod with plastic cap set for the Southwest
5 corner of this tract;

6 THENCE Northwesterly, along the Westerly line of said call
7 70.96 Acre Tract, along the Westerly line of said call 137.24 Acre
8 Tract and along the Easterly right-of-way line of said Brazoria
9 County Road No. 48 (60 feet wide at this point) as fenced with the
10 following courses and distances:

11 North 8 degrees 33 minutes 53 seconds West - 440.19 feet to a
12 point for angle;

13 North 3 degrees 7 minutes 32 seconds West - 583.03 feet to the
14 POINT OF BEGINNING and containing 70.956 acres of land.

15 TRACT 8

16 A FIELD NOTE DESCRIPTION of 37.544 acres of land being a call
17 37.54 Acre Tract of land (Tract II; Brazoria County Clerk's File No.
18 03-064681) being out of Lots 28, 29, and 30 of the C.W. Palmer
19 Subdivision (Volume 2, Page 29; Plat Records of Brazoria County,
20 Texas) being in the H.T. & B. Railroad Company Survey, Section No.
21 9, Abstract No. 238, Brazoria County, Texas.

22 BEGINNING at a 5/8 inch diameter iron rod with aluminum cap in
23 concrete found for the Southwest corner of said call 37.54 Acre
24 Tract; said corner being the Northwest corner of Lot No. 5, Block
25 No. 2 of Stoneridge Lakes Section One Subdivision (Volume 23, Pages
26 353, 354, 355 and 356; Plat Records of Brazoria County, Texas) and
27 being in an Easterly line of Lot No. 4, Block No. 2 of said

1 Stoneridge Lakes Section One Subdivision; said corner being the
2 Southwest corner of this 37.544 Acre Tract;

3 THENCE North 2 degrees 16 minutes 28 seconds West, at 11.19
4 feet pass a 5/8 inch diameter iron rod with aluminum cap in concrete
5 found for the Northeast corner of said Lot No. 4, at 659.37 feet
6 pass a 3/4 inch diameter iron rod found for reference, in all 675.48
7 feet along the Westerly line of said call 37.54 Acre Tract and along
8 the Easterly line of a call 10 Acre Tract (Brazoria County Clerk's
9 File No. 02-057392) to a point for the Northwest corner of this
10 tract;

11 THENCE Easterly, along the Northerly line of said call 37.54
12 Acre Tract being along a line in a drainage ditch, with the
13 following courses and distances:

14 North 86 degrees 50 minutes 38 seconds East - 1321.37 feet to
15 a point for angle;

16 North 86 degrees 37 minutes 19 seconds East - 1094.29 feet to
17 a point for the Northeast corner of this tract; said corner
18 being the Northeast corner of said call 37.54 Acre Tract,
19 being the Northwest corner of a call 8.58 Acre Tract
20 (Brazoria County Clerk's File No. 01-032189) and bears South
21 86 degrees 37 minutes, 19 seconds West - 54.57 feet from a
22 point for the Southwest corner of a 28.703 Acre Tract;

23 THENCE South 0 degrees 27 minutes 12 seconds East, at 27.84
24 feet pass a 1/2 inch diameter iron rod with cap found for reference,
25 in all 687.89 feet along the Easterly line of said call 37.54 Acre
26 Tract being along a Westerly line of said call 8.58 Acre Tract to a
27 point for the Southeast corner of this tract; said corner being the

1 Southeast corner of said call 37.54 Acre Tract, being in the
2 Northerly line of Lot No. 9, Block No. 3 of said Stoneridge Lakes
3 Section One Subdivision and bears South 87 degrees 1 minute 23
4 seconds West - 29.00 feet from a 5/8 inch diameter iron rod with
5 aluminum cap in concrete found for the Northeast corner of said
6 Stoneridge Lakes Section One Subdivision;

7 THENCE South 87 degrees 1 minute 23 seconds West (reference
8 bearing) - 2393.62 feet along the Northerly line of said Stoneridge
9 Lakes Section One Subdivision to the POINT OF BEGINNING and
10 containing 37.544 acres of land.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

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