

By: Hernandez

H.B. No. 4801

Substitute the following for H.B. No. 4801:

By: Berman

C.S.H.B. No. 4801

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3883 to read as follows:

CHAPTER 3883. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 15

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3883.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Harris County Improvement District No. 15.

Sec. 3883.002. NATURE OF DISTRICT. The Harris County Improvement District No. 15 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3883.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the City of Houston, Harris County, and other political subdivisions to contract with the district, the legislature has established a

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

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

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

14 Sec. 3883.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
15 The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district  
17 will benefit from the improvements and services to be provided by  
18 the district under powers conferred by Sections 52 and 52-a,  
19 Article III, and Section 59, Article XVI, Texas Constitution, and  
20 other powers granted under this chapter.

21 (c) The creation of the district is in the public interest  
22 and is essential to:

23 (1) further the public purposes of developing and  
24 diversifying the economy of the state;

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

1           (1) promote the health, safety, and general welfare of  
2 residents, employers, potential employees, employees, visitors,  
3 and consumers in the district, and of the public;

4           (2) provide needed funding for the district to  
5 preserve, maintain, and enhance the economic health and vitality of  
6 the district territory as a community and business center;

7           (3) promote the health, safety, welfare, and enjoyment  
8 of the public by providing pedestrian ways and by landscaping and  
9 developing certain areas in the district, which are necessary for  
10 the restoration, preservation, and enhancement of scenic beauty;

11           (4) provide for water, wastewater, drainage, road,  
12 and recreational facilities for the district; and

13           (5) provide for canals, waterways, bulkheads, docks,  
14 and other similar improvements or facilities for the district.

15           (e) Pedestrian ways along or across a street, whether at  
16 grade or above or below the surface, and street lighting, street  
17 landscaping, parking, and street art objects are parts of and  
18 necessary components of a street and are considered to be a street  
19 or road improvement.

20           (f) The district will not act as the agent or  
21 instrumentality of any private interest even though the district  
22 will benefit many private interests as well as the public.

23           Sec. 3883.005. INITIAL DISTRICT TERRITORY. (a) The  
24 district is initially composed of the territory described by  
25 Section 2 of the Act enacting this chapter.

26           (b) The boundaries and field notes contained in Section 2 of  
27 the Act enacting this chapter form a closure. A mistake in the

1 field notes or in copying the field notes in the legislative process  
2 does not affect the district's:

3 (1) organization, existence, or validity;

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

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

8 (4) legality or operation.

9 Sec. 3883.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

18 Sec. 3883.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
19 DISTRICTS LAW. Except as otherwise provided by this chapter,  
20 Chapter 375, Local Government Code, applies to the district.

21 Sec. 3883.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
22 chapter shall be liberally construed in conformity with the  
23 findings and purposes stated in this chapter.

24 [Sections 3883.009-3883.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 3883.051. GOVERNING BODY; TERMS. (a) The district is  
27 governed by a board of seven voting directors who serve staggered

1 terms of four years, with three or four directors' terms expiring  
2 June 1 of each odd-numbered year.

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

7 Sec. 3883.052. APPOINTMENT OF DIRECTORS. The Texas  
8 Commission on Environmental Quality shall appoint voting directors  
9 from persons recommended by the board.

10 Sec. 3883.053. INITIAL VOTING DIRECTORS. (a) The initial  
11 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Dan Arnold</u>
<u>2</u>	<u>Kirk Pfeffer</u>
<u>3</u>	<u>David Dacote</u>
<u>4</u>	<u>Jim Casey</u>
<u>5</u>	<u>Steve Alvis</u>
<u>6</u>	<u>Gregory D. Compean</u>
<u>7</u>	<u>Ramon Garza</u>

20 (b) Of the initial directors, the terms of directors  
21 appointed for positions 1 through 4 expire June 1, 2011, and the  
22 terms of directors appointed for positions 5 through 7 expire June  
23 1, 2013.

24 (c) Section 3883.052 does not apply to this section.

25 Sec. 3883.054. NONVOTING DIRECTORS. The board may appoint  
26 nonvoting directors to serve at the pleasure of the voting  
27 directors.

1       Sec. 3883.055. QUORUM. For purposes of determining the  
2 requirements for a quorum of the board, the following are not  
3 counted:

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

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

8           (3) a nonvoting director.

9       Sec. 3883.056. COMPENSATION. A director is entitled to  
10 receive fees of office and reimbursement for actual expenses as  
11 provided by Section 49.060, Water Code. Sections 375.069 and  
12 375.070, Local Government Code, do not apply to the board.

13       [Sections 3883.057-3883.100 reserved for expansion]

14           SUBCHAPTER C. POWERS AND DUTIES

15       Sec. 3883.101. MARITIME IMPROVEMENT AND OPERATIONS POWERS.

16       (a) In this section, "port authority" means the Port of Houston  
17 Authority of Harris County, Texas.

18       (b) Except as provided by this section, the district may  
19 purchase, construct, acquire, own, operate, maintain, improve, or  
20 extend, inside and outside the district, canals, waterways,  
21 bulkheads, docks, and any other improvements or facilities  
22 necessary or convenient to accomplish the navigation purposes of  
23 the district authorized by Section 59, Article XVI, Texas  
24 Constitution.

25       (c) The district may not exercise its powers in, over,  
26 under, or across any lands or submerged lands of the port authority,  
27 as conveyed by the State of Texas to the Harris County Houston Ship

1 Channel Navigation District by Chapter 292, Acts of the 40th  
2 Legislature, Regular Session, 1927.

3 (d) The design, construction, operation, and maintenance of  
4 any improvements or facilities related to navigation of the area  
5 commonly known as the Houston Ship Channel or its tributaries, as  
6 described in Section 1, Chapter 97, Acts of the 40th Legislature,  
7 1st Called Session, 1927, by the district, any owner of land in the  
8 district, or any other person acting by, through, or on behalf of  
9 the district or a person who owns land in the district, whether by  
10 permission, agency, agreement, lease, easement, license, or  
11 otherwise, must comply with the applicable rules, regulations,  
12 bylaws, and similar legislative or regulatory acts or policies of  
13 the port authority.

14 (e) Each rule, bylaw, or similar legislative or regulatory  
15 act or policy of the district is subject to any applicable rule,  
16 bylaw, or similar legislative or regulatory act or policy of the  
17 port authority. In case of any conflict or inconsistency, the port  
18 authority's rules, bylaws, or similar legislative or regulatory  
19 acts or policies control over the rules, bylaws, or similar  
20 legislative or regulatory acts or policies of the district.

21 (f) The rights, powers, privileges, and authority this  
22 chapter confers on the district do not supersede or diminish the  
23 rights, powers, privileges, and authority of the port authority,  
24 the United States Army Corps of Engineers, or any other state or  
25 federal agency.

26 Sec. 3883.102. DEVELOPMENT CORPORATION POWERS. The  
27 district may exercise the powers given to a development corporation

1 under Chapter 505, Local Government Code, including the power to  
2 own, operate, acquire, construct, lease, improve, or maintain a  
3 project described by that section.

4 Sec. 3883.103. NONPROFIT CORPORATION. (a) The board by  
5 resolution may authorize the creation of a nonprofit corporation to  
6 assist and act for the district in implementing a project or  
7 providing a service authorized by this chapter.

8 (b) The nonprofit corporation:

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

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

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

20 Sec. 3883.104. AGREEMENTS; GRANTS. (a) The district may  
21 make an agreement with or accept a gift, grant, or loan from any  
22 person.

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

26 Sec. 3883.105. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT  
27 SERVICES. To protect the public interest, the district may



1 contract with a qualified person, including Harris County or the  
2 City of Houston, for the provision of law enforcement services in  
3 the district for a fee.

4 Sec. 3883.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
5 district may join and pay dues to a charitable or nonprofit  
6 organization that performs a service or provides an activity  
7 consistent with the furtherance of a district purpose.

8 Sec. 3883.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
9 district may establish and provide for the administration of one or  
10 more programs to promote state or local economic development and to  
11 stimulate business and commercial activity in the district,  
12 including programs to:

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

14 (2) provide district personnel and services.

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

17 Sec. 3883.108. STRATEGIC PARTNERSHIP AGREEMENT. The  
18 district may negotiate and enter into a written strategic  
19 partnership with the City of Houston pursuant to Section 43.0751,  
20 Local Government Code.

21 Sec. 3883.109. NO EMINENT DOMAIN. The district may not  
22 exercise the power of eminent domain.

23 Sec. 3883.110. ANNEXATION OR EXCLUSION OF LAND. (a) The  
24 district may annex land as provided by Subchapter J, Chapter 49,  
25 Water Code.

26 (b) The district may exclude land as provided by Subchapter  
27 J, Chapter 49, Water Code. Section 375.044(b), Local Government

1 Code, does not apply to the district.

2 [Sections 3883.111-3883.150 reserved for expansion]

3 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

4 Sec. 3883.151. PUBLIC TRANSIT SYSTEM. The district may  
5 acquire, lease as lessor or lessee, construct, develop, own,  
6 operate, and maintain a public transit system to serve the area in  
7 the district.

8 Sec. 3883.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
9 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or  
10 lessee, construct, develop, own, operate, and maintain parking  
11 facilities or a system of parking facilities, including:

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

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

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

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

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

1       Sec. 3883.153. RULES. The district may adopt rules  
2 governing the district's public parking facilities.

3       Sec. 3883.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR  
4 PARKING FACILITIES. (a) The district may use any of its resources,  
5 including revenue, assessments, taxes, or grant or contract  
6 proceeds, to pay the cost of acquiring or operating a public transit  
7 system or public parking facilities.

8       (b) The district may:

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

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

14       [Sections 3883.155-3883.200 reserved for expansion]

15       SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

16       Sec. 3883.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
17 board by resolution shall establish the number of directors'  
18 signatures and the procedure required for a disbursement or  
19 transfer of the district's money.

20       Sec. 3883.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
21 The district may acquire, construct, finance, operate, or maintain  
22 any improvement or service authorized under this chapter or Chapter  
23 375, Local Government Code, using any money available to the  
24 district.

25       Sec. 3883.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
26 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
27 service or improvement project with assessments under this chapter

1 unless a written petition requesting that service or improvement  
2 has been filed with the board.

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

7 Sec. 3883.204. METHOD OF NOTICE FOR HEARING. The district  
8 may mail the notice required by Section 375.115(c), Local  
9 Government Code, by certified or first class United States mail.  
10 The board shall determine the method of mailing notice.

11 Sec. 3883.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
12 The board by resolution may impose and collect an assessment for any  
13 purpose authorized by this chapter in all or any part of the  
14 district.

15 (b) An assessment, a reassessment, or an assessment  
16 resulting from an addition to or correction of the assessment roll  
17 by the district, penalties and interest on an assessment or  
18 reassessment, an expense of collection, and reasonable attorney's  
19 fees incurred by the district:

20 (1) are a first and prior lien against the property  
21 assessed;

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

25 (3) are the personal liability of and a charge against  
26 the owners of the property even if the owners are not named in the  
27 assessment proceedings.

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

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

9       Sec. 3883.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
10 ASSESSMENTS. The district may not impose an impact fee or  
11 assessment on the property, including the equipment,  
12 rights-of-way, facilities, or improvements, of:

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

15           (2) a gas utility as defined by Section 101.003 or  
16 121.001, Utilities Code;

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

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

21       Sec. 3883.207. OPERATION AND MAINTENANCE TAX. (a) If  
22 authorized at an election held in accordance with Section 3883.211,  
23 the district may impose an annual operation and maintenance tax on  
24 taxable property in the district in accordance with Section 49.107,  
25 Water Code, for any district purpose, including to:

26           (1) maintain and operate the district;

27           (2) construct or acquire improvements; or

1           (3) provide a service.

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

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

6           Sec. 3883.208. CONTRACT TAXES. (a) In accordance with  
7 Section 49.108, Water Code, the district may impose a tax other than  
8 an operation and maintenance tax and use the revenue derived from  
9 the tax to make payments under a contract after the provisions of  
10 the contract have been approved by a majority of the district voters  
11 voting at an election held for that purpose.

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

15           Sec. 3883.209. AUTHORITY TO BORROW MONEY AND TO ISSUE  
16 BONDS. (a) The district may borrow money on terms and conditions  
17 as determined by the board. Section 375.205, Local Government  
18 Code, does not apply to a loan, line of credit, or other borrowing  
19 from a bank or financial institution secured by revenue other than  
20 ad valorem taxes.

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

26           (c) The limitation on the outstanding principal amount of  
27 bonds, notes, and other obligations set forth in Section 49.4645,

1 Water Code, does not apply to the district.

2 Sec. 3883.210. TAXES FOR BONDS. At the time the district  
3 issues bonds payable wholly or partly from ad valorem taxes, the  
4 board shall provide for the annual imposition of a continuing  
5 direct annual ad valorem tax, without limit as to rate or amount,  
6 while all or part of the bonds are outstanding as required and in  
7 the manner provided by Sections 54.601 and 54.602, Water Code.

8 Sec. 3883.211. ELECTIONS REGARDING TAXES AND BONDS. (a)  
9 The district may issue, without an election, bonds, notes, and  
10 other obligations secured by:

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

12 (2) contract payments described by Section 3883.208.

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

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

20 (d) All or any part of any facilities or improvements which  
21 may be acquired by a district by the issuance of its bonds may be  
22 included in one single proposition to be voted on at the election or  
23 the bonds may be submitted in several propositions.

24 Sec. 3883.212. COMPETITIVE BIDDING. Subchapter I, Chapter  
25 49, Water Code, applies to the district. Sections 375.221 and  
26 375.223, Local Government Code, do not apply to the district.

27 Sec. 3883.213. TAX AND ASSESSMENT ABATEMENTS. The district

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

3 [Sections 3883.214-3883.250 reserved for expansion]

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

6 Sec. 3883.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
7 DESIGNATED PROPERTY. The district may define areas or designate  
8 certain property of the district to pay for improvements,  
9 facilities, or services that primarily benefit that area or  
10 property and do not generally and directly benefit the district as a  
11 whole.

12 Sec. 3883.252. PROCEDURE FOR ELECTION. (a) Before the  
13 district may impose an ad valorem tax or issue bonds payable from ad  
14 valorem taxes of the area defined or property designated under  
15 Section 3883.251, the board must call and hold an election as  
16 provided by Section 3883.211 only in the defined area or in the  
17 boundaries of the designated property.

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

20 Sec. 3883.253. DECLARING RESULT AND ISSUING ORDER. (a) If  
21 a majority of the voters voting at the election approve the  
22 proposition or propositions, the board shall declare the results  
23 and by order shall establish the defined area and describe it by  
24 metes and bounds or designate the specific property.

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



1       Sec. 3883.254. TAXES FOR SERVICES, IMPROVEMENTS, AND  
2 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
3 approval and adoption of the order described in Section 3883.253,  
4 the district may apply separately, differently, equitably, and  
5 specifically its taxing power and lien authority to the defined  
6 area or designated property to provide money to construct,  
7 administer, maintain, and operate services, improvements, and  
8 facilities that primarily benefit the defined area or designated  
9 property.

10       Sec. 3883.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES  
11 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under  
12 Section 3883.253 is adopted, the district may issue bonds to  
13 provide for any land, improvements, facilities, plants, equipment,  
14 and appliances for the defined area or designated property.

15       [Sections 3883.256-3883.300 reserved for expansion]

16       SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

17       Sec. 3883.301. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The  
18 district is a "water or sewer district" under Section 43.071, Local  
19 Government Code.

20       (b) Section 43.075, Local Government Code, applies to the  
21 district.

22       (c) Section 375.264, Local Government Code, does not apply  
23 to the dissolution of the district by a municipality.

24       SECTION 2. Harris County Improvement District No. 15  
25 initially includes all territory contained in the following area:

26       TRACT 1:

27       Being a tract of land containing 384.667 acres, located in

1 the Richard and Robert Vince Survey, Abstract-76 in Harris County,  
2 Texas; said 384.667 acres being all of a called 384.581 acre tract  
3 described in the Special Warranty Deed with Vendor's Lien, recorded  
4 in the name Port At Greens Bayou, Ltd., in Harris County Clerk's  
5 File Number (H.C.C.F. No.) Z264553; said 384.667 acre tract being  
6 more particularly described by metes and bounds as follows (all  
7 bearings are based on the Texas State Plane Coordinate System,  
8 South Central Zone (NAD27), per said H.C.C.F. No. Z264553):

9 Beginning at a 5/8-inch iron rod found on the westerly  
10 Right-Of-Way (R.O.W.) line of Beltway 8 East (variable width per  
11 instruments recoded under H.C.C.F. Nos. F894212, L150096, G259887,  
12 G259888, G259889 and G259890), being the northeast corner of said  
13 384.581 acre tract, and being in the southerly line of a called  
14 75.253 acre tract described in the General Warranty Deed recorded  
15 in the name of Missouri Pacific Railroad Company in Volume 4245,  
16 Page 527 of the Harris County Deed Records (H.C.D.R.);

17 Thence, with the westerly lines of said Beltway 8 East and the  
18 easterly lines of said 384.581 acre tract, the following nine (9)  
19 courses:

20 1. South 02 degrees 42 minutes 24 seconds East, a distance  
21 of 1089.96 feet to a 5/8-inch iron rod with "MSG cap set;

22 2. North 87 degrees 17 minutes 36 seconds East, a distance  
23 of 149.99 feet to a 5/8-inch rod found;

24 3. South 02 degrees 42 minutes 24 seconds East, a distance  
25 of 838.69 feet to a 5/8-inch iron rod found;

26 4. South 31 degrees 31 minutes 02 seconds East, a distance  
27 of 342.36 feet to a 5/8-inch iron rod found;

1           5. South 01 degrees 41 minutes 01 seconds East, a distance  
2 of 1120.10 feet to a 5/8-inch iron rod with "MSG" cap set;

3           6. South 47 degrees 42 minutes 24 seconds East, a distance  
4 of 127.27 feet to a 5/8-inch iron rod found;

5           7. South 02 degrees 42 minutes 24 seconds East, a distance  
6 of 1190.61 feet to a 5/8-inch iron rod found for the beginning of a  
7 curve to the right;

8           8. 1302.59 feet with the arc of said curve to the right  
9 having a radius of 11358.39 feet, through a central angle of 06  
10 degrees 34 minutes 15 seconds, a chord that bears South 00 degrees  
11 34 minutes 44 seconds West, a distance of 1301.88 feet to a 5/8-inch  
12 iron rod found for the point of tangency;

13           9. South 03 degrees 51 minutes 51 seconds West, a distance  
14 of 781.06 feet to a point (located in the waters of the Houston Ship  
15 Channel) for the southeast corner of said 384.581 acre tract;

16           Thence, with the southerly lines of said 384.581 acre tract  
17 (being located in the waters of the Houston Ship Channel), the  
18 following six (6) courses:

19           1. North 85 degrees 58 minutes 21 seconds West, a distance  
20 of 258.12 feet to a point for the beginning of a curve to the right;

21           2. 97.41 feet with the arc of said curve to the right having  
22 a radius of 5239.83 feet, through a central angle of 01 degrees 03  
23 minutes 55 seconds, a chord that bears North 85 degrees 26 minutes  
24 25 seconds West, a distance of 97.41 feet to a point;

25           3. North 05 degrees 05 minutes 33 seconds East, a distance  
26 of 45.00 feet to a point for the beginning of a non-tangent curve to  
27 the right;

1           4. 749.51 feet with the arc of said curve to the right having  
2 a radius of 5194.83 feet, through a central angle of 08 degrees 16  
3 minutes 00 seconds, a chord that bears North 80 degrees 46 minutes  
4 27 seconds West, a distance of 748.86 feet to a point;

5           5. North 13 degrees 21 minutes 33 seconds East, a distance  
6 of 10.00 feet to a point for the beginning of a non-tangent curve to  
7 the right;

8           6. 1141.26 feet with the arc of said curve to the right  
9 having a radius of 5184.83 feet, through a central angle of 12  
10 degrees 36 minutes 42 seconds, a chord that bears North 70 degrees  
11 20 minutes 07 seconds West, a distance of 1138.95 feet to a point  
12 for the southeast corner of a called 16.581 acre tract (Tract 2)  
13 recorded in Special Warranty Deed to James H. Glanville, Trustee,  
14 H.C.C.F. No. Y868202;

15           Thence, with the easterly line of said 16.581 acre tract,  
16 North 03 degrees 14 minutes 42 seconds West, a distance of 2128.53  
17 feet to a 5/8-inch iron rod found for the northeast corner of said  
18 16.581 acre tract;

19           Thence, with the northerly line of said 16.581 acre tract,  
20 South 86 degrees 45 minutes 18 seconds West, a distance of 477.73  
21 feet to a 5/8-inch iron rod found on the east R.O.W. line of Penn  
22 City Road (66 feet wide), for the northeast corner of said 16.581  
23 acre tract;

24           Thence, with the easterly R.O.W. line of said Penn City Road  
25 and the westerly line of aforesaid 384.581 acre tract, North 03  
26 degrees 19 minutes 04 seconds West, a distance of 611.10 feet to a  
27 5/8-inch iron rod with "MSG" cap set for the southwest corner of a

1 0.0402 acre tract described in the General Warranty Deed recorded  
2 in the name of James H. Glanville, Trustee, in H.C.C.F. No. U634600;

3 Thence, through and across said 384.581 acre tract, with the  
4 lines of said 0.0402 acre tract and a 0.0568 acre tract described in  
5 the General Warranty Deed recorded in the name of James H.  
6 Glanville, Trustee, in H.C.C.F. No. U634600 the following seven (7)  
7 courses:

8 1. North 86 degrees 40 minutes 56 seconds East, a distance  
9 of 50.00 feet to a 5/8-inch iron rod with "MSG cap set;

10 2. South 03 degrees 19 minutes 04 seconds East, a distance  
11 of 10.00 feet to a 5/8-inch iron rod with "MSG" cap set:

12 3. North 86 degrees 40 minutes 56 seconds East, a distance  
13 of 45.00 feet to a 5/8-inch iron rod with "MSG cap set;

14 4. North 03 degrees 19 minutes 04 seconds West, a distance  
15 of 55.00 feet to a 5/8-inch iron rod with "MSG" cap set:

16 5. South 86 degrees 40 minutes 56 seconds West, a distance  
17 of 45.00 feet to a 5/8-inch iron rod with "MSG cap set;

18 6. South 03 degrees 19 minutes 04 seconds East, a distance  
19 of 10.00 feet to a 5/8-inch iron rod with "MSG" cap set:

20 7. South 86 degrees 40 minutes 56 seconds West, a distance  
21 of 50.00 feet to a 5/8-inch iron rod with "MSG cap set on the  
22 easterly R.O.W. line of said Penn City Road;

23 Thence, with the easterly R.O.W. line of said Penn City Road  
24 and the westerly line of said 384.581 acre tract, North 03 degrees  
25 19 minutes 04 seconds West, a distance of 4014.64 feet to a 5/8-inch  
26 iron rod with "MSG cap set for the southwest corner of aforesaid  
27 75.253 acre, being the northwest corner of said 384.581 acre tract

1 and the herein described tract;

2 Thence, with the northerly lines of said 384.581 acre tract  
3 and the southerly lines of said 75.253 acre tract the following six  
4 (6) courses:

5 1. South 75 degrees 28 minutes 50 seconds East, a distance  
6 of 155.83 feet to a 5/8-inch iron rod found;

7 2. South 50 degrees 38 minutes 18 seconds East, a distance  
8 of 183.20 feet to a 5/8-inch iron rod with "MSG" cap set;

9 3. South 75 degrees 30 minutes 37 seconds East, a distance  
10 of 1274.61 feet to a 5/8-inch iron rod with "MSG" cap set;

11 4. South 81 degrees 57 minutes 02 seconds East, a distance  
12 of 677.16 feet to a 5/8-inch iron rod found;

13 5. South 75 degrees 28 minutes 50 seconds East, a distance  
14 of 198.65 feet a 5/8-inch iron rod found;

15 6. South 73 degrees 51 minutes 49 seconds East, a distance  
16 of 104.58 feet to the Point of Beginning and containing 384.667  
17 acres of land, Save and Except the following tract of land:

18 SAVE AND EXCEPT the following 0.0861 acre tract:

19 Being a tract of land containing 0.0861 acre, located in the  
20 Richard and Robert Vince Survey, Abstract-76 in Harris County,  
21 Texas; said 0.0861 acre tract being all of a called 0.0861 acre  
22 tract described in the General Warranty Deed recorded in the name  
23 Ballard Exploration Co., Inc., in H.C.C.F. Number V163848, said  
24 0.0861 acre tract being more particularly described by metes and  
25 bounds as follows (all bearings are based on the Texas State Plane  
26 Coordinate System, South Central Zone (NAD27), per said H.C.C.F.  
27 No. U488635):

1 Commencing at a 5/8-inch iron rod found on the westerly  
2 R.O.W. line of Beltway 8 East (variable width per instruments  
3 recoded under H.C.C.F. Nos. F894212, L150096, G259887, G259888,  
4 G259889 and G259890), being the northeast corner of said 384.581  
5 acre tract, and being in the southerly line of a said 75.253 acre  
6 tract;

7 Thence, with the northerly lines of said 384.581 acre tract  
8 and the southerly lines of said 75.253 acre tract the following two  
9 (2) courses:

10 1. North 73 degrees 51 minutes 49 seconds West, a distance  
11 of 104.58 feet to a 5/8-inch iron rod found;

12 2. North 75 degrees 28 minutes 50 seconds West, a distance  
13 of 54.14 feet a point;

14 Thence, through and across said 384.581 acre tract, South 11  
15 degrees 05 minutes 26 seconds West, a distance of 68.63 feet a  
16 5/8-inch iron rod found for the northwest corner of said 0.0861 acre  
17 tract and the Point of Beginning of the herein described tract;

18 Thence, with the north line of said 0.0861 acre tract, South  
19 78 degrees 54 minutes 34 seconds East, a distance of 75.00 feet to a  
20 5/8-inch iron rod with "MSG cap set for the northeast corner of said  
21 0.0861 acre tract and the herein described tract;

22 Thence, with the east line of said 0.0861 acre tract, South 11  
23 degrees 05 minutes 26 seconds West, a distance of 50.00 feet a  
24 5/8-inch iron rod with "MSG cap set for the southeast corner of said  
25 0.0861 acre tract and the herein described tract;

26 Thence, with the south line of said 0.0861 acre tract, North  
27 78 degrees 54 minutes 34 seconds West, a distance of 75.00 feet to a

1 5/8-inch iron rod with "MSG cap set for the southwest corner of said  
2 0.0861 acre tract and the herein described tract;

3 Thence, with the west line of said 0.0861 acre tract, North 11  
4 degrees 05 minutes 26 seconds East, a distance of 50.00 feet to the  
5 Point of Beginning and containing 0.0861 acre of land.

6 TRACT 2:

7 Being a tract of land containing 48.454 acres, located in the  
8 Richard and Robert Vince Survey, Abstract-76 in Harris County,  
9 Texas; said 48.454 acres being all of Tract 1, called 19.979 acres,  
10 all of Tract 2, called 16.581 acres, both described in the Special  
11 Warranty Deed recorded in the name of James H. Glanville, Trustee,  
12 in Harris County Clerk's File (H.C.C.F.) Number Y868202 and a  
13 portion of a called 17.552 acre tract described in the Special  
14 Warranty Deed recorded in the name of James H. Glanville, Trustee,  
15 in H.C.C.F. Number U550209; said 48.454 acre tract being more  
16 particularly described by metes and bounds as follows (all bearings  
17 are based on the Texas State Plane Coordinate System, South Central  
18 Zone (NAD27), per said H.C.C.F. Number Y868202):

19 Beginning at a 5/8-inch iron rod found on the easterly  
20 Right-Of-Way (R.O.W.) line of Penn City Road (66 feet wide), being  
21 the northwest corner of said 16.581 acre tract and being the most  
22 westerly southwest corner of the remainder of a called 384.581 acre  
23 tract recorded in Special Warranty Deed with Vendor's Lien to Port  
24 At Greens Bayou, Ltd., in H.C.C.F. Number Z264553;

25 Thence, along the north line of said 16.581 acre tract, being  
26 a south line of said 384.581 acre tract, North 86 degrees 45 minutes  
27 18 seconds East, a distance of 477.73 feet to a 5/8-inch iron rod



1 found for an inner corner of said 384.581 acre tract, being the  
2 northeast corner of said 16.581 acre tract and the herein described  
3 tract;

4 Thence, along the easterly line of said 16.581 acre tract and  
5 a westerly line of said 384.581 acre tract, South 03 degrees 14  
6 minutes 42 seconds East, passing at 1868.53 feet a 5/8-inch iron rod  
7 found for reference, continuing for a total distance of 2128.53  
8 feet to a point for the southeast corner of said 16.581 acre tract  
9 and the most southerly southwest corner of said 384.581 acre tract,  
10 being located in the waters of the Houston Ship Channel;

11 Thence, along the southerly line of said 16.581 acre tract,  
12 350.61 feet along the arc of a non-tangent curve to the right having  
13 a central angle of 03 degrees 52 minutes 28 seconds, a radius of  
14 5184.83 feet and a chord that bears North 62 degrees 05 minutes 32  
15 seconds West, a distance of 350.54 feet to a 5/8-inch iron rod found  
16 for the southwest corner of said 16.581 acre tract, on the easterly  
17 line of aforementioned 19.979 acre tract;

18 Thence, along the easterly line of said 19.979 acre tract,  
19 South 03 degrees 14 minutes 42 seconds East, a distance of 295.57  
20 feet to a point located in the waters of the Houston Ship Channel  
21 for the southeast corner of said 19.979 acre tract;

22 Thence, along the southerly lines of said 19.979 acre tract  
23 and aforesaid 17.552 acre tract (being located in the waters of the  
24 Houston Ship Channel), the following three (3) courses:

25 1. North 58 degrees 42 minutes 06 seconds West, a distance  
26 of 342.89 feet;

27 2. North 29 degrees 11 minutes 00 seconds West, passing at a

1 distance of 868.45 feet a point for the most westerly southwest  
2 corner of said 19.979 acre tract, being the most southerly  
3 southeast corner of said 17.552 acre tract, continuing in all a  
4 distance of 936.81 feet;

5 3. North 55 degrees 41 minutes 57 seconds West, a distance  
6 of 631.24 feet to the southwest corner of said 17.552 acre tract and  
7 the most southerly southeast corner of a called 38.64 acre tract  
8 described in the General Warranty Deed recorded in the name of The  
9 Port of Houston Authority in H.C.C.F. Number M567481;

10 Thence, along a west line of said 17.552 acre tract, North 03  
11 degrees 19 minutes 04 seconds West, a distance of 570.00 feet to a  
12 point (located in the waters of the Houston Ship Channel) for the  
13 southwest corner of a called 5.659 acre tract described in the  
14 General Warranty Deed recorded in the name of Ballard Exploration  
15 Company, Inc., in H.C.C.F. No. U550210, being the northwest corner  
16 of the herein described tract;

17 Thence, along the southerly lines of said 5.659 acre tract,  
18 the following three (3) courses:

19 1. North 86 degrees 40 minutes 56 seconds East, a distance  
20 of 590.00 feet to a 5/8-inch iron rod found;

21 2. South 03 degrees 19 minutes 04 seconds East, a distance  
22 of 25.00 feet to a 5/8-inch iron rod set, from which a 5/8-inch iron  
23 rod found bears South 07 degrees 30 minutes West, 0.8 feet;

24 3. North 86 degrees 40 minutes 56 seconds East, a distance  
25 of 360.00 feet to a 5/8-inch iron rod found on the westerly R.O.W.  
26 line of aforesaid Penn City Road, being the southeast corner of said  
27 5.659 acre tract and an interior corner of the herein described

1 tract;

2 Thence, with the westerly R.O.W. line of said Penn City Road,  
3 South 03 degrees 19 minutes 04 seconds East, passing at a distance  
4 of 175.64 feet a 5/8-inch iron rod found at the most northerly  
5 northeast corner of aforesaid 19.979 acre tract and continuing in  
6 all a distance of 225.31 feet to a 5/8-inch iron rod found for an  
7 interior corner of said 19.979 acre tract and the herein described  
8 tract;

9 Thence, with the southerly R.O.W. line of said Penn City  
10 Road, South 55 degrees 08 minutes 42 seconds East, a distance of  
11 83.95 feet to a 5/8-inch iron rod set for the southeast corner of  
12 said Penn City Road, said point being on the westerly line of  
13 aforementioned 16.581 acre tract;

14 Thence, along the easterly R.O.W. line of said Penn City Road  
15 and the westerly line of said 16.581 acre tract, North 03 degrees 19  
16 minutes 04 seconds West, a distance of 552.12 feet to the Point of  
17 Beginning and containing 48.454 acres of land.

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

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

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

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

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

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