

1-1 By: Hegar S.B. No. 860
1-2 (In the Senate - Filed February 16, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 23, 2009, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; April 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Fort Bend-Waller Counties Municipal
1-9 Utility District No. 2; providing authority to impose a tax and
1-10 issue bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8329 to read as follows:

1-14 CHAPTER 8329. FORT BEND-WALLER COUNTIES MUNICIPAL UTILITY
1-15 DISTRICT NO. 2

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8329.001. 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 Fort Bend-Waller Counties
1-21 Municipal Utility District No. 2.

1-22 Sec. 8329.002. 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. 8329.003. 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. 8329.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-30 temporary directors may not hold an election under Section 8329.003
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. 8329.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-36 (a) 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, improvement, operation,
1-42 or maintenance of macadamized, graveled, or paved roads, or
1-43 improvements, including storm drainage, in aid of those roads.

1-44 Sec. 8329.006. INITIAL DISTRICT TERRITORY. (a) The
1-45 district is initially composed of the territory described by
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of
1-48 the Act creating this chapter form a closure. A mistake made in the
1-49 field notes or in copying the field notes in the legislative process
1-50 does not affect the district's:

1-51 (1) organization, existence, or validity;

1-52 (2) right to issue any type of bond for the purposes
1-53 for which the district is created or to pay the principal of and
1-54 interest on a bond;

1-55 (3) right to impose a tax; or

1-56 (4) legality or operation.

1-57 [Sections 8329.007-8329.050 reserved for expansion]

1-58 SUBCHAPTER B. BOARD OF DIRECTORS

1-59 Sec. 8329.051. GOVERNING BODY; TERMS. (a) The district is
1-60 governed by a board of five elected directors.

1-61 (b) Except as provided by Section 8329.052, directors serve
1-62 staggered four-year terms.

1-63 Sec. 8329.052. TEMPORARY DIRECTORS. (a) On or after the
1-64 effective date of the Act creating this chapter, the owner or owners

2-1 of a majority of the assessed value of the real property in the
 2-2 district may submit a petition to the Texas Commission on
 2-3 Environmental Quality requesting that the commission appoint as
 2-4 temporary directors the five persons named in the petition. The
 2-5 commission shall appoint as temporary directors the five persons
 2-6 named in the petition.

2-7 (b) Temporary directors serve until the earlier of:

2-8 (1) the date permanent directors are elected under
 2-9 Section 8329.003; or

2-10 (2) the fourth anniversary of the effective date of
 2-11 the Act creating this chapter.

2-12 (c) If permanent directors have not been elected under
 2-13 Section 8329.003 and the terms of the temporary directors have
 2-14 expired, successor temporary directors shall be appointed or
 2-15 reappointed as provided by Subsection (d) to serve terms that
 2-16 expire on the earlier of:

2-17 (1) the date permanent directors are elected under
 2-18 Section 8329.003; or

2-19 (2) the fourth anniversary of the date of the
 2-20 appointment or reappointment.

2-21 (d) If Subsection (c) applies, the owner or owners of a
 2-22 majority of the assessed value of the real property in the district
 2-23 may submit a petition to the commission requesting that the
 2-24 commission appoint as successor temporary directors the five
 2-25 persons named in the petition. The commission shall appoint as
 2-26 successor temporary directors the five persons named in the
 2-27 petition.

2-28 [Sections 8329.053-8329.100 reserved for expansion]

2-29 SUBCHAPTER C. POWERS AND DUTIES

2-30 Sec. 8329.101. GENERAL POWERS AND DUTIES. The district has
 2-31 the powers and duties necessary to accomplish the purposes for
 2-32 which the district is created.

2-33 Sec. 8329.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-34 DUTIES. The district has the powers and duties provided by the
 2-35 general law of this state, including Chapters 49 and 54, Water Code,
 2-36 applicable to municipal utility districts created under Section 59,
 2-37 Article XVI, Texas Constitution.

2-38 Sec. 8329.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-39 52, Article III, Texas Constitution, the district may design,
 2-40 acquire, construct, finance, issue bonds for, improve, operate,
 2-41 maintain, and convey to this state, a county, or a municipality for
 2-42 operation and maintenance macadamized, graveled, or paved roads, or
 2-43 improvements, including storm drainage, in aid of those roads.

2-44 Sec. 8329.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-45 road project must meet all applicable construction standards,
 2-46 zoning and subdivision requirements, and regulations of each
 2-47 municipality in whose corporate limits or extraterritorial
 2-48 jurisdiction the road project is located.

2-49 (b) If a road project is not located in the corporate limits
 2-50 or extraterritorial jurisdiction of a municipality, the road
 2-51 project must meet all applicable construction standards, zoning and
 2-52 subdivision requirements, and regulations of each county in which
 2-53 the road project is located.

2-54 (c) If the state will maintain and operate the road, the
 2-55 Texas Transportation Commission must approve the plans and
 2-56 specifications of the road project.

2-57 Sec. 8329.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-58 OR RESOLUTION. The district shall comply with all applicable
 2-59 requirements of any ordinance or resolution that is adopted under
 2-60 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-61 creation of the district or to the inclusion of land in the
 2-62 district.

2-63 Sec. 8329.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-64 district may not exercise the power of eminent domain outside the
 2-65 district to acquire a site or easement for:

2-66 (1) a road project authorized by Section 8329.103; or

2-67 (2) a recreational facility as defined by Section
 2-68 49.462, Water Code.

2-69 [Sections 8329.107-8329.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8329.151. ELECTIONS REGARDING TAXES OR BONDS.

(a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8329.153.

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

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

Sec. 8329.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8329.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8329.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 8329.154-8329.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8329.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8329.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8329.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Fort Bend-Waller Counties Municipal Utility District No. 2 initially includes all the territory contained in the following area:

FIELD NOTES FOR A 472.573 ACRE TRACT OF LAND IN THE THOMAS CRESOP SURVEY, ABSTRACT 405, WALLER COUNTY, TEXAS, ABSTRACT 369, FORT BEND COUNTY, TEXAS, AND THE P. M. CUNY SURVEY, ABSTRACT 355, WALLER COUNTY, TEXAS, THE ROBERT T. VAN SLYKE SURVEY, ABSTRACT 395, WALLER COUNTY, TEXAS, AND THE W. W. BAINS SURVEY, ABSTRACT 385, WALLER COUNTY, TEXAS, SAID 472.573 ACRE TRACT BEING COMPRISED OF THAT CERTAIN CALLED 137.322 ACRE TRACT RECORDED IN VOLUME 1131, PAGE 26, OFFICIAL RECORDS, WALLER COUNTY, TEXAS, THAT CERTAIN CALLED 54.00 ACRE TRACT RECORDED IN VOLUME 1130, PAGE 776, OFFICIAL RECORDS, WALLER COUNTY, TEXAS, THAT CERTAIN CALLED 136.8 ACRE TRACT (TRACT ONE) AND THAT CERTAIN CALLED 135.5 ACRE TRACT (TRACT TWO) RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2008102246, OFFICIAL PUBLIC RECORD, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 8.429 ACRE TRACT RECORDED IN VOLUME 0727, PAGE 840, OFFICIAL RECORDS, WALLER COUNTY, TEXAS, AND THAT CERTAIN CALLED 0.506 ACRE TRACT RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2002053393, OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED

4-1 UPON GPS OBSERVATIONS OF NGS TRIANGULATION STATION "BROOKSHIRE".

4-2 BEGINNING at a $\frac{3}{4}$ inch iron rod found at the intersection of
4-3 the south right-of-way line U. S. Highway 90 (100-foot wide) with
4-4 the east line of a 40-foot wide private road (marked Alt Lane) for
4-5 the northwest corner of said called 137.322 acre tract, and the most
4-6 westerly northwest corner and Place of Beginning of the herein
4-7 described tract, said point bears North 88 degrees 21 minutes 47
4-8 seconds East, 39.90 feet from a $\frac{5}{8}$ inch iron rod with cap marked
4-9 "Tri-Tech";

4-10 THENCE North 88 degrees 44 minutes 46 seconds East along the
4-11 north line of the herein described tract and the north line of said
4-12 called 137.322 acre tract, same being the south right-of-way line
4-13 U. S. Highway 90, 2,037.44 feet to a $\frac{5}{8}$ inch iron rod with cap
4-14 marked "3438" found for the northeast corner of the herein
4-15 described tract, same being the northwest corner of an adjoining
4-16 called 0.0971 acre tract described in deed recorded in Volume 0966,
4-17 Page 132, Official Records, Waller County, Texas;

4-18 THENCE South 04 degrees 55 minutes 35 seconds East along the
4-19 east line of the herein described tract, same being the west line of
4-20 said adjoining called 0.0971 acre tract, 411.10 feet to a $\frac{3}{4}$ inch
4-21 iron pipe found for a reentry corner to the herein described tract,
4-22 same being the south corner of said adjoining called 0.0971 acre
4-23 tract, the southwest corner of an adjoining called 5.00 acre tract
4-24 described in deed recorded in Volume 0595, Page 540, Official
4-25 Records, Waller County, Texas, and the northwest corner of the
4-26 aforementioned called 54.00 acre tract, said point also being a
4-27 reentry corner of said W. W. Bains Survey, Abstract 385, same being
4-28 the upper northwest corner of the Robert T. Van Slyke Survey,
4-29 Abstract 395, and an angle point in the east line of said called
4-30 137.322 acre tract;

4-31 THENCE North 88 degrees 17 minutes 20 seconds East along a
4-32 north line of the herein described tract, the north line of said
4-33 called 54.00 acre tract, the north line of said Robert T. Van Slyke
4-34 Survey, Abstract 395, and the north line of said Thomas Cresop
4-35 Survey, Abstract 405, same being the south line of said W. W. Bains
4-36 Survey, Abstract 385, and the south line of said adjoining called
4-37 5.00 acre tract, 533.04 feet to a $\frac{3}{4}$ inch iron rod found for an angle
4-38 point in the north line of the herein described tract, being the
4-39 southeast corner of said adjoining called 5.00 acre tract, same
4-40 being the southwest corner of an adjoining called 1.417 acre tract
4-41 described in Volume 0609, Page 784, Official Records, Waller
4-42 County, Texas;

4-43 THENCE North 88 degrees 07 minutes 31seconds East along a
4-44 north line of the herein described tract, the north line of said
4-45 called 54.00 acre tract, and the north line of said Thomas Cresop
4-46 Survey, Abstract 405, same being the south line of said W. W. Bains
4-47 Survey, Abstract 385, same being the south line of said adjoining
4-48 called 1.417 acre tract, the south line of an adjoining called 2.0
4-49 acre tract recorded in Volume 0562, Page 757, Official Records,
4-50 Waller County, Texas, and the south line of an adjoining called 1.0
4-51 acre tract (Tract 2) and an adjoining called 1.0 acre tract (Tract
4-52 1) recorded in Volume 0519, Page 703, Official Records, Waller
4-53 County, Texas, at 152.37 feet pass a $\frac{3}{4}$ inch iron pipe found on said
4-54 line for the southeast corner of said adjoining called 1.417 acre
4-55 tract, same being the southwest corner of said adjoining called 2.0
4-56 acre tract, at 410.73 feet pass a $\frac{1}{2}$ inch iron pipe with cap marked
4-57 "Kalkomey Surveying" found for the northeast corner of said called
4-58 54.00 acre tract, same being the lower northwest corner of said
4-59 called 136.8 acre tract, and continuing for a total distance of
4-60 586.81 feet to a railroad iron found for a reentry corner to the
4-61 herein described tract and a reentry corner to said called 136.8
4-62 acre tract, being the southeast corner of said adjoining called 1.0
4-63 acre tract (Tract 1), and the upper southeast corner of said W. W.
4-64 Bains Survey, Abstract 385, same being the southwest corner of the
4-65 aforementioned P. M. Cuny Survey, Abstract 355, said point also
4-66 being in the west right-of-way line of Apache Road (60-foot wide);

4-67 THENCE North 02 degrees 06 minutes 10 seconds West along the
4-68 upper west line of the herein described tract, the upper west line
4-69 of said called 136.8 acre tract, and the west line of said P. M. Cuny

5-1 Survey, Abstract 355, same being the east line of said adjoining
 5-2 called 1.0 acre tract (Tract 1), and the upper east line of said W.
 5-3 W. Bains Survey, Abstract 385, 399.97 feet to a 1/2 inch iron pipe
 5-4 with cap marked "Kalkomey Surveying" found for a northwest corner
 5-5 of the herein described tract, and a northwest corner of said called
 5-6 136.8 acre tract, same being the northeast corner of said adjoining
 5-7 called 1.0 acre tract (Tract 1), said point also being in the south
 5-8 right-of-way line of U. S. Highway 90 (100-foot wide);

5-9 THENCE North 88 degrees 43 minutes 13 seconds East along the
 5-10 upper north line of the herein described tract and the north line of
 5-11 said called 136.8 acre tract, same being the south right-of-way
 5-12 line of U. S. Highway 90, 60.00 feet to a 1-inch iron pipe found for
 5-13 the most westerly northeast corner of the herein described tract
 5-14 and the upper northeast corner of said called 136.8 acre tract, same
 5-15 being the upper northwest corner of the adjoining Katy West
 5-16 Business Park, according to map or plat thereof recorded in Volume
 5-17 348, Page 221, Deed Records, Waller County, Texas;

5-18 THENCE South 02 degrees 06 minutes 10 seconds East along the
 5-19 common line of the herein described tract and said adjoining Katy
 5-20 West Business Park, being the east right-of-way line of Apache
 5-21 Road, 395.44 feet to a 1/2 inch iron pipe found for angle point;

5-22 THENCE South 09 degrees 00 minutes 01 second East continuing
 5-23 along said common line, 56.44 feet to a 1/2 inch iron pipe found for
 5-24 corner, said point being the upper southeast corner of said called
 5-25 136.8 acre tract, same being a reentry corner to said adjoining Katy
 5-26 West Business Park;

5-27 THENCE South 80 degrees 59 minutes 59 seconds West continuing
 5-28 along said common line, departing said east right-of-way line of
 5-29 Apache Road, 60.00 feet to a 1/2 inch iron pipe found for a reentry
 5-30 corner to the herein described tract and a reentry corner to said
 5-31 called 136.8 acre tract, being the lower northwest corner of said
 5-32 adjoining Katy West Business Park, and being in the west
 5-33 right-of-way line of Apache Road;

5-34 THENCE South 09 degrees 00 minutes 01 second East continuing
 5-35 along said common line, 1,124.04 feet to a 5/8 inch iron rod found
 5-36 for a reentry corner to the herein described tract and a reentry
 5-37 corner to said called 136.8 acre tract, same being the southwest
 5-38 corner of said adjoining Katy West Business Park, and being at the
 5-39 intersection of the west right-of-way line of Apache Road with the
 5-40 south right-of-way line of Comanche Road (60-foot wide);

5-41 THENCE North 88 degrees 03 minutes 14 seconds East continuing
 5-42 along said common line, 1,060.64 feet to a 3/4 inch iron rod found
 5-43 for a reentry corner to the herein described tract and a reentry
 5-44 corner to said called 136.8 acre tract, same being the southeast
 5-45 corner of said adjoining Katy West Business Park;

5-46 THENCE North 01 degree 56 minutes 47 seconds West continuing
 5-47 along said common line, 1,561.00 feet to a 3/4 inch iron pipe found
 5-48 for the most easterly northwest corner of the herein described
 5-49 tract and a northwest corner of said called 136.8 acre tract, same
 5-50 being the northeast corner of said adjoining Katy West Business
 5-51 Park, and being in the south right-of-way line of U. S. Highway 90;

5-52 THENCE North 88 degrees 42 minutes 48 seconds East along the
 5-53 most easterly north line of the herein described tract, and the
 5-54 north line of said called 136.8 acre tract, same being the south
 5-55 right-of-way line of U. S. Highway 90, 1,828.82 feet to a 1/2 inch
 5-56 iron rod with cap marked "RPLS 2085" found for the most easterly
 5-57 northeast corner of the herein described tract and the most
 5-58 easterly northeast corner of said called 136.8 acre tract, same
 5-59 being the northwest corner of an adjoining called 1.924 acre tract
 5-60 recorded in Volume 0727, Page 844, Official Records, Waller County,
 5-61 Texas;

5-62 THENCE South 01 degree 12 minutes 15 seconds East along the
 5-63 common line of the herein described tract and said adjoining called
 5-64 1.924 acre tract, 183.46 feet to a 1/2 inch iron rod with cap marked
 5-65 "RPLS 2085" found for corner;

5-66 THENCE South 62 degrees 41 minutes 42 seconds East continuing
 5-67 along said common line, 383.31 feet to a 1/2 inch iron rod with cap
 5-68 marked "RPLS 2085" found for a reentry corner to the herein
 5-69 described tract, being the south corner of said adjoining called

6-1 1.924 acre tract, and east corner of said called 136.8 acre tract,
 6-2 and being in the northwest line of the aforementioned called 8.429
 6-3 acre tract, said point being in a curve to the left;

6-4 THENCE along said curve to the left having a central angle of
 6-5 10 degrees 56 minutes 03 seconds, a radius of 940.00 feet, an arc
 6-6 length of 179.39 feet, and a chord bearing North 15 degrees 16
 6-7 minutes 58 seconds East, 179.11 feet to a point in the centerline of
 6-8 Snake Creek for corner, being the east corner of said adjoining
 6-9 called 1.924 acre tract, and being in the southwest line of an
 6-10 adjoining called 5.6687 acre tract recorded in Volume 478, Page
 6-11 631, Deed Records, Waller County, Texas;

6-12 THENCE along the centerline of Snake Creek, being the
 6-13 northeast line of the herein described tract, the northeast line of
 6-14 said called 8.426 acre tract, and the northeast line of the
 6-15 aforementioned called 135.5 acre tract, same being the southwest
 6-16 line of said adjoining called 5.6687 acre tract, the southwest line
 6-17 of an adjoining called 1.6327 acre tract described in deed recorded
 6-18 in Volume 0785, Page 649, Official Records, Waller County, Texas,
 6-19 the southwest line of an adjoining called 3.673 acre tract
 6-20 described in deed recorded in Volume 0519, Page 75, Official
 6-21 Records, Waller County, Texas, and the southwest line of an
 6-22 adjoining called 24.356 acre tract recorded in Volume 0970, Page
 6-23 131, Official Records, Waller County, Texas, with the following
 6-24 meanders:

6-25 South 55 degrees 05 minutes 56 seconds East, 131.02
 6-26 feet;

6-27 South 54 degrees 20 minutes 06 seconds East, 550.23 feet

6-28 South 64 degrees 50 minutes 22 seconds East, 329.51 feet

6-29 South 55 degrees 03 minutes 33 seconds East, 61.69 feet

6-30 South 45 degrees 08 minutes 57 seconds East, 128.52 feet

6-31 South 46 degrees 52 minutes 01 second East, 1,243.02
 6-32 feet

6-33 South 49 degrees 37 minutes 43 seconds East, 273.13 feet
 6-34 to a point in the centerline of Snake Creek for the lower northeast
 6-35 corner of the herein described tract and the northeast corner of
 6-36 said called 135.5 acre tract, same being the southeast corner of
 6-37 said adjoining called 24.356 acre tract, the southwest corner of an
 6-38 adjoining called 1.035 acre tract recorded in Volume 251, Page 228,
 6-39 Deed Records, Waller County, Texas, and the lower northwest corner
 6-40 of the adjoining residue of a called 5.418 acre tract recorded in
 6-41 Volume 218, Page 223, Volume 219, Page 327, and Volume 219, Page
 6-42 241, Deed Records, Waller County, Texas, and Volume 539, Page 471,
 6-43 Deed Records, Fort Bend County, Texas, from which point a found $\frac{1}{2}$
 6-44 inch iron pipe with cap marked "Kalkomey Surveying" bears North 01
 6-45 degree 44 minutes 58 seconds West, 49.62 feet;

6-46 THENCE South 01 degree 45 minutes 28 seconds East along the
 6-47 upper east line of the herein described tract and the east line of
 6-48 said called 135.5 acre tract, same being the west line of said
 6-49 adjoining residue of a called 5.418 acre tract, at 589.52 feet pass
 6-50 a $\frac{1}{2}$ inch iron rod found on said line, and continuing for a total
 6-51 distance of 629.50 feet to a $\frac{1}{2}$ inch iron rod found for the upper
 6-52 southeast corner of the herein described tract and the upper
 6-53 southeast corner of said called 135.5 acre tract, same being the
 6-54 southwest corner of said adjoining residue of a called 5.418 acre
 6-55 tract, the northwest corner of an adjoining called 3.204 acre tract
 6-56 recorded in Volume 522, Page 647, Deed Records, Fort Bend County,
 6-57 Texas, and the northeast corner of an adjoining called 1.2086 acre
 6-58 tract recorded under County Clerk's File Number 2005006745,
 6-59 Official Public Records, Fort Bend County, Texas;

6-60 THENCE South 88 degrees 04 minutes 25 seconds West along the
 6-61 upper south line of the herein described tract and the upper south
 6-62 line of said called 135.5 acre tract, same being the north line of
 6-63 said adjoining called 1.2086 acre tract, at 119.83 feet pass a $1\frac{1}{4}$
 6-64 inch iron pipe found on said line for the northwest corner of said
 6-65 adjoining called 1.2086 acre tract, same being the northeast corner
 6-66 of an adjoining called 5.07 acre tract recorded under County
 6-67 Clerk's File Number 2002092170, Official Public Records, Fort Bend
 6-68 County, Texas, and continuing for a total distance of 775.68 feet to
 6-69 a $1\frac{1}{4}$ inch iron pipe found on said line for a reentry corner to the

7-1 herein described tract and a reentry corner to said called 135.5
7-2 acre tract, same being the northwest corner of said adjoining
7-3 called 5.07 acre tract;

7-4 THENCE South 01 degree 43 minutes 48 seconds East along the
7-5 lower east line of the herein described tract and the lower east
7-6 line of said called 135.5 acre tract, same being the west line of
7-7 said adjoining called 5.07 acre tract, 338.08 feet to a 1-inch iron
7-8 pipe found on said line at its intersection with the north
7-9 right-of-way line of Interstate Highway 10 (320-foot wide), for the
7-10 lower southeast corner of the herein described tract and the lower
7-11 southeast corner of said called 135.5 acre tract, same being the
7-12 southwest corner of said adjoining called 5.07 acre tract;

7-13 THENCE South 88 degrees 14 minutes 06 seconds West along the
7-14 south line of the herein described tract and the south line of said
7-15 called 135.5 acre tract, being the north right-of-way line of
7-16 Interstate Highway 10, 103.78 feet to a concrete monument found on
7-17 said line for angle point;

7-18 THENCE South 87 degrees 19 minutes 06 seconds West continuing
7-19 along said line, 2,169.25 feet to a concrete monument found on said
7-20 line at the beginning of a curve to the right;

7-21 THENCE along said curve to the right, being the south line of
7-22 the herein described tract, the south line of said called 135.5 acre
7-23 tract, the south line of the aforementioned called 0.506 acre
7-24 tract, the south line of the aforementioned called 8.429 acre
7-25 tract, and the south line of the aforementioned called 136.8 acre
7-26 tract, being the north right-of-way line of Interstate Highway 10,
7-27 having a central angle of 04 degrees 36 minutes 42 seconds, a radius
7-28 of 11,299.16 feet, an arc length of 909.48 feet, and a chord bearing
7-29 South 89 degrees 39 minutes 23 seconds West, 909.24 feet to a
7-30 concrete monument found at the end of said curve;

7-31 THENCE North 88 degrees 02 minutes 16 seconds West continuing
7-32 along the south line of the herein described tract and the south
7-33 line of said called 136.8 acre tract, being the north right-of-way
7-34 line of Interstate Highway 10, 304.68 feet to a ³/₄ inch iron pipe
7-35 found on said line for angle point;

7-36 THENCE North 88 degrees 04 minutes 11 seconds West along the
7-37 south line of the herein described tract and the south line of said
7-38 called 136.8 acre tract, being the north right-of-way line of
7-39 Interstate Highway 10, 325.07 feet to a ¹/₂ inch iron pipe with cap
7-40 marked "Kalkomey Surveying" found on said line at the beginning of a
7-41 curve to the left, from which point a found concrete monument bears
7-42 South 56 degrees 15 minutes 06 seconds East, 0.36 feet;

7-43 THENCE along said curve to the left having a central angle of
7-44 03 degrees 38 minutes 39 seconds, a radius of 11,619.16 feet, an arc
7-45 length of 739.01 feet, and a chord bearing North 89 degrees 53
7-46 minutes 30 seconds West, 738.89 feet to a concrete monument found at
7-47 the end of said curve;

7-48 THENCE South 88 degrees 17 minutes 10 seconds West continuing
7-49 along the south line of the herein described tract and the south
7-50 line of said called 136.8 acre tract, being the north right-of-way
7-51 line of Interstate Highway 10, at 319.40 feet pass a ¹/₂ inch iron
7-52 pipe with cap marked "Kalkomey Surveying" found on said line for the
7-53 southeast corner of the aforementioned called 54.00 acre tract, and
7-54 continuing for a total distance of 1,263.18 feet to a ¹/₂ inch iron
7-55 rod found for angle point, said point being the southeast corner of
7-56 the aforementioned called 137.322 acre tract, same being the
7-57 southwest corner of said called 54.00 acre tract, and being in the
7-58 west line of the aforementioned Robert T. Van Slyke Survey,
7-59 Abstract 407, same being the east line of the aforementioned W. W.
7-60 Bains Survey, Abstract 385;

7-61 THENCE South 88 degrees 17 minutes 40 seconds West along the
7-62 south line of the herein described tract and the south line of said
7-63 called 137.322 acre tract, same being the north right-of-way line
7-64 of Interstate Highway 10, 2,054.95 feet to a ¹/₂ inch iron rod found
7-65 for the southwest corner of the herein described tract and the
7-66 southwest corner of said called 137.322 acre tract, same being the
7-67 southeast corner of an adjoining called 2.4915 acre tract recorded
7-68 in Volume 0854, Page 039, Official Records, Waller County, Texas,
7-69 described in Volume 424, Page 435, Deed Records, Waller County,

8-1 Texas, from which point a found 1-¹/₄ inch iron pipe bears South 82
8-2 degrees 00 minutes 55 seconds West, 10.60 feet;

8-3 THENCE North 02 degrees 01 minute 18 seconds West along the
8-4 west line of the herein described tract and the west line of said
8-5 called 137.322 acre tract, same being the east line of said
8-6 adjoining called 2.4915 acre tract, and along the east line of the
8-7 aforementioned adjoining 40-foot wide private road (marked Alt
8-8 Lane), at 119.02 feet (adjoiner called 120.13 feet) pass a 5/8 inch
8-9 iron rod found 0.23 feet right of said line, and continuing for a
8-10 total distance of 2,918.57 feet to the Place of Beginning and
8-11 containing 472.573 acres of land, more or less, with 95.187 acres
8-12 within Fort Bend County, Texas, and 377.386 acres within Waller
8-13 County, Texas.

8-14 SECTION 3. (a) The legal notice of the intention to
8-15 introduce this Act, setting forth the general substance of this
8-16 Act, has been published as provided by law, and the notice and a
8-17 copy of this Act have been furnished to all persons, agencies,
8-18 officials, or entities to which they are required to be furnished
8-19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-20 Government Code.

8-21 (b) The governor, one of the required recipients, has
8-22 submitted the notice and Act to the Texas Commission on
8-23 Environmental Quality.

8-24 (c) The Texas Commission on Environmental Quality has filed
8-25 its recommendations relating to this Act with the governor, the
8-26 lieutenant governor, and the speaker of the house of
8-27 representatives within the required time.

8-28 (d) All requirements of the constitution and laws of this
8-29 state and the rules and procedures of the legislature with respect
8-30 to the notice, introduction, and passage of this Act are fulfilled
8-31 and accomplished.

8-32 SECTION 4. This Act takes effect immediately if it receives
8-33 a vote of two-thirds of all the members elected to each house, as
8-34 provided by Section 39, Article III, Texas Constitution. If this
8-35 Act does not receive the vote necessary for immediate effect, this
8-36 Act takes effect September 1, 2009.

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