

1-1 By: Hegar S.B. No. 994
1-2 (In the Senate - Filed February 20, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 24, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 24, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 994 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Fort Bend County Municipal Utility
1-11 District No. 192; providing authority to impose a tax and issue
1-12 bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8330 to read as follows:

1-16 CHAPTER 8330. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 192
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8330.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Fort Bend County Municipal
1-22 Utility District No. 192.

1-23 Sec. 8330.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district created under Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8330.003. CONFIRMATION AND DIRECTORS' ELECTION
1-27 REQUIRED. The temporary directors shall hold an election to
1-28 confirm the creation of the district and to elect five permanent
1-29 directors as provided by Section 49.102, Water Code.

1-30 Sec. 8330.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
1-31 temporary directors may not hold an election under Section 8330.003
1-32 until each municipality in whose corporate limits or
1-33 extraterritorial jurisdiction the district is located has
1-34 consented by ordinance or resolution to the creation of the
1-35 district and to the inclusion of land in the district.

1-36 (b) Subject to the limitations of Section 54.016, Water
1-37 Code, the district shall comply with all applicable requirements of
1-38 any ordinance or resolution adopted by the governing body of the
1-39 municipality that consents to the creation of the district or to the
1-40 inclusion of lands within the district.

1-41 (c) In addition to the restrictions and conditions
1-42 described by Section 54.016(e), Water Code, a municipality that
1-43 contains district territory in its corporate limits or
1-44 extraterritorial jurisdiction may include in the municipality's
1-45 consent any restriction on or condition to the municipality's
1-46 consent to the creation of the district, including a limitation on
1-47 the powers of the district otherwise granted by this chapter.

1-48 Sec. 8330.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, or improvement of
1-55 macadamized, graveled, or paved roads described by Section 54.234,
1-56 Water Code, or improvements, including storm drainage, in aid of
1-57 those roads.

1-58 Sec. 8330.006. INITIAL DISTRICT TERRITORY. (a) The
1-59 district is initially composed of the territory described by
1-60 Section 2 of the Act creating this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of
1-62 the Act creating this chapter form a closure. A mistake made in the
1-63 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:
 2-2 (1) organization, existence, or validity;
 2-3 (2) right to issue any type of bond for the purposes
 2-4 for which the district is created or to pay the principal of and
 2-5 interest on a bond;
 2-6 (3) right to impose a tax; or
 2-7 (4) legality or operation.
 2-8 [Sections 8330.007-8330.050 reserved for expansion]
 2-9 SUBCHAPTER B. BOARD OF DIRECTORS
 2-10 Sec. 8330.051. GOVERNING BODY; TERMS. (a) The district is
 2-11 governed by a board of five elected directors.
 2-12 (b) Except as provided by Section 8330.052, directors serve
 2-13 staggered four-year terms.
 2-14 Sec. 8330.052. TEMPORARY DIRECTORS. (a) On or after the
 2-15 effective date of the Act creating this chapter, the owner or owners
 2-16 of a majority of the assessed value of the real property in the
 2-17 district may submit a petition to the Texas Commission on
 2-18 Environmental Quality requesting that the commission appoint as
 2-19 temporary directors the five persons named in the petition. The
 2-20 commission shall appoint as temporary directors the five persons
 2-21 named in the petition.
 2-22 (b) Temporary directors serve until the earlier of:
 2-23 (1) the date permanent directors are elected under
 2-24 Section 8330.003; or
 2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act creating this chapter.
 2-27 (c) If permanent directors have not been elected under
 2-28 Section 8330.003 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:
 2-32 (1) the date permanent directors are elected under
 2-33 Section 8330.003; or
 2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.
 2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.
 2-43 [Sections 8330.053-8330.100 reserved for expansion]
 2-44 SUBCHAPTER C. POWERS AND DUTIES
 2-45 Sec. 8330.101. GENERAL POWERS AND DUTIES. The district has
 2-46 the powers and duties necessary to accomplish the purposes for
 2-47 which the district is created.
 2-48 Sec. 8330.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-49 DUTIES. The district has the powers and duties provided by the
 2-50 general law of this state, including Chapters 49 and 54, Water Code,
 2-51 applicable to municipal utility districts created under Section 59,
 2-52 Article XVI, Texas Constitution.
 2-53 Sec. 8330.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-54 Section 52, Article III, Texas Constitution, the district may
 2-55 design, acquire, construct, finance, issue bonds for, improve, and
 2-56 convey to this state, a county, or a municipality for operation and
 2-57 maintenance macadamized, graveled, or paved roads described by
 2-58 Section 54.234, Water Code, or improvements, including storm
 2-59 drainage, in aid of those roads.
 2-60 (b) The district may exercise the powers provided by this
 2-61 section without submitting a petition to or obtaining approval from
 2-62 the Texas Commission on Environmental Quality as required by
 2-63 Section 54.234, Water Code.
 2-64 Sec. 8330.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-65 may not undertake a road project authorized by Section 8330.103
 2-66 unless:
 2-67 (1) each municipality or county that will operate and
 2-68 maintain the road has approved the plans and specifications of the
 2-69 road project, if a municipality or county will operate and maintain

3-1 the road; or
 3-2 (2) the Texas Transportation Commission has approved
 3-3 the plans and specifications of the road project, if the state will
 3-4 operate and maintain the road.

3-5 (b) Except as provided by Subsection (a), the district is
 3-6 not required to obtain approval from the Texas Transportation
 3-7 Commission to design, acquire, construct, finance, issue bonds for,
 3-8 improve, or convey a road project.

3-9 Sec. 8330.105. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-10 district may not exercise the power of eminent domain outside the
 3-11 district to acquire a site or easement for:

3-12 (1) a road project authorized by Section 8330.103; or
 3-13 (2) a recreational facility as defined by Section
 3-14 49.462, Water Code.

3-15 [Sections 8330.106-8330.150 reserved for expansion]

3-16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-17 Sec. 8330.151. ELECTIONS REGARDING TAXES OR BONDS.

3-18 (a) The district may issue, without an election, bonds and other
 3-19 obligations secured by:

3-20 (1) revenue other than ad valorem taxes; or

3-21 (2) contract payments described by Section 8330.153.

3-22 (b) The district must hold an election in the manner
 3-23 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-24 before the district may impose an ad valorem tax or issue bonds
 3-25 payable from ad valorem taxes.

3-26 (c) The district may not issue bonds payable from ad valorem
 3-27 taxes to finance a road project unless the issuance is approved by a
 3-28 vote of a two-thirds majority of the district voters voting at an
 3-29 election held for that purpose.

3-30 Sec. 8330.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-31 authorized at an election held under Section 8330.151, the district
 3-32 may impose an operation and maintenance tax on taxable property in
 3-33 the district in accordance with Section 49.107, Water Code.

3-34 (b) The board shall determine the tax rate. The rate may not
 3-35 exceed the rate approved at the election.

3-36 Sec. 8330.153. CONTRACT TAXES. (a) In accordance with
 3-37 Section 49.108, Water Code, the district may impose a tax other than
 3-38 an operation and maintenance tax and use the revenue derived from
 3-39 the tax to make payments under a contract after the provisions of
 3-40 the contract have been approved by a majority of the district voters
 3-41 voting at an election held for that purpose.

3-42 (b) A contract approved by the district voters may contain a
 3-43 provision stating that the contract may be modified or amended by
 3-44 the board without further voter approval.

3-45 [Sections 8330.154-8330.200 reserved for expansion]

3-46 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-47 Sec. 8330.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-48 OBLIGATIONS. The district may issue bonds or other obligations
 3-49 payable wholly or partly from ad valorem taxes, impact fees,
 3-50 revenue, contract payments, grants, or other district money, or any
 3-51 combination of those sources, to pay for any authorized district
 3-52 purpose.

3-53 Sec. 8330.202. TAXES FOR BONDS. At the time the district
 3-54 issues bonds payable wholly or partly from ad valorem taxes, the
 3-55 board shall provide for the annual imposition of a continuing
 3-56 direct ad valorem tax, without limit as to rate or amount, while all
 3-57 or part of the bonds are outstanding as required and in the manner
 3-58 provided by Sections 54.601 and 54.602, Water Code.

3-59 Sec. 8330.203. BONDS FOR ROAD PROJECTS. At the time of
 3-60 issuance, the total principal amount of bonds or other obligations
 3-61 issued or incurred to finance road projects and payable from ad
 3-62 valorem taxes may not exceed one-fourth of the assessed value of the
 3-63 real property in the district.

3-64 SECTION 2. The Fort Bend County Municipal Utility District
 3-65 No. 192 initially includes all the territory contained in the
 3-66 following area:

3-67 TRACT I

3-68 Being a 37.73-acre (1,643,604 square feet) tract of land
 3-69 situated in the Abner Kuykendall League, A-48, Fort Bend County,

4-1 Texas, and being portion of a called 53.9470-acre tract of land
 4-2 designated Tract "A" as recorded under File Number 9725698, Fort
 4-3 Bend County Official Records (F.B.C.O.R.). Said 37.73-acre tract
 4-4 of land being more particularly described by metes and bounds as
 4-5 follows, with all bearings referenced to the Texas Coordinate
 4-6 System of 1983, South Central Zone. All distances are surface based
 4-7 on the surface coordinates (X = 3,038,374.04, Y = 13,790,244.28) of
 4-8 N.G.S. Control Monument "HGCS D 70" 1983 adjustment:

4-9 BEGINNING at a 3-inch by 4-inch iron bar found marking the
 4-10 northerly right-of-way line of Thompson Road (F.M. 762)(100 feet
 4-11 wide) and the westerly line of the C.I. McFarlane called 2.2-acre
 4-12 tract as recorded under Volume 126, Page 197 of the Fort Bend County
 4-13 Deed Records (F.B.C.D.R.), also being the most southerly southwest
 4-14 corner of said 53.9470 acre Tract "A", and being in the easterly
 4-15 line of a called 681.81-acre tract as recorded under Volume 510,
 4-16 Page 213 of said F.B.C.D.R.;

4-17 THENCE, North 20°11'32" East, departing said Thompson Road a
 4-18 distance of 362.29 feet along a common line of said 53.9470-acre
 4-19 Tract "A", and said 681.81-acre tract to a point marking the
 4-20 northeasterly corner said 681.81-acre tract and an interior corner
 4-21 of said Tract "A";

4-22 THENCE, North 66°39'25" West, along the line common to said
 4-23 53.9470-acre Tract "A" and said 681.81-acre tract, a distance of
 4-24 433.02 feet to an angel point from which a one-inch iron pipe found
 4-25 bears N 65°16' E, 0.83 feet;

4-26 THENCE, North 67°18'25" West, continuing along the line
 4-27 common to said 53.9470-acre Tract "A" and said 681.81-acre tract, a
 4-28 distance of 550.00 feet to an angel point from which a 5/8-inch iron
 4-29 rod found bears N 12°21' E, 0.35 feet;

4-30 THENCE, North 66°51'25" West, continuing along the line
 4-31 common to said 53.9470-acre Tract "A" and said 681.81-acre tract, a
 4-32 distance of 331.00 feet to an angel point from which a 5/8-inch iron
 4-33 rod found bears N 24°21' E, 0.35 feet;

4-34 THENCE, North 67°20'14" West, continuing along the line
 4-35 common to said 53.9470-acre Tract "A", and said 681.81-acre tract,
 4-36 a distance of 770.26 feet to a 5/8-inch iron rod with cap stamped
 4-37 "Kalkomey Surveying" found for the southwesterly corner of the
 4-38 herein described tract;

4-39 THENCE, North 21°52'30" East, departing said common line, a
 4-40 distance of 640.02 feet to a p.k. nail set for corner in the
 4-41 centerline of Macek Road (60 feet wide);

4-42 THENCE, South 68°11'55" East, along the centerline of said
 4-43 Macek Road, a distance of 268.46 feet to a p.k. nail set for corner;

4-44 THENCE, South 68°02'25" East, along the centerline of said
 4-45 Macek Road and along the southerly line of a called 8.6445 acre
 4-46 tract as recorded under File Number 9707473 of said F.B.C.O.R.,
 4-47 passing at 579.12 feet a 5/8-inch iron rod with cap stamped
 4-48 "Kalkomey Surveying" found for the southeast corner of said 8.6445
 4-49 acre tract, being the southwest corner of a called 0.50 acre tract
 4-50 as recorded under File Number 9520600 of said F.B.C.O.R., also
 4-51 being an angle point in said Macek Road, and continuing along the
 4-52 line common to said 53.9470 acre Tract "A", and said 0.50 acre tract
 4-53 for a total distance of 560.40 feet to a 5/8-inch iron rod found for
 4-54 an interior corner;

4-55 THENCE, North 23°11'42" East, along the line common to said
 4-56 53.9470 acre Tract "A" and said 0.50 acre tract a distance of 163.89
 4-57 feet to a 5/8-inch iron rod with cap stamped "SURVCON INC." set for
 4-58 the southwest corner of a called 53.9470 acre Tract "B" as recorded
 4-59 under File Number 9707473 of said F.B.C.O.R., and being an angle
 4-60 point in the northerly line of said Tract "A";

4-61 THENCE, South 68°02'25" East, along the line common to said
 4-62 53.9470 acre Tract "A" and said 53.9470 acre Tract "B", a distance
 4-63 of 1,295.70 feet to a 5/8-inch iron rod found for the northeast
 4-64 corner of said Tract "A", being an interior corner of said Tract
 4-65 "B";

4-66 THENCE, South 20°11'32" West, continuing along the line
 4-67 common to said Tracts "A" and "B", a distance of 1,182.38 feet to an
 4-68 angel point from which a one-inch iron pipe found bears S 24°49' E,
 4-69 0.64 feet for the common south corner of said Tracts "A" and "B",

5-1 and being in the aforementioned northerly right-of-way line of
5-2 Thompson Road;

5-3 THENCE, North 83°18'50" West, along said northerly
5-4 right-of-way line, a distance of 70.97 feet to the POINT OF
5-5 BEGINNING, containing a computed area of 37.73 acres (1,643,604
5-6 square feet) of land.

5-7 TRACT II

5-8 FIELD NOTES FOR A 8.632 ACRE TRACT OF LAND OUT OF THE PICKENS
5-9 LABOR IN THE ABNER KUYKENDALL LEAGUE, ABSTRACT 48, FORT BEND
5-10 COUNTY, TEXAS, SAID 8.632 ACRE TRACT BEING THAT CERTAIN CALLED
5-11 8.6445 ACRE TRACT (EXHIBIT "C") IN DEED TO THE ZWIENER FAMILY
5-12 LIMITED PARTNERSHIP RECORDED IN COUNTY CLERK'S FILE NO. 9707473,
5-13 OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND BEING MORE
5-14 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: WITH ALL
5-15 BEARINGS BASED ON THE EAST LINE OF THE AFOREMENTIONED CALLED 8.6445
5-16 ACRE TRACT, BEING THE EAST LINE OF THE HEREIN DESCRIBED 8.632 ACRE
5-17 TRACT, AND BEING WITHIN THE MARGINS OF MACEK ROAD AND BEING SOUTH 26
5-18 DEGREES 13 MINUTES 00 SECONDS WEST.

5-19 BEGINNING at a 5/8 inch iron rod found at the lower south
5-20 corner of the aforementioned called 8.6445 acre tract of land, same
5-21 being the west corner of an adjoining called 0.50 acre tract of land
5-22 described in deed recorded in County Clerk's File No. 1999018432,
5-23 Official Public Records, Fort Bend County, Texas, being in the
5-24 northeast line of an adjoining called 53.9470 acre tract of land
5-25 described in deed recorded in County Clerk's File No. 9725698,
5-26 Official Public Records, Fort Bend County, Texas, as located within
5-27 the margins of Macek Road and being the lower south corner and Place
5-28 of Beginning of the herein described 8.632 acre tract of land;

5-29 THENCE North 65 degrees 05 minutes 45 seconds West (called
5-30 North 65 degrees 01 minute West) along the common line of the
5-31 aforementioned called 8.6445 acre tract of land and the
5-32 aforementioned adjoining called 53.9470 acre tract of land as
5-33 located in Macek Road, 280.37 feet (called 280.10 feet) to a cotton
5-34 picker spindle set on said line for the lower west corner of the
5-35 herein described 8.632 acre tract of land;

5-36 THENCE North 26 degrees 13 minutes 00 seconds East (called
5-37 North 26 degrees 13 minutes East), 20.00 feet (called 20.00 feet) to
5-38 a 2 inch iron bar found in the northeast margin of Macek Road for a
5-39 re-entry corner to the herein described 8.632 acre tract of land,
5-40 from which point a found 3/4 inch iron pipe bears North 22 degrees
5-41 18 minutes 20 seconds East, 1.30 feet;

5-42 THENCE North 65 degrees 01 minute 50 seconds West (called
5-43 North 65 degrees 01 minute West) along the northeast line of Macek
5-44 Road, 123.34 feet (called 123.66 feet) to a 5/8 inch iron rod found
5-45 for the upper west corner of the herein described 8.632 acre tract
5-46 of land, same being the upper west corner of the aforementioned
5-47 called 8.6445 acre tract of land, and being the south corner of an
5-48 adjoining called 1.00 acre tract of land described in deed recorded
5-49 in County Clerk's File No. 9576651, Official Public Records, Fort
5-50 Bend County, Texas;

5-51 THENCE North 26 degrees 04 minutes 39 seconds East (called
5-52 North 26 degrees 03 minutes 53 seconds East) along the common line
5-53 of the aforementioned called 8.6445 acre tract of land, and the
5-54 aforementioned adjoining called 1.00 acre tract of land, at 435.72
5-55 feet pass a 2 inch iron pipe found on said line for the east corner
5-56 of the aforementioned adjoining called 1.00 acre tract of land,
5-57 same being a south corner of an adjoining residue of a called 20
5-58 acre tract of land recorded in Cause No. 16049, Probate Records,
5-59 Fort Bend County, Texas, and described in Volume 704, Page 1, Deed
5-60 Records, Fort Bend, County, Texas, at 1,404.00 feet pass a 2 inch
5-61 iron pipe with cap marked "Kalkomey Surveying" set for reference on
5-62 said line at the southerly high bank of Rabbs Bayou and continuing
5-63 for a total distance of 1,565.62 feet (called 1,565.62 feet) to a
5-64 point in the center line of Rabbs Bayou for the north corner of the
5-65 herein described 8.632 acre tract of land, same being the north
5-66 corner of said called 8.6445 acre tract of land, being in the
5-67 southeast line of the aforementioned adjoining residue of a called
5-68 20 acre tract of land, and being a west corner of an adjoining
5-69 called 10.5247 acre tract of land described in deed recorded in

6-1 County Clerk's File No. 2000023853, Official Public Records, Fort
6-2 Bend County, Texas;

6-3 THENCE South 84 degrees 56 minutes 49 seconds East (called
6-4 South 86 degrees 04 minutes 53 seconds East) along the center line
6-5 of Rabbs Bayou, being the common line of the aforementioned called
6-6 8.6445 acre tract of land and the aforementioned adjoining called
6-7 10.5247 acre tract of land, 136.30 feet (called 138.10 feet) to a
6-8 point in the center line of Rabbs Bayou for the upper east corner of
6-9 the herein described 8.632 acre tract of land, same being the north
6-10 corner of an adjoining residue of a called 17.86 acre tract of land
6-11 (4.0591 acres) described in deed recorded in Volume 140, Page 114,
6-12 Deed Records, Fort Bend County, Texas;

6-13 THENCE South 26 degrees 13 minutes 00 seconds West (called
6-14 South 26 degrees 13 minutes 00 seconds West) along the common line
6-15 of the aforementioned called 8.6445 acre tract of land and the
6-16 aforementioned adjoining residue of a called 17.86 acre tract of
6-17 land, at 103.00 feet pass a 2 inch iron pipe found on said line for
6-18 reference at the southerly high bank of Rabbs Bayou, and continuing
6-19 for a total distance of 596.89 feet (called 602.27 feet) to a 2 inch
6-20 iron pipe found for a re-entry corner to the herein described 8.632
6-21 acre tract of land, same being the west corner of the aforementioned
6-22 adjoining residue of a called 17.86 acre tract of land;

6-23 THENCE South 65 degrees 52 minutes 28 seconds East (called
6-24 South 66 degrees 16 minutes 00 seconds East) continuing along the
6-25 common line of said called 8.6445 acre tract of land and the
6-26 aforementioned adjoining residue of a called 17.86 acre tract of
6-27 land, at 0.74 feet pass a 3/4 inch iron pipe found on said line, at
6-28 250.46 feet pass a 2 inch iron pipe found on said line at its
6-29 intersection with the northwest line of Macek Road, and continuing
6-30 for a total distance of 280.48 feet (called 280.30 feet) to a cotton
6-31 picker spindle found for the middle east corner of the herein
6-32 described 8.632 acre tract of land, same being the south corner of
6-33 the aforementioned adjoining residue of a called 17.86 acre tract
6-34 of land, and being in the northwest line of an adjoining called 1.0
6-35 acre tract of land described in deed recorded in Volume 2425, Page
6-36 1179, Official Records, Fort Bend County, Texas;

6-37 THENCE South 26 degrees 13 minutes 00 seconds West (called
6-38 South 26 degrees 13 minutes 00 seconds West) along the common line
6-39 of said called 8.6445 acre tract of land and the aforementioned
6-40 adjoining called 1.0 acre tract of land, and an adjoining called
6-41 0.50 acre tract of land described in deed recorded in Volume 2425,
6-42 Page 1183, Official Records, Fort Bend County, Texas, as located in
6-43 Macek Road, 60.00 feet (called 60.00 feet) to a cotton picker
6-44 spindle set for the upper south corner of the herein described 8.632
6-45 acre tract of land, same being the east corner of an adjoining
6-46 called 2.608 acre tract of land described in deed recorded in Volume
6-47 664, Page 720, Deed Records, Fort Bend County, Texas;

6-48 THENCE North 66 degrees 18 minutes 16 seconds West (called
6-49 North 66 degrees 16 minutes 00 seconds West) along the common line
6-50 of said called 8.6445 acre tract of land and the aforementioned
6-51 adjoining called 2.608 acre tract of land, at 30.02 feet pass a 5/8
6-52 inch iron rod found on said line at its intersection with the
6-53 northwest line of Macek Road, and continuing for a total distance of
6-54 280.57 feet (called 280.30 feet) to a 5/8 inch iron rod found for a
6-55 re-entry corner to the herein described 8.632 acre tract of land,
6-56 same being the north corner of the aforementioned adjoining called
6-57 2.608 acre tract of land;

6-58 THENCE South 26 degrees 13 minutes 00 seconds West (called
6-59 South 26 degrees 13 minutes 00 seconds West) continuing along the
6-60 common line of said called 8.6445 acre tract of land and the
6-61 aforementioned adjoining called 2.608 acre tract of land, 405.61
6-62 feet (called 405.61 feet) to a 2 inch iron pipe with cap marked
6-63 "Kalkomey Surveying" set for a re-entry corner to the herein
6-64 described 8.632 acre tract of land, same being the west corner of
6-65 the aforementioned adjoining called 2.608 acre tract of land, from
6-66 which a found 3/4 inch iron pipe bears north 54 degrees 39 minutes
6-67 05 seconds East, 2.00 feet;

6-68 THENCE South 66 degrees 19 minutes 55 seconds East (called
6-69 South 66 degrees 16 minutes 00 seconds East) continuing along the

7-1 common line of said called 8.6445 acre tract of land and the
 7-2 aforementioned adjoining called 2.608 acre tract of land, at 250.55
 7-3 feet pass a 2 inch iron pipe with cap marked "Kalkomey Surveying"
 7-4 set on said line at its intersection with the northwest line of
 7-5 Macek Road, and continuing for a total distance of 280.58 feet
 7-6 (called 280.30 feet) to a cotton picker spindle set for the lower
 7-7 east corner of the herein described 8.632 acre tract of land, being
 7-8 the south corner of the aforementioned adjoining called 2.608 acre
 7-9 tract of land, and being in the northwest line of an adjoining
 7-10 called 0.515 acre tract of land described in deed recorded in Volume
 7-11 2060, Page 1525, Official Records, Fort Bend County, Texas;

7-12 THENCE South 26 degrees 13 minutes 00 seconds West (called
 7-13 South 26 degrees 13 minutes 00 seconds West) along the
 7-14 southeasterly line of said called 8.6445 acre tract of land as
 7-15 located in Macek Road, same being the northwest line of the
 7-16 aforementioned adjoining called 0.515 acre tract of land, and the
 7-17 northwest line of an adjoining called 1.0 acre tract of land
 7-18 described in deed recorded in Volume 485, Page 320, Deed Records,
 7-19 Fort Bend County, Texas, the northwest line of an adjoining residue
 7-20 of a called 1.0 acre tract of land described in deed recorded in
 7-21 Volume 559, Page 59, Deed Records, Fort Bend County, Texas, the
 7-22 northwest line of an adjoining called 0.50 acre tract of land
 7-23 described in County Clerk's File No. 9887910, Official Public
 7-24 Records, Fort Bend County, Texas, the northwest line of an
 7-25 adjoining called 2 acre tract described in deed recorded in Volume
 7-26 594, Page 861, Deed Records, Fort Bend County, Texas, the northwest
 7-27 line of an adjoining called 0.500 acre tract of land described in
 7-28 deed recorded in County Clerk's File No. 9520600, Official Public
 7-29 Records, Fort Bend County, Texas, and the northwest line of the
 7-30 aforementioned adjoining called 0.50 acre tract of land described
 7-31 in County Clerk's File No. 1999018432, Official Public Records,
 7-32 Fort Bend County, Texas, 573.59 feet (called 573.59 feet) to the
 7-33 Place of Beginning and containing 8.632 acres of land, with 0.550
 7-34 acre within the margins of Macek Road, for a net acreage of 8.092
 7-35 acres of land, more or less.

7-36 TRACT III

7-37 Being a 53.91-acre (2,348,320 square feet) tract of land
 7-38 situated in the Abner Kuykendall League, A-48, Fort Bend County,
 7-39 Texas, and being all of a called 53.9470-acre tract of land
 7-40 designated Tract "B" as recorded under File Number 9725698, Fort
 7-41 Bend County Official Records (F.B.C.O.R.). Said 53.91-acre tract
 7-42 of land being more particularly described by metes and bounds as
 7-43 follows, with all bearings referenced to the Texas Coordinate
 7-44 System of 1983, South Central Zone. All distances are surface based
 7-45 on N.G.S. Control Monument "HGCSO 70" 1983 adjustment:

7-46 BEGINNING at a 5/8-inch iron rod with cap stamped "SURVCON
 7-47 INC." set marking the northerly right-of-way line of Thompson Road
 7-48 (F.M. 762)(100 feet wide) and being the most southerly
 7-49 southeasterly corner of said 53.9470 acre Tract "B", and being in
 7-50 the westerly line of a called 193-acre tract as recorded under
 7-51 Volume 487, Page 664 of said F.B.C.D.R.;

7-52 THENCE, North 83°18'51" West, along said northerly
 7-53 right-of-way line, a distance of 198.65 feet to point from which a
 7-54 one-inch iron pipe found bears S 24°49' W, 0.64 feet for the common
 7-55 south corner of said Tracts "A" and "B";

7-56 THENCE, North 20°11'32" East, departing said northerly
 7-57 right-of-way line and along the common line to said 53.9470-acre
 7-58 Tract "B" and called 53.9470-acre Tract "A" as recorded under File
 7-59 Number 9725698 of said F.B.C.O.R., a distance of 1,182.38 feet to a
 7-60 3/4-inch iron pipe found for an interior corner of the herein
 7-61 described tract;

7-62 THENCE, North 68°02'25" West, along said common line, a
 7-63 distance of 1,294.57 feet to a 5/8-inch iron rod with cap stamped
 7-64 "SURVCON INC." found for westerly corner;

7-65 THENCE, North 23°11'42" East, departing said common line, a
 7-66 distance of 459.12 feet to a 3/4-inch iron pipe found for an
 7-67 interior corner;

7-68 THENCE, North 66°48'19" West, a distance of 250.30 feet to a
 7-69 3/4-inch iron pipe found for a corner and same being on the easterly

8-1 right-of-way line of Macek Road (60 feet wide) as recorded under
8-2 Volume 517, Page 590 of said F.B.C.D.R.;

8-3 THENCE, North 23°11'34" East, along said easterly
8-4 right-of-way line, a distance of 75.40 feet to a 5/8-inch iron rod
8-5 with cap stamped "SURVCON INC." set for corner;

8-6 THENCE, South 66°48'19" East, departing said easterly
8-7 right-of-way line, a distance of 250.30 feet to a 1 1/2-inch iron
8-8 pipe found for an interior corner;

8-9 THENCE, North 23°11'42" East, a distance of 936.40 feet to a
8-10 point for the most northwest corner of the herein described tract
8-11 same being in the center line of Rabbs Bayou;

8-12 THENCE, South 54°28'48" East, along said center line, a
8-13 distance of 175.09 feet to an angle point;

8-14 THENCE, South 60°15'56" East, along said center line, a
8-15 distance of 554.12 feet to an angle point;

8-16 THENCE, South 72°57'10" East, continuing along said center
8-17 line, a distance of 260.14 feet to an angle point;

8-18 THENCE, South 79°36'31" East, continuing along said center
8-19 line, a distance of 246.18 feet to an angle point;

8-20 THENCE, South 75°23'46" East, continuing along said center
8-21 line, a distance of 166.22 feet to an angle point;

8-22 THENCE, South 71°03'39" East, continuing along said center
8-23 line, a distance of 82.35 feet to a point for the northeasterly
8-24 corner of the herein described tract;

8-25 THENCE, South 21°25'15" West, departing said center line, a
8-26 distance of 2,581.44 feet to the POINT OF BEGINNING, containing a
8-27 computed area of 53.91 acres (2,348,320 square feet) of land.

8-28 SECTION 3. (a) The legal notice of the intention to
8-29 introduce this Act, setting forth the general substance of this
8-30 Act, has been published as provided by law, and the notice and a
8-31 copy of this Act have been furnished to all persons, agencies,
8-32 officials, or entities to which they are required to be furnished
8-33 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-34 Government Code.

8-35 (b) The governor, one of the required recipients, has
8-36 submitted the notice and Act to the Texas Commission on
8-37 Environmental Quality.

8-38 (c) The Texas Commission on Environmental Quality has filed
8-39 its recommendations relating to this Act with the governor, the
8-40 lieutenant governor, and the speaker of the house of
8-41 representatives within the required time.

8-42 (d) All requirements of the constitution and laws of this
8-43 state and the rules and procedures of the legislature with respect
8-44 to the notice, introduction, and passage of this Act are fulfilled
8-45 and accomplished.

8-46 SECTION 4. This Act takes effect immediately if it receives
8-47 a vote of two-thirds of all the members elected to each house, as
8-48 provided by Section 39, Article III, Texas Constitution. If this
8-49 Act does not receive the vote necessary for immediate effect, this
8-50 Act takes effect September 1, 2009.

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