

By: Patrick, Hegar

S.B. No. 2467

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

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 3877 to read as follows:

CHAPTER 3877. WALLER TOWN CENTER MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3877.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Waller Town Center Management District.

Sec. 3877.002. NATURE OF DISTRICT. The Waller Town Center Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3877.003. 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 Waller, Harris County, and other political subdivisions to contract with the district, the legislature has established a program to

1 accomplish the public purposes set out in Section 52-a, Article
2 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. 3877.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

15 (a) 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 and

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

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

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

22 Sec. 3877.005. INITIAL DISTRICT TERRITORY. (a) The
23 district is initially composed of the territory described by
24 Section 2 of the Act enacting this chapter.

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

1 does not affect the district's:

2 (1) organization, existence, or validity;

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

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

7 (4) legality or operation.

8 Sec. 3877.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

17 Sec. 3877.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
18 DISTRICTS LAW. Except as otherwise provided by this chapter,
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3877.008. LIBERAL CONSTRUCTION OF CHAPTER. This
21 chapter shall be liberally construed in conformity with the
22 findings and purposes stated in this chapter.

23 [Sections 3877.009-3877.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3877.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 3877.052, directors serve

1 staggered four-year terms, with two or three directors elected in
2 even-numbered years on the uniform election date in May prescribed
3 by the Election Code.

4 (c) Section 54.102, Water Code, applies to directors.
5 Section 375.063, Local Government Code, does not apply to
6 directors.

7 Sec. 3877.052. TEMPORARY DIRECTORS. (a) The initial
8 temporary board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
1	<u>Cindy Gayle</u>
2	<u>Wendell Halley</u>
3	<u>Larry Boudloche</u>
4	<u>John Isom</u>
5	<u>Jo Ann London</u>

15 (b) The temporary directors shall hold an election to elect
16 five permanent directors.

17 (c) Temporary directors serve until the earlier of:

18 (1) the date permanent directors are elected under
19 Subsection (b); or

20 (2) the fourth anniversary of the effective date of
21 the Act enacting this chapter.

22 (d) If permanent directors have not been elected under
23 Subsection (b) and the terms of the temporary directors have
24 expired, successor temporary directors shall be appointed or
25 reappointed as provided by Subsection (e) to serve terms that
26 expire on the earlier of:

27 (1) the date permanent directors are elected under

1 Subsection (b); or

2 (2) the fourth anniversary of the date of the
3 appointment or reappointment.

4 (e) If Subsection (d) applies, the owner or owners of a
5 majority of the assessed value of the real property in the district
6 may submit a petition to the Texas Commission on Environmental
7 Quality requesting that the commission appoint as successor
8 temporary directors the five persons named in the petition. The
9 commission shall appoint as successor temporary directors the five
10 persons named in the petition.

11 Sec. 3877.053. COMPENSATION. A director is entitled to
12 receive fees of office and reimbursement for actual expenses as
13 provided by Section 49.060, Water Code. Sections 375.069 and
14 375.070, Local Government Code, do not apply to the board.

15 [Sections 3877.054-3877.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3877.101. DEVELOPMENT CORPORATION POWERS. The
18 district may exercise the powers given to a development corporation
19 under Chapter 505, Local Government Code, including the power to
20 own, operate, acquire, construct, lease, improve, or maintain a
21 project described by that chapter.

22 Sec. 3877.102. NONPROFIT CORPORATION. (a) The board by
23 resolution may authorize the creation of a nonprofit corporation to
24 assist and act for the district in implementing a project or
25 providing a service authorized by this chapter.

26 (b) The nonprofit corporation:

27 (1) has each power of and is considered for purposes of

1 this chapter to be a local government corporation created under
2 Chapter 431, Transportation Code; and

3 (2) may implement any project and provide any service
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the
6 nonprofit corporation. The board of directors of the nonprofit
7 corporation shall serve in the same manner as the board of directors
8 of a local government corporation created under Chapter 431,
9 Transportation Code, except that a board member is not required to
10 reside in the district.

11 Sec. 3877.103. AGREEMENTS; GRANTS. (a) The district may
12 make an agreement with or accept a gift, grant, or loan from any
13 person.

14 (b) The implementation of a project is a governmental
15 function or service for the purposes of Chapter 791, Government
16 Code.

17 Sec. 3877.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
18 To protect the public interest, the district may contract with a
19 qualified party, including Harris County or the City of Waller, for
20 the provision of law enforcement services in the district for a fee.

21 Sec. 3877.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
22 district may join and pay dues to a charitable or nonprofit
23 organization that performs a service or provides an activity
24 consistent with the furtherance of a district purpose.

25 Sec. 3877.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
26 district may establish and provide for the administration of one or
27 more programs to promote state or local economic development and to

1 stimulate business and commercial activity in the district,
2 including programs to:

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

4 (2) provide district personnel and services.

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

7 Sec. 3877.107. STRATEGIC PARTNERSHIP AGREEMENT. The
8 district may negotiate and enter into a written strategic
9 partnership with the City of Waller under Section 43.0751, Local
10 Government Code.

11 Sec. 3877.108. LIMITED EMINENT DOMAIN. (a) Section
12 375.094, Local Government Code, does not apply to the district.

13 (b) The district may exercise the power of eminent domain in
14 accordance with Section 49.222, Water Code.

15 (c) The district may not exercise the power of eminent
16 domain outside the district boundaries to acquire:

17 (1) a site for a water treatment plant, water storage
18 facility, wastewater treatment plant, or wastewater disposal
19 plant;

20 (2) a recreational facility as defined by Section
21 49.462, Water Code; or

22 (3) a site for a road project.

23 Sec. 3877.109. 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 3877.110-3877.150 reserved for expansion]

3 SUBCHAPTER D. PUBLIC PARKING FACILITIES

4 Sec. 3877.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
5 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
6 lessee, construct, develop, own, operate, and maintain parking
7 facilities or a system of parking facilities, including:

8 (1) lots, garages, parking terminals, or other
9 structures or accommodations for parking motor vehicles off the
10 streets; and

11 (2) equipment, entrances, exits, fencing, and other
12 accessories necessary for safety and convenience in parking
13 vehicles.

14 (b) A parking facility of the district may be leased to, or
15 operated for the district by, an entity other than the district.

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

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

23 Sec. 3877.152. RULES. The district may adopt rules
24 covering its public parking system.

25 Sec. 3877.153. FINANCING OF PARKING FACILITIES. (a) The
26 district may use any of its resources, including revenue,
27 assessments, taxes, or grant or contract proceeds, to pay the cost

1 of acquiring or operating public parking facilities.

2 (b) The district may:

3 (1) set, charge, impose, and collect fees, charges, or
4 tolls for the use of the public parking facilities; and

5 (2) issue bonds or notes to finance the cost of these
6 facilities.

7 [Sections 3877.154-3877.200 reserved for expansion]

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Sec. 3877.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
10 board by resolution shall establish the number of directors'
11 signatures and the procedure required for a disbursement or
12 transfer of the district's money.

13 Sec. 3877.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
14 The district may acquire, construct, finance, operate, or maintain
15 any improvement or service authorized under this chapter or Chapter
16 375, Local Government Code, using any money available to the
17 district.

18 Sec. 3877.203. PETITION REQUIRED FOR FINANCING SERVICES AND
19 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
20 service or improvement project with assessments under this chapter
21 unless a written petition requesting that service or improvement
22 has been filed with the board.

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

27 Sec. 3877.204. METHOD OF NOTICE FOR HEARING. The district

1 may mail the notice required by Section 375.115(c), Local
2 Government Code, by certified or first class United States mail.
3 The board shall determine the method of notice.

4 Sec. 3877.205. ASSESSMENTS; LIENS FOR ASSESSMENTS.

5 (a) The board by resolution may impose and collect an assessment
6 for any purpose authorized by this chapter in all or any part of the
7 district.

8 (b) An assessment, a reassessment, or an assessment
9 resulting from an addition to or correction of the assessment roll
10 by the district, penalties and interest on an assessment or
11 reassessment, an expense of collection, and reasonable attorney's
12 fees incurred by the district:

13 (1) are a first and prior lien against the property
14 assessed;

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

18 (3) are the personal liability of and a charge against
19 the owners of the property even if the owners are not named in the
20 assessment proceedings.

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

25 (d) The board may make a correction to or deletion from the
26 assessment roll that does not increase the amount of assessment of
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 Sec. 3877.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
3 ASSESSMENTS. The district may not impose an impact fee or
4 assessment on the property, including the equipment,
5 rights-of-way, facilities, or improvements, of:

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

8 (2) a gas utility as defined by Section 101.003 or
9 121.001, Utilities Code;

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

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

14 Sec. 3877.207. RESIDENTIAL PROPERTY. Section 375.161,
15 Local Government Code, does not apply to a tax imposed by the
16 district or a requirement for payment for a service provided by the
17 district, including water and sewer services.

18 Sec. 3877.208. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held in accordance with Section 3877.212,
20 the district may impose an operation and maintenance tax on taxable
21 property in the district in accordance with Section 49.107, Water
22 Code, for any district purpose, including to:

23 (1) maintain and operate the district;

24 (2) construct or acquire improvements; or

25 (3) provide a service.

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

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

3 Sec. 3877.209. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 Sec. 3877.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
13 BONDS. (a) The district may borrow money on terms and conditions
14 as determined by the board. Section 375.205, Local Government
15 Code, does not apply to a loan, line of credit, or other borrowing
16 from a bank or financial institution secured by revenue other than
17 ad valorem taxes.

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

23 (c) The limitation on the outstanding principal amount of
24 bonds, notes, and other obligations provided by Section 49.4645,
25 Water Code, does not apply to the district.

26 Sec. 3877.211. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 3877.212. ELECTIONS REGARDING TAXES AND BONDS.

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

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

9 (2) contract payments described by Section 3877.209.

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

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

17 (d) All or any part of any facilities or improvements that
18 may be acquired by a district by the issuance of district bonds may
19 be included in one single proposition to be voted on at the election
20 or the bonds may be submitted in several propositions.

21 Sec. 3877.213. COMPETITIVE BIDDING. Subchapter I, Chapter
22 49, Water Code, applies to the district. Sections 375.221 and
23 375.223, Local Government Code, do not apply to the district.

24 Sec. 3877.214. TAX AND ASSESSMENT ABATEMENTS. The district
25 may grant in the manner authorized by Chapter 312, Tax Code, an
26 abatement for a tax or assessment owed to the district.

27 [Sections 3877.215-3877.250 reserved for expansion]

1 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED

2 PROPERTY

3 Sec. 3877.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
4 DESIGNATED PROPERTY. The district may define areas or designate
5 certain property of the district to pay for improvements,
6 facilities, or services that primarily benefit that area or
7 property and do not generally and directly benefit the district as a
8 whole.

9 Sec. 3877.252. PROCEDURE FOR ELECTION. (a) Before the
10 district may impose an ad valorem tax or issue bonds payable from ad
11 valorem taxes of the defined area or designated property, the board
12 shall hold an election in the defined area or within the boundaries
13 of the designated property only.

14 (b) The election shall be conducted as provided by Section
15 3877.212.

16 (c) The board may submit the issues to the voters on the same
17 ballot to be used in another election.

18 Sec. 3877.253. DECLARING RESULT AND ISSUING ORDER. (a) If
19 a majority of the voters voting at the election approve the
20 proposition or propositions, the board shall declare the results
21 and, by order, shall establish the defined area and describe it by
22 metes and bounds or designate the specific property.

23 (b) The board's order is not subject to judicial review
24 except on the ground of fraud, palpable error, or arbitrary and
25 confiscatory abuse of discretion.

26 Sec. 3877.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN
27 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and

1 adoption of the order described in Section 3877.253, the district
2 may apply separately, differently, equitably, and specifically its
3 taxing power and lien authority to the defined area or designated
4 property to provide money to construct, administer, maintain, and
5 operate services, improvements, and facilities that primarily
6 benefit the defined area or designated property.

7 Sec. 3877.255. ISSUANCE OF BONDS AND LEVY OF TAXES FOR
8 DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section
9 3877.253 is adopted, the district may issue bonds to provide for any
10 land, improvements, facilities, plants, equipment, and appliances
11 for the defined area or designated property.

12 [Sections 3877.256-3877.300 reserved for expansion]

13 SUBCHAPTER G. SALES AND USE TAX

14 Sec. 3877.301. MEANINGS OF WORDS AND PHRASES. Words and
15 phrases used in this subchapter that are defined by Chapters 151 and
16 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
17 Tax Code.

18 Sec. 3877.302. APPLICABILITY OF CERTAIN TAX CODE
19 PROVISIONS. (a) Except as otherwise provided by this subchapter,
20 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
21 apply to taxes imposed under this subchapter and to the
22 administration and enforcement of those taxes in the same manner
23 that those laws apply to state taxes.

24 (b) Chapter 321, Tax Code, relating to municipal sales and
25 use taxes, applies to the application, collection, change, and
26 administration of a sales and use tax imposed under this subchapter
27 to the extent consistent with this chapter, as if references in

1 Chapter 321, Tax Code, to a municipality referred to the district
2 and references to a governing body referred to the board.

3 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
4 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
5 apply to a tax imposed under this subchapter.

6 Sec. 3877.303. AUTHORIZATION; ELECTION. (a) The district
7 may adopt a sales and use tax to serve the purposes of the district
8 after an election in which a majority of the voters of the district
9 voting in the election authorize the adoption of the tax.

10 (b) The board by order may call an election to authorize a
11 sales and use tax. The election may be held with any other district
12 election.

13 (c) The district shall provide notice of the election and
14 shall hold the election in the manner prescribed by Section
15 3877.212.

16 (d) The ballots shall be printed to provide for voting for
17 or against the proposition: "Authorization of a sales and use tax
18 in the Waller Town Center Management District at a rate not to
19 exceed ___ percent."

20 Sec. 3877.304. ABOLISHING SALES AND USE TAX. (a) Except
21 as provided by Subsection (b), the board may abolish the sales and
22 use tax without an election.

23 (b) The board may not abolish the sales and use tax if the
24 district has outstanding debt secured by the tax.

25 Sec. 3877.305. SALES AND USE TAX RATE. (a) On adoption of
26 the tax authorized by this subchapter, there is imposed a tax on the
27 receipts from the sale at retail of taxable items within the

1 district and an excise tax on the use, storage, or other consumption
2 in the district of taxable items purchased, leased, or rented from a
3 retailer in the district during the period that the tax is in
4 effect.

5 (b) The board shall determine the rate of the tax, which may
6 be in one-eighth of one percent increments not to exceed the maximum
7 rate authorized by the district voters at the election. The board
8 may lower the tax rate to the extent it does not impair any
9 outstanding debt or obligations payable from the tax.

10 (c) The rate of the excise tax is the same as the rate of the
11 sales tax portion of the tax and is applied to the sales price of the
12 taxable item.

13 [Sections 3877.306-3877.350 reserved for expansion]

14 SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

15 Sec. 3877.351. MUNICIPAL ANNEXATION; DISSOLUTION.

16 (a) Section 43.071, Local Government Code, applies to the district
17 and the district is a "water or sewer district" for purposes of that
18 section.

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

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

23 SECTION 2. The Waller Town Center Management District
24 initially includes all territory contained in the following area:

25 TRACT 1:

26 Fieldnotes for 166.7194 acres of land out of Lots 1, 2, 3, 4,
27 7 and 8, Section 9 of the Harris County School Land Survey, Abstract

S.B. No. 2467

1 No. 332, in Harris County, Texas, the map or plat thereof recorded
2 in Volume 17, Page 222 of the Deed Records of Harris County, being
3 comprised of that certain 38.7594 acre tract, that certain 31.8519
4 acre tract, and that certain 96.1081 acre tract of land conveyed to
5 Peter S. Terpstra, Trustee, as described in deeds recorded under
6 County Clerk's File No(s). 20060189400, 20060246634, and
7 20060246637, respectively, of the Real Property Records of Harris
8 County, said 166.7194 acres of land being more particularly
9 described by metes and bounds as follows:

10 BEGINNING at a 5/8 inch steel rod set in the South line of
11 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
12 intersection with the West line of Binford Road, based on a 66 foot
13 right-of-way, said point being the Northeast corner of the said
14 96.1081 acre tract and the herein described tract, from which
15 point, the Northeast corner of that certain 160.33 acre tract of
16 land conveyed to Doud Jordan Wible, et ux, as described in deed
17 recorded in Volume 1572, Page 378 of the Deed Records of Harris
18 County bears North 02°42'53" West, 17.80 feet;

19 Thence, South 02°42'53" East, 193.20 feet with the West line
20 of said Binford Road and the common East line of the said 96.1081
21 acre tract to a 5/8 inch steel rod set for an exterior ell corner of
22 the herein described tract, said point being the Northeast corner
23 of that certain 0.9922 acre tract of land conveyed to Delta Troy
24 Interests, LTD., and described as Tract 5 in deed recorded under
25 County Clerk's File No. W201253 of the said Real Property Records;

26 Thence, South 89°38'51" West, 208.00 feet with the North line
27 of the said 0.9922 acre tract and the common line of the said

1 96.1081 acre tract to a 5/8 inch steel rod set for the Northwest
2 corner of the said 0.9922 acre tract and an interior ell corner of
3 the herein described tract;

4 Thence, South 02°42'53" East, 208.00 feet with the West line
5 of the said 0.9922 acre tract and the common line of the said
6 96.1081 acre tract to a 5/8 inch steel rod set for the Southwest
7 corner of the said 0.9922 acre tract and a second interior ell
8 corner of the herein described tract;

9 Thence, North 89°38'51" East, 208.00 feet with the South line
10 of the said 0.9922 acre tract and the common line of the said
11 96.1081 acre tract to a 5/8 inch steel rod set in the West line of
12 said Binford Road for the Southeast corner of the said 0.9922 acre
13 tract and a second exterior ell corner of the herein described
14 tract;

15 Thence, South 02°42'53" East, 1693.50 feet with the West line
16 of said Binford Road and the common East line of the said 96.1081
17 acre tract to a 5/8 inch steel rod set at an angle point, said point
18 being the Southeast corner of the said 96.1081 acre tract and the
19 Northeast corner of the aforesaid 31.8519 acre tract;

20 Thence, continuing with the West line of said Binford Road
21 and the common East line of the said 31.8519 acre tract, South
22 03°59'32" West, 370.87 feet to a 5/8 inch steel rod set at the North
23 end of a cut-back line for U.S. Highway No. 290 (right-of-way varies
24 at this point), for the most Easterly Southeast corner of the said
25 31.8519 acre tract and the herein described tract, said point being
26 the Northeast corner of that certain 1.690 acre tract of land
27 conveyed to the State of Texas (for highway widening purposes), as

1 described in deed recorded under County Clerk's File No. R244269 of
2 the said Real Property Records;

3 Thence, South 56°26'00" West, 96.58 feet with the said
4 cut-back line and the Northerly line of the said 1.690 acre tract
5 and said U.S. Highway No. 290 to a 5/8 inch steel rod with aluminum
6 (TxDOT) disk found at the Southerly end of the said cut-back line
7 marking the most Southerly Southeast corner of the said 31.8519
8 acre tract and the herein described tract;

9 Thence, North 70°39'12" West (basis bearing), 307.31 feet
10 with the Northeasterly line of the said 1.690 acre tract and said
11 U.S. Highway No. 290, and the Southwesterly line of the said 31.8519
12 acre tract to a 5/8 inch steel rod set at a point of curve to the
13 left, having a radius of 1963.86 feet and a central angle of
14 12°31'54";

15 Thence, continuing with the Northeasterly line of the said
16 1.690 acre tract and said U.S. Highway No. 290, and the
17 Southwesterly line of the said 31.8519 acre tract, and with the said
18 curve to the left having a radius of 1963.86 feet (chord bearing
19 North 76°55'09" West, 428.68 feet), an arc distance of 429.53 feet
20 to a 5/8 inch steel rod set at a point of reverse curve to the right,
21 having a radius of 1855.86 feet and a central angle of 09°47'55";

22 Thence, continuing with the Northeasterly line of the said
23 1.690 acre tract and said U.S. Highway No. 290, and the
24 Southwesterly line of the said 31.8519 acre tract, and with the said
25 curve to the right having a radius of 1855.86 feet (chord bearing
26 North 78°17'08" West, 317.00 feet), an arc distance of 317.39 feet
27 to a 5/8 inch steel rod set at a point of tangency;

1 Thence, continuing with the Northeasterly line of said U.S.
2 Highway No. 290, and the common Southwesterly line of the said
3 31.8519 acre tract, North $70^{\circ}39'12''$ West, 1607.90 feet to a $5/8$ inch
4 steel rod set in the West line of said Lot 7 and the East line of
5 adjacent Lot 6 of said Section 9, for the Southwest corner of the
6 said 31.8519 acre tract and the herein described tract, said point
7 also being the Southeast corner of that certain 4.453 acre tract of
8 land conveyed to Palm Harbor Homes I, L.P., as described as Parcel 1
9 in deed recorded under County Clerk's File No. T494925 of the said
10 Real Property Records, from which point, a found $5/8$ inch steel rod
11 bears North $24^{\circ}46'$ East, 0.94 feet;

12 Thence, North $02^{\circ}28'20''$ West, 420.75 feet with the East line
13 of the said 4.453 acre tract, and the West line of the said 31.8519
14 acre tract to an angle iron found marking the Northeast corner of
15 the said 4.453 acre tract and an interior ell corner of the herein
16 described tract, said point also being the Southeast corner of the
17 aforesaid 38.7594 acre tract;

18 Thence, South $88^{\circ}11'03''$ West with the North line of the said
19 4.453 acre tract and the South line of the said 38.7594 acre tract,
20 at 667.84 feet passing the Northwest corner of the said 4.453 acre
21 tract and the Northeast corner of that certain 11.15 acre (residue)
22 tract of land conveyed to Leerie J. Hakemack, as described in deed
23 recorded in Volume 5204, Page 604 of the said Deed Records, and
24 continuing with the North line of the said 11.15 acre tract in all,
25 a total distance of 1081.99 feet to a 1 inch galvanized steel pipe
26 set in the Northeast line of U.S. Highway No. 290 (320.0 feet wide
27 at this point) for and angle point, said point being the most

1 Easterly corner of that certain 0.083 acre tract of land conveyed to
2 the State of Texas, as described in deed recorded in Volume 7313,
3 Page 528 of the said Deed Records;

4 Thence, North 70°39'12" West, 156.99 feet with the
5 Northeasterly line of said U.S. Highway No 290 and the
6 Southwesterly line of the said 38.7594 acre tract to a 1 1/4 inch
7 galvanized steel pipe found marking the most Southerly Southwest
8 corner of the said 38.7594 acre tract and the herein described
9 tract, said point being the Northwest corner of the said 0.083 acre
10 tract, said point also being in the East line of that certain 8.015
11 acre (residue) tract of land conveyed to Anita Miller as described
12 in Probate Cause No. 89374 of the Probate Records of Harris County;

13 Thence, North 02°30'48" West, 591.33 feet with the East line
14 of the said 8.015 acre tract and the West line of the said 38.7594
15 acre tract to a 1 1/4 galvanized steel pipe found marking an
16 interior ell corner of the said 38.7594 acre tract and the herein
17 described tract, said point being the Northeast corner of the said
18 8.015 acre tract;

19 Thence, South 88°12'09" West with the North line of the said
20 8.015 acre tract and Southerly line of the said 38.7594 acre tract,
21 at 192.5 feet passing a found 1 1/4 galvanized steel pipe, and
22 continuing in all, a total distance of 201.10 feet to a 4 inch
23 square concrete monument found marking the most Westerly Southwest
24 corner of the said 38.7594 acre tract and the herein described
25 tract, said point also being the Southeast corner of that certain
26 (called) 9.216 acre tract of land conveyed to Love's Country
27 Stores, Inc., as described in deed recorded under County Clerk's

1 File No. U693047 of the said Real Property Records;

2 Thence, North $01^{\circ}41'39''$ West with the East line of the said
3 9.216 acre tract and the West line of the said 38.7594 acre tract,
4 at 614.92 feet passing a found 1 1/4 galvanized steel pipe, at
5 616.72 feet passing a found 3/8 inch steel rod with cap (described
6 by deed as the Northeast corner of the said 9.216 acre tract), and
7 continuing in all, a total distance of 626.42 feet to a 5/8 inch
8 steel rod set in the South line of said F.M. Highway No. 2920 for the
9 Northwest corner of the said 38.7594 acre tract and the herein
10 described tract, said point being the Southwest corner of that
11 certain 0.580 acre tract of land conveyed to the State of Texas (for
12 widening purposes), as described in deed recorded under County
13 Clerk's File No. C774289 (Vol. 7332, Pg. 137) of the said Real
14 Property Records, said point also being in a non-tangent curve to
15 the right, having a radius of 1909.86 feet and a central angle of
16 $03^{\circ}29'08''$;

17 Thence, in an Easterly direction, with the South line of said
18 F.M. Highway No. 2920 and the said 0.580 acre tract, and the North
19 line of the said 38.7594 acre tract, and with the said curve to the
20 right having a radius of 1909.86 feet (chord bearing North $86^{\circ}29'17''$
21 East, 116.17 feet), an arc distance of 116.19 feet to a 5/8 inch
22 steel rod set at a point of tangency, from which point, a 4 inch
23 square concrete monument (found in the North line of F.M. Highway
24 No. 2920) bears North $01^{\circ}46'09''$ West, 100.0 feet;

25 Thence, continuing with the South line of said F.M. Highway
26 No. 2920 and the said 0.580 acre tract, and the North line of the
27 said 38.7594 acre tract, North $88^{\circ}13'51''$ East, at 1304.61 feet

1 passing a 5/8 inch steel rod found marking the Northeast corner of
2 the said 38.7594 acre tract and the Northwest corner of the
3 aforesaid 96.1081 acre tract, and continuing with the North line of
4 the said 96.1081 acre tract in al, a total distance of 1428.59 feet
5 to a 5/8 inch steel rod set at a point of curve to the right, having
6 a radius of 11409.30 feet and a central angle of 01°25'00";

7 Thence, continuing with the South line of said F.M. Highway
8 No. 2920 and the common North line of the said 96.1081 acre tract,
9 and with the said curve to the right having a radius of 11409.30
10 feet (chord bearing North 88°56'21" East, 282.09 feet), an arc
11 distance of 282.10 feet to a 5/8 inch steel rod found at a point of
12 tangency;

13 Thence, continuing with the South line of said F.M. Highway
14 No. 2920 and the common North line of the said 96.1081 acre tract,
15 North 89°38'51" East, 2048.75 feet to a 5/8 inch steel rod set at a
16 point of curve to the left, having a radius of 11509.30 feet and a
17 central angle of 00°47'59";

18 Thence, continuing with the South line of said F.M. Highway
19 No. 2920 and the common North line of the said 96.1081 acre tract,
20 and with the said curve to the left having a radius of 11509.30 feet
21 (chord bearing North 89°14'52" East, 160.64 feet), an arc distance
22 of 160.64 feet to the PLACE OF BEGINNING and containing 166.7194
23 acres or 7,262,296 square feet of land, more or less.

24 TRACT 2:

25 Fieldnotes for 12.4147 acres of land out of Lot 7 and Lot 8,
26 Section 9 of the Harris County School Lands Survey, Abstract No.
27 332, in Harris County, Texas, the map or plat thereof recorded in

1 Volume 17, Page 222 of the Deed Records of Harris County, being out
2 of and a part of that certain 160.33 acre tract of land conveyed to
3 Doud Jordan Wible, et ux, as described in deed recorded in Volume
4 1572, Page 378 of the said Deed Records, and being further out of
5 and a part of that certain 12.4518 acre tract of land conveyed to
6 E.F. Davidson, et al, and described as Tract No. 2 in deed recorded
7 under County Clerk's File No. J170095 of the Real Property Records
8 of Harris County, said 12.4147 acres of land being more
9 particularly described by metes and bounds as follows:

10 BEGINNING at a 1 inch galvanized steel pipe, found in a
11 hog-wire fence line, marking the Southwest corner of said Lot 7, the
12 said 160.33 acre tract, the said 12.4518 acre tract, and the herein
13 described tract, said point being in the East line of that certain
14 11.15 acre tract of land conveyed to L.J. Hakemack, et ux, as
15 described in deed recorded under County Clerk's File No. P056681 of
16 the said Real Property Records, said point also being the Northwest
17 corner of adjacent Lot 10 of said Section 9 and that certain
18 257.2309 acre tract of land conveyed to Delta Troy Interests, LTD.,
19 and described as Tract 1 in deed recorded under County Clerk's File
20 No. W201253 of the said Real Property Records;

21 Thence, North 02°36'20" West (called North 00°11'21" West in
22 11.15 acre deed) with the East line of the said 11.15 acre tract and
23 the West line of said Lot 7, the said 160.33 acre tract, and the said
24 12.4518 acre tract, and generally along a hog-wire fence line, at
25 642.3 feet passing the Northeast corner of the said 11.15 acre tract
26 and the Southeast corner of a 60 foot wide roadway (private),
27 described as an easement for ingress and egress in partition deed

1 recorded in Volume 3300, Page 484 of the said Deed Records, and
2 continuing with the East line of said 60 foot wide roadway in all, a
3 total distance of 663.44 feet to a 3/4 inch steel rod set in the
4 Southwesterly line of U.S. Highway No. 290, based on a 320 foot
5 right-of-way, for the Northwest corner of the said 12.4518 acre
6 tract and the herein described tract, from which point, a found 5/8
7 inch steel rod bears North 01°29' West, 1.17 feet;

8 Thence, South 70°39'12" East, 1631.76 feet with the
9 Southwesterly line of said U.S. Highway No. 290 and the
10 Northeasterly line of the said 12.4518 acre tract to a 5/8 inch
11 steel rod with aluminum (TxDOT) disk found at a point of curve to
12 the right, having a radius of 1855.86 feet and a central angle of
13 03°20'06", said point being the most Westerly corner of that certain
14 458 square foot tract of land conveyed to the State of Texas (for
15 highway widening purposes), as described in deed recorded under
16 County Clerk's File No. R244268 of the said Real Property Records;

17 Thence, in a Southeasterly direction, with the Southwesterly
18 line of said U.S. Highway No. 290 and the said 458 square foot
19 tract, and with the said curve to the right having a radius of
20 1855.86 feet (chord bearing South 66°23'40" East, 108.01 feet), an
21 arc distance of 108.02 feet to a 5/8 inch steel rod set in the South
22 line of aforesaid Lot 8, the said 160.33 acre tract and the said
23 12.4518 acre tract for the most Easterly or Southeast corner of the
24 herein described tract, said point being the Southwest corner of
25 the said 458 square foot tract and the most Westerly corner of that
26 certain 1.672 acre tract of land conveyed to the State of Texas (for
27 highway widening purposes), as described in deed recorded under

1 County Clerk's File No. R276494 of the said Real Property Records,
2 said point also being in the North line of adjacent Lot 9 of said
3 Section 9 and the aforesaid 257.2309 acre tract;

4 Thence, South 87°11'26" West (called South 87°32'13" West in
5 257.2309 acre deed), 1610.36 feet with the North line of the said
6 257.2309 acre tract and the common South line of the said 12.4518
7 acre tract, and generally along the line of an old down barbed-wire
8 fence to the PLACE OF BEGINNING and containing 12.4147 acres or
9 540,786 square feet of land, more or less.

10 TRACT 3:

11 Fieldnotes for 107.6370 acres of land out of Lots 3, 4, 5, 6,
12 11, 12, and 14, Section 10 of the Harris County School Land Survey,
13 Abstract No. 332, in Harris County, Texas, the map or plat thereof
14 recorded in Volume 17, Page 222 of the Deed Records of Harris
15 County, being out of and a part of that certain tract of land
16 conveyed to Boris & Margaret Payan Family Partnership, and
17 described as the residue of 109.9186 acres of land in correction
18 deed recorded under County Clerk's File No. T324010 of the Real
19 Property Records of Harris County, said 107.6370 acres of land
20 being more particularly described by metes and bounds as follows:

21 COMMENCING at a 5/8 inch steel rod found in the South line of
22 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
23 intersection with the West line of Kickapoo Road, based on a 66 foot
24 right-of-way, said point being the Northeast corner of that certain
25 tract of land conveyed to Delta Troy Interests, Ltd., and described
26 as the residue of 393.3575 acres of land in deed recorded under
27 County Clerk's File No. W201253 of the said Real Property Records,

1 from which point, a found 4" x 4" concrete monument bears South
2 89°35' West, 3.9 feet;

3 Thence, South 87°41'31" West, 3335.39 feet with the South line
4 of said F.M. Highway No. 2920 and the common North line of the said
5 393.3575 acre tract to a 5/8 inch steel rod set for the Northeast
6 corner and PLACE OF BEGINNING of the said 109.9186 acre tract and
7 the herein described tract;

8 Thence, South 02°18'29" East, 3638.43 feet (called South
9 02°17'36" East, 3639.80 feet in vesting deed) with the East line of
10 the said 109.9186 acre tract to a 5/8 inch steel rod set in the
11 Southwesterly line of the said 393.3575 acre tract and the
12 Northeasterly line of State Highway No. 290, based on a 320 foot
13 right-of-way, for the Southeast corner of the said 109.9186 acre
14 tract and the herein described tract, said point being in the arc of
15 a non-tangent curve to the left, having a radius of 7799.44 feet and
16 a central angle of 08°35'22";

17 Thence, in a Northwesterly direction, with the Northeasterly
18 line of said U.S. Highway No. 290 and the common Southwesterly line
19 of the said 109.9186 acre tract, and with the said curve to the left
20 having a radius of 7799.44 feet (chord bearing North 63°00'09" West,
21 1168.15 feet), an arc distance of 1169.24 feet to a 5/8 inch steel
22 rod set at a point of non-tangent curve to the left, having a radius
23 of 2013.86 feet and a central angle of 22°16'29", said point also
24 being the most Easterly corner of that certain 1.0459 acre tract of
25 land conveyed to the State of Texas (for highway widening purposes)
26 as described in deed recorded under County Clerk's File No. T324011
27 of the said Real Property Records;

1 Thence, continuing with the Northeasterly line of said U.S.
2 Highway No. 290 and the said 1.0459 acre tract, and with the said
3 curve to the left having a radius of 2013.86 feet (chord bearing
4 North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet
5 to a 5/8 inch steel rod set at a point of tangency;

6 Thence, continuing with the Northeasterly line of said U.S.
7 Highway No. 290 and the said 1.0459 acre tract, North 70°39'12"
8 West, 237.97 feet to a 5/8 inch steel rod set at a cut-back for
9 Binford Road, said point being the most Westerly or Northwest
10 corner of the said 1.0459 acre tract, said point also being in the
11 Northeasterly line of that certain 1.235 acre tract of land
12 conveyed to the State of Texas, as described in deed recorded under
13 County Clerk's File No. R276486 of the said Real Property Records;

14 Thence, North 30°36'06" West, 17.66 feet with the
15 Northeasterly line of the said 1.235 acre tract and the said
16 cut-back line to a 5/8 inch steel rod set in the East line of said
17 Binford Road (right-of-way varies at this point) and the West line
18 of the said 109.9186 acre tract for an angle point, said point being
19 the most Westerly or Northwest corner of the said 1.235 acre tract;

20 Thence, North 09°02'53" West (called North 09°02'34" West in
21 vesting deed), 452.64 feet with the East line of said Binford Road
22 and the common West line of the said 109.9186 acre tract to a 5/8
23 inch steel rod set for an angle point (right-of-way 66 feet wide at
24 this point), from which point, a 5/8 inch steel rod found in
25 concrete bears South 81°00' East, 0.53 feet;

26 Thence, North 02°42'53" West, 793.61 feet (called North
27 02°41'16" West, 731.85 feet in vesting deed) with the East line of

1 said Binford Road and the common West line of the said 109.9186 acre
2 tract to a 5/8 inch steel rod set for the most Westerly Northwest
3 corner of the herein described tract, said point being the
4 Southwest corner of that certain 29.6849 acre tract of land
5 conveyed to Jesse B. Heath, Jr., Trustee, as described in deed
6 recorded under County Clerk's File No. J741028 of the said Real
7 Property Records;

8 Thence, North 87°41'31" East, 990.77 feet (called North
9 87°42'24" East, 991.05 feet in vesting deed and 29.6849 acre deed)
10 with the South line of the said 29.6849 acre tract and the common
11 line of the said 109.9186 acre tract to a 5/8 inch steel rod set for
12 an interior ell corner of the herein described tract, said point
13 being the Southeast corner of the said 29.6849 acre tract;

14 Thence, North 02°18'29" West (called North 02°17'36" West in
15 vesting deed and 29.6849 acre deed), 1298.83 feet to a 5/8 inch
16 steel rod set in the South line of said F.M. Highway No. 2920 for the
17 most Northerly Northwest corner of the said 109.9186 acre tract and
18 the herein described tract, said point being the Northeast corner
19 of the said 29.6849 acre tract;

20 Thence, North 87°41'31" East (called North 87°42'24" East in
21 vesting deed), 970.20 feet with the South line of said F.M. Highway
22 No. 2920 and the common North line of the said 109.9186 acre tract
23 to the PLACE OF BEGINNING and containing 107.6370 acres or
24 4,688,669 square feet of land, more or less.

25 TRACT 4:

26 Fieldnotes for 8.9032 acres of land out of Lot 4 and Lot 5,
27 Section 10 of the Harris County School Land Survey, Abstract No.

1 332, in Harris County, Texas, the map or plat thereof recorded in
2 Volume 17, Page 222 of the Deed Records of Harris County, being out
3 of and a part of that certain 29.6849 acre tract of land conveyed to
4 Jesse B. Heath, Jr., Trustee, as described in general warranty deed
5 recorded under County Clerk's File No. J741028 of the Real Property
6 Records of Harris County, and being that same (called) 8.906 acre
7 tract of land conveyed to Paul Wilkerson and Eva Grant, as described
8 in deed recorded under County Clerk's File No. X407844 of the said
9 Real Property Records, said 8.9032 acres of land being more
10 particularly described by metes and bounds as follows:

11 COMMENCING at a 1 inch steel rod set in the South line of F.M.
12 Highway No. 2920, based on a 100 foot right-of-way, at its
13 intersection with the East line of Binford Road, based on a 66 foot
14 right-of-way, said point being the Northwest corner of the said
15 29.6849 acre tract, said point also being in the arc of a curve to
16 the left, having a radius of 11509.30 and a central angle of
17 00°48'18", from which point, a found 4" x 4" concrete monument bears
18 South 57° East, 1.25 feet and a found 5/8 inch steel rod bears South
19 59° East, 1.79 feet;

20 Thence, South 02°42'53" East, 909.10 feet with the East line
21 of said Binford Road and the West line of the said 29.6849 acre
22 tract to a 3/4 inch steel rod set for the Northwest corner and PLACE
23 OF BEGINNING of the said 8.906 acre tract and the herein described
24 tract, said point also being the Southwest corner of a 20.7774 acre
25 tract of land previously conveyed, from which point, a found 5/8
26 inch steel rod bears South 08°52' East, 2.1 feet;

27 Thence, North 87°41'31" East, 993.55 feet with the South line

1 of the said 20.7774 acre tract to a 3/4 inch steel rod set in the
2 East line of the said 29.6849 acre tract for the Northeast corner of
3 the herein described tract, said point being in the Westerly line of
4 a 107.6370 acre tract of land previously conveyed, from which
5 point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

6 Thence, South 02°18'29" East, 390.89 feet with the East line
7 of the said 29.6849 acre tract and the common line of the said
8 107.6370 acre tract to a 5/8 inch steel rod set for the Southeast
9 corner of the said 29.6849 acre tract and the herein described
10 tract, said point being an interior ell corner of the said 107.6370
11 acre tract;

12 Thence, South 87°41'31" West, 990.77 feet with the South line
13 of the said 29.6849 acre tract and the common line of the said
14 107.6370 acre tract to a 5/8 inch steel rod set in the East line of
15 said Binford Road for the Southwest corner of the said 29.6849 acre
16 tract and the herein described tract, said point being the most
17 Westerly Northwest corner of the said 107.6370 acre tract;

18 Thence, North 02°42'53" West, 390.90 feet with the East line
19 of said Binford Road and the common West line of the said 29.6849
20 acre tract to the PLACE OF BEGINNING and containing 8.9032 acres or
21 387,825 square feet of land, more or less.

22 TRACT 5:

23 Fieldnotes for 20.7774 acres of land out of Lot 4, Section 10
24 of the Harris County School Land Survey, Abstract No. 332, in Harris
25 County, Texas, the map or plat thereof recorded in Volume 17, Page
26 222 of the Deed Records of Harris County, being out of and a part of
27 that certain 29.6849 acre tract of land conveyed to Jesse B. Heath,

1 Jr., Trustee, as described in general warranty deed recorded under
2 County Clerk's File No. J741028 of the Real Property Records of
3 Harris County, said 20.7774 acres of land being more particularly
4 described by metes and bounds as follows:

5 BEGINNING at a 1 inch steel rod set in the South line of F.M.
6 Highway No. 2920, based on a 100 foot right-of-way, at its
7 intersection with the East line of Binford Road, based on a 66 foot
8 right-of-way, said point being the Northwest corner of the said
9 29.6849 acre tract and the herein described tract, said point being
10 in the arc of a curve to the left, having a radius of 11509.30 and a
11 central angle of $00^{\circ}48'18''$, from which point, a found 4" x 4"
12 concrete monument bears South 57° East, 1.25 feet and a found $5/8$
13 inch steel rod bears South 59° East, 1.79 feet;

14 Thence, in an Easterly direction, with the South line of said
15 F.M. Highway No. 2920 and the common North line of the said 29.6849
16 acre tract, and with the said curve to the left having a radius of
17 11509.30 feet (chord bearing North $88^{\circ}05'40''$ East, 161.70 feet), an
18 arc distance of 161.70 feet to a $5/8$ inch steel rod set at a point of
19 tangency, from which point, a broken 4" x 4" concrete monument bears
20 North 80° East, 0.53 feet;

21 Thence, continuing with the South line of said F.M. Highway
22 No. 2920 and the common North line of the said 29.6849 acre tract,
23 North $87^{\circ}41'31''$ East, 838.30 feet to a $5/8$ inch steel rod set for the
24 Northeast corner of the said 29.6849 acre tract and the herein
25 described tract, said point also being the most Northerly Northwest
26 corner of a 107.6370 acre tract of land, the residue of a 109.9186
27 acre tract of land conveyed to Boris & Margaret Payen Family Limited

1 Partnership, as described in deed recorded under County Clerk's
2 File No. T324010 of the said Real Property Records;

3 Thence, South 02°18'29" East, 907.94 feet with the East line
4 of the said 29.6849 acre tract and the common line of the said
5 107.6370 acre tract to a 3/4 inch steel rod set for the Southeast
6 corner of the herein described tract, from which point, a found 5/8
7 inch steel rod bears South 18°41' East, 1.9 feet;

8 Thence, South 87°41'31" West, 993.55 feet to a 3/4 inch steel
9 rod set in the West line of the said 29.6849 acre tract and the
10 common East line of said Binford Road for the Southwest corner of
11 the herein described tract, from which point, a found 5/8 inch steel
12 rod bears South 08°52' East, 2.1 feet;

13 Thence, North 02°42'53" West, 909.10 feet with the West line
14 of the said 29.6849 acre tract and the common East line of said
15 Binford Road to the PLACE OF BEGINNING and containing 20.7774 acres
16 or 905,065 square feet of land, more or less.

17 TRACT 6:

18 Fieldnotes for 164.3702 acres of land, being all of Lot 11 and
19 12 and a part of Lots 13 and 14, Section 7 of the Harris County
20 School Land Survey, Abstract No. 332, in Harris County, Texas, the
21 map or plat thereof recorded in Volume 17, Page 222 of the Deed
22 Records of Harris County, and being all of that certain (called)
23 164.401 acre tract of land conveyed to Chang-Hsine Cheng, et ux, as
24 described in deed recorded under County Clerk's File No. M314811 of
25 the Real Property Records of Harris County, said 164.3702 acres of
26 land being more particularly described by metes and bounds as
27 follows:

1 BEGINNING at a 5/8 inch steel rod found in the North line of
2 F.M. Highway No. 2920, based on a 100.00 foot right-of-way, at its
3 intersection with the East line of Binford Road, based on a 66.00
4 foot right-of-way, in the West line of said Lot 13, said point being
5 the Southwest corner of the said 164.401 acre tract and that certain
6 1.1057 acre Right Of Way Easement conveyed to the County of Harris
7 (for the widening of Binford Road) as described in instrument
8 recorded under County Clerk's File No. M747112 of the said Real
9 Property Records, said point also being the Northwest corner of
10 that certain 2.070 acre tract of land conveyed to the State of Texas
11 (for the widening of F.M. Highway No. 2920) as described in deed
12 recorded under County Clerk's File No. C684810 of the said Real
13 Property Records;

14 Thence, North 00°18'09" West, 2694.07 feet (called North
15 00°19'09" West, 2694.07 feet in 1.1057 acre deed), with the East
16 line of said Binford Road and the common West line of the said
17 164.401 acre tract and the said 1.1057 acre tract to a 5/8 inch
18 steel rod found marking the Northwest corner of said Lot 12, the
19 said 164.401 acre tract and the herein described tract, said point
20 being the Northwest corner of the said 1.1057 acre tract, said point
21 also being the Southwest corner of adjacent Lot 5 of said Section 7
22 and that certain 9.862 acre tract of land conveyed to Domenico
23 Calarco, et ux, as described in deed recorded under County Clerk's
24 File No. D254432 of the said Real Property Records;

25 Thence, North 89°57'10" East with the South line of said Lot 5
26 and the said 9.862 acre tract, and the common North line of said Lot
27 12 and the said 164.401 acre tract, at 663 feet passing the

1 Southeast corner of the said 9.862 acre tract and the Southwest
2 corner of that certain 72.8588 acre tract of land conveyed to Glen
3 Harris, Jr., Trustee as described in instrument recorded under
4 County Clerk's File No. E052129 of the said Real Property Records,
5 and continuing with the South line of the said 72.8588 acre tract in
6 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
7 marking the Northeast corner of aforesaid Lot 11, the said 164.401
8 acre tract, and the herein described tract, said point being the
9 Southeast corner of adjacent Lot 6 of said Section 7 and the said
10 72.8588 acre tract, said point also being in the West line of that
11 certain 4.000 acre tract of land conveyed to Deanne Prusak as
12 described in deed recorded under County Clerk's File No. R803468 of
13 the said Real Property Records, and being the Southwest corner of
14 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
15 Section 7;

16 Thence, South 00°18'08" East (called South 00°51'56" East in
17 4.000 acre deed, South 00°18'09" East in vesting deed, and South
18 00°18'08" East in that certain boundary line agreement recorded in
19 Volume 7167, Page 187 of the said Deed Records), with the West line
20 of said Lot 10 and the said 4.000 acre tract, and the common East
21 line of said Lot 11 and the said 164.401 acre tract, at 160.49 feet
22 passing the Southwest corner of the said 4.000 acre tract and the
23 Northwest corner of the residue of that certain 6.3725 acre tract of
24 land conveyed to Robert V. Davidson, et ux, as described in deed
25 recorded under County Clerk's File No. P512170 of the said Real
26 Property Records, and continuing with the West line of the said
27 6.3725 acre tract (called South 00°51'56" East in 6.3725 acre deed),

1 at 397.10 feet passing the Southwest corner of the said 6.3725 acre
2 tract and the Northwest corner of that certain 52.934 acre tract of
3 land conveyed to David A. Sellars, et ux, as described in deed
4 recorded under County Clerk's File No. S911654 of the said Real
5 Property Records, and continuing with the West line of the said
6 52.934 acre tract (called South 00°53'57" East in 52.934 acre deed),
7 at 1360.23 feet passing the Southwest corner of the said 52.934 acre
8 tract (a 5/8 inch steel rod found 0.96' West) and the Northwest
9 corner of the residue of that certain tract of land conveyed to
10 Clara Harrison, et al, and Alma Bullock and described as Tract III
11 in partition deed recorded under County Clerk's File No. C695611 of
12 the said Real Property Records, and continuing with the West line of
13 said Tract III in all, a total distance of 2701.69 feet (called
14 2701.84 feet in vesting deed) to a 5/8 inch steel rod set in the
15 North line of said F.M. Highway No. 2920 for the Southeast corner of
16 the said 164.401 acre tract and the herein described tract, said
17 point bears North 00°18'08" West, 17 ft. from the Southeast corner
18 of aforesaid Lot 14 and the common Southwest corner of said Tract
19 III and adjacent Lot 15 of said Section 7, and North 30°46' East, 1.0
20 foot from a found 1/2 inch steel rod;

21 Thence, North 89°54'23" West, 2495.18 feet (called North
22 89°55'25" West, 2494.58 feet in vesting deed) with the North line of
23 said F.M. Highway No. 2920 and the South line of the said 164.401
24 acre tract to a 5/8 inch steel rod set at a point of curve to the
25 right, having a radius of 11409.30 feet and a central angle of
26 00°47'42";

27 Thence, continuing with the North line of said F.M. Highway

S.B. No. 2467

1 No. 2920 and the South line of the said 164.401 acre tract, and with
2 the said curve to the right having a radius of 11409.30 feet (chord
3 bearing North 89°30'32" West, 158.31 feet), an arc distance of
4 158.31 feet to the PLACE OF BEGINNING and containing 164.3702 acres
5 or 7,159,967 square feet of land, more or less.

6 SAVE AND EXCEPT:

7 Fieldnotes for 37.6450 acres of land, being out of and a part
8 of Lot 11 and Lot 12, Section 7 of the Harris County School Land
9 Survey, Abstract No. 332, in Harris County, Texas, the map or plat
10 thereof recorded in Volume 17, Page 222 of the Deed Records of
11 Harris County, and being out of and a part of that certain 164.3702
12 acre tract of land conveyed to R.K. McGaughy, Trustee, as described
13 in deed recorded under County Clerk's File No. Z519743 of the Real
14 Property Records of Harris County, said 37.6450 acres of land being
15 more particularly described by metes and bounds as follows:

16 COMMENCING at a 5/8 inch steel rod found in the North line of
17 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
18 intersection with the East line of Binford Road, based on a 66 foot
19 right-of-way, in the West line of Lot 13 of said Section 7, said
20 point being the Southwest corner of the said 164.3702 acre tract and
21 that certain 1.1057 acre Right of Way Easement conveyed to the
22 County of Harris (for the widening of Binford Road) as described in
23 instrument recorded under County Clerk's File No. M747112 of the
24 said Real Property Records, said point also being the Northwest
25 corner of that certain 2.070 acre tract of land conveyed to the
26 State of Texas (for the widening of F.M. Highway No. 2920) as
27 described in deed recorded under County Clerk's File No. C684810 of

1 the said Real Property Records;

2 Thence, North 00°18'09" West, 2070.20 feet with the East line
3 of said Binford Road and the common West line of the said 164.3702
4 acre tract and the said 1.1057 acre tract to a 5/8 inch steel rod set
5 for the Southwest corner and PLACE OF BEGINNING for the herein
6 described tract;

7 Thence, continuing with the East line of said Binford Road
8 and the common West line of the said 164.3702 acre tract and the
9 said 1.1057 acre tract, North 00°18'09" West, 623.87 feet to a 5/8
10 inch steel rod found marking the Northwest corner of said Lot 12,
11 the said 164.3702 acre tract, the said 1.1057 acre tract, and the
12 herein described tract, said point also being the Southwest corner
13 of adjacent Lot 5 of said Section 7 and that certain 9.862 acre
14 tract of land conveyed to Domenico Calarco, et ux, as described in
15 deed recorded under County Clerk's File No. D254432 of the said Real
16 Property Records;

17 Thence, North 89°57'10" East with the South line of said Lot 5
18 and the said 9.862 acre tract, and the common North line of said Lot
19 12 and the said 164.3702 acre tract, at 663.0 feet passing the
20 Southeast corner of the said 9.862 acre tract and the Southwest
21 corner of that certain 72.8588 acre tract of land conveyed to Glen
22 Harris, Jr., Trustee as described in instrument recorded under
23 County Clerk's File No. E052129 of the said Real Property Records,
24 and continuing with the South line of the said 72.8588 acre tract in
25 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
26 marking the Northeast corner of aforesaid Lot 11, the said 164.3702
27 acre tract, and the herein described tract, said point being the

1 Southeast corner of adjacent Lot 6 of said Section 7 and the said
2 72.8588 acre tract, said point also being in the West line of that
3 certain 4.000 acre tract of land conveyed to Deanne Prusak as
4 described in deed recorded under County Clerk's File No. R803468 of
5 the said Real Property Records, and being the Southwest corner of
6 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
7 Section 7;

8 Thence, South 00°18'08" East with the West line of said Lot 10
9 and the said 4.000 acre tract, and the common East line of said Lot
10 11 and the said 164.3702 acre tract, at 160.49 feet passing the
11 Southwest corner of the said 4.000 acre tract and the Northwest
12 corner of the residue of that certain 6.3725 acre tract of land
13 conveyed to Robert V. Davidson, et ux, as described in deed recorded
14 under County Clerk's File No. P512170 of the said Real Property
15 Records, and continuing with the West line of the said 6.3725 acre
16 tract, at 397.10 feet passing the Southwest corner of the said
17 6.3725 acre tract and the Northwest corner of that certain 52.934
18 acre tract of land conveyed to David A. Sellars, et ux, as described
19 in deed recorded under County Clerk's File No. S911654 of the said
20 Real Property Records, and continuing with the West line of the said
21 52.934 acre tract in all, a total distance of 612.13 feet to a 5/8
22 inch steel rod set for the Southeast corner of the herein described
23 tract;

24 Thence, South 89°41'58" West, 2653.41 feet to the PLACE OF
25 BEGINNING and containing 37.6450 acres or 1,639,817 square feet of
26 land, more or less.

27 SECTION 3. (a) The legal notice of the intention to

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

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

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

14 (d) The general law relating to consent by political
15 subdivisions to the creation of districts with conservation,
16 reclamation, and road powers and the inclusion of land in those
17 districts has been complied with.

18 (e) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act have been
21 fulfilled and accomplished.

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