

By: Patrick, Dan

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. (a)  
15 The district is created to serve a public use and benefit.

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

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

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

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

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

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

7           (3) promote the health, safety, welfare, and enjoyment  
8 of the public by providing pedestrian ways and by landscaping and  
9 developing certain areas in the district, which are necessary for  
10 the restoration, preservation, and enhancement of scenic beauty;  
11 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:

9	<u>Pos. No.</u>	<u>Name of Director</u>
10	<u>1</u>	<u>Cindy Gayle</u>
11	<u>2</u>	<u>Wendell Halley</u>
12	<u>3</u>	<u>Larry Boudloche</u>
13	<u>4</u>	<u>John Isom</u>
14	<u>5</u>	<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 section.

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; TAX EXEMPTION. (a) The district may acquire, lease  
6 as lessor or lessee, construct, develop, own, operate, and maintain  
7 parking 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 (e) The district's public parking facilities and any lease  
24 to a private entity are exempt from the payment of ad valorem taxes  
25 and state and local sales and use taxes.

26 Sec. 3877.152. RULES. The district may adopt rules  
27 covering its public parking system.

1       Sec. 3877.153. FINANCING OF PARKING FACILITIES. (a) The  
2 district may use any of its resources, including revenue,  
3 assessments, taxes, or grant or contract proceeds, to pay the cost  
4 of acquiring or operating public parking facilities.

5       (b) The district may:

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

8           (2) issue bonds or notes to finance the cost of these  
9 facilities.

10       [Sections 3877.154-3877.200 reserved for expansion]

11       SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

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

16       Sec. 3877.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
17 The district may acquire, construct, finance, operate, or maintain  
18 any improvement or service authorized under this chapter or Chapter  
19 375, Local Government Code, using any money available to the  
20 district.

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

26       (b) A petition filed under Subsection (a) must be signed by  
27 the owners of a majority of the assessed value of real property in

1 the district subject to assessment according to the most recent  
2 certified tax appraisal roll for Harris County.

3 Sec. 3877.204. METHOD OF NOTICE FOR HEARING. The district  
4 may mail the notice required by Section 375.115(c), Local  
5 Government Code, by certified or first class United States mail.  
6 The board shall determine the method of notice.

7 Sec. 3877.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
8 The board by resolution may impose and collect an assessment for any  
9 purpose authorized by this chapter in all or any part of the  
10 district.

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

16 (1) are a first and prior lien against the property  
17 assessed;

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

21 (3) are the personal liability of and a charge against  
22 the owners of the property even if the owners are not named in the  
23 assessment proceedings.

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

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

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

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

11           (2) a gas utility as defined by Section 101.003 or  
12 121.001, Utilities Code;

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

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

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

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

26           (1) maintain and operate the district;

27           (2) construct or acquire improvements; or

1           (3) provide a service.

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

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

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

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

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

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

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

1 Water Code, does not apply to the district.

2 Sec. 3877.211. TAXES FOR BONDS. At the time the district  
3 issues bonds payable wholly or partly from ad valorem taxes, the  
4 board shall provide for the annual imposition of a continuing  
5 direct ad valorem tax, without limit as to rate or amount, while all  
6 or part of the bonds are outstanding as required and in the manner  
7 provided by Sections 54.601 and 54.602, Water Code.

8 Sec. 3877.212. ELECTIONS REGARDING TAXES AND BONDS. (a)  
9 The district may issue, without an election, bonds, notes, and  
10 other obligations secured by:

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

12 (2) contract payments described by Section 3877.209.

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

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

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

24 Sec. 3877.213. COMPETITIVE BIDDING. Subchapter I, Chapter  
25 49, Water Code, applies to the district. Subchapter K, Chapter 375,  
26 Local Government Code, does not apply to the district.

27 Sec. 3877.214. TAX AND ASSESSMENT ABATEMENTS. The district

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

3 [Sections 3877.215-3877.250 reserved for expansion]

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

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

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

17 (b) The election shall be conducted as provided by Section  
18 3877.212.

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

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

26 (b) The board's order is not subject to judicial review  
27 except on the ground of fraud, palpable error, or arbitrary and

1 confiscatory abuse of discretion.

2 Sec. 3877.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN  
3 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and  
4 adoption of the order described in Section 3877.253, the district  
5 may apply separately, differently, equitably, and specifically its  
6 taxing power and lien authority to the defined area or designated  
7 property to provide money to construct, administer, maintain, and  
8 operate services, improvements, and facilities that primarily  
9 benefit the defined area or designated property.

10 Sec. 3877.255. ISSUANCE OF BONDS AND LEVY OF TAXES FOR  
11 DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section  
12 3877.253 is adopted, the district may issue bonds to provide for any  
13 land, improvements, facilities, plants, equipment, and appliances  
14 for the defined area or designated property.

15 [Sections 3877.256-3877.300 reserved for expansion]

16 SUBCHAPTER G. SALES AND USE TAX

17 Sec. 3877.301. MEANINGS OF WORDS AND PHRASES. Words and  
18 phrases used in this subchapter that are defined by Chapters 151 and  
19 321, Tax Code, have the meanings assigned by Chapters 151 and 321,  
20 Tax Code.

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

27 (b) Chapter 321, Tax Code, relating to municipal sales and



1 use taxes, applies to the application, collection, change, and  
2 administration of a sales and use tax imposed under this subchapter  
3 to the extent consistent with this chapter, as if references in  
4 Chapter 321, Tax Code, to a municipality referred to the district  
5 and references to a governing body referred to the board.

6 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,  
7 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not  
8 apply to a tax imposed under this subchapter.

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

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

16 (c) The district shall provide notice of the election and  
17 shall hold the election in the manner prescribed by Section  
18 3877.212.

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

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

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

1       Sec. 3877.305. SALES AND USE TAX RATE. (a) On adoption of  
2 the tax authorized by this subchapter, there is imposed a tax on the  
3 receipts from the sale at retail of taxable items within the  
4 district, and an excise tax on the use, storage, or other  
5 consumption in the district of taxable items purchased, leased, or  
6 rented from a retailer in the district during the period that the  
7 tax is in effect.

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

13       (c) The rate of the excise tax is the same as the rate of the  
14 sales tax portion of the tax and is applied to the sales price of the  
15 taxable item.

16       [Sections 3877.306-3877.350 reserved for expansion]

17       SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

18       Sec. 3877.351. MUNICIPAL ANNEXATION; DISSOLUTION. (a)  
19 Section 43.071, Local Government Code, applies to the district and  
20 the district is a "water or sewer district" for purposes of that  
21 section.

22       (b) Section 43.075, Local Government Code, applies to the  
23 district.

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

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

1 TRACT 1:

2 Fieldnotes for 166.7194 acres of land out of Lots 1, 2, 3, 4,  
3 7 and 8, Section 9 of the Harris County School Land Survey, Abstract  
4 No. 332, in Harris County, Texas, the map or plat thereof recorded  
5 in Volume 17, Page 222 of the Deed Records of Harris County, being  
6 comprised of that certain 38.7594 acre tract, that certain 31.8519  
7 acre tract, and that certain 96.1081 acre tract of land conveyed to  
8 Peter S. Terpstra, Trustee, as described in deeds recorded under  
9 County Clerk's File No(s). 20060189400, 20060246634, and  
10 20060246637, respectively, of the Real Property Records of Harris  
11 County, said 166.7194 acres of land being more particularly  
12 described by metes and bounds as follows:

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

22 Thence, South 02°42'53" East, 193.20 feet with the West line  
23 of said Binford Road and the common East line of the said 96.1081  
24 acre tract to a 5/8 inch steel rod set for an exterior ell corner of  
25 the herein described tract, said point being the Northeast corner  
26 of that certain 0.9922 acre tract of land conveyed to Delta Troy  
27 Interests, LTD., and described as Tract 5 in deed recorded under

1 County Clerk's File No. W201253 of the said Real Property Records;

2 Thence, South 89°38'51" West, 208.00 feet with the North line  
3 of the said 0.9922 acre tract and the common line of the said  
4 96.1081 acre tract to a 5/8 inch steel rod set for the Northwest  
5 corner of the said 0.9922 acre tract and an interior ell corner of  
6 the herein described tract;

7 Thence, South 02°42'53" East, 208.00 feet with the West line  
8 of the said 0.9922 acre tract and the common line of the said  
9 96.1081 acre tract to a 5/8 inch steel rod set for the Southwest  
10 corner of the said 0.9922 acre tract and a second interior ell  
11 corner of the herein described tract;

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

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

23 Thence, continuing with the West line of said Binford Road  
24 and the common East line of the said 31.8519 acre tract, South  
25 03°59'32" West, 370.87 feet to a 5/8 inch steel rod set at the North  
26 end of a cut-back line for U.S. Highway No. 290 (right-of-way varies  
27 at this point), for the most Easterly Southeast corner of the said

1 31.8519 acre tract and the herein described tract, said point being  
2 the Northeast corner of that certain 1.690 acre tract of land  
3 conveyed to the State of Texas (for highway widening purposes), as  
4 described in deed recorded under County Clerk's File No. R244269 of  
5 the said Real Property Records;

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

12 Thence, North  $70^{\circ}39'12''$  West (basis bearing), 307.31 feet  
13 with the Northeasterly line of the said 1.690 acre tract and said  
14 U.S. Highway No. 290, and the Southwesterly line of the said 31.8519  
15 acre tract to a  $5/8$  inch steel rod set at a point of curve to the  
16 left, having a radius of 1963.86 feet and a central angle of  
17  $12^{\circ}31'54''$ ;

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

25 Thence, continuing with the Northeasterly line of the said  
26 1.690 acre tract and said U.S. Highway No. 290, and the  
27 Southwesterly line of the said 31.8519 acre tract, and with the said

1 curve to the right having a radius of 1855.86 feet (chord bearing  
2 North 78°17'08" West, 317.00 feet), an arc distance of 317.39 feet  
3 to a 5/8 inch steel rod set at a point of tangency;

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

15 Thence, North 02°28'20" West, 420.75 feet with the East line  
16 of the said 4.453 acre tract, and the West line of the said 31.8519  
17 acre tract to an angle iron found marking the Northeast corner of  
18 the said 4.453 acre tract and an interior ell corner of the herein  
19 described tract, said point also being the Southeast corner of the  
20 aforesaid 38.7594 acre tract;

21 Thence, South 88°11'03" West with the North line of the said  
22 4.453 acre tract and the South line of the said 38.7594 acre tract,  
23 at 667.84 feet passing the Northwest corner of the said 4.453 acre  
24 tract and the Northeast corner of that certain 11.15 acre (residue)  
25 tract of land conveyed to Leerie J. Hakemack, as described in deed  
26 recorded in Volume 5204, Page 604 of the said Deed Records, and  
27 continuing with the North line of the said 11.15 acre tract in all,

1 a total distance of 1081.99 feet to a 1 inch galvanized steel pipe  
2 set in the Northeast line of U.S. Highway No. 290 (320.0 feet wide  
3 at this point) for and angle point, said point being the most  
4 Easterly corner of that certain 0.083 acre tract of land conveyed to  
5 the State of Texas, as described in deed recorded in Volume 7313,  
6 Page 528 of the said Deed Records;

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

16 Thence, North 02°30'48" West, 591.33 feet with the East line  
17 of the said 8.015 acre tract and the West line of the said 38.7594  
18 acre tract to a 1 1/4 galvanized steel pipe found marking an  
19 interior ell corner of the said 38.7594 acre tract and the herein  
20 described tract, said point being the Northeast corner of the said  
21 8.015 acre tract;

22 Thence, South 88°12'09" West with the North line of the said  
23 8.015 acre tract and Southerly line of the said 38.7594 acre tract,  
24 at 192.5 feet passing a found 1 1/4 galvanized steel pipe, and  
25 continuing in all, a total distance of 201.10 feet to a 4 inch  
26 square concrete monument found marking the most Westerly Southwest  
27 corner of the said 38.7594 acre tract and the herein described

S.B. No. 2467

1 tract, said point also being the Southeast corner of that certain  
2 (called) 9.216 acre tract of land conveyed to Love's Country  
3 Stores, Inc., as described in deed recorded under County Clerk's  
4 File No. U693047 of the said Real Property Records;

5 Thence, North  $01^{\circ}41'39''$  West with the East line of the said  
6 9.216 acre tract and the West line of the said 38.7594 acre tract,  
7 at 614.92 feet passing a found 1 1/4 galvanized steel pipe, at  
8 616.72 feet passing a found 3/8 inch steel rod with cap (described  
9 by deed as the Northeast corner of the said 9.216 acre tract), and  
10 continuing in all, a total distance of 626.42 feet to a 5/8 inch  
11 steel rod set in the South line of said F.M. Highway No. 2920 for the  
12 Northwest corner of the said 38.7594 acre tract and the herein  
13 described tract, said point being the Southwest corner of that  
14 certain 0.580 acre tract of land conveyed to the State of Texas (for  
15 widening purposes), as described in deed recorded under County  
16 Clerk's File No. C774289 (Vol. 7332, Pg. 137) of the said Real  
17 Property Records, said point also being in a non-tangent curve to  
18 the right, having a radius of 1909.86 feet and a central angle of  
19  $03^{\circ}29'08''$ ;

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



1           Thence, continuing with the South line of said F.M. Highway  
2 No. 2920 and the said 0.580 acre tract, and the North line of the  
3 said 38.7594 acre tract, North 88°13'51" East, at 1304.61 feet  
4 passing a 5/8 inch steel rod found marking the Northeast corner of  
5 the said 38.7594 acre tract and the Northwest corner of the  
6 aforesaid 96.1081 acre tract, and continuing with the North line of  
7 the said 96.1081 acre tract in al, a total distance of 1428.59 feet  
8 to a 5/8 inch steel rod set at a point of curve to the right, having  
9 a radius of 11409.30 feet and a central angle of 01°25'00";

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

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

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

27           TRACT 2:

1 Fieldnotes for 12.4147 acres of land out of Lot 7 and Lot 8,  
2 Section 9 of the Harris County School Lands Survey, Abstract No.  
3 332, in Harris County, Texas, the map or plat thereof recorded in  
4 Volume 17, Page 222 of the Deed Records of Harris County, being out  
5 of and a part of that certain 160.33 acre tract of land conveyed to  
6 Doud Jordan Wible, et ux, as described in deed recorded in Volume  
7 1572, Page 378 of the said Deed Records, and being further out of  
8 and a part of that certain 12.4518 acre tract of land conveyed to  
9 E.F. Davidson, et al, and described as Tract No. 2 in deed recorded  
10 under County Clerk's File No. J170095 of the Real Property Records  
11 of Harris County, said 12.4147 acres of land being more  
12 particularly described by metes and bounds as follows:

13 BEGINNING at a 1 inch galvanized steel pipe, found in a  
14 hog-wire fence line, marking the Southwest corner of said Lot 7, the  
15 said 160.33 acre tract, the said 12.4518 acre tract, and the herein  
16 described tract, said point being in the East line of that certain  
17 11.15 acre tract of land conveyed to L.J. Hakemack, et ux, as  
18 described in deed recorded under County Clerk's File No. P056681 of  
19 the said Real Property Records, said point also being the Northwest  
20 corner of adjacent Lot 10 of said Section 9 and that certain  
21 257.2309 acre tract of land conveyed to Delta Troy Interests, LTD.,  
22 and described as Tract 1 in deed recorded under County Clerk's File  
23 No. W201253 of the said Real Property Records;

24 Thence, North 02°36'20" West (called North 00°11'21" West in  
25 11.15 acre deed) with the East line of the said 11.15 acre tract and  
26 the West line of said Lot 7, the said 160.33 acre tract, and the said  
27 12.4518 acre tract, and generally along a hog-wire fence line, at

S.B. No. 2467

1 642.3 feet passing the Northeast corner of the said 11.15 acre tract  
2 and the Southeast corner of a 60 foot wide roadway (private),  
3 described as an easement for ingress and egress in partition deed  
4 recorded in Volume 3300, Page 484 of the said Deed Records, and  
5 continuing with the East line of said 60 foot wide roadway in all, a  
6 total distance of 663.44 feet to a 3/4 inch steel rod set in the  
7 Southwesterly line of U.S. Highway No. 290, based on a 320 foot  
8 right-of-way, for the Northwest corner of the said 12.4518 acre  
9 tract and the herein described tract, from which point, a found 5/8  
10 inch steel rod bears North 01°29' West, 1.17 feet;

11 Thence, South 70°39'12" East, 1631.76 feet with the  
12 Southwesterly line of said U.S. Highway No. 290 and the  
13 Northeasterly line of the said 12.4518 acre tract to a 5/8 inch  
14 steel rod with aluminum (TxDOT) disk found at a point of curve to  
15 the right, having a radius of 1855.86 feet and a central angle of  
16 03°20'06", said point being the most Westerly corner of that certain  
17 458 square foot tract of land conveyed to the State of Texas (for  
18 highway widening purposes), as described in deed recorded under  
19 County Clerk's File No. R244268 of the said Real Property Records;

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

1 the said 458 square foot tract and the most Westerly corner of that  
2 certain 1.672 acre tract of land conveyed to the State of Texas (for  
3 highway widening purposes), as described in deed recorded under  
4 County Clerk's File No. R276494 of the said Real Property Records,  
5 said point also being in the North line of adjacent Lot 9 of said  
6 Section 9 and the aforesaid 257.2309 acre tract;

7 Thence, South 87°11'26" West (called South 87°32'13" West in  
8 257.2309 acre deed), 1610.36 feet with the North line of the said  
9 257.2309 acre tract and the common South line of the said 12.4518  
10 acre tract, and generally along the line of an old down barbed-wire  
11 fence to the PLACE OF BEGINNING and containing 12.4147 acres or  
12 540,786 square feet of land, more or less.

13 TRACT 3:

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

24 COMMENCING at a 5/8 inch steel rod found in the South line of  
25 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its  
26 intersection with the West line of Kickapoo Road, based on a 66 foot  
27 right-of-way, said point being the Northeast corner of that certain

1 tract of land conveyed to Delta Troy Interests, Ltd., and described  
2 as the residue of 393.3575 acres of land in deed recorded under  
3 County Clerk's File No. W201253 of the said Real Property Records,  
4 from which point, a found 4" x 4" concrete monument bears South  
5 89°35' West, 3.9 feet;

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

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

20 Thence, in a Northwesterly direction, with the Northeasterly  
21 line of said U.S. Highway No. 290 and the common Southwesterly line  
22 of the said 109.9186 acre tract, and with the said curve to the left  
23 having a radius of 7799.44 feet (chord bearing North 63°00'09" West,  
24 1168.15 feet), an arc distance of 1169.24 feet to a 5/8 inch steel  
25 rod set at a point of non-tangent curve to the left, having a radius  
26 of 2013.86 feet and a central angle of 22°16'29", said point also  
27 being the most Easterly corner of that certain 1.0459 acre tract of

1 land conveyed to the State of Texas (for highway widening purposes)  
2 as described in deed recorded under County Clerk's File No. T324011  
3 of the said Real Property Records;

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

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

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

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

1 concrete bears South 81°00' East, 0.53 feet;

2 Thence, North 02°42'53" West, 793.61 feet (called North  
3 02°41'16" West, 731.85 feet in vesting deed) with the East line of  
4 said Binford Road and the common West line of the said 109.9186 acre  
5 tract to a 5/8 inch steel rod set for the most Westerly Northwest  
6 corner of the herein described tract, said point being the  
7 Southwest corner of that certain 29.6849 acre tract of land  
8 conveyed to Jesse B. Heath, Jr., Trustee, as described in deed  
9 recorded under County Clerk's File No. J741028 of the said Real  
10 Property Records;

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

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

23 Thence, North 87°41'31" East (called North 87°42'24" East in  
24 vesting deed), 970.20 feet with the South line of said F.M. Highway  
25 No. 2920 and the common North line of the said 109.9186 acre tract  
26 to the PLACE OF BEGINNING and containing 107.6370 acres or  
27 4,688,669 square feet of land, more or less.

1 TRACT 4:

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

14 COMMENCING at a 1 inch steel rod set in the South line of F.M.  
15 Highway No. 2920, based on a 100 foot right-of-way, at its  
16 intersection with the East line of Binford Road, based on a 66 foot  
17 right-of-way, said point being the Northwest corner of the said  
18 29.6849 acre tract, said point also being in the arc of a curve to  
19 the left, having a radius of 11509.30 and a central angle of  
20 00°48'18", from which point, a found 4" x 4" concrete monument bears  
21 South 57° East, 1.25 feet and a found 5/8 inch steel rod bears South  
22 59° East, 1.79 feet;

23 Thence, South 02°42'53" East, 909.10 feet with the East line  
24 of said Binford Road and the West line of the said 29.6849 acre  
25 tract to a 3/4 inch steel rod set for the Northwest corner and PLACE  
26 OF BEGINNING of the said 8.906 acre tract and the herein described  
27 tract, said point also being the Southwest corner of a 20.7774 acre



1 tract of land previously conveyed, from which point, a found 5/8  
2 inch steel rod bears South 08°52' East, 2.1 feet;

3 Thence, North 87°41'31" East, 993.55 feet with the South line  
4 of the said 20.7774 acre tract to a 3/4 inch steel rod set in the  
5 East line of the said 29.6849 acre tract for the Northeast corner of  
6 the herein described tract, said point being in the Westerly line of  
7 a 107.6370 acre tract of land previously conveyed, from which  
8 point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

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

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

21 Thence, North 02°42'53" West, 390.90 feet with the East line  
22 of said Binford Road and the common West line of the said 29.6849  
23 acre tract to the PLACE OF BEGINNING and containing 8.9032 acres or  
24 387,825 square feet of land, more or less.

25 TRACT 5:

26 Fieldnotes for 20.7774 acres of land out of Lot 4, Section 10  
27 of the Harris County School Land Survey, Abstract No. 332, in Harris

1 County, Texas, the map or plat thereof recorded in Volume 17, Page  
2 222 of the Deed Records of Harris County, being out of and a part of  
3 that certain 29.6849 acre tract of land conveyed to Jesse B. Heath,  
4 Jr., Trustee, as described in general warranty deed recorded under  
5 County Clerk's File No. J741028 of the Real Property Records of  
6 Harris County, said 20.7774 acres of land being more particularly  
7 described by metes and bounds as follows:

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

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

24 Thence, continuing with the South line of said F.M. Highway  
25 No. 2920 and the common North line of the said 29.6849 acre tract,  
26 North 87°41'31" East, 838.30 feet to a 5/8 inch steel rod set for the  
27 Northeast corner of the said 29.6849 acre tract and the herein

1 described tract, said point also being the most Northerly Northwest  
2 corner of a 107.6370 acre tract of land, the residue of a 109.9186  
3 acre tract of land conveyed to Boris & Margaret Payen Family Limited  
4 Partnership, as described in deed recorded under County Clerk's  
5 File No. T324010 of the said Real Property Records;

6 Thence, South 02°18'29" East, 907.94 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 3/4 inch steel rod set for the Southeast  
9 corner of the herein described tract, from which point, a found 5/8  
10 inch steel rod bears South 18°41' East, 1.9 feet;

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

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

20 TRACT 6:

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

1 the Real Property Records of Harris County, said 164.3702 acres of  
2 land being more particularly described by metes and bounds as  
3 follows:

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

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

1           Thence, North 89°57'10" East with the South line of said Lot 5  
2 and the said 9.862 acre tract, and the common North line of said Lot  
3 12 and the said 164.401 acre tract, at 663 feet passing the  
4 Southeast corner of the said 9.862 acre tract and the Southwest  
5 corner of that certain 72.8588 acre tract of land conveyed to Glen  
6 Harris, Jr., Trustee as described in instrument recorded under  
7 County Clerk's File No. E052129 of the said Real Property Records,  
8 and continuing with the South line of the said 72.8588 acre tract in  
9 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found  
10 marking the Northeast corner of aforesaid Lot 11, the said 164.401  
11 acre tract, and the herein described tract, said point being the  
12 Southeast corner of adjacent Lot 6 of said Section 7 and the said  
13 72.8588 acre tract, said point also being in the West line of that  
14 certain 4.000 acre tract of land conveyed to Deanne Prusak as  
15 described in deed recorded under County Clerk's File No. R803468 of  
16 the said Real Property Records, and being the Southwest corner of  
17 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said  
18 Section 7;

19           Thence, South 00°18'08" East (called South 00°51'56" East in  
20 4.000 acre deed, South 00°18'09" East in vesting deed, and South  
21 00°18'08" East in that certain boundary line agreement recorded in  
22 Volume 7167, Page 187 of the said Deed Records), with the West line  
23 of said Lot 10 and the said 4.000 acre tract, and the common East  
24 line of said Lot 11 and the said 164.401 acre tract, at 160.49 feet  
25 passing the Southwest corner of the said 4.000 acre tract and the  
26 Northwest corner of the residue of that certain 6.3725 acre tract of  
27 land conveyed to Robert V. Davidson, et ux, as described in deed

S.B. No. 2467

1 recorded under County Clerk's File No. P512170 of the said Real  
2 Property Records, and continuing with the West line of the said  
3 6.3725 acre tract (called South 00°51'56" East in 6.3725 acre deed),  
4 at 397.10 feet passing the Southwest corner of the said 6.3725 acre  
5 tract and the Northwest corner of that certain 52.934 acre tract of  
6 land conveyed to David A. Sellars, et ux, as described in deed  
7 recorded under County Clerk's File No. S911654 of the said Real  
8 Property Records, and continuing with the West line of the said  
9 52.934 acre tract (called South 00°53'57" East in 52.934 acre deed),  
10 at 1360.23 feet passing the Southwest corner of the said 52.934 acre  
11 tract (a 5/8 inch steel rod found 0.96' West) and the Northwest  
12 corner of the residue of that certain tract of land conveyed to  
13 Clara Harrison, et al, and Alma Bullock and described as Tract III  
14 in partition deed recorded under County Clerk's File No. C695611 of  
15 the said Real Property Records, and continuing with the West line of  
16 said Tract III in all, a total distance of 2701.69 feet (called  
17 2701.84 feet in vesting deed) to a 5/8 inch steel rod set in the  
18 North line of said F.M. Highway No. 2920 for the Southeast corner of  
19 the said 164.401 acre tract and the herein described tract, said  
20 point bears North 00°18'08" West, 17 ft. from the Southeast corner  
21 of aforesaid Lot 14 and the common Southwest corner of said Tract  
22 III and adjacent Lot 15 of said Section 7, and North 30°46' East, 1.0  
23 foot from a found 1/2 inch steel rod;

24 Thence, North 89°54'23" West, 2495.18 feet (called North  
25 89°55'25" West, 2494.58 feet in vesting deed) with the North line of  
26 said F.M. Highway No. 2920 and the South line of the said 164.401  
27 acre tract to a 5/8 inch steel rod set at a point of curve to the

1 right, having a radius of 11409.30 feet and a central angle of  
2 00°47'42";

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

9 SAVE AND EXCEPT:

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

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

1 corner of that certain 2.070 acre tract of land conveyed to the  
2 State of Texas (for the widening of F.M. Highway No. 2920) as  
3 described in deed recorded under County Clerk's File No. C684810 of  
4 the said Real Property Records;

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

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

20 Thence, North 89°57'10" East with the South line of said Lot 5  
21 and the said 9.862 acre tract, and the common North line of said Lot  
22 12 and the said 164.3702 acre tract, at 663.0 feet passing the  
23 Southeast corner of the said 9.862 acre tract and the Southwest  
24 corner of that certain 72.8588 acre tract of land conveyed to Glen  
25 Harris, Jr., Trustee as described in instrument recorded under  
26 County Clerk's File No. E052129 of the said Real Property Records,  
27 and continuing with the South line of the said 72.8588 acre tract in



1 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found  
2 marking the Northeast corner of aforesaid Lot 11, the said 164.3702  
3 acre tract, and the herein described tract, said point being the  
4 Southeast corner of adjacent Lot 6 of said Section 7 and the said  
5 72.8588 acre tract, said point also being in the West line of that  
6 certain 4.000 acre tract of land conveyed to Deanne Prusak as  
7 described in deed recorded under County Clerk's File No. R803468 of  
8 the said Real Property Records, and being the Southwest corner of  
9 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said  
10 Section 7;

11 Thence, South 00°18'08" East with the West line of said Lot 10  
12 and the said 4.000 acre tract, and the common East line of said Lot  
13 11 and the said 164.3702 acre tract, at 160.49 feet passing the  
14 Southwest corner of the said 4.000 acre tract and the Northwest  
15 corner of the residue of that certain 6.3725 acre tract of land  
16 conveyed to Robert V. Davidson, et ux, as described in deed recorded  
17 under County Clerk's File No. P512170 of the said Real Property  
18 Records, and continuing with the West line of the said 6.3725 acre  
19 tract, at 397.10 feet passing the Southwest corner of the said  
20 6.3725 acre tract and the Northwest corner of that certain 52.934  
21 acre tract of land conveyed to David A. Sellars, et ux, as described  
22 in deed recorded under County Clerk's File No. S911654 of the said  
23 Real Property Records, and continuing with the West line of the said  
24 52.934 acre tract in all, a total distance of 612.13 feet to a 5/8  
25 inch steel rod set for the Southeast corner of the herein described  
26 tract;

27 Thence, South 89°41'58" West, 2653.41 feet to the PLACE OF

1 BEGINNING and containing 37.6450 acres or 1,639,817 square feet of  
2 land, more or less.

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

10 (b) The governor, one of the required recipients, has  
11 submitted the notice and Act to the Texas Commission on  
12 Environmental Quality.

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

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

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

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 2467

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.