

1-1 By: Patrick, Hegar S.B. No. 2467
1-2 (In the Senate - Filed March 26, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 28, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 28, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2467 By: Gallegos

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

1-10 relating to the creation of Waller Town Center Management District;
1-11 providing authority to impose an assessment, impose a tax, and
1-12 issue bonds; and granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-15 Code, is amended by adding Chapter 3877 to read as follows:

1-16 CHAPTER 3877. WALLER TOWN CENTER MANAGEMENT DISTRICT
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3877.001. DEFINITIONS. In this chapter:

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

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

1-21 (3) "District" means the Waller Town Center Management
1-22 District.

1-23 Sec. 3877.002. NATURE OF DISTRICT. The Waller Town Center
1-24 Management District is a special district created under Section 59,
1-25 Article XVI, Texas Constitution.

1-26 Sec. 3877.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-27 creation of the district is essential to accomplish the purposes of
1-28 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-29 Texas Constitution, and other public purposes stated in this
1-30 chapter. By creating the district and in authorizing the City of
1-31 Waller, Harris County, and other political subdivisions to contract
1-32 with the district, the legislature has established a program to
1-33 accomplish the public purposes set out in Section 52-a, Article
1-34 III, Texas Constitution.

1-35 (b) The creation of the district is necessary to promote,
1-36 develop, encourage, and maintain employment, commerce,
1-37 transportation, housing, tourism, recreation, the arts,
1-38 entertainment, economic development, safety, and the public
1-39 welfare in the district.

1-40 (c) This chapter and the creation of the district may not be
1-41 interpreted to relieve Harris County from providing the level of
1-42 services provided, as of the effective date of the Act enacting this
1-43 chapter, to the area in the district. The district is created to
1-44 supplement and not to supplant the county services provided in the
1-45 area in the district.

1-46 Sec. 3877.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-47 (a) The district is created to serve a public use and benefit.

1-48 (b) All land and other property included in the district
1-49 will benefit from the improvements and services to be provided by
1-50 the district under powers conferred by Sections 52 and 52-a,
1-51 Article III, and Section 59, Article XVI, Texas Constitution, and
1-52 other powers granted under this chapter.

1-53 (c) The creation of the district is in the public interest
1-54 and is essential to:

1-55 (1) further the public purposes of developing and
1-56 diversifying the economy of the state;

1-57 (2) eliminate unemployment and underemployment; and

1-58 (3) develop or expand transportation and commerce.

1-59 (d) The district will:

1-60 (1) promote the health, safety, and general welfare of
1-61 residents, employers, potential employees, employees, visitors,
1-62 and consumers in the district, and of the public;

1-63 (2) provide needed funding for the district to

2-1 preserve, maintain, and enhance the economic health and vitality of
2-2 the district territory as a community and business center;

2-3 (3) promote the health, safety, welfare, and enjoyment
2-4 of the public by providing pedestrian ways and by landscaping and
2-5 developing certain areas in the district, which are necessary for
2-6 the restoration, preservation, and enhancement of scenic beauty;
2-7 and

2-8 (4) provide for water, wastewater, drainage, road, and
2-9 recreational facilities for the district.

2-10 (e) Pedestrian ways along or across a street, whether at
2-11 grade or above or below the surface, and street lighting, street
2-12 landscaping, parking, and street art objects are parts of and
2-13 necessary components of a street and are considered to be a street
2-14 or road improvement.

2-15 (f) The district will not act as the agent or
2-16 instrumentality of any private interest even though the district
2-17 will benefit many private interests as well as the public.

2-18 Sec. 3877.005. INITIAL DISTRICT TERRITORY. (a) The
2-19 district is initially composed of the territory described by
2-20 Section 2 of the Act enacting this chapter.

2-21 (b) The boundaries and field notes contained in Section 2 of
2-22 the Act enacting this chapter form a closure. A mistake in the
2-23 field notes or in copying the field notes in the legislative process
2-24 does not affect the district's:

2-25 (1) organization, existence, or validity;

2-26 (2) right to issue any type of bond for the purposes
2-27 for which the district is created or to pay the principal of and
2-28 interest on the bond;

2-29 (3) right to impose or collect an assessment or tax; or

2-30 (4) legality or operation.

2-31 Sec. 3877.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-32 All or any part of the area of the district is eligible to be
2-33 included in:

2-34 (1) a tax increment reinvestment zone created under
2-35 Chapter 311, Tax Code;

2-36 (2) a tax abatement reinvestment zone created under
2-37 Chapter 312, Tax Code; or

2-38 (3) an enterprise zone created under Chapter 2303,
2-39 Government Code.

2-40 Sec. 3877.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-41 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-42 Chapter 375, Local Government Code, applies to the district.

2-43 Sec. 3877.008. LIBERAL CONSTRUCTION OF CHAPTER. This
2-44 chapter shall be liberally construed in conformity with the
2-45 findings and purposes stated in this chapter.

2-46 [Sections 3877.009-3877.050 reserved for expansion]

2-47 SUBCHAPTER B. BOARD OF DIRECTORS

2-48 Sec. 3877.051. GOVERNING BODY; TERMS. (a) The district is
2-49 governed by a board of five elected directors.

2-50 (b) Except as provided by Section 3877.052, directors serve
2-51 staggered four-year terms, with two or three directors elected in
2-52 even-numbered years on the uniform election date in May prescribed
2-53 by the Election Code.

2-54 (c) Section 54.102, Water Code, applies to directors.
2-55 Section 375.063, Local Government Code, does not apply to
2-56 directors.

2-57 Sec. 3877.052. TEMPORARY DIRECTORS. (a) The initial
2-58 temporary board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
2-59 <u>1</u>	<u>Cindy Gayle</u>
2-60 <u>2</u>	<u>Wendell Halley</u>
2-61 <u>3</u>	<u>Larry Boudloche</u>
2-62 <u>4</u>	<u>John Isom</u>
2-63 <u>5</u>	<u>Jo Ann London</u>

2-64 (b) The temporary directors shall hold an election to elect
2-65 five permanent directors.

2-66 (c) Temporary directors serve until the earlier of:

2-67 (1) the date permanent directors are elected under
2-68 Subsection (b); or
2-69

3-1 (2) the fourth anniversary of the effective date of
 3-2 the Act enacting this chapter.

3-3 (d) If permanent directors have not been elected under
 3-4 Subsection (b) and the terms of the temporary directors have
 3-5 expired, successor temporary directors shall be appointed or
 3-6 reappointed as provided by Subsection (e) to serve terms that
 3-7 expire on the earlier of:

3-8 (1) the date permanent directors are elected under
 3-9 Subsection (b); or

3-10 (2) the fourth anniversary of the date of the
 3-11 appointment or reappointment.

3-12 (e) If Subsection (d) applies, the owner or owners of a
 3-13 majority of the assessed value of the real property in the district
 3-14 may submit a petition to the Texas Commission on Environmental
 3-15 Quality requesting that the commission appoint as successor
 3-16 temporary directors the five persons named in the petition. The
 3-17 commission shall appoint as successor temporary directors the five
 3-18 persons named in the petition.

3-19 Sec. 3877.053. COMPENSATION. A director is entitled to
 3-20 receive fees of office and reimbursement for actual expenses as
 3-21 provided by Section 49.060, Water Code. Sections 375.069 and
 3-22 375.070, Local Government Code, do not apply to the board.

3-23 [Sections 3877.054-3877.100 reserved for expansion]

3-24 SUBCHAPTER C. POWERS AND DUTIES

3-25 Sec. 3877.101. DEVELOPMENT CORPORATION POWERS. The
 3-26 district may exercise the powers given to a development corporation
 3-27 under Chapter 505, Local Government Code, including the power to
 3-28 own, operate, acquire, construct, lease, improve, or maintain a
 3-29 project described by that chapter.

3-30 Sec. 3877.102. NONPROFIT CORPORATION. (a) The board by
 3-31 resolution may authorize the creation of a nonprofit corporation to
 3-32 assist and act for the district in implementing a project or
 3-33 providing a service authorized by this chapter.

3-34 (b) The nonprofit corporation:

3-35 (1) has each power of and is considered for purposes of
 3-36 this chapter to be a local government corporation created under
 3-37 Chapter 431, Transportation Code; and

3-38 (2) may implement any project and provide any service
 3-39 authorized by this chapter.

3-40 (c) The board shall appoint the board of directors of the
 3-41 nonprofit corporation. The board of directors of the nonprofit
 3-42 corporation shall serve in the same manner as the board of directors
 3-43 of a local government corporation created under Chapter 431,
 3-44 Transportation Code, except that a board member is not required to
 3-45 reside in the district.

3-46 Sec. 3877.103. AGREEMENTS; GRANTS. (a) The district may
 3-47 make an agreement with or accept a gift, grant, or loan from any
 3-48 person.

3-49 (b) The implementation of a project is a governmental
 3-50 function or service for the purposes of Chapter 791, Government
 3-51 Code.

3-52 Sec. 3877.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
 3-53 To protect the public interest, the district may contract with a
 3-54 qualified party, including Harris County or the City of Waller, for
 3-55 the provision of law enforcement services in the district for a fee.

3-56 Sec. 3877.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
 3-57 district may join and pay dues to a charitable or nonprofit
 3-58 organization that performs a service or provides an activity
 3-59 consistent with the furtherance of a district purpose.

3-60 Sec. 3877.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
 3-61 district may establish and provide for the administration of one or
 3-62 more programs to promote state or local economic development and to
 3-63 stimulate business and commercial activity in the district,
 3-64 including programs to:

3-65 (1) make loans and grants of public money; and

3-66 (2) provide district personnel and services.

3-67 (b) The district has all of the powers of a municipality
 3-68 under Chapter 380, Local Government Code.

3-69 Sec. 3877.107. STRATEGIC PARTNERSHIP AGREEMENT. The

4-1 district may negotiate and enter into a written strategic
4-2 partnership with the City of Waller under Section 43.0751, Local
4-3 Government Code.

4-4 Sec. 3877.108. LIMITED EMINENT DOMAIN. (a) Section
4-5 375.094, Local Government Code, does not apply to the district.

4-6 (b) The district may exercise the power of eminent domain in
4-7 accordance with Section 49.222, Water Code.

4-8 (c) The district may not exercise the power of eminent
4-9 domain outside the district boundaries to acquire:

4-10 (1) a site for a water treatment plant, water storage
4-11 facility, wastewater treatment plant, or wastewater disposal
4-12 plant;

4-13 (2) a recreational facility as defined by Section
4-14 49.462, Water Code; or

4-15 (3) a site for a road project.

4-16 Sec. 3877.109. ANNEXATION OR EXCLUSION OF LAND. (a) The
4-17 district may annex land as provided by Subchapter J, Chapter 49,
4-18 Water Code.

4-19 (b) The district may exclude land as provided by Subchapter
4-20 J, Chapter 49, Water Code. Section 375.044(b), Local Government
4-21 Code, does not apply to the district.

4-22 [Sections 3877.110-3877.150 reserved for expansion]

4-23 SUBCHAPTER D. PUBLIC PARKING FACILITIES

4-24 Sec. 3877.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
4-25 PRIVATE ENTITY. (a) The district may acquire, lease as lessor or
4-26 lessee, construct, develop, own, operate, and maintain parking
4-27 facilities or a system of parking facilities, including:

4-28 (1) lots, garages, parking terminals, or other
4-29 structures or accommodations for parking motor vehicles off the
4-30 streets; and

4-31 (2) equipment, entrances, exits, fencing, and other
4-32 accessories necessary for safety and convenience in parking
4-33 vehicles.

4-34 (b) A parking facility of the district may be leased to, or
4-35 operated for the district by, an entity other than the district.

4-36 (c) The district's parking facilities are a program
4-37 authorized by the legislature under Section 52-a, Article III,
4-38 Texas Constitution.

4-39 (d) The district's parking facilities serve the public
4-40 purposes of the district and are owned, used, and held for a public
4-41 purpose even if leased or operated by a private entity for a term of
4-42 years.

4-43 Sec. 3877.152. RULES. The district may adopt rules
4-44 covering its public parking system.

4-45 Sec. 3877.153. FINANCING OF PARKING FACILITIES. (a) The
4-46 district may use any of its resources, including revenue,
4-47 assessments, taxes, or grant or contract proceeds, to pay the cost
4-48 of acquiring or operating public parking facilities.

4-49 (b) The district may:

4-50 (1) set, charge, impose, and collect fees, charges, or
4-51 tolls for the use of the public parking facilities; and

4-52 (2) issue bonds or notes to finance the cost of these
4-53 facilities.

4-54 [Sections 3877.154-3877.200 reserved for expansion]

4-55 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

4-56 Sec. 3877.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-57 board by resolution shall establish the number of directors'
4-58 signatures and the procedure required for a disbursement or
4-59 transfer of the district's money.

4-60 Sec. 3877.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4-61 The district may acquire, construct, finance, operate, or maintain
4-62 any improvement or service authorized under this chapter or Chapter
4-63 375, Local Government Code, using any money available to the
4-64 district.

4-65 Sec. 3877.203. PETITION REQUIRED FOR FINANCING SERVICES AND
4-66 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-67 service or improvement project with assessments under this chapter
4-68 unless a written petition requesting that service or improvement
4-69 has been filed with the board.

5-1 (b) A petition filed under Subsection (a) must be signed by
5-2 the owners of a majority of the assessed value of real property in
5-3 the district subject to assessment according to the most recent
5-4 certified tax appraisal roll for Harris County.

5-5 Sec. 3877.204. METHOD OF NOTICE FOR HEARING. The district
5-6 may mail the notice required by Section 375.115(c), Local
5-7 Government Code, by certified or first class United States mail.
5-8 The board shall determine the method of notice.

5-9 Sec. 3877.205. ASSESSMENTS; LIENS FOR ASSESSMENTS.
5-10 (a) The board by resolution may impose and collect an assessment
5-11 for any purpose authorized by this chapter in all or any part of the
5-12 district.

5-13 (b) An assessment, a reassessment, or an assessment
5-14 resulting from an addition to or correction of the assessment roll
5-15 by the district, penalties and interest on an assessment or
5-16 reassessment, an expense of collection, and reasonable attorney's
5-17 fees incurred by the district:

5-18 (1) are a first and prior lien against the property
5-19 assessed;

5-20 (2) are superior to any other lien or claim other than
5-21 a lien or claim for county, school district, or municipal ad valorem
5-22 taxes; and

5-23 (3) are the personal liability of and a charge against
5-24 the owners of the property even if the owners are not named in the
5-25 assessment proceedings.

5-26 (c) The lien is effective from the date of the board's
5-27 resolution imposing the assessment until the date the assessment is
5-28 paid. The board may enforce the lien in the same manner that the
5-29 board may enforce an ad valorem tax lien against real property.

5-30 (d) The board may make a correction to or deletion from the
5-31 assessment roll that does not increase the amount of assessment of
5-32 any parcel of land without providing notice and holding a hearing in
5-33 the manner required for additional assessments.

5-34 Sec. 3877.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
5-35 ASSESSMENTS. The district may not impose an impact fee or
5-36 assessment on the property, including the equipment,
5-37 rights-of-way, facilities, or improvements, of:

5-38 (1) an electric utility or a power generation company
5-39 as defined by Section 31.002, Utilities Code;

5-40 (2) a gas utility as defined by Section 101.003 or
5-41 121.001, Utilities Code;

5-42 (3) a telecommunications provider as defined by
5-43 Section 51.002, Utilities Code; or

5-44 (4) a person who provides to the public cable
5-45 television or advanced telecommunications services.

5-46 Sec. 3877.207. RESIDENTIAL PROPERTY. Section 375.161,
5-47 Local Government Code, does not apply to a tax imposed by the
5-48 district or a requirement for payment for a service provided by the
5-49 district, including water and sewer services.

5-50 Sec. 3877.208. OPERATION AND MAINTENANCE TAX. (a) If
5-51 authorized at an election held in accordance with Section 3877.212,
5-52 the district may impose an operation and maintenance tax on taxable
5-53 property in the district in accordance with Section 49.107, Water
5-54 Code, for any district purpose, including to:

5-55 (1) maintain and operate the district;

5-56 (2) construct or acquire improvements; or

5-57 (3) provide a service.

5-58 (b) The board shall determine the tax rate. The rate may not
5-59 exceed the rate approved at the election.

5-60 (c) Section 49.107(h), Water Code, does not apply to the
5-61 district.

5-62 Sec. 3877.209. CONTRACT TAXES. (a) In accordance with
5-63 Section 49.108, Water Code, the district may impose a tax other than
5-64 an operation and maintenance tax and use the revenue derived from
5-65 the tax to make payments under a contract after the provisions of
5-66 the contract have been approved by a majority of the district voters
5-67 voting at an election held for that purpose.

5-68 (b) A contract approved by the district voters may contain a
5-69 provision stating that the contract may be modified or amended by

6-1 the board without further voter approval.

6-2 Sec. 3877.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
 6-3 BONDS. (a) The district may borrow money on terms and conditions
 6-4 as determined by the board. Section 375.205, Local Government
 6-5 Code, does not apply to a loan, line of credit, or other borrowing
 6-6 from a bank or financial institution secured by revenue other than
 6-7 ad valorem taxes.

6-8 (b) The district may issue bonds, notes, or other
 6-9 obligations payable wholly or partly from ad valorem taxes, sales
 6-10 and use taxes, assessments, impact fees, revenue, contract
 6-11 payments, grants, or other district money, or any combination of
 6-12 those sources of money, to pay for any authorized district purpose.

6-13 (c) The limitation on the outstanding principal amount of
 6-14 bonds, notes, and other obligations provided by Section 49.4645,
 6-15 Water Code, does not apply to the district.

6-16 Sec. 3877.211. TAXES FOR BONDS. At the time the district
 6-17 issues bonds payable wholly or partly from ad valorem taxes, the
 6-18 board shall provide for the annual imposition of a continuing
 6-19 direct ad valorem tax, without limit as to rate or amount, while all
 6-20 or part of the bonds are outstanding as required and in the manner
 6-21 provided by Sections 54.601 and 54.602, Water Code.

6-22 Sec. 3877.212. ELECTIONS REGARDING TAXES AND BONDS.
 6-23 (a) The district may issue, without an election, bonds, notes, and
 6-24 other obligations secured by:

6-25 (1) revenue other than ad valorem taxes; or

6-26 (2) contract payments described by Section 3877.209.

6-27 (b) The district must hold an election in the manner
 6-28 provided by Subchapter L, Chapter 375, Local Government Code, to
 6-29 obtain voter approval before the district may impose an ad valorem
 6-30 tax or sales and use tax or issue bonds payable from ad valorem
 6-31 taxes.

6-32 (c) Section 375.243, Local Government Code, does not apply
 6-33 to the district.

6-34 (d) All or any part of any facilities or improvements that
 6-35 may be acquired by a district by the issuance of district bonds may
 6-36 be included in one single proposition to be voted on at the election
 6-37 or the bonds may be submitted in several propositions.

6-38 Sec. 3877.213. COMPETITIVE BIDDING. Subchapter I, Chapter
 6-39 49, Water Code, applies to the district. Sections 375.221 and
 6-40 375.223, Local Government Code, do not apply to the district.

6-41 Sec. 3877.214. TAX AND ASSESSMENT ABATEMENTS. The district
 6-42 may grant in the manner authorized by Chapter 312, Tax Code, an
 6-43 abatement for a tax or assessment owed to the district.

6-44 [Sections 3877.215-3877.250 reserved for expansion]

6-45 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
 6-46 PROPERTY

6-47 Sec. 3877.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
 6-48 DESIGNATED PROPERTY. The district may define areas or designate
 6-49 certain property of the district to pay for improvements,
 6-50 facilities, or services that primarily benefit that area or
 6-51 property and do not generally and directly benefit the district as a
 6-52 whole.

6-53 Sec. 3877.252. PROCEDURE FOR ELECTION. (a) Before the
 6-54 district may impose an ad valorem tax or issue bonds payable from ad
 6-55 valorem taxes of the defined area or designated property, the board
 6-56 shall hold an election in the defined area or within the boundaries
 6-57 of the designated property only.

6-58 (b) The election shall be conducted as provided by Section
 6-59 3877.212.

6-60 (c) The board may submit the issues to the voters on the same
 6-61 ballot to be used in another election.

6-62 Sec. 3877.253. DECLARING RESULT AND ISSUING ORDER. (a) If
 6-63 a majority of the voters voting at the election approve the
 6-64 proposition or propositions, the board shall declare the results
 6-65 and, by order, shall establish the defined area and describe it by
 6-66 metes and bounds or designate the specific property.

6-67 (b) The board's order is not subject to judicial review
 6-68 except on the ground of fraud, palpable error, or arbitrary and
 6-69 confiscatory abuse of discretion.

7-1 Sec. 3877.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN
7-2 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and
7-3 adoption of the order described in Section 3877.253, the district
7-4 may apply separately, differently, equitably, and specifically its
7-5 taxing power and lien authority to the defined area or designated
7-6 property to provide money to construct, administer, maintain, and
7-7 operate services, improvements, and facilities that primarily
7-8 benefit the defined area or designated property.

7-9 Sec. 3877.255. ISSUANCE OF BONDS AND LEVY OF TAXES FOR
7-10 DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section
7-11 3877.253 is adopted, the district may issue bonds to provide for any
7-12 land, improvements, facilities, plants, equipment, and appliances
7-13 for the defined area or designated property.

7-14 [Sections 3877.256-3877.300 reserved for expansion]

7-15 SUBCHAPTER G. SALES AND USE TAX

7-16 Sec. 3877.301. MEANINGS OF WORDS AND PHRASES. Words and
7-17 phrases used in this subchapter that are defined by Chapters 151 and
7-18 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
7-19 Tax Code.

7-20 Sec. 3877.302. APPLICABILITY OF CERTAIN TAX CODE
7-21 PROVISIONS. (a) Except as otherwise provided by this subchapter,
7-22 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
7-23 apply to taxes imposed under this subchapter and to the
7-24 administration and enforcement of those taxes in the same manner
7-25 that those laws apply to state taxes.

7-26 (b) Chapter 321, Tax Code, relating to municipal sales and
7-27 use taxes, applies to the application, collection, change, and
7-28 administration of a sales and use tax imposed under this subchapter
7-29 to the extent consistent with this chapter, as if references in
7-30 Chapter 321, Tax Code, to a municipality referred to the district
7-31 and references to a governing body referred to the board.

7-32 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
7-33 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
7-34 apply to a tax imposed under this subchapter.

7-35 Sec. 3877.303. AUTHORIZATION; ELECTION. (a) The district
7-36 may adopt a sales and use tax to serve the purposes of the district
7-37 after an election in which a majority of the voters of the district
7-38 voting in the election authorize the adoption of the tax.

7-39 (b) The board by order may call an election to authorize a
7-40 sales and use tax. The election may be held with any other district
7-41 election.

7-42 (c) The district shall provide notice of the election and
7-43 shall hold the election in the manner prescribed by Section
7-44 3877.212.

7-45 (d) The ballots shall be printed to provide for voting for
7-46 or against the proposition: "Authorization of a sales and use tax
7-47 in the Waller Town Center Management District at a rate not to
7-48 exceed ___ percent."

7-49 Sec. 3877.304. ABOLISHING SALES AND USE TAX. (a) Except
7-50 as provided by Subsection (b), the board may abolish the sales and
7-51 use tax without an election.

7-52 (b) The board may not abolish the sales and use tax if the
7-53 district has outstanding debt secured by the tax.

7-54 Sec. 3877.305. SALES AND USE TAX RATE. (a) On adoption of
7-55 the tax authorized by this subchapter, there is imposed a tax on the
7-56 receipts from the sale at retail of taxable items within the
7-57 district and an excise tax on the use, storage, or other consumption
7-58 in the district of taxable items purchased, leased, or rented from a
7-59 retailer in the district during the period that the tax is in
7-60 effect.

7-61 (b) The board shall determine the rate of the tax, which may
7-62 be in one-eighth of one percent increments not to exceed the maximum
7-63 rate authorized by the district voters at the election. The board
7-64 may lower the tax rate to the extent it does not impair any
7-65 outstanding debt or obligations payable from the tax.

7-66 (c) The rate of the excise tax is the same as the rate of the
7-67 sales tax portion of the tax and is applied to the sales price of the
7-68 taxable item.

7-69 [Sections 3877.306-3877.350 reserved for expansion]

8-1 SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

8-2 Sec. 3877.351. MUNICIPAL ANNEXATION; DISSOLUTION.

8-3 (a) Section 43.071, Local Government Code, applies to the district
8-4 and the district is a "water or sewer district" for purposes of that
8-5 section.

8-6 (b) Section 43.075, Local Government Code, applies to the
8-7 district.

8-8 (c) Section 375.264, Local Government Code, does not apply
8-9 to the dissolution of the district by a municipality.

8-10 SECTION 2. The Waller Town Center Management District
8-11 initially includes all territory contained in the following area:

8-12 TRACT 1:

8-13 Fieldnotes for 166.7194 acres of land out of Lots 1, 2, 3, 4,
8-14 7 and 8, Section 9 of the Harris County School Land Survey, Abstract
8-15 No. 332, in Harris County, Texas, the map or plat thereof recorded
8-16 in Volume 17, Page 222 of the Deed Records of Harris County, being
8-17 comprised of that certain 38.7594 acre tract, that certain 31.8519
8-18 acre tract, and that certain 96.1081 acre tract of land conveyed to
8-19 Peter S. Terpstra, Trustee, as described in deeds recorded under
8-20 County Clerk's File No(s). 20060189400, 20060246634, and
8-21 20060246637, respectively, of the Real Property Records of Harris
8-22 County, said 166.7194 acres of land being more particularly
8-23 described by metes and bounds as follows:

8-24 BEGINNING at a 5/8 inch steel rod set in the South line of
8-25 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
8-26 intersection with the West line of Binford Road, based on a 66 foot
8-27 right-of-way, said point being the Northeast corner of the said
8-28 96.1081 acre tract and the herein described tract, from which
8-29 point, the Northeast corner of that certain 160.33 acre tract of
8-30 land conveyed to Doud Jordan Wible, et ux, as described in deed
8-31 recorded in Volume 1572, Page 378 of the Deed Records of Harris
8-32 County bears North 02°42'53" West, 17.80 feet;

8-33 Thence, South 02°42'53" East, 193.20 feet with the West line
8-34 of said Binford Road and the common East line of the said 96.1081
8-35 acre tract to a 5/8 inch steel rod set for an exterior ell corner of
8-36 the herein described tract, said point being the Northeast corner
8-37 of that certain 0.9922 acre tract of land conveyed to Delta Troy
8-38 Interests, LTD., and described as Tract 5 in deed recorded under
8-39 County Clerk's File No. W201253 of the said Real Property Records;

8-40 Thence, South 89°38'51" West, 208.00 feet with the North line
8-41 of the said 0.9922 acre tract and the common line of the said
8-42 96.1081 acre tract to a 5/8 inch steel rod set for the Northwest
8-43 corner of the said 0.9922 acre tract and an interior ell corner of
8-44 the herein described tract;

8-45 Thence, South 02°42'53" East, 208.00 feet with the West line
8-46 of the said 0.9922 acre tract and the common line of the said
8-47 96.1081 acre tract to a 5/8 inch steel rod set for the Southwest
8-48 corner of the said 0.9922 acre tract and a second interior ell
8-49 corner of the herein described tract;

8-50 Thence, North 89°38'51" East, 208.00 feet with the South line
8-51 of the said 0.9922 acre tract and the common line of the said
8-52 96.1081 acre tract to a 5/8 inch steel rod set in the West line of
8-53 said Binford Road for the Southeast corner of the said 0.9922 acre
8-54 tract and a second exterior ell corner of the herein described
8-55 tract;

8-56 Thence, South 02°42'53" East, 1693.50 feet with the West line
8-57 of said Binford Road and the common East line of the said 96.1081
8-58 acre tract to a 5/8 inch steel rod set at an angle point, said point
8-59 being the Southeast corner of the said 96.1081 acre tract and the
8-60 Northeast corner of the aforesaid 31.8519 acre tract;

8-61 Thence, continuing with the West line of said Binford Road
8-62 and the common East line of the said 31.8519 acre tract, South
8-63 03°59'32" West, 370.87 feet to a 5/8 inch steel rod set at the North
8-64 end of a cut-back line for U.S. Highway No. 290 (right-of-way varies
8-65 at this point), for the most Easterly Southeast corner of the said
8-66 31.8519 acre tract and the herein described tract, said point being
8-67 the Northeast corner of that certain 1.690 acre tract of land
8-68 conveyed to the State of Texas (for highway widening purposes), as
8-69 described in deed recorded under County Clerk's File No. R244269 of

9-1 the said Real Property Records;

9-2 Thence, South 56°26'00" West, 96.58 feet with the said
9-3 cut-back line and the Northerly line of the said 1.690 acre tract
9-4 and said U.S. Highway No. 290 to a 5/8 inch steel rod with aluminum
9-5 (TxDOT) disk found at the Southerly end of the said cut-back line
9-6 marking the most Southerly Southeast corner of the said 31.8519
9-7 acre tract and the herein described tract;

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

9-14 Thence, continuing with the Northeasterly line of the said
9-15 1.690 acre tract and said U.S. Highway No. 290, and the
9-16 Southwesterly line of the said 31.8519 acre tract, and with the said
9-17 curve to the left having a radius of 1963.86 feet (chord bearing
9-18 North 76°55'09" West, 428.68 feet), an arc distance of 429.53 feet
9-19 to a 5/8 inch steel rod set at a point of reverse curve to the right,
9-20 having a radius of 1855.86 feet and a central angle of 09°47'55";

9-21 Thence, continuing with the Northeasterly line of the said
9-22 1.690 acre tract and said U.S. Highway No. 290, and the
9-23 Southwesterly line of the said 31.8519 acre tract, and with the said
9-24 curve to the right having a radius of 1855.86 feet (chord bearing
9-25 North 78°17'08" West, 317.00 feet), an arc distance of 317.39 feet
9-26 to a 5/8 inch steel rod set at a point of tangency;

9-27 Thence, continuing with the Northeasterly line of said U.S.
9-28 Highway No. 290, and the common Southwesterly line of the said
9-29 31.8519 acre tract, North 70°39'12" West, 1607.90 feet to a 5/8 inch
9-30 steel rod set in the West line of said Lot 7 and the East line of
9-31 adjacent Lot 6 of said Section 9, for the Southwest corner of the
9-32 said 31.8519 acre tract and the herein described tract, said point
9-33 also being the Southeast corner of that certain 4.453 acre tract of
9-34 land conveyed to Palm Harbor Homes I, L.P., as described as Parcel 1
9-35 in deed recorded under County Clerk's File No. T494925 of the said
9-36 Real Property Records, from which point, a found 5/8 inch steel rod
9-37 bears North 24°46' East, 0.94 feet;

9-38 Thence, North 02°28'20" West, 420.75 feet with the East line
9-39 of the said 4.453 acre tract, and the West line of the said 31.8519
9-40 acre tract to an angle iron found marking the Northeast corner of
9-41 the said 4.453 acre tract and an interior ell corner of the herein
9-42 described tract, said point also being the Southeast corner of the
9-43 aforesaid 38.7594 acre tract;

9-44 Thence, South 88°11'03" West with the North line of the said
9-45 4.453 acre tract and the South line of the said 38.7594 acre tract,
9-46 at 667.84 feet passing the Northwest corner of the said 4.453 acre
9-47 tract and the Northeast corner of that certain 11.15 acre (residue)
9-48 tract of land conveyed to Leerie J. Hakemack, as described in deed
9-49 recorded in Volume 5204, Page 604 of the said Deed Records, and
9-50 continuing with the North line of the said 11.15 acre tract in all,
9-51 a total distance of 1081.99 feet to a 1 inch galvanized steel pipe
9-52 set in the Northeast line of U.S. Highway No. 290 (320.0 feet wide
9-53 at this point) for and angle point, said point being the most
9-54 Easterly corner of that certain 0.083 acre tract of land conveyed to
9-55 the State of Texas, as described in deed recorded in Volume 7313,
9-56 Page 528 of the said Deed Records;

9-57 Thence, North 70°39'12" West, 156.99 feet with the
9-58 Northeasterly line of said U.S. Highway No 290 and the
9-59 Southwesterly line of the said 38.7594 acre tract to a 1 1/4 inch
9-60 galvanized steel pipe found marking the most Southerly Southwest
9-61 corner of the said 38.7594 acre tract and the herein described
9-62 tract, said point being the Northwest corner of the said 0.083 acre
9-63 tract, said point also being in the East line of that certain 8.015
9-64 acre (residue) tract of land conveyed to Anita Miller as described
9-65 in Probate Cause No. 89374 of the Probate Records of Harris County;

9-66 Thence, North 02°30'48" West, 591.33 feet with the East line
9-67 of the said 8.015 acre tract and the West line of the said 38.7594
9-68 acre tract to a 1 1/4 galvanized steel pipe found marking an
9-69 interior ell corner of the said 38.7594 acre tract and the herein

10-1 described tract, said point being the Northeast corner of the said
10-2 8.015 acre tract;

10-3 Thence, South 88°12'09" West with the North line of the said
10-4 8.015 acre tract and Southerly line of the said 38.7594 acre tract,
10-5 at 192.5 feet passing a found 1 1/4 galvanized steel pipe, and
10-6 continuing in all, a total distance of 201.10 feet to a 4 inch
10-7 square concrete monument found marking the most Westerly Southwest
10-8 corner of the said 38.7594 acre tract and the herein described
10-9 tract, said point also being the Southeast corner of that certain
10-10 (called) 9.216 acre tract of land conveyed to Love's Country
10-11 Stores, Inc., as described in deed recorded under County Clerk's
10-12 File No. U693047 of the said Real Property Records;

10-13 Thence, North 01°41'39" West with the East line of the said
10-14 9.216 acre tract and the West line of the said 38.7594 acre tract,
10-15 at 614.92 feet passing a found 1 1/4 galvanized steel pipe, at
10-16 616.72 feet passing a found 3/8 inch steel rod with cap (described
10-17 by deed as the Northeast corner of the said 9.216 acre tract), and
10-18 continuing in all, a total distance of 626.42 feet to a 5/8 inch
10-19 steel rod set in the South line of said F.M. Highway No. 2920 for the
10-20 Northwest corner of the said 38.7594 acre tract and the herein
10-21 described tract, said point being the Southwest corner of that
10-22 certain 0.580 acre tract of land conveyed to the State of Texas (for
10-23 widening purposes), as described in deed recorded under County
10-24 Clerk's File No. C774289 (Vol. 7332, Pg. 137) of the said Real
10-25 Property Records, said point also being in a non-tangent curve to
10-26 the right, having a radius of 1909.86 feet and a central angle of
10-27 03°29'08";

10-28 Thence, in an Easterly direction, with the South line of said
10-29 F.M. Highway No. 2920 and the said 0.580 acre tract, and the North
10-30 line of the said 38.7594 acre tract, and with the said curve to the
10-31 right having a radius of 1909.86 feet (chord bearing North 86°29'17"
10-32 East, 116.17 feet), an arc distance of 116.19 feet to a 5/8 inch
10-33 steel rod set at a point of tangency, from which point, a 4 inch
10-34 square concrete monument (found in the North line of F.M. Highway
10-35 No. 2920) bears North 01°46'09" West, 100.0 feet;

10-36 Thence, continuing with the South line of said F.M. Highway
10-37 No. 2920 and the said 0.580 acre tract, and the North line of the
10-38 said 38.7594 acre tract, North 88°13'51" East, at 1304.61 feet
10-39 passing a 5/8 inch steel rod found marking the Northeast corner of
10-40 the said 38.7594 acre tract and the Northwest corner of the
10-41 aforesaid 96.1081 acre tract, and continuing with the North line of
10-42 the said 96.1081 acre tract in al, a total distance of 1428.59 feet
10-43 to a 5/8 inch steel rod set at a point of curve to the right, having
10-44 a radius of 11409.30 feet and a central angle of 01°25'00";

10-45 Thence, continuing with the South line of said F.M. Highway
10-46 No. 2920 and the common North line of the said 96.1081 acre tract,
10-47 and with the said curve to the right having a radius of 11409.30
10-48 feet (chord bearing North 88°56'21" East, 282.09 feet), an arc
10-49 distance of 282.10 feet to a 5/8 inch steel rod found at a point of
10-50 tangency;

10-51 Thence, continuing with the South line of said F.M. Highway
10-52 No. 2920 and the common North line of the said 96.1081 acre tract,
10-53 North 89°38'51" East, 2048.75 feet to a 5/8 inch steel rod set at a
10-54 point of curve to the left, having a radius of 11509.30 feet and a
10-55 central angle of 00°47'59";

10-56 Thence, continuing with the South line of said F.M. Highway
10-57 No. 2920 and the common North line of the said 96.1081 acre tract,
10-58 and with the said curve to the left having a radius of 11509.30 feet
10-59 (chord bearing North 89°14'52" East, 160.64 feet), an arc distance
10-60 of 160.64 feet to the PLACE OF BEGINNING and containing 166.7194
10-61 acres or 7,262,296 square feet of land, more or less.

10-62 TRACT 2:

10-63 Fieldnotes for 12.4147 acres of land out of Lot 7 and Lot 8,
10-64 Section 9 of the Harris County School Lands Survey, Abstract No.
10-65 332, in Harris County, Texas, the map or plat thereof recorded in
10-66 Volume 17, Page 222 of the Deed Records of Harris County, being out
10-67 of and a part of that certain 160.33 acre tract of land conveyed to
10-68 Doud Jordan Wible, et ux, as described in deed recorded in Volume
10-69 1572, Page 378 of the said Deed Records, and being further out of

11-1 and a part of that certain 12.4518 acre tract of land conveyed to
 11-2 E.F. Davidson, et al, and described as Tract No. 2 in deed recorded
 11-3 under County Clerk's File No. J170095 of the Real Property Records
 11-4 of Harris County, said 12.4147 acres of land being more
 11-5 particularly described by metes and bounds as follows:

11-6 BEGINNING at a 1 inch galvanized steel pipe, found in a
 11-7 hog-wire fence line, marking the Southwest corner of said Lot 7, the
 11-8 said 160.33 acre tract, the said 12.4518 acre tract, and the herein
 11-9 described tract, said point being in the East line of that certain
 11-10 11.15 acre tract of land conveyed to L.J. Hakemack, et ux, as
 11-11 described in deed recorded under County Clerk's File No. P056681 of
 11-12 the said Real Property Records, said point also being the Northwest
 11-13 corner of adjacent Lot 10 of said Section 9 and that certain
 11-14 257.2309 acre tract of land conveyed to Delta Troy Interests, LTD.,
 11-15 and described as Tract 1 in deed recorded under County Clerk's File
 11-16 No. W201253 of the said Real Property Records;

11-17 Thence, North 02°36'20" West (called North 00°11'21" West in
 11-18 11.15 acre deed) with the East line of the said 11.15 acre tract and
 11-19 the West line of said Lot 7, the said 160.33 acre tract, and the said
 11-20 12.4518 acre tract, and generally along a hog-wire fence line, at
 11-21 642.3 feet passing the Northeast corner of the said 11.15 acre tract
 11-22 and the Southeast corner of a 60 foot wide roadway (private),
 11-23 described as an easement for ingress and egress in partition deed
 11-24 recorded in Volume 3300, Page 484 of the said Deed Records, and
 11-25 continuing with the East line of said 60 foot wide roadway in all, a
 11-26 total distance of 663.44 feet to a 3/4 inch steel rod set in the
 11-27 Southwesterly line of U.S. Highway No. 290, based on a 320 foot
 11-28 right-of-way, for the Northwest corner of the said 12.4518 acre
 11-29 tract and the herein described tract, from which point, a found 5/8
 11-30 inch steel rod bears North 01°29' West, 1.17 feet;

11-31 Thence, South 70°39'12" East, 1631.76 feet with the
 11-32 Southwesterly line of said U.S. Highway No. 290 and the
 11-33 Northeasterly line of the said 12.4518 acre tract to a 5/8 inch
 11-34 steel rod with aluminum (TxDOT) disk found at a point of curve to
 11-35 the right, having a radius of 1855.86 feet and a central angle of
 11-36 03°20'06", said point being the most Westerly corner of that certain
 11-37 458 square foot tract of land conveyed to the State of Texas (for
 11-38 highway widening purposes), as described in deed recorded under
 11-39 County Clerk's File No. R244268 of the said Real Property Records;

11-40 Thence, in a Southeasterly direction, with the Southwesterly
 11-41 line of said U.S. Highway No. 290 and the said 458 square foot
 11-42 tract, and with the said curve to the right having a radius of
 11-43 1855.86 feet (chord bearing South 66°23'40" East, 108.01 feet), an
 11-44 arc distance of 108.02 feet to a 5/8 inch steel rod set in the South
 11-45 line of aforesaid Lot 8, the said 160.33 acre tract and the said
 11-46 12.4518 acre tract for the most Easterly or Southeast corner of the
 11-47 herein described tract, said point being the Southwest corner of
 11-48 the said 458 square foot tract and the most Westerly corner of that
 11-49 certain 1.672 acre tract of land conveyed to the State of Texas (for
 11-50 highway widening purposes), as described in deed recorded under
 11-51 County Clerk's File No. R276494 of the said Real Property Records,
 11-52 said point also being in the North line of adjacent Lot 9 of said
 11-53 Section 9 and the aforesaid 257.2309 acre tract;

11-54 Thence, South 87°11'26" West (called South 87°32'13" West in
 11-55 257.2309 acre deed), 1610.36 feet with the North line of the said
 11-56 257.2309 acre tract and the common South line of the said 12.4518
 11-57 acre tract, and generally along the line of an old down barbed-wire
 11-58 fence to the PLACE OF BEGINNING and containing 12.4147 acres or
 11-59 540,786 square feet of land, more or less.

11-60 TRACT 3:

11-61 Fieldnotes for 107.6370 acres of land out of Lots 3, 4, 5, 6,
 11-62 11, 12, and 14, Section 10 of the Harris County School Land Survey,
 11-63 Abstract No. 332, in Harris County, Texas, the map or plat thereof
 11-64 recorded in Volume 17, Page 222 of the Deed Records of Harris
 11-65 County, being out of and a part of that certain tract of land
 11-66 conveyed to Boris & Margaret Payan Family Partnership, and
 11-67 described as the residue of 109.9186 acres of land in correction
 11-68 deed recorded under County Clerk's File No. T324010 of the Real
 11-69 Property Records of Harris County, said 107.6370 acres of land

12-1 being more particularly described by metes and bounds as follows:

12-2 COMMENCING at a 5/8 inch steel rod found in the South line of
 12-3 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
 12-4 intersection with the West line of Kickapoo Road, based on a 66 foot
 12-5 right-of-way, said point being the Northeast corner of that certain
 12-6 tract of land conveyed to Delta Troy Interests, Ltd., and described
 12-7 as the residue of 393.3575 acres of land in deed recorded under
 12-8 County Clerk's File No. W201253 of the said Real Property Records,
 12-9 from which point, a found 4" x 4" concrete monument bears South
 12-10 89°35' West, 3.9 feet;

12-11 Thence, South 87°41'31" West, 3335.39 feet with the South line
 12-12 of said F.M. Highway No. 2920 and the common North line of the said
 12-13 393.3575 acre tract to a 5/8 inch steel rod set for the Northeast
 12-14 corner and PLACE OF BEGINNING of the said 109.9186 acre tract and
 12-15 the herein described tract;

12-16 Thence, South 02°18'29" East, 3638.43 feet (called South
 12-17 02°17'36" East, 3639.80 feet in vesting deed) with the East line of
 12-18 the said 109.9186 acre tract to a 5/8 inch steel rod set in the
 12-19 Southwesterly line of the said 393.3575 acre tract and the
 12-20 Northeasterly line of State Highway No. 290, based on a 320 foot
 12-21 right-of-way, for the Southeast corner of the said 109.9186 acre
 12-22 tract and the herein described tract, said point being in the arc of
 12-23 a non-tangent curve to the left, having a radius of 7799.44 feet and
 12-24 a central angle of 08°35'22";

12-25 Thence, in a Northwesterly direction, with the Northeasterly
 12-26 line of said U.S. Highway No. 290 and the common Southwesterly line
 12-27 of the said 109.9186 acre tract, and with the said curve to the left
 12-28 having a radius of 7799.44 feet (chord bearing North 63°00'09" West,
 12-29 1168.15 feet), an arc distance of 1169.24 feet to a 5/8 inch steel
 12-30 rod set at a point of non-tangent curve to the left, having a radius
 12-31 of 2013.86 feet and a central angle of 22°16'29", said point also
 12-32 being the most Easterly corner of that certain 1.0459 acre tract of
 12-33 land conveyed to the State of Texas (for highway widening purposes)
 12-34 as described in deed recorded under County Clerk's File No. T324011
 12-35 of the said Real Property Records;

12-36 Thence, continuing with the Northeasterly line of said U.S.
 12-37 Highway No. 290 and the said 1.0459 acre tract, and with the said
 12-38 curve to the left having a radius of 2013.86 feet (chord bearing
 12-39 North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet
 12-40 to a 5/8 inch steel rod set at a point of tangency;

12-41 Thence, continuing with the Northeasterly line of said U.S.
 12-42 Highway No. 290 and the said 1.0459 acre tract, North 70°39'12"
 12-43 West, 237.97 feet to a 5/8 inch steel rod set at a cut-back for
 12-44 Binford Road, said point being the most Westerly or Northwest
 12-45 corner of the said 1.0459 acre tract, said point also being in the
 12-46 Northeasterly line of that certain 1.235 acre tract of land
 12-47 conveyed to the State of Texas, as described in deed recorded under
 12-48 County Clerk's File No. R276486 of the said Real Property Records;

12-49 Thence, North 30°36'06" West, 17.66 feet with the
 12-50 Northeasterly line of the said 1.235 acre tract and the said
 12-51 cut-back line to a 5/8 inch steel rod set in the East line of said
 12-52 Binford Road (right-of-way varies at this point) and the West line
 12-53 of the said 109.9186 acre tract for an angle point, said point being
 12-54 the most Westerly or Northwest corner of the said 1.235 acre tract;

12-55 Thence, North 09°02'53" West (called North 09°02'34" West in
 12-56 vesting deed), 452.64 feet with the East line of said Binford Road
 12-57 and the common West line of the said 109.9186 acre tract to a 5/8
 12-58 inch steel rod set for an angle point (right-of-way 66 feet wide at
 12-59 this point), from which point, a 5/8 inch steel rod found in
 12-60 concrete bears South 81°00' East, 0.53 feet;

12-61 Thence, North 02°42'53" West, 793.61 feet (called North
 12-62 02°41'16" West, 731.85 feet in vesting deed) with the East line of
 12-63 said Binford Road and the common West line of the said 109.9186 acre
 12-64 tract to a 5/8 inch steel rod set for the most Westerly Northwest
 12-65 corner of the herein described tract, said point being the
 12-66 Southwest corner of that certain 29.6849 acre tract of land
 12-67 conveyed to Jesse B. Heath, Jr., Trustee, as described in deed
 12-68 recorded under County Clerk's File No. J741028 of the said Real
 12-69 Property Records;

13-1 Thence, North 87°41'31" East, 990.77 feet (called North
 13-2 87°42'24" East, 991.05 feet in vesting deed and 29.6849 acre deed)
 13-3 with the South line of the said 29.6849 acre tract and the common
 13-4 line of the said 109.9186 acre tract to a 5/8 inch steel rod set for
 13-5 an interior ell corner of the herein described tract, said point
 13-6 being the Southeast corner of the said 29.6849 acre tract;

13-7 Thence, North 02°18'29" West (called North 02°17'36" West in
 13-8 vesting deed and 29.6849 acre deed), 1298.83 feet to a 5/8 inch
 13-9 steel rod set in the South line of said F.M. Highway No. 2920 for the
 13-10 most Northerly Northwest corner of the said 109.9186 acre tract and
 13-11 the herein described tract, said point being the Northeast corner
 13-12 of the said 29.6849 acre tract;

13-13 Thence, North 87°41'31" East (called North 87°42'24" East in
 13-14 vesting deed), 970.20 feet with the South line of said F.M. Highway
 13-15 No. 2920 and the common North line of the said 109.9186 acre tract
 13-16 to the PLACE OF BEGINNING and containing 107.6370 acres or
 13-17 4,688,669 square feet of land, more or less.

13-18 TRACT 4:

13-19 Fieldnotes for 8.9032 acres of land out of Lot 4 and Lot 5,
 13-20 Section 10 of the Harris County School Land Survey, Abstract No.
 13-21 332, in Harris County, Texas, the map or plat thereof recorded in
 13-22 Volume 17, Page 222 of the Deed Records of Harris County, being out
 13-23 of and a part of that certain 29.6849 acre tract of land conveyed to
 13-24 Jesse B. Heath, Jr., Trustee, as described in general warranty deed
 13-25 recorded under County Clerk's File No. J741028 of the Real Property
 13-26 Records of Harris County, and being that same (called) 8.906 acre
 13-27 tract of land conveyed to Paul Wilkerson and Eva Grant, as described
 13-28 in deed recorded under County Clerk's File No. X407844 of the said
 13-29 Real Property Records, said 8.9032 acres of land being more
 13-30 particularly described by metes and bounds as follows:

13-31 COMMENCING at a 1 inch steel rod set in the South line of F.M.
 13-32 Highway No. 2920, based on a 100 foot right-of-way, at its
 13-33 intersection with the East line of Binford Road, based on a 66 foot
 13-34 right-of-way, said point being the Northwest corner of the said
 13-35 29.6849 acre tract, said point also being in the arc of a curve to
 13-36 the left, having a radius of 11509.30 and a central angle of
 13-37 00°48'18", from which point, a found 4" x 4" concrete monument bears
 13-38 South 57° East, 1.25 feet and a found 5/8 inch steel rod bears South
 13-39 59° East, 1.79 feet;

13-40 Thence, South 02°42'53" East, 909.10 feet with the East line
 13-41 of said Binford Road and the West line of the said 29.6849 acre
 13-42 tract to a 3/4 inch steel rod set for the Northwest corner and PLACE
 13-43 OF BEGINNING of the said 8.906 acre tract and the herein described
 13-44 tract, said point also being the Southwest corner of a 20.7774 acre
 13-45 tract of land previously conveyed, from which point, a found 5/8
 13-46 inch steel rod bears South 08°52' East, 2.1 feet;

13-47 Thence, North 87°41'31" East, 993.55 feet with the South line
 13-48 of the said 20.7774 acre tract to a 3/4 inch steel rod set in the
 13-49 East line of the said 29.6849 acre tract for the Northeast corner of
 13-50 the herein described tract, said point being in the Westerly line of
 13-51 a 107.6370 acre tract of land previously conveyed, from which
 13-52 point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

13-53 Thence, South 02°18'29" East, 390.89 feet with the East line
 13-54 of the said 29.6849 acre tract and the common line of the said
 13-55 107.6370 acre tract to a 5/8 inch steel rod set for the Southeast
 13-56 corner of the said 29.6849 acre tract and the herein described
 13-57 tract, said point being an interior ell corner of the said 107.6370
 13-58 acre tract;

13-59 Thence, South 87°41'31" West, 990.77 feet with the South line
 13-60 of the said 29.6849 acre tract and the common line of the said
 13-61 107.6370 acre tract to a 5/8 inch steel rod set in the East line of
 13-62 said Binford Road for the Southwest corner of the said 29.6849 acre
 13-63 tract and the herein described tract, said point being the most
 13-64 Westerly Northwest corner of the said 107.6370 acre tract;

13-65 Thence, North 02°42'53" West, 390.90 feet with the East line
 13-66 of said Binford Road and the common West line of the said 29.6849
 13-67 acre tract to the PLACE OF BEGINNING and containing 8.9032 acres or
 13-68 387,825 square feet of land, more or less.

13-69 TRACT 5:

14-1 Fieldnotes for 20.7774 acres of land out of Lot 4, Section 10
 14-2 of the Harris County School Land Survey, Abstract No. 332, in Harris
 14-3 County, Texas, the map or plat thereof recorded in Volume 17, Page
 14-4 222 of the Deed Records of Harris County, being out of and a part of
 14-5 that certain 29.6849 acre tract of land conveyed to Jesse B. Heath,
 14-6 Jr., Trustee, as described in general warranty deed recorded under
 14-7 County Clerk's File No. J741028 of the Real Property Records of
 14-8 Harris County, said 20.7774 acres of land being more particularly
 14-9 described by metes and bounds as follows:

14-10 BEGINNING at a 1 inch steel rod set in the South line of F.M.
 14-11 Highway No. 2920, based on a 100 foot right-of-way, at its
 14-12 intersection with the East line of Binford Road, based on a 66 foot
 14-13 right-of-way, said point being the Northwest corner of the said
 14-14 29.6849 acre tract and the herein described tract, said point being
 14-15 in the arc of a curve to the left, having a radius of 11509.30 and a
 14-16 central angle of 00°48'18", from which point, a found 4" x 4"
 14-17 concrete monument bears South 57° East, 1.25 feet and a found 5/8
 14-18 inch steel rod bears South 59° East, 1.79 feet;

14-19 Thence, in an Easterly direction, with the South line of said
 14-20 F.M. Highway No. 2920 and the common North line of the said 29.6849
 14-21 acre tract, and with the said curve to the left having a radius of
 14-22 11509.30 feet (chord bearing North 88°05'40" East, 161.70 feet), an
 14-23 arc distance of 161.70 feet to a 5/8 inch steel rod set at a point of
 14-24 tangency, from which point, a broken 4" x 4" concrete monument bears
 14-25 North 80° East, 0.53 feet;

14-26 Thence, continuing with the South line of said F.M. Highway
 14-27 No. 2920 and the common North line of the said 29.6849 acre tract,
 14-28 North 87°41'31" East, 838.30 feet to a 5/8 inch steel rod set for the
 14-29 Northeast corner of the said 29.6849 acre tract and the herein
 14-30 described tract, said point also being the most Northerly Northwest
 14-31 corner of a 107.6370 acre tract of land, the residue of a 109.9186
 14-32 acre tract of land conveyed to Boris & Margaret Payen Family Limited
 14-33 Partnership, as described in deed recorded under County Clerk's
 14-34 File No. T324010 of the said Real Property Records;

14-35 Thence, South 02°18'29" East, 907.94 feet with the East line
 14-36 of the said 29.6849 acre tract and the common line of the said
 14-37 107.6370 acre tract to a 3/4 inch steel rod set for the Southeast
 14-38 corner of the herein described tract, from which point, a found 5/8
 14-39 inch steel rod bears South 18°41' East, 1.9 feet;

14-40 Thence, South 87°41'31" West, 993.55 feet to a 3/4 inch steel
 14-41 rod set in the West line of the said 29.6849 acre tract and the
 14-42 common East line of said Binford Road for the Southwest corner of
 14-43 the herein described tract, from which point, a found 5/8 inch steel
 14-44 rod bears South 08°52' East, 2.1 feet;

14-45 Thence, North 02°42'53" West, 909.10 feet with the West line
 14-46 of the said 29.6849 acre tract and the common East line of said
 14-47 Binford Road to the PLACE OF BEGINNING and containing 20.7774 acres
 14-48 or 905,065 square feet of land, more or less.

14-49 TRACT 6:

14-50 Fieldnotes for 164.3702 acres of land, being all of Lot 11 and
 14-51 12 and a part of Lots 13 and 14, Section 7 of the Harris County
 14-52 School Land Survey, Abstract No. 332, in Harris County, Texas, the
 14-53 map or plat thereof recorded in Volume 17, Page 222 of the Deed
 14-54 Records of Harris County, and being all of that certain (called)
 14-55 164.401 acre tract of land conveyed to Chang-Hsine Cheng, et ux, as
 14-56 described in deed recorded under County Clerk's File No. M314811 of
 14-57 the Real Property Records of Harris County, said 164.3702 acres of
 14-58 land being more particularly described by metes and bounds as
 14-59 follows:

14-60 BEGINNING at a 5/8 inch steel rod found in the North line of
 14-61 F.M. Highway No. 2920, based on a 100.00 foot right-of-way, at its
 14-62 intersection with the East line of Binford Road, based on a 66.00
 14-63 foot right-of-way, in the West line of said Lot 13, said point being
 14-64 the Southwest corner of the said 164.401 acre tract and that certain
 14-65 1.1057 acre Right Of Way Easement conveyed to the County of Harris
 14-66 (for the widening of Binford Road) as described in instrument
 14-67 recorded under County Clerk's File No. M747112 of the said Real
 14-68 Property Records, said point also being the Northwest corner of
 14-69 that certain 2.070 acre tract of land conveyed to the State of Texas

15-1 (for the widening of F.M. Highway No. 2920) as described in deed
15-2 recorded under County Clerk's File No. C684810 of the said Real
15-3 Property Records;

15-4 Thence, North 00°18'09" West, 2694.07 feet (called North
15-5 00°19'09" West, 2694.07 feet in 1.1057 acre deed), with the East
15-6 line of said Binford Road and the common West line of the said
15-7 164.401 acre tract and the said 1.1057 acre tract to a 5/8 inch
15-8 steel rod found marking the Northwest corner of said Lot 12, the
15-9 said 164.401 acre tract and the herein described tract, said point
15-10 being the Northwest corner of the said 1.1057 acre tract, said point
15-11 also being the Southwest corner of adjacent Lot 5 of said Section 7
15-12 and that certain 9.862 acre tract of land conveyed to Domenico
15-13 Calarco, et ux, as described in deed recorded under County Clerk's
15-14 File No. D254432 of the said Real Property Records;

15-15 Thence, North 89°57'10" East with the South line of said Lot 5
15-16 and the said 9.862 acre tract, and the common North line of said Lot
15-17 12 and the said 164.401 acre tract, at 663 feet passing the
15-18 Southeast corner of the said 9.862 acre tract and the Southwest
15-19 corner of that certain 72.8588 acre tract of land conveyed to Glen
15-20 Harris, Jr., Trustee as described in instrument recorded under
15-21 County Clerk's File No. E052129 of the said Real Property Records,
15-22 and continuing with the South line of the said 72.8588 acre tract in
15-23 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
15-24 marking the Northeast corner of aforesaid Lot 11, the said 164.401
15-25 acre tract, and the herein described tract, said point being the
15-26 Southeast corner of adjacent Lot 6 of said Section 7 and the said
15-27 72.8588 acre tract, said point also being in the West line of that
15-28 certain 4.000 acre tract of land conveyed to Deanne Prusak as
15-29 described in deed recorded under County Clerk's File No. R803468 of
15-30 the said Real Property Records, and being the Southwest corner of
15-31 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
15-32 Section 7;

15-33 Thence, South 00°18'08" East (called South 00°51'56" East in
15-34 4.000 acre deed, South 00°18'09" East in vesting deed, and South
15-35 00°18'08" East in that certain boundary line agreement recorded in
15-36 Volume 7167, Page 187 of the said Deed Records), with the West line
15-37 of said Lot 10 and the said 4.000 acre tract, and the common East
15-38 line of said Lot 11 and the said 164.401 acre tract, at 160.49 feet
15-39 passing the Southwest corner of the said 4.000 acre tract and the
15-40 Northwest corner of the residue of that certain 6.3725 acre tract of
15-41 land conveyed to Robert V. Davidson, et ux, as described in deed
15-42 recorded under County Clerk's File No. P512170 of the said Real
15-43 Property Records, and continuing with the West line of the said
15-44 6.3725 acre tract (called South 00°51'56" East in 6.3725 acre deed),
15-45 at 397.10 feet passing the Southwest corner of the said 6.3725 acre
15-46 tract and the Northwest corner of that certain 52.934 acre tract of
15-47 land conveyed to David A. Sellars, et ux, as described in deed
15-48 recorded under County Clerk's File No. S911654 of the said Real
15-49 Property Records, and continuing with the West line of the said
15-50 52.934 acre tract (called South 00°53'57" East in 52.934 acre deed),
15-51 at 1360.23 feet passing the Southwest corner of the said 52.934 acre
15-52 tract (a 5/8 inch steel rod found 0.96' West) and the Northwest
15-53 corner of the residue of that certain tract of land conveyed to
15-54 Clara Harrison, et al, and Alma Bullock and described as Tract III
15-55 in partition deed recorded under County Clerk's File No. C695611 of
15-56 the said Real Property Records, and continuing with the West line of
15-57 said Tract III in all, a total distance of 2701.69 feet (called
15-58 2701.84 feet in vesting deed) to a 5/8 inch steel rod set in the
15-59 North line of said F.M. Highway No. 2920 for the Southeast corner of
15-60 the said 164.401 acre tract and the herein described tract, said
15-61 point bears North 00°18'08" West, 17 ft. from the Southeast corner
15-62 of aforesaid Lot 14 and the common Southwest corner of said Tract
15-63 III and adjacent Lot 15 of said Section 7, and North 30°46' East, 1.0
15-64 foot from a found 1/2 inch steel rod;

15-65 Thence, North 89°54'23" West, 2495.18 feet (called North
15-66 89°55'25" West, 2494.58 feet in vesting deed) with the North line of
15-67 said F.M. Highway No. 2920 and the South line of the said 164.401
15-68 acre tract to a 5/8 inch steel rod set at a point of curve to the
15-69 right, having a radius of 11409.30 feet and a central angle of

16-1 00°47'42";

16-2 Thence, continuing with the North line of said F.M. Highway
16-3 No. 2920 and the South line of the said 164.401 acre tract, and with
16-4 the said curve to the right having a radius of 11409.30 feet (chord
16-5 bearing North 89°30'32" West, 158.31 feet), an arc distance of
16-6 158.31 feet to the PLACE OF BEGINNING and containing 164.3702 acres
16-7 or 7,159,967 square feet of land, more or less.

16-8 SAVE AND EXCEPT:

16-9 Fieldnotes for 37.6450 acres of land, being out of and a part
16-10 of Lot 11 and Lot 12, Section 7 of the Harris County School Land
16-11 Survey, Abstract No. 332, in Harris County, Texas, the map or plat
16-12 thereof recorded in Volume 17, Page 222 of the Deed Records of
16-13 Harris County, and being out of and a part of that certain 164.3702
16-14 acre tract of land conveyed to R.K. McGaughy, Trustee, as described
16-15 in deed recorded under County Clerk's File No. Z519743 of the Real
16-16 Property Records of Harris County, said 37.6450 acres of land being
16-17 more particularly described by metes and bounds as follows:

16-18 COMMENCING at a 5/8 inch steel rod found in the North line of
16-19 F.M. Highway No. 2920, based on a 100 foot right-of-way, at its
16-20 intersection with the East line of Binford Road, based on a 66 foot
16-21 right-of-way, in the West line of Lot 13 of said Section 7, said
16-22 point being the Southwest corner of the said 164.3702 acre tract and
16-23 that certain 1.1057 acre Right of Way Easement conveyed to the
16-24 County of Harris (for the widening of Binford Road) as described in
16-25 instrument recorded under County Clerk's File No. M747112 of the
16-26 said Real Property Records, said point also being the Northwest
16-27 corner of that certain 2.070 acre tract of land conveyed to the
16-28 State of Texas (for the widening of F.M. Highway No. 2920) as
16-29 described in deed recorded under County Clerk's File No. C684810 of
16-30 the said Real Property Records;

16-31 Thence, North 00°18'09" West, 2070.20 feet with the East line
16-32 of said Binford Road and the common West line of the said 164.3702
16-33 acre tract and the said 1.1057 acre tract to a 5/8 inch steel rod set
16-34 for the Southwest corner and PLACE OF BEGINNING for the herein
16-35 described tract;

16-36 Thence, continuing with the East line of said Binford Road
16-37 and the common West line of the said 164.3702 acre tract and the
16-38 said 1.1057 acre tract, North 00°18'09" West, 623.87 feet to a 5/8
16-39 inch steel rod found marking the Northwest corner of said Lot 12,
16-40 the said 164.3702 acre tract, the said 1.1057 acre tract, and the
16-41 herein described tract, said point also being the Southwest corner
16-42 of adjacent Lot 5 of said Section 7 and that certain 9.862 acre
16-43 tract of land conveyed to Domenico Calarco, et ux, as described in
16-44 deed recorded under County Clerk's File No. D254432 of the said Real
16-45 Property Records;

16-46 Thence, North 89°57'10" East with the South line of said Lot 5
16-47 and the said 9.862 acre tract, and the common North line of said Lot
16-48 12 and the said 164.3702 acre tract, at 663.0 feet passing the
16-49 Southeast corner of the said 9.862 acre tract and the Southwest
16-50 corner of that certain 72.8588 acre tract of land conveyed to Glen
16-51 Harris, Jr., Trustee as described in instrument recorded under
16-52 County Clerk's File No. E052129 of the said Real Property Records,
16-53 and continuing with the South line of the said 72.8588 acre tract in
16-54 all, a total distance of 2653.44 feet to a 5/8 inch steel rod found
16-55 marking the Northeast corner of aforesaid Lot 11, the said 164.3702
16-56 acre tract, and the herein described tract, said point being the
16-57 Southeast corner of adjacent Lot 6 of said Section 7 and the said
16-58 72.8588 acre tract, said point also being in the West line of that
16-59 certain 4.000 acre tract of land conveyed to Deanne Prusak as
16-60 described in deed recorded under County Clerk's File No. R803468 of
16-61 the said Real Property Records, and being the Southwest corner of
16-62 adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said
16-63 Section 7;

16-64 Thence, South 00°18'08" East with the West line of said Lot 10
16-65 and the said 4.000 acre tract, and the common East line of said Lot
16-66 11 and the said 164.3702 acre tract, at 160.49 feet passing the
16-67 Southwest corner of the said 4.000 acre tract and the Northwest
16-68 corner of the residue of that certain 6.3725 acre tract of land
16-69 conveyed to Robert V. Davidson, et ux, as described in deed recorded

17-1 under County Clerk's File No. P512170 of the said Real Property
17-2 Records, and continuing with the West line of the said 6.3725 acre
17-3 tract, at 397.10 feet passing the Southwest corner of the said
17-4 6.3725 acre tract and the Northwest corner of that certain 52.934
17-5 acre tract of land conveyed to David A. Sellars, et ux, as described
17-6 in deed recorded under County Clerk's File No. S911654 of the said
17-7 Real Property Records, and continuing with the West line of the said
17-8 52.934 acre tract in all, a total distance of 612.13 feet to a 5/8
17-9 inch steel rod set for the Southeast corner of the herein described
17-10 tract;

17-11 Thence, South 89°41'58" West, 2653.41 feet to the PLACE OF
17-12 BEGINNING and containing 37.6450 acres or 1,639,817 square feet of
17-13 land, more or less.

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

17-21 (b) The governor, one of the required recipients, has
17-22 submitted the notice and Act to the Texas Commission on
17-23 Environmental Quality.

17-24 (c) The Texas Commission on Environmental Quality has filed
17-25 its recommendations relating to this Act with the governor,
17-26 lieutenant governor, and speaker of the house of representatives
17-27 within the required time.

17-28 (d) The general law relating to consent by political
17-29 subdivisions to the creation of districts with conservation,
17-30 reclamation, and road powers and the inclusion of land in those
17-31 districts has been complied with.

17-32 (e) All requirements of the constitution and laws of this
17-33 state and the rules and procedures of the legislature with respect
17-34 to the notice, introduction, and passage of this Act have been
17-35 fulfilled and accomplished.

17-36 SECTION 4. This Act takes effect immediately if it receives
17-37 a vote of two-thirds of all the members elected to each house, as
17-38 provided by Section 39, Article III, Texas Constitution. If this
17-39 Act does not receive the vote necessary for immediate effect, this
17-40 Act takes effect September 1, 2009.

17-41

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