

1-1 By: Patrick S.B. No. 2473
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 27, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 27, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2473 By: Patrick

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

1-10 relating to the creation of the Harris County Improvement District
1-11 No. 13; providing authority to impose an assessment, impose a tax,
1-12 and issue bonds.

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 3881 to read as follows:

1-16 CHAPTER 3881. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 13

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3881.001. 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 Harris County Improvement
1-22 District No. 13.

1-23 Sec. 3881.002. NATURE OF DISTRICT. The Harris County
1-24 Improvement District No. 13 is a special district created under
1-25 Section 59, Article XVI, Texas Constitution.

1-26 Sec. 3881.003. 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 Houston, Harris County, and other political subdivisions to
1-32 contract with the district, the legislature has established a
1-33 program to accomplish the public purposes set out in Section 52-a,
1-34 Article 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. 3881.004. 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. 3881.005. 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. 3881.006. 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. 3881.007. 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. 3881.008. 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 3881.009-3881.050 reserved for expansion]

2-47 SUBCHAPTER B. BOARD OF DIRECTORS

2-48 Sec. 3881.051. GOVERNING BODY; TERMS. (a) The district is
2-49 governed by a board of five voting directors who serve staggered
2-50 terms of four years, with two or three directors' terms expiring
2-51 June 1 of each odd-numbered year.

2-52 (b) The board by resolution may change the number of voting
2-53 directors on the board, but only if the board determines that the
2-54 change is in the best interest of the district. The board may not
2-55 consist of fewer than five or more than 15 voting directors.

2-56 Sec. 3881.052. APPOINTMENT OF DIRECTORS. The Texas
2-57 Commission on Environmental Quality shall appoint voting directors
2-58 from persons recommended by the board.

2-59 Sec. 3881.053. INITIAL VOTING DIRECTORS. (a) The initial
2-60 board consists of the following voting directors:

2-61 Pos. No. Name of Director

2-62 1 Chris Taylor

2-63 2 Leanne Ross

2-64 3 Ryan Sweeney

2-65 4 Shane Herzog

2-66 5 Terry Taylor

2-67 (b) Of the initial directors, the terms of directors
2-68 appointed for positions 1 through 3 expire June 1, 2011, and the
2-69 terms of directors appointed for positions 4 and 5 expire June 1,

3-1 2013.
3-2 (c) Section 3881.052 does not apply to this section.
3-3 Sec. 3881.054. NONVOTING DIRECTORS. The board may appoint
3-4 nonvoting directors to serve at the pleasure of the voting
3-5 directors.
3-6 Sec. 3881.055. QUORUM. For purposes of determining the
3-7 requirements for a quorum of the board, the following are not
3-8 counted:
3-9 (1) a board position vacant for any reason, including
3-10 death, resignation, or disqualification;
3-11 (2) a director who is abstaining from participation in
3-12 a vote because of a conflict of interest; or
3-13 (3) a nonvoting director.
3-14 Sec. 3881.056. COMPENSATION. A director is entitled to
3-15 receive fees of office and reimbursement for actual expenses as
3-16 provided by Section 49.060, Water Code. Sections 375.069 and
3-17 375.070, Local Government Code, do not apply to the board.
3-18 [Sections 3881.057-3881.100 reserved for expansion]
3-19 SUBCHAPTER C. POWERS AND DUTIES
3-20 Sec. 3881.101. DEVELOPMENT CORPORATION POWERS. The
3-21 district may exercise the powers given to a development corporation
3-22 under Chapter 505, Local Government Code, including the power to
3-23 own, operate, acquire, construct, lease, improve, or maintain a
3-24 project described by that chapter.
3-25 Sec. 3881.102. NONPROFIT CORPORATION. (a) The board by
3-26 resolution may authorize the creation of a nonprofit corporation to
3-27 assist and act for the district in implementing a project or
3-28 providing a service authorized by this chapter.
3-29 (b) The nonprofit corporation:
3-30 (1) has each power of and is considered for purposes of
3-31 this chapter to be a local government corporation created under
3-32 Chapter 431, Transportation Code; and
3-33 (2) may implement any project and provide any service
3-34 authorized by this chapter.
3-35 (c) The board shall appoint the board of directors of the
3-36 nonprofit corporation. The board of directors of the nonprofit
3-37 corporation shall serve in the same manner as the board of directors
3-38 of a local government corporation created under Chapter 431,
3-39 Transportation Code, except that a board member is not required to
3-40 reside in the district.
3-41 Sec. 3881.103. AGREEMENTS; GRANTS. (a) The district may
3-42 make an agreement with or accept a gift, grant, or loan from any
3-43 person.
3-44 (b) The implementation of a project is a governmental
3-45 function or service for the purposes of Chapter 791, Government
3-46 Code.
3-47 Sec. 3881.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
3-48 SERVICES. To protect the public interest, the district may
3-49 contract with a qualified person, including Harris County or the
3-50 City of Houston, for the provision of law enforcement services in
3-51 the district for a fee.
3-52 Sec. 3881.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
3-53 district may join and pay dues to a charitable or nonprofit
3-54 organization that performs a service or provides an activity
3-55 consistent with the furtherance of a district purpose.
3-56 Sec. 3881.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
3-57 district may establish and provide for the administration of one or
3-58 more programs to promote state or local economic development and to
3-59 stimulate business and commercial activity in the district,
3-60 including programs to:
3-61 (1) make loans and grants of public money; and
3-62 (2) provide district personnel and services.
3-63 (b) The district has all of the powers of a municipality
3-64 under Chapter 380, Local Government Code.
3-65 Sec. 3881.107. STRATEGIC PARTNERSHIP AGREEMENT. The
3-66 district may negotiate and enter into a written strategic
3-67 partnership with the City of Houston pursuant to Section 43.0751,
3-68 Local Government Code.
3-69 Sec. 3881.108. NO EMINENT DOMAIN. The district may not

4-1 exercise the power of eminent domain.
4-2 Sec. 3881.109. ANNEXATION OR EXCLUSION OF LAND. (a) The
4-3 district may annex land as provided by Subchapter J, Chapter 49,
4-4 Water Code.
4-5 (b) The district may exclude land as provided by Subchapter
4-6 J, Chapter 49, Water Code. Section 375.044(b), Local Government
4-7 Code, does not apply to the district.
4-8 [Sections 3881.110-3881.150 reserved for expansion]
4-9 SUBCHAPTER D. PUBLIC PARKING FACILITIES
4-10 Sec. 3881.151. PARKING FACILITIES AUTHORIZED; OPERATION BY
4-11 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire,
4-12 lease as lessor or lessee, construct, develop, own, operate, and
4-13 maintain parking facilities or a system of parking facilities,
4-14 including:
4-15 (1) lots, garages, parking terminals, or other
4-16 structures or accommodations for parking motor vehicles off the
4-17 streets; and
4-18 (2) equipment, entrances, exits, fencing, and other
4-19 accessories necessary for safety and convenience in parking
4-20 vehicles.
4-21 (b) A parking facility of the district may be leased to or
4-22 operated on behalf of the district by an entity other than the
4-23 district.
4-24 (c) The district's parking facilities are a program
4-25 authorized by the legislature under Section 52-a, Article III,
4-26 Texas Constitution.
4-27 (d) The district's parking facilities serve the public
4-28 purposes of the district and are owned, used, and held for a public
4-29 purpose even if leased or operated by a private entity for a term of
4-30 years.
4-31 Sec. 3881.152. RULES. The district may adopt rules
4-32 governing the district's public parking facilities.
4-33 Sec. 3881.153. FINANCING OF PUBLIC PARKING FACILITIES.
4-34 (a) The district may use any of its resources, including revenue,
4-35 assessments, taxes, or grant or contract proceeds, to pay the cost
4-36 of acquiring or operating public parking facilities.
4-37 (b) The district may:
4-38 (1) set, charge, impose, and collect fees, charges, or
4-39 tolls for the use of the district's public parking facilities; and
4-40 (2) issue bonds or notes to finance the cost of the
4-41 district's public parking facilities.
4-42 [Sections 3881.154-3881.200 reserved for expansion]
4-43 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
4-44 Sec. 3881.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-45 board by resolution shall establish the number of directors'
4-46 signatures and the procedure required for a disbursement or
4-47 transfer of the district's money.
4-48 Sec. 3881.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4-49 The district may acquire, construct, finance, operate, or maintain
4-50 any improvement or service authorized under this chapter or Chapter
4-51 375, Local Government Code, using any money available to the
4-52 district.
4-53 Sec. 3881.203. PETITION REQUIRED FOR FINANCING SERVICES AND
4-54 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-55 service or improvement project with assessments under this chapter
4-56 unless a written petition requesting that service or improvement
4-57 has been filed with the board.
4-58 (b) A petition filed under Subsection (a) must be signed by
4-59 the owners of a majority of the assessed value of real property in
4-60 the district subject to assessment according to the most recent
4-61 certified tax appraisal roll for Harris County.
4-62 Sec. 3881.204. METHOD OF NOTICE FOR HEARING. The district
4-63 may mail the notice required by Section 375.115(c), Local
4-64 Government Code, by certified or first class United States mail.
4-65 The board shall determine the method of mailing notice.
4-66 Sec. 3881.205. ASSESSMENTS; LIENS FOR ASSESSMENTS.
4-67 (a) The board by resolution may impose and collect an assessment
4-68 for any purpose authorized by this chapter in all or any part of the
4-69 district.

5-1 (b) An assessment, a reassessment, or an assessment
5-2 resulting from an addition to or correction of the assessment roll
5-3 by the district, penalties and interest on an assessment or
5-4 reassessment, an expense of collection, and reasonable attorney's
5-5 fees incurred by the district:

5-6 (1) are a first and prior lien against the property
5-7 assessed;

5-8 (2) are superior to any other lien or claim other than
5-9 a lien or claim for county, school district, or municipal ad valorem
5-10 taxes; and

5-11 (3) are the personal liability of and a charge against
5-12 the owners of the property even if the owners are not named in the
5-13 assessment proceedings.

5-14 (c) The lien is effective from the date of the board's
5-15 resolution imposing the assessment until the date the assessment is
5-16 paid. The board may enforce the lien in the same manner that the
5-17 board may enforce an ad valorem tax lien against real property.

5-18 (d) The board may make a correction to or deletion from the
5-19 assessment roll that does not increase the amount of assessment of
5-20 any parcel of land without providing notice and holding a hearing in
5-21 the manner required for additional assessments.

5-22 Sec. 3881.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
5-23 ASSESSMENTS. The district may not impose an impact fee or
5-24 assessment on the property, including the equipment,
5-25 rights-of-way, facilities, or improvements, of:

5-26 (1) an electric utility or a power generation company
5-27 as defined by Section 31.002, Utilities Code;

5-28 (2) a gas utility as defined by Section 101.003 or
5-29 121.001, Utilities Code;

5-30 (3) a telecommunications provider as defined by
5-31 Section 51.002, Utilities Code; or

5-32 (4) a person who provides to the public cable
5-33 television or advanced telecommunications services.

5-34 Sec. 3881.207. RESIDENTIAL PROPERTY. Section 375.161,
5-35 Local Government Code, does not apply to:

5-36 (1) a tax imposed by the district; or

5-37 (2) any payment required by the district for a service
5-38 provided by the district, including water and sewer services.

5-39 Sec. 3881.208. OPERATION AND MAINTENANCE TAX. (a) If
5-40 authorized at an election held in accordance with Section 3881.212,
5-41 the district may impose an annual operation and maintenance tax on
5-42 taxable property in the district in accordance with Section 49.107,
5-43 Water Code, for any district purpose, including to:

5-44 (1) maintain and operate the district;

5-45 (2) construct or acquire improvements; or

5-46 (3) provide a service.

5-47 (b) The board shall determine the tax rate. The rate may not
5-48 exceed the rate approved at the election.

5-49 (c) Section 49.107(h), Water Code, does not apply to the
5-50 district.

5-51 Sec. 3881.209. CONTRACT TAXES. (a) In accordance with
5-52 Section 49.108, Water Code, the district may impose a tax other than
5-53 an operation and maintenance tax and use the revenue derived from
5-54 the tax to make payments under a contract after the provisions of
5-55 the contract have been approved by a majority of the district voters
5-56 voting at an election held for that purpose.

5-57 (b) A contract approved by the district voters may contain a
5-58 provision stating that the contract may be modified or amended by
5-59 the board without further voter approval.

5-60 Sec. 3881.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
5-61 BONDS. (a) The district may borrow money on terms and conditions
5-62 as determined by the board. Section 375.205, Local Government
5-63 Code, does not apply to a loan, line of credit, or other borrowing
5-64 from a bank or financial institution secured by revenue other than
5-65 ad valorem taxes.

5-66 (b) The district may issue bonds, notes, or other
5-67 obligations payable wholly or partly from ad valorem taxes, sales
5-68 and use taxes, assessments, impact fees, revenue, contract
5-69 payments, grants, or other district money, or any combination of

6-1 those sources of money, to pay for any authorized district purpose.
6-2 (c) The limitation on the outstanding principal amount of
6-3 bonds, notes, and other obligations set forth in Section 49.4645,
6-4 Water Code, does not apply to the district.

6-5 Sec. 3881.211. TAXES FOR BONDS. At the time the district
6-6 issues bonds payable wholly or partly from ad valorem taxes, the
6-7 board shall provide for the annual imposition of a continuing
6-8 direct annual ad valorem tax, without limit as to rate or amount,
6-9 while all or part of the bonds are outstanding as required and in
6-10 the manner provided by Sections 54.601 and 54.602, Water Code.

6-11 Sec. 3881.212. ELECTIONS REGARDING TAXES AND BONDS.
6-12 (a) The district may issue, without an election, bonds, notes, and
6-13 other obligations secured by:

- 6-14 (1) revenue other than ad valorem taxes; or
- 6-15 (2) contract payments described by Section 3881.209.

6-16 (b) The district must hold an election in the manner
6-17 provided by Subchapter L, Chapter 375, Local Government Code, to
6-18 obtain voter approval before the district may impose an ad valorem
6-19 tax or sales and use tax or issue bonds payable from ad valorem
6-20 taxes.

6-21 (c) Section 375.243, Local Government Code, does not apply
6-22 to the district.

6-23 (d) All or any part of any facilities or improvements which
6-24 may be acquired by a district by the issuance of its bonds may be
6-25 included in one single proposition to be voted on at the election or
6-26 the bonds may be submitted in several propositions.

6-27 Sec. 3881.213. COMPETITIVE BIDDING. Subchapter I, Chapter
6-28 49, Water Code, applies to the district. Sections 375.221 and
6-29 375.223, Local Government Code, do not apply to the district.

6-30 Sec. 3881.214. TAX AND ASSESSMENT ABATEMENTS. The district
6-31 may grant in the manner authorized by Chapter 312, Tax Code, an
6-32 abatement for a tax or assessment owed to the district.

6-33 [Sections 3881.215-3881.250 reserved for expansion]

6-34 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
6-35 PROPERTY

6-36 Sec. 3881.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
6-37 DESIGNATED PROPERTY. The district may define areas or designate
6-38 certain property of the district to pay for improvements,
6-39 facilities, or services that primarily benefit that area or
6-40 property and do not generally and directly benefit the district as a
6-41 whole.

6-42 Sec. 3881.252. PROCEDURE FOR ELECTION. (a) Before the
6-43 district may impose an ad valorem tax or issue bonds payable from ad
6-44 valorem taxes of the area defined or property designated under
6-45 Section 3881.251, the board must call and hold an election as
6-46 provided by Section 3881.212 only in the defined area or in the
6-47 boundaries of the designated property.

6-48 (b) The board may submit the proposition to the voters on
6-49 the same ballot to be used in another election.

6-50 Sec. 3881.253. DECLARING RESULT AND ISSUING ORDER. (a) If
6-51 a majority of the voters voting at the election approve the
6-52 proposition or propositions, the board shall declare the results
6-53 and by order shall establish the defined area and describe it by
6-54 metes and bounds or designate the specific property.

6-55 (b) A court may not review the board's order except on the
6-56 ground of fraud, palpable error, or arbitrary and confiscatory
6-57 abuse of discretion.

6-58 Sec. 3881.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
6-59 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
6-60 approval and adoption of the order described in Section 3881.253,
6-61 the district may apply separately, differently, equitably, and
6-62 specifically its taxing power and lien authority to the defined
6-63 area or designated property to provide money to construct,
6-64 administer, maintain, and operate services, improvements, and
6-65 facilities that primarily benefit the defined area or designated
6-66 property.

6-67 Sec. 3881.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
6-68 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
6-69 Section 3881.253 is adopted, the district may issue bonds to

7-1 provide for any land, improvements, facilities, plants, equipment,
7-2 and appliances for the defined area or designated property.

7-3 [Sections 3881.256-3881.300 reserved for expansion]

7-4 SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

7-5 Sec. 3881.301. MUNICIPAL ANNEXATION; DISSOLUTION.

7-6 (a) The district is a "water or sewer district" under Section
7-7 43.071, Local Government Code.

7-8 (b) Section 43.075, Local Government Code, applies to the
7-9 district.

7-10 (c) Section 375.264, Local Government Code, does not apply
7-11 to the dissolution of the district by a municipality.

7-12 SECTION 2. Harris County Improvement District No. 13
7-13 initially includes all territory contained in the following area:

7-14 BEING 705.36 acres of land lying wholly within Harris County,
7-15 Texas consisting of TRACT "1": A 400.03 acre tract situated in the
7-16 Jno. W. Baker Survey, A-116 and the Moses Merritt Survey, A-579,
7-17 TRACT "2": A 305.33 acre tract situated in the Moses Merritt Survey,
7-18 A-579 and the J. W. Moody Survey, A-547 and more particularly
7-19 described as follows:

7-20 TRACT "1"

7-21 BEING a 400.03 acre tract situated in the Jno. W. Baker
7-22 Survey, A-116 and the Moses Merritt Survey, A-579, Harris County,
7-23 Texas and being part of that certain called 891.99 acre tract
7-24 described and recorded under Harris County Clerk's File Number
7-25 (H.C.C.F. No.) 20070535841, said 400.03 acre being more
7-26 particularly described by metes and bounds as follows:

7-27 BEGINNING at a 5/8-inch iron rod found for the northwest
7-28 corner of a called 21.148 acre tract described and recorded under
7-29 H.C.C.F. No. M488539 and being in the southern right-of-way line of
7-30 the Union Pacific Railroad Company railroad right-of-way (100' wide
7-31 at this point) as recorded in Volume 964, Page 88 of the Harris
7-32 County Deed Records (H.C.D.R.);

7-33 THENCE, along the western lines of said 21.148 acre tract and
7-34 the eastern lines of the said 891.99 acre tract the following five
7-35 (5) courses:

7-36 S 21°51'31" W, a distance of 100.00 feet to a disturbed
7-37 5/8-inch iron rod found for the point of curvature of a curve to the
7-38 left;

7-39 In a southeasterly direction, 498.97 feet along the arc
7-40 of said curve to the left having a radius of 610.00 feet, a central
7-41 angle of 46°52'00" and whose chord bears S 01°34'29" E, 485.17 feet
7-42 to a 5/8-inch iron rod found for the point of tangency of said
7-43 curve;

7-44 S 25°00'29" E, a distance of 437.99 feet to a 5/8-inch
7-45 iron rod found for the point of curvature of a curve to the right;

7-46 In a southeasterly direction, 153.69 feet along the arc
7-47 of said curve to the right having a radius of 390.00 feet, a central
7-48 angle of 22°34'45" and whose chord bears S 13°43'07" E, 152.70 feet
7-49 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the
7-50 point of tangency of said curve;

7-51 S 02°25'44" E, a distance of 2406.07 feet to a 5/8-inch
7-52 iron rod with cap stamped "BROWN & GAY" set for the southeast corner
7-53 of the herein described tract, the beginning of a non-tangent curve
7-54 to the left;

7-55 THENCE the following eight (8) courses and distances over and
7-56 across said called 891.99 acre tract:

7-57 In a Westerly direction, along a curve to the left, a
7-58 distance of 853.40 feet, having a radius of 1950.00 feet, a central
7-59 angle of 25°04'30" and a chord which bears N 77°57'39" W, 846.60 feet
7-60 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the
7-61 point of tangency;

7-62 S 89°30'06" W, a distance of 100.00 feet to a 5/8-inch
7-63 iron rod with cap stamped "BROWN & GAY" set for the beginning of a
7-64 tangent curve to the right;

7-65 In a Northwesterly direction, along said curve to the
7-66 right, a distance of 2441.52 feet, having a radius of 2050.00 feet,
7-67 a central angle of 68°14'18" and a chord which bears N 56°22'45" W,
7-68 2299.76 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY"
7-69 set for the point of tangency;

8-1 N 22°15'36" W, a distance of 873.59 feet to a 5/8-inch
8-2 iron rod with cap stamped "BROWN & GAY set for the beginning of a
8-3 tangent curve to the left;
8-4 In a Northwesterly direction, along said curve to the
8-5 left, a distance of 2468.33 feet, having a radius of 1950.00 feet, a
8-6 central angle of 72°31'32" and a chord which bears N 58°31'22" W,
8-7 2306.81 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY
8-8 set for the point of tangency;
8-9 S 85°12'52" W, a distance of 100.00 feet to a 5/8-inch
8-10 iron rod with cap stamped "BROWN & GAY set for the beginning of a
8-11 tangent curve to the right;
8-12 In a Westerly direction, along said curve to the right,
8-13 a distance of 941.65 feet, having a radius of 2050.00 feet, a
8-14 central angle of 26°19'06" and a chord which bears N 81°37'35" W,
8-15 933.39 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY set
8-16 for the point of tangency;
8-17 N 68°28'02" W, a distance of 399.82 feet to a 5/8-inch
8-18 iron rod with cap stamped "BROWN & GAY set for corner in the east
8-19 line of a called 2,523.670 acre tract described and recorded under
8-20 H.C.C.F. No. U036618;
8-21 THENCE, N 02°08'21" W, a distance of 2274.31 feet along the
8-22 east line of said 2,523.670 acre tract to a 5/8-inch iron rod with
8-23 cap stamped "BROWN & GAY" set for the northwest corner of the herein
8-24 described tract and being in the southern right-of-way line of the
8-25 said Union Pacific Railroad Company railroad right-of-way (150'
8-26 wide at this point);
8-27 THENCE, along the said southern right-of-way line the
8-28 following three (3) courses:
8-29 S 68°08'29" E, a distance of 1,452.09 feet to a 5/8-inch
8-30 iron rod with cap stamped "BROWN & GAY" set for an angle point;
8-31 N 02°45'38" W, a distance of 55.00 feet to a 5/8-inch
8-32 iron rod with cap stamped "BROWN & GAY" set for an angle point from
8-33 which a found disturbed 5/8-inch iron rod bears S 75°35' W, 0.64
8-34 feet;
8-35 S 68°08'29" E, a distance of 692.19 feet to a 5/8-inch
8-36 iron rod with cap stamped "BROWN & GAY" set for the northwest corner
8-37 of a called 3.220 acre tract described and recorded under D592435;
8-38 THENCE, along the lines common to said 3.220 acre tract and
8-39 the herein described tract the following three (3) courses:
8-40 S 16°08'53" W, a distance of 854.18 feet to a 5/8-inch
8-41 iron rod with cap stamped "BROWN & GAY" set for the southwest corner
8-42 of said 3.220 acre tract;
8-43 S 68°08'29" E, a distance of 80.00 feet to a 5/8-inch
8-44 iron rod with cap stamped "BROWN & GAY" set for the southeast corner
8-45 of said 3.220 acre tract;
8-46 N 27°34'09" E, a distance of 854.18 feet to a 5/8-inch
8-47 iron rod with cap stamped "BROWN & GAY" set for the northeast corner
8-48 of said 3.220 acre tract;
8-49 THENCE, S 68°08'29" E, a distance of 4,420.07 feet along the
8-50 said southern railroad right-of-way line to the POINT OF BEGINNING
8-51 and containing 400.03 acres of land.
8-52 TRACT "2"
8-53 BEING a 305.33 acre tract of land in the Moses Merrit Survey,
8-54 A-579 and the J. W. Moody Survey, A-547, Harris County, Texas, being
8-55 part of that certain called 435.44 acre tract described and
8-56 recorded under Harris County Clerk's File Number (H.C.C.F. No.)
8-57 20070535841, said 305.33 acre tract being more particularly
8-58 described by metes and bounds as follows:
8-59 BEGINNING at a 5/8-inch iron rod found for the northeast
8-60 corner of a called 21.148 acre tract described and recorded under
8-61 H.C.C.F. No. M488539 and being in the southern right-of-way line of
8-62 the Union Pacific Railroad Company railroad right-of-way (100' wide
8-63 at this point) as recorded in Volume 964, Page 88 of the Harris
8-64 County Deed Records (H.C.D.R.), having coordinates of X:
8-65 3,004,753.52, Y: 13,921,042.73;
8-66 THENCE, along the said southern right-of-way line the
8-67 following five (5) courses:
8-68 S 68°08'29" E, a distance of 3,677.36 feet to a 5/8-inch
8-69 iron rod found for an angle point;

9-1 S 20°12'43" W, a distance of 140.80 feet to a 5/8-inch
9-2 iron rod with cap stamped "BROWN & GAY" set for an angle point;
9-3 S 69°52'17" E, a distance of 390.35 feet to a 5/8-inch
9-4 iron rod with cap stamped "BROWN & GAY" set for an angle point;
9-5 N 17°21'43" E, a distance of 129.36 feet to a 5/8-inch
9-6 iron rod with cap stamped "BROWN & GAY" set for an angle point from
9-7 which a found 5/8-inch iron rod bears S 31°05' W, 0.33 feet;
9-8 S 68°08'29" E, a distance of 226.09 feet to a 5/8-inch
9-9 iron rod with cap stamped "BROWN & GAY" set for the northeast corner
9-10 of the herein described tract and the northwest corner of a called
9-11 237.257 acre tract described and recorded under H.C.C.F. No.
9-12 W483191 from which a found 5/8-inch iron rod bears S 29°12' W, 0.47
9-13 feet;
9-14 THENCE, S 01°44'44" E, a distance of 2704.45 feet to a
9-15 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the most
9-16 easterly southeast corner of the herein described tract;
9-17 THENCE the following six (6) courses and distances over and
9-18 across said called 435.44 acre tract:
9-19 S 88°15'16" W, a distance of 75.72 feet to a 5/8-inch
9-20 iron rod with cap stamped "BROWN & GAY" set for the beginning of a
9-21 tangent curve to the left;
9-22 In a Westerly direction, along said curve to the left, a
9-23 distance of 531.50 feet, having a radius of 1950.00 feet, a central
9-24 angle of 15°37'00" and a chord which bears S 80°26'46" W, 529.85 feet
9-25 to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set for the
9-26 point of tangency;
9-27 S 72°38'16" W, a distance of 565.96 feet to a 5/8-inch
9-28 iron rod with cap stamped "BROWN & GAY" set for the beginning of a
9-29 tangent curve to the right;
9-30 In a Westerly direction, along said curve to the right,
9-31 a distance of 2329.05 feet, having a radius of 2050.00 feet, a
9-32 central angle of 65°05'42" and a chord which bears N 74°48'53" W,
9-33 2205.79 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY"
9-34 set for the point of tangency;
9-35 N 42°16'02" W, a distance of 100.00 feet to a 5/8-inch
9-36 iron rod with cap stamped "BROWN & GAY" set for the beginning of a
9-37 tangent curve to the left;
9-38 In a Northwesterly direction, along said curve to the
9-39 left, a distance of 531.87 feet, having a radius of 1950.00 feet, a
9-40 central angle of 15°37'39" and a chord which bears N 50°04'52" W,
9-41 530.22 feet to a 5/8-inch iron rod with cap stamped "BROWN & GAY" set
9-42 for corner;
9-43 THENCE, along the eastern lines of said 21.148 acre tract and
9-44 the western lines of the herein described tract the following five
9-45 (5) courses:
9-46 N 02°25'44" W, a distance of 2537.06 feet to a 5/8-inch
9-47 iron rod with cap stamped "BROWN & GAY" set for the point of
9-48 curvature of a curve to the left;
9-49 In a northwesterly direction, 121.77 feet along the arc
9-50 of said curve to the left having a radius of 610.00 feet, a central
9-51 angle of 22°34'45" and whose chord bears N 13°43'07" W, 238.84 feet
9-52 to a disturbed 5/8-inch iron rod found for the point of tangency of
9-53 said curve;
9-54 N 25°00'29" W, a distance of 437.99 feet to a 5/8-inch
9-55 iron rod found for the point of curvature of a curve to the right;
9-56 In a northwesterly direction, 319.01 feet along the arc
9-57 of said curve to the right having a radius of 390.00 feet, a central
9-58 angle of 46°52'00" and whose chord bears N 01°34'29" W, 310.19 feet
9-59 to a 5/8-inch iron rod found for the point of tangency of said
9-60 curve;
9-61 N 21°51'31" E, a distance of 100.00 feet to the POINT OF
9-62 BEGINNING and containing 305.33 acres of land.
9-63 SECTION 3. (a) The legal notice of the intention to
9-64 introduce this Act, setting forth the general substance of this
9-65 Act, has been published as provided by law, and the notice and a
9-66 copy of this Act have been furnished to all persons, agencies,
9-67 officials, or entities to which they are required to be furnished
9-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-69 Government Code.

10-1 (b) The governor, one of the required recipients, has
10-2 submitted the notice and Act to the Texas Commission on
10-3 Environmental Quality.

10-4 (c) The Texas Commission on Environmental Quality has filed
10-5 its recommendations relating to this Act with the governor,
10-6 lieutenant governor, and speaker of the house of representatives
10-7 within the required time.

10-8 (d) The general law relating to consent by political
10-9 subdivisions to the creation of districts with conservation,
10-10 reclamation, and road powers and the inclusion of land in those
10-11 districts has been complied with.

10-12 (e) All requirements of the constitution and laws of this
10-13 state and the rules and procedures of the legislature with respect
10-14 to the notice, introduction, and passage of this Act have been
10-15 fulfilled and accomplished.

10-16 SECTION 4. This Act takes effect immediately if it receives
10-17 a vote of two-thirds of all the members elected to each house, as
10-18 provided by Section 39, Article III, Texas Constitution. If this
10-19 Act does not receive the vote necessary for immediate effect, this
10-20 Act takes effect September 1, 2009.

10-21

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