

1-1 By: Jackson S.B. No. 2507  
1-2 (In the Senate - Filed April 7, 2009; April 8, 2009, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 24, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 24, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2507 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. 16; 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 3890 to read as follows:

1-16 CHAPTER 3890. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 16

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3890.001. DEFINITIONS. In this chapter:

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

1-20 (2) "City" means the City of Houston.

1-21 (3) "Director" means a board member.

1-22 (4) "District" means the Harris County Improvement  
1-23 District No. 16.

1-24 Sec. 3890.002. NATURE OF DISTRICT. The Harris County  
1-25 Improvement District No. 16 is a special district created under  
1-26 Section 59, Article XVI, Texas Constitution.

1-27 Sec. 3890.003. PURPOSE; DECLARATION OF INTENT. (a) The  
1-28 creation of the district is essential to accomplish the purposes of  
1-29 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
1-30 Texas Constitution, and other public purposes stated in this  
1-31 chapter. By creating the district and in authorizing the City of  
1-32 Houston, Harris County, and other political subdivisions to  
1-33 contract with the district, the legislature has established a  
1-34 program to accomplish the public purposes set out in Section 52-a,  
1-35 Article III, Texas Constitution.

1-36 (b) The creation of the district is necessary to promote,  
1-37 develop, encourage, and maintain employment, commerce,  
1-38 transportation, housing, tourism, recreation, the arts,  
1-39 entertainment, economic development, safety, and the public  
1-40 welfare in the district.

1-41 (c) This chapter and the creation of the district may not be  
1-42 interpreted to relieve the city or Harris County from providing the  
1-43 level of services provided, as of the effective date of the Act  
1-44 creating this chapter, to the area in the district. The district is  
1-45 created to supplement and not to supplant the city and county  
1-46 services provided in the area in the district.

1-47 Sec. 3890.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-48 (a) The district is created to serve a public use and benefit.

1-49 (b) All land and other property included in the district  
1-50 will benefit from the improvements and services to be provided by  
1-51 the district under powers conferred by Sections 52 and 52-a,  
1-52 Article III, and Section 59, Article XVI, Texas Constitution, and  
1-53 other powers granted under this chapter.

1-54 (c) The creation of the district is in the public interest  
1-55 and is essential to:

1-56 (1) further the public purposes of developing and  
1-57 diversifying the economy of the state;

1-58 (2) eliminate unemployment and underemployment; and

1-59 (3) develop or expand transportation and commerce.

1-60 (d) The district will:

1-61 (1) promote the health, safety, and general welfare of  
1-62 residents, employers, potential employees, employees, visitors,  
1-63 and consumers in the district, and of the public;

2-1 (2) provide needed funding for the district to  
2-2 preserve, maintain, and enhance the economic health and vitality of  
2-3 the district territory as a community and business center;

2-4 (3) promote the health, safety, welfare, and enjoyment  
2-5 of the public by providing pedestrian ways and by landscaping and  
2-6 developing certain areas in the district, which are necessary for  
2-7 the restoration, preservation, and enhancement of scenic beauty;  
2-8 and

2-9 (4) provide for water, wastewater, drainage, road, and  
2-10 recreational facilities for the district.

2-11 (e) Pedestrian ways along or across a street, whether at  
2-12 grade or above or below the surface, and street lighting, street  
2-13 landscaping, parking, and street art objects are parts of and  
2-14 necessary components of a street and are considered to be a street  
2-15 or road improvement.

2-16 (f) The district will not act as the agent or  
2-17 instrumentality of any private interest even though the district  
2-18 will benefit many private interests as well as the public.

2-19 Sec. 3890.005. INITIAL DISTRICT TERRITORY. (a) The  
2-20 district is initially composed of the territory described by  
2-21 Section 2 of the Act creating this chapter.

2-22 (b) The boundaries and field notes contained in Section 2 of  
2-23 the Act creating this chapter form a closure. A mistake in the  
2-24 field notes or in copying the field notes in the legislative process  
2-25 does not affect the district's:

2-26 (1) organization, existence, or validity;

2-27 (2) right to issue any type of bond for the purposes  
2-28 for which the district is created or to pay the principal of and  
2-29 interest on the bond;

2-30 (3) right to impose or collect an assessment or tax; or

2-31 (4) legality or operation.

2-32 Sec. 3890.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
2-33 All or any part of the area of the district is eligible to be  
2-34 included in:

2-35 (1) a tax increment reinvestment zone created under  
2-36 Chapter 311, Tax Code;

2-37 (2) a tax abatement reinvestment zone created under  
2-38 Chapter 312, Tax Code; or

2-39 (3) an enterprise zone created under Chapter 2303,  
2-40 Government Code.

2-41 Sec. 3890.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
2-42 DISTRICTS LAW. Except as otherwise provided by this chapter,  
2-43 Chapter 375, Local Government Code, applies to the district.

2-44 Sec. 3890.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
2-45 chapter shall be liberally construed in conformity with the  
2-46 findings and purposes stated in this chapter.

2-47 [Sections 3890.009-3890.050 reserved for expansion]

2-48 SUBCHAPTER B. BOARD OF DIRECTORS

2-49 Sec. 3890.051. GOVERNING BODY; TERMS. (a) The district is  
2-50 governed by a board of five voting directors who serve staggered  
2-51 terms of four years, with two or three directors' terms expiring  
2-52 June 1 of each odd-numbered year.

2-53 (b) The board by resolution may change the number of voting  
2-54 directors on the board, but only if the board determines that the  
2-55 change is in the best interest of the district. The board may not  
2-56 consist of fewer than five or more than 15 voting directors.

2-57 Sec. 3890.052. APPOINTMENT OF DIRECTORS. The mayor and  
2-58 members of the governing body of the city shall appoint voting  
2-59 directors from persons recommended by the board. A person is  
2-60 appointed if the majority of the members of the governing body,  
2-61 including the mayor, vote to appoint that person.

2-62 Sec. 3890.053. INITIAL VOTING DIRECTORS. (a) The initial  
2-63 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Thad Armstrong</u>
<u>2</u>	<u>Ken Melber</u>
<u>3</u>	<u>Bank Jordan</u>
<u>4</u>	<u>Alan Arnold</u>
<u>5</u>	<u>Pat Walters</u>

3-1 (b) Of the initial directors, the terms of directors  
3-2 appointed for positions 1 through 3 expire June 1, 2011, and the  
3-3 terms of directors appointed for positions 4 and 5 expire June 1,  
3-4 2013.

3-5 (c) Section 3890.052 does not apply to this section.

3-6 (d) This section expires September 1, 2014.

3-7 Sec. 3890.054. NONVOTING DIRECTORS. The board may appoint  
3-8 nonvoting directors to serve at the pleasure of the voting  
3-9 directors.

3-10 Sec. 3890.055. QUORUM. For purposes of determining the  
3-11 requirements for a quorum of the board, the following are not  
3-12 counted:

3-13 (1) a board position vacant for any reason, including  
3-14 death, resignation, or disqualification;

3-15 (2) a director who is abstaining from participation in  
3-16 a vote because of a conflict of interest; or

3-17 (3) a nonvoting director.

3-18 Sec. 3890.056. COMPENSATION. A director is entitled to  
3-19 receive fees of office and reimbursement for actual expenses as  
3-20 provided by Section 49.060, Water Code. Sections 375.069 and  
3-21 375.070, Local Government Code, do not apply to the board.

3-22 [Sections 3890.057-3890.100 reserved for expansion]

3-23 SUBCHAPTER C. POWERS AND DUTIES

3-24 Sec. 3890.101. DEVELOPMENT CORPORATION POWERS. The  
3-25 district may exercise the powers given to a development corporation  
3-26 under Chapter 505, Local Government Code, including the power to  
3-27 own, operate, acquire, construct, lease, improve, or maintain a  
3-28 project described by that chapter.

3-29 Sec. 3890.102. NONPROFIT CORPORATION. (a) The board by  
3-30 resolution may authorize the creation of a nonprofit corporation to  
3-31 assist and act for the district in implementing a project or  
3-32 providing a service authorized by this chapter.

3-33 (b) The nonprofit corporation:

3-34 (1) has each power of and is considered for purposes of  
3-35 this chapter to be a local government corporation created under  
3-36 Chapter 431, Transportation Code; and

3-37 (2) may implement any project and provide any service  
3-38 authorized by this chapter.

3-39 (c) The board shall appoint the board of directors of the  
3-40 nonprofit corporation. The board of directors of the nonprofit  
3-41 corporation shall serve in the same manner as the board of directors  
3-42 of a local government corporation created under Chapter 431,  
3-43 Transportation Code, except that a board member is not required to  
3-44 reside in the district.

3-45 Sec. 3890.103. AGREEMENTS; GRANTS. (a) The district may  
3-46 make an agreement with or accept a gift, grant, or loan from any  
3-47 person.

3-48 (b) The implementation of a project is a governmental  
3-49 function or service for the purposes of Chapter 791, Government  
3-50 Code.

3-51 Sec. 3890.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT  
3-52 SERVICES. To protect the public interest, the district may  
3-53 contract with a qualified person, including Harris County or the  
3-54 city, for the provision of law enforcement services in the district  
3-55 for a fee.

3-56 Sec. 3890.105. APPROVAL BY CITY. (a) Except as provided  
3-57 by Subsection (c), the district must obtain approval from the city  
3-58 for:

3-59 (1) the issuance of bonds; and

3-60 (2) plans and specifications for an improvement  
3-61 project related to the use of land owned by the city, an easement  
3-62 granted by the city, or a right-of-way of a street, road, or  
3-63 highway.

3-64 (b) The approval under Subsection (a)(1) must be by a  
3-65 resolution or ordinance adopted by the governing body of the city.  
3-66 The approval under Subsection (a)(2) may be any form of official  
3-67 approval of the city, including approval by an administrative  
3-68 process that does not involve the city's governing body.

3-69 (c) If the district obtains approval of the city's governing

4-1 body for a capital improvements plan for a period not to exceed 10  
4-2 years, the district may finance the capital improvements and issue  
4-3 bonds specified in the plan without further city approval.

4-4 Sec. 3890.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
4-5 district may join and pay dues to a charitable or nonprofit  
4-6 organization that performs a service or provides an activity  
4-7 consistent with the furtherance of a district purpose.

4-8 Sec. 3890.107. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
4-9 district may establish and provide for the administration of one or  
4-10 more programs to promote state or local economic development and to  
4-11 stimulate business and commercial activity in the district,  
4-12 including programs to:

4-13 (1) make loans and grants of public money; and

4-14 (2) provide district personnel and services.

4-15 (b) The district has all of the powers of a municipality  
4-16 under Chapter 380, Local Government Code.

4-17 Sec. 3890.108. NO EMINENT DOMAIN. The district may not  
4-18 exercise the power of eminent domain.

4-19 Sec. 3890.109. ANNEXATION OR EXCLUSION OF LAND. (a) The  
4-20 district may annex land as provided by Subchapter J, Chapter 49,  
4-21 Water Code.

4-22 (b) In addition to the authority to annex provided by  
4-23 Subsection (a), the board by resolution may annex territory if:

4-24 (1) the city's governing body by ordinance or  
4-25 resolution consents to the annexation;

4-26 (2) the board holds a hearing to consider the  
4-27 annexation; and

4-28 (3) the board determines that the annexation is  
4-29 practicable and in the best interest of the district.

4-30 (c) An election is required for an annexation under  
4-31 Subsection (b) or Section 49.302, Water Code, only if before the  
4-32 annexation the district held an election at which the voters  
4-33 approved the imposition of an ad valorem tax or the issuance of  
4-34 bonds payable wholly or partly from ad valorem taxes.

4-35 (d) The district may exclude land as provided by Subchapter  
4-36 J, Chapter 49, Water Code. Section 375.044(b), Local Government  
4-37 Code, does not apply to the district.

4-38 [Sections 3890.110-3890.150 reserved for expansion]

4-39 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

4-40 Sec. 3890.151. PUBLIC TRANSIT SYSTEM. The district may  
4-41 acquire, lease as lessor or lessee, construct, develop, own,  
4-42 operate, and maintain a public transit system to serve the area in  
4-43 the district.

4-44 Sec. 3890.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
4-45 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire,  
4-46 lease as lessor or lessee, construct, develop, own, operate, and  
4-47 maintain parking facilities or a system of parking facilities,  
4-48 including:

4-49 (1) lots, garages, parking terminals, or other  
4-50 structures or accommodations for parking motor vehicles off the  
4-51 streets; and

4-52 (2) equipment, entrances, exits, fencing, and other  
4-53 accessories necessary for safety and convenience in parking  
4-54 vehicles.

4-55 (b) A parking facility of the district may be leased to or  
4-56 operated on behalf of the district by an entity other than the  
4-57 district.

4-58 (c) The district's parking facilities are a program  
4-59 authorized by the legislature under Section 52-a, Article III,  
4-60 Texas Constitution.

4-61 (d) The district's parking facilities serve the public  
4-62 purposes of the district and are owned, used, and held for a public  
4-63 purpose even if leased or operated by a private entity for a term of  
4-64 years.

4-65 Sec. 3890.153. RULES. The district may adopt rules  
4-66 governing the district's public transit system or public parking  
4-67 facilities.

4-68 Sec. 3890.154. FINANCING OF PUBLIC PARKING FACILITIES.  
4-69 (a) The district may use any of its resources, including revenue,

5-1 assessments, taxes, or grant or contract proceeds, to pay the cost  
5-2 of acquiring or operating the district's public transit system or  
5-3 public parking facilities.

5-4 (b) The district may:  
5-5 (1) set, charge, impose, and collect fees, charges, or  
5-6 tolls for the use of the district's public transit system or public  
5-7 parking facilities; and

5-8 (2) issue bonds or notes to finance the cost of the  
5-9 district's public transit system or public parking facilities.

5-10 [Sections 3890.155-3890.200 reserved for expansion]

5-11 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

5-12 Sec. 3890.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
5-13 board by resolution shall establish the number of directors'  
5-14 signatures and the procedure required for a disbursement or  
5-15 transfer of the district's money.

5-16 Sec. 3890.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
5-17 The district may acquire, construct, finance, operate, or maintain  
5-18 any improvement or service authorized under this chapter or Chapter  
5-19 375, Local Government Code, using any money available to the  
5-20 district.

5-21 Sec. 3890.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
5-22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
5-23 service or improvement project with assessments under this chapter  
5-24 unless a written petition requesting that service or improvement  
5-25 has been filed with the board.

5-26 (b) A petition filed under Subsection (a) must be signed by  
5-27 the owners of a majority of the assessed value of real property in  
5-28 the district subject to assessment according to the most recent  
5-29 certified tax appraisal roll for Harris County.

5-30 Sec. 3890.204. METHOD OF NOTICE FOR HEARING. The district  
5-31 may mail the notice required by Section 375.115(c), Local  
5-32 Government Code, by certified or first class United States mail.  
5-33 The board shall determine the method of mailing notice.

5-34 Sec. 3890.205. ASSESSMENTS; LIENS FOR ASSESSMENTS.  
5-35 (a) The board by resolution may impose and collect an assessment  
5-36 for any purpose authorized by this chapter in all or any part of the  
5-37 district.

5-38 (b) An assessment, a reassessment, or an assessment  
5-39 resulting from an addition to or correction of the assessment roll  
5-40 by the district, penalties and interest on an assessment or  
5-41 reassessment, an expense of collection, and reasonable attorney's  
5-42 fees incurred by the district:

5-43 (1) are a first and prior lien against the property  
5-44 assessed;

5-45 (2) are superior to any other lien or claim other than  
5-46 a lien or claim for county, school district, or municipal ad valorem  
5-47 taxes; and

5-48 (3) are the personal liability of and a charge against  
5-49 the owners of the property even if the owners are not named in the  
5-50 assessment proceedings.

5-51 (c) The lien is effective from the date of the board's  
5-52 resolution imposing the assessment until the date the assessment is  
5-53 paid. The board may enforce the lien in the same manner that the  
5-54 board may enforce an ad valorem tax lien against real property.

5-55 (d) The board may make a correction to or deletion from the  
5-56 assessment roll that does not increase the amount of assessment of  
5-57 any parcel of land without providing notice and holding a hearing in  
5-58 the manner required for additional assessments.

5-59 Sec. 3890.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
5-60 ASSESSMENTS. The district may not impose an impact fee or  
5-61 assessment on the property, including the equipment,  
5-62 rights-of-way, facilities, or improvements, of:

5-63 (1) an electric utility or a power generation company  
5-64 as defined by Section 31.002, Utilities Code;

5-65 (2) a gas utility as defined by Section 101.003 or  
5-66 121.001, Utilities Code;

5-67 (3) a telecommunications provider as defined by  
5-68 Section 51.002, Utilities Code; or

5-69 (4) a person who provides to the public cable

6-1 television or advanced telecommunications services.

6-2 Sec. 3890.207. OPERATION AND MAINTENANCE TAX. (a) If  
6-3 authorized at an election held in accordance with Section 3890.210,  
6-4 the district may impose an annual operation and maintenance tax on  
6-5 taxable property in the district in accordance with Section 49.107,  
6-6 Water Code, for any district purpose, including to:  
6-7 (1) maintain and operate the district;  
6-8 (2) construct or acquire improvements; or  
6-9 (3) provide a service.

6-10 (b) The board shall determine the tax rate. The rate may not  
6-11 exceed the rate approved at the election.

6-12 (c) Section 49.107(h), Water Code, does not apply to the  
6-13 district.

6-14 Sec. 3890.208. AUTHORITY TO BORROW MONEY AND TO ISSUE  
6-15 BONDS. (a) The district may borrow money on terms and conditions  
6-16 as determined by the board. Section 375.205, Local Government  
6-17 Code, does not apply to a loan, line of credit, or other borrowing  
6-18 from a bank or financial institution secured by revenue other than  
6-19 ad valorem taxes.

6-20 (b) The district may issue by competitive bid or negotiated  
6-21 sale bonds, notes, or other obligations payable wholly or partly  
6-22 from ad valorem taxes, assessments, impact fees, revenue, contract  
6-23 payments, grants, or other district money, or any combination of  
6-24 those sources of money, to pay for any authorized district purpose.

6-25 (c) The limitation on the outstanding principal amount of  
6-26 bonds, notes, and other obligations set forth in Section 49.4645,  
6-27 Water Code, does not apply to the district.

6-28 Sec. 3890.209. TAXES FOR BONDS. At the time the district  
6-29 issues bonds payable wholly or partly from ad valorem taxes, the  
6-30 board shall provide for the annual imposition of a continuing  
6-31 direct annual ad valorem tax, without limit as to rate or amount,  
6-32 while all or part of the bonds are outstanding as required and in  
6-33 the manner provided by Sections 54.601 and 54.602, Water Code.

6-34 Sec. 3890.210. ELECTIONS REGARDING TAXES AND BONDS.  
6-35 (a) The district may issue, without an election, bonds, notes, and  
6-36 other obligations secured by revenue other than ad valorem taxes.

6-37 (b) The district must hold an election in the manner  
6-38 provided by Subchapter L, Chapter 375, Local Government Code, to  
6-39 obtain voter approval before the district may impose an ad valorem  
6-40 tax or issue bonds payable from ad valorem taxes.

6-41 (c) Section 375.243, Local Government Code, does not apply  
6-42 to the district.

6-43 (d) All or any part of any facilities or improvements which  
6-44 may be acquired by a district by the issuance of its bonds may be  
6-45 included in one single proposition to be voted on at the election or  
6-46 the bonds may be submitted in several propositions.

6-47 Sec. 3890.211. CITY NOT REQUIRED TO PAY DISTRICT  
6-48 OBLIGATIONS. Except as provided by Section 375.263, Local  
6-49 Government Code, the city may not be required to pay a bond, note,  
6-50 or other obligation of the district.

6-51 Sec. 3890.212. COMPETITIVE BIDDING. Subchapter I, Chapter  
6-52 49, Water Code, applies to the district. Sections 375.221 and  
6-53 375.223, Local Government Code, do not apply to the district.

6-54 Sec. 3890.213. TAX AND ASSESSMENT ABATEMENTS. The district  
6-55 may grant in the manner provided by Chapter 312, Tax Code, an  
6-56 abatement for a tax or assessment owed to the district.

6-57 [Sections 3890.214-3890.250 reserved for expansion]  
6-58 SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED  
6-59 PROPERTY

6-60 Sec. 3890.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
6-61 DESIGNATED PROPERTY. The district may define areas or designate  
6-62 certain property of the district to pay for improvements,  
6-63 facilities, or services that primarily benefit that area or  
6-64 property and do not generally and directly benefit the district as a  
6-65 whole.

6-66 Sec. 3890.252. PROCEDURE FOR ELECTION. (a) Before the  
6-67 district may impose an ad valorem tax or issue bonds payable from ad  
6-68 valorem taxes of the area defined or property designated under  
6-69 Section 3890.251, the board must call and hold an election as

7-1 provided by Section 3890.210 only in the defined area or in the  
 7-2 boundaries of the designated property.

7-3 (b) The board may submit the proposition to the voters on  
 7-4 the same ballot to be used in another election.

7-5 Sec. 3890.253. DECLARING RESULT AND ISSUING ORDER. (a) If  
 7-6 a majority of the voters voting at the election approve the  
 7-7 proposition or propositions, the board shall declare the results  
 7-8 and by order shall establish the defined area and describe it by  
 7-9 metes and bounds or designate the specific property.

7-10 (b) A court may not review the board's order except on the  
 7-11 ground of fraud, palpable error, or arbitrary and confiscatory  
 7-12 abuse of discretion.

7-13 Sec. 3890.254. TAXES FOR SERVICES, IMPROVEMENTS, AND  
 7-14 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
 7-15 approval and adoption of the order described in Section 3890.253,  
 7-16 the district may apply separately, differently, equitably, and  
 7-17 specifically its taxing power and lien authority to the defined  
 7-18 area or designated property to provide money to construct,  
 7-19 administer, maintain, and operate services, improvements, and  
 7-20 facilities that primarily benefit the defined area or designated  
 7-21 property.

7-22 Sec. 3890.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES  
 7-23 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under  
 7-24 Section 3890.253 is adopted, the district may issue bonds to  
 7-25 provide for any land, improvements, facilities, plants, equipment,  
 7-26 and appliances for the defined area or designated property.

7-27 SECTION 2. The Harris County Improvement District No. 16  
 7-28 initially includes all territory contained in the following area:  
 7-29 TRACT 1

7-30 Description of two tracts of land containing 23.8087 acres  
 7-31 (1,037,107 square feet), Save and Except a 0.1389 acre tract (6,048  
 7-32 square feet), and 4.0627 acres (176,970 square feet), located in  
 7-33 the Juan Sutton Survey, A-751 and the John Robinson Survey, A-680,  
 7-34 Harris County, Texas, and being those two certain tracts, Parcel  
 7-35 "X", 25+ acres and Parcel "Y", 4+ acres, as described in deed from  
 7-36 Corporate Property Investors to Rouse-Almeda, Inc., as recorded  
 7-37 under Harris County Clerk's File No. L484651, said tracts of land  
 7-38 are more particularly described by metes and bounds as follows,  
 7-39 with bearings referenced to the description of said 23.8087 acre  
 7-40 tract:

7-41 TRACT 1 - PART A  
 7-42 BEGINNING at a 5/8-inch iron rod found for the intersection  
 7-43 of the northerly right-of-way line of Kingspoint Road (60-foot wide  
 7-44 right-of-way) with the easterly right-of-way line of Kleckley Drive  
 7-45 (80-foot wide right-of-way) as described by City of Houston  
 7-46 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed  
 7-47 Records, said point being the southwest corner of the herein  
 7-48 described tract;

7-49 THENCE North 01° 13' 33" West, with the easterly line of said  
 7-50 Kleckley Drive, a distance of 614.96 feet to a cut "X" found at the  
 7-51 southwest corner of a certain 1.00 acre tract as described under  
 7-52 Harris County Clerk's File No. C687380;

7-53 THENCE North 88° 46' 27" East, leaving said easterly  
 7-54 right-of-way line and with the southerly line of said 1.00 acre  
 7-55 tract, a distance of 200.00 feet to a 1/2-inch iron rod found at the  
 7-56 southeast corner of said tract and an interior corner of the herein  
 7-57 described tract;

7-58 THENCE North 01° 13' 33" West, with the easterly line of said  
 7-59 1.00 acre tract, a distance of 217.80 feet to a railroad spike found  
 7-60 at the northeast corner of said tract and an interior corner of the  
 7-61 herein described tract;

7-62 THENCE South 88° 46' 27" West, with the northerly line of said  
 7-63 1.00 acre tract, a distance of 200.00 feet to a 5/8-inch iron rod  
 7-64 found for the northwest corner of said tract and on the easterly  
 7-65 right-of-way line of the aforementioned Kleckley Drive;

7-66 THENCE North 01° 13' 33" West, with the said easterly  
 7-67 right-of-way line, a distance of 240.92 feet to a 5/8-inch iron rod  
 7-68 found at the most westerly northwest corner of the herein described  
 7-69 tract and the southwest corner of a called 17.1734 acre tract as

8-1 described under Harris County Clerk's File No. C200933;

8-2 THENCE North 88° 46' 27" East, leaving said easterly

8-3 right-of-way line and with the southerly line of said 17.1734 acre

8-4 tract, a distance of 221.47 feet to a 1/2-inch iron rod found for a

8-5 southeast corner of said tract and an interior corner of the herein

8-6 described tract;

8-7 THENCE North 01° 13' 33" West, with an easterly line of said

8-8 17.1734 acre tract, a distance of 138.58 feet to 5/8-inch iron rod

8-9 found at an angle point;

8-10 THENCE North 68° 05' 25" East, continuing with said easterly

8-11 line, a distance of 20.00 feet to an angle point within a building

8-12 column;

8-13 THENCE North 21° 54' 35" West, continuing with said easterly

8-14 line, a distance of 105.94 feet to a nail and washer found at the

8-15 most northerly northwest corner of the herein described tract and

8-16 an interior corner of said 17.1734 acre tract;

8-17 THENCE North 68° 05' 25" East, with a southeasterly line of

8-18 said 17.1734 acre tract, a distance of 535.50 feet to a 3/4-inch

8-19 iron rod found at the most northerly northeast corner of the herein

8-20 described tract and an interior corner of said 17.1734 acre tract;

8-21 THENCE South 42° 35' 38" East, with a southwesterly line of

8-22 said 17.1734 acre tract a distance of 251.82 feet to a 1/2-inch iron

8-23 rod found for the southwest corner of said tract and an interior

8-24 corner of the herein described tract;

8-25 THENCE North 47° 24' 22" East, with a southeasterly line of

8-26 said 17.1734 acre tract, a distance of 278.97 feet to a 5/8-inch

8-27 iron rod found at the most easterly southeast corner of said tract

8-28 and the most easterly northeast corner of the herein described

8-29 tract and on the westerly right-of-way line of I.H. 45 (Gulf

8-30 Freeway, width varies);

8-31 THENCE South 42° 35' 38" East, with the westerly right-of-way

8-32 line of said I.H. 45, a distance of 442.06 feet to a 5/8-inch iron

8-33 rod found at the most easterly southeast corner of the herein

8-34 described tract and the northeast corner of a 13.7382 acre tract as

8-35 described under Harris County Clerk's File No. C200933;

8-36 THENCE South 47° 24' 22" West, leaving said westerly

8-37 right-of-way line and with a northwesterly line of said 13.7382

8-38 acre tract, a distance of 564.48 feet to a PK nail and washer found

8-39 at the northeast corner of a 0.7286 acre tract of land described in

8-40 deed to Federated Department Stores as recorded in Volume 6379,

8-41 Page 160 of the Deed Records of Harris County, Texas and at an

8-42 interior corner of the herein described tract;

8-43 THENCE South 21° 54' 35" East, with the northeasterly line of

8-44 the said 0.7286 acre Federated tract, a distance of 50.00 feet to a

8-45 cut "X" found at the east corner of the said 0.7286 acre Federated

8-46 tract;

8-47 THENCE South 68° 05' 25" West, with the southeasterly line of

8-48 said 0.7286 acre Federated tract, at 634.76 feet, pass the south

8-49 corner of the said 0.7286 acre Federated tract and the north corner

8-50 of a 0.7286 acre tract of land described in deed to J.C. Penny as

8-51 recorded in Volume 6379, Page 160 of the Deed Records of Harris

8-52 County, Texas, and then with the northwesterly line of the said

8-53 0.7286 acre J.C. Penny tract, in all a total distance of 695.69 feet

8-54 to a 1/2-inch iron rod found at the west corner of said tract and an

8-55 interior corner of the herein described tract;

8-56 THENCE South 21° 54' 35" East, with the southwesterly line of

8-57 said 0.7286 acre J.C. Penny tract, a distance of 529.64 feet to a

8-58 5/8-inch iron rod found at the southern corner of the said 0.7286

8-59 acre J.C. Penny tract and on the northerly line of a Texas Pipe Line

8-60 Company fee strip as described in Volume 1770, Page 161 of the Deed

8-61 Records of Harris County, Texas;

8-62 THENCE South 52° 09' 27" West, with the northerly line of said

8-63 fee strip, a distance of 36.83 feet to a 5/8-inch iron rod found at

8-64 the most westerly southeast corner of the herein described tract

8-65 and on the northerly right-of-way line of the aforementioned

8-66 Kingspoint Road;

8-67 THENCE North 89° 47' 33" West, with the northerly right-of-way

8-68 line of said Kingspoint Road, a distance of 472.53 feet to the POINT

8-69 OF BEGINNING containing a computed area of 23.8087 acres (1,037,107



9-1 square feet) of land.  
9-2 SAVE AND EXCEPT (TRACT 1 - PART A)  
9-3 SAVE AND EXCEPT that certain 0.1389 acre (6,048 square feet)  
9-4 tract of land conveyed to the City of Houston, by deed recorded  
9-5 under County Clerk's File No. N889207 and described as follows:  
9-6 BEGINNING at a 5/8-inch iron rod found at the intersection of  
9-7 the northerly right-of way line of Kingspoint Road (60 foot wide  
9-8 right-of-way) with the easterly right-of-way line of Kleckley Drive  
9-9 (80-foot wide right-of-way) as described by City of Houston  
9-10 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed  
9-11 Records, said point being the southwest corner of the herein  
9-12 described tract;  
9-13 THENCE, North 01° 13' 33" West, with the easterly right-of-way  
9-14 line of said Kleckley Drive, a distance of 55.00 feet to a 5/8-inch  
9-15 iron rod set at the northwest corner of the herein described tract;  
9-16 THENCE, South 89° 47' 33" East, a distance of 110.00 feet to a  
9-17 5/8-inch iron rod set at the northeast corner of the herein  
9-18 described tract;  
9-19 THENCE, South 01° 13' 33" East, a distance of 55.00 feet to a  
9-20 5/8-inch iron rod set at the southeast corner of the herein  
9-21 described tract and on the northerly right-of-way line of the  
9-22 aforesaid Kingspoint Road;  
9-23 THENCE, North 89° 47' 33" West, with the northerly  
9-24 right-of-way line of said Kingspoint Road, a distance of 110.00  
9-25 feet to the POINT OF BEGINNING and containing 0.1389 acres (6,048  
9-26 square feet) of land.  
9-27 The subject property contains 23.8087 acres (1,037,107  
9-28 square feet) save and except 0.1389 acres (6,048 square feet) for a  
9-29 computed net area of 23.6698 acres (1,031,059 square feet).  
9-30 TRACT 1 - PART B  
9-31 COMMENCING at a 5/8-inch iron rod found at the intersection  
9-32 of the northerly right-of-way line of Kingspoint Road (60-foot wide  
9-33 right-of-way) with the easterly right-of-way line of Kleckley Drive  
9-34 (80-foot wide right-of-way) as described by City of Houston  
9-35 Ordinance recorded in Volume 5959, Page 31 of the Harris County Deed  
9-36 Records:  
9-37 THENCE, South 89° 47' 33" East, with the northerly  
9-38 right-of-way line of said Kingspoint Road, a distance of 939.74  
9-39 feet to a 5/8-inch iron rod found for the POINT OF BEGINNING at the  
9-40 southwest corner of the herein described tract and a southeast  
9-41 corner of a 13.7382 acre tract as described under Harris County  
9-42 Clerk's File No. C200932;  
9-43 THENCE, North 00° 12' 27" East, leaving said northerly  
9-44 right-of-way line and with an easterly line of said 13.7382 acre  
9-45 tract, a distance of 289.48 feet to a 1/2-inch iron rod set at the  
9-46 northwest corner of the herein described tract and on the southerly  
9-47 line of a Texas Pipe Line Company Fee Strip as described in Volume  
9-48 1770, Page 161 of the Harris County Deed Records;  
9-49 THENCE, North 52° 09' 27" East, with the southerly line of the  
9-50 said Fee Strip, a distance of 495.62 feet to a 5/8-inch iron rod  
9-51 found at the northeast corner of the herein described tract and the  
9-52 northwest corner of a called 10.7966 acre tract as described under  
9-53 Harris County Clerk's File No. E970132;  
9-54 THENCE, South 01° 12' 33" East, leaving the southerly line of  
9-55 the said Fee Strip and with the westerly line of the said 10.7966  
9-56 acre tract, a distance of 595.14 feet to a 5/8-inch iron rod found  
9-57 at the southeast corner of the herein described tract and on the  
9-58 northerly line of the aforementioned Kingspoint Road;  
9-59 THENCE, North 89° 47' 33" West, with the northerly line of  
9-60 said Kingspoint Road, a distance of 405.00 feet to the POINT OF  
9-61 BEGINNING containing a computed area of 4.0627 acres (176,970  
9-62 square feet) of land.  
9-63 The subject property contains 23.8087 acres (1,037,107  
9-64 square feet) in Tract 1 - Part A, save and except 0.1389 acres  
9-65 (6,048 square feet), and 4.0627 acres (176,970 square feet) in  
9-66 Tract 1 - Part B, for a computed net area of 27.7325 acres  
9-67 (1,208,029 square feet).  
9-68 TRACT 2  
9-69 13.7382 acres of land out of that tract of land containing

10-1 56.7876 acres described in Exhibit A in deed from James P. Lee,  
 10-2 Trustee, to Federated Department Stores, Inc. as recorded in Volume  
 10-3 5207, Pages 522, et seq., of the Deed Records of Harris County,  
 10-4 Texas, said 56.7876 acres being a part of Block 19 of Genoa Outlots,  
 10-5 a subdivision of the Juan Sutton Survey, Abstract No. 751, and the  
 10-6 John Robinson Survey, Abstract No. 680, in Harris County, Texas,  
 10-7 according to the map of record in Volume 1, Page 1, of the Map  
 10-8 Records of Harris County, Texas, and also being a part of Block 3 of  
 10-9 Acre Home Addition, a subdivision of the Juan Sutton Survey,  
 10-10 Abstract No. 751, and the John Robinson Survey, Abstract No. 680, in  
 10-11 Harris County, Texas, according to the map of record in Volume 4,  
 10-12 Page 28 of the Map Records of Harris County, Texas, the tract herein  
 10-13 described and conveyed being more particularly described by Metes  
 10-14 and Bounds as follows:

10-15 BEGINNING at an iron rod on the north right-of-way line of  
 10-16 Kingspoint Road (60 feet wide), said iron rod being located 939.74  
 10-17 feet South 89 degrees 47 minutes 33 seconds East from the  
 10-18 intersection of the north right-of-way line of Kingspoint Road with  
 10-19 the east right-of-way line of Kleckley Drive (80 feet wide), said  
 10-20 iron rod being the southwest corner of a tract, described in deed  
 10-21 from John E. Crosland to Trustees of The Presbytery of Houston,  
 10-22 recorded in Volume 4035, Page 79, of the Deed Records of Harris  
 10-23 County, Texas;

10-24 THENCE with the North right-of-way line of Kingspoint Road,  
 10-25 North 89 degrees, 47 minutes, 33 seconds West for a distance of  
 10-26 467.21 feet to a 5/8-inch diameter iron rod found on the northwest  
 10-27 line of a Texas Pipe Line Company Fee strip (60 feet wide) as  
 10-28 described in Volume 1770, Page 161 of the Deed Records of Harris  
 10-29 County, Texas;

10-30 THENCE with the northwest line of the said Texas Pipe Line  
 10-31 Company Fee strip, North 52 degrees 09 minutes 27 seconds East, for  
 10-32 a distance of 36.83 feet to a 5/8-inch diameter iron rod found at  
 10-33 the south corner of a 0.7286 acre tract of land described in deed to  
 10-34 J.C. Penny Company as recorded in Volume 6379, Page 156 of the  
 10-35 Harris County Deed Records;

10-36 THENCE North 21 degrees 54 minutes 35 seconds West with the  
 10-37 southwesterly line of the said 0.7286 acre J.C. Penny tract for a  
 10-38 distance of 529.64 feet to a 1/2-inch diameter iron rod found at the  
 10-39 western corner of the said 0.7286 acre J.C. Penny tract;

10-40 THENCE North 68 degrees 05 minutes 25 seconds East, at 60.93  
 10-41 feet, pass the north corner of the said 0.7286 acre J.C. Penny tract  
 10-42 and the south corner of a 0.7286 acre tract described in deed to  
 10-43 Federated Department Stores as recorded in Volume 6379, Page 160 of  
 10-44 the Deed Records of Harris County, Texas and then with the  
 10-45 southeasterly line of the said 0.7286 acre Federated tract for a  
 10-46 total distance of 695.69 feet to an "X" found scribed in concrete at  
 10-47 the easterly corner of the said 0.7286 acre Federated tract;

10-48 THENCE North 21 degrees 54 minutes 35 seconds West with the  
 10-49 easterly line of the said 0.7286 acre Federated tract for a distance  
 10-50 of 50.00 feet to a "P.K." nail and washer found at the north corner  
 10-51 of the said 0.7286 acre Federated tract;

10-52 THENCE North 47 degrees 24 minutes 22 seconds East for a  
 10-53 distance of 564.48 feet to a 5/8-inch diameter iron rod found on the  
 10-54 southeasterly right-of-way line of the Gulf Freeway;

10-55 THENCE with the southwest right-of-way line of the Gulf  
 10-56 Freeway, South 42 degrees 35 minutes 38 seconds East for a distance  
 10-57 of 414.58 feet to a 5/8-inch diameter iron rod set on the northwest  
 10-58 line of the said Texas Pipe Line Company Fee strip;

10-59 THENCE with the northwesterly line of the said Texas Pipe  
 10-60 Line Company Fee strip, South 52 degrees 09 minutes 27 seconds West  
 10-61 for a distance of 868.50 feet to a 1/2-inch diameter iron rod set;

10-62 THENCE departing the said Texas Pipe Line Company Fee strip,  
 10-63 South 00 degrees 12 minutes 27 seconds West at 76.20 feet pass the  
 10-64 northwest corner of the said Trustees of the Presbytery of Houston  
 10-65 tract, in all a total distance of 365.68 feet to the POINT OF  
 10-66 BEGINNING containing 14.4703 acres (630.325) square feet) of land.

10-67 SAVE AND EXCEPT (TRACT 2)

10-68 SAVE AND EXCEPT a tract of land containing 0.7321 acres  
 10-69 (31,890 square feet), being part of the Texas Pipe Line Company Fee

11-1 strip and being more particularly described by metes and Bounds as  
11-2 follows:

11-3 COMMENCING at a iron rod on the north right-of-way line of  
11-4 Kingspoint Road (60 feet wide), said iron rod being located 939.74  
11-5 feet South 89 degrees 47 minutes 33 seconds East from the  
11-6 intersection of the north right-of-way line of Kingspoint Road with  
11-7 the east right-of-way line of Kleckley Drive (80 feet wide), said  
11-8 iron rod being the southwest corner of a tract, described in deed  
11-9 from John E. Crosland to Trustees of The Presbytery of Houston,  
11-10 recorded in Volume 4035, Page 79, of the Deed Records of Harris  
11-11 County, Texas;

11-12 THENCE with the north right-of-way line of Kingspoint Road,  
11-13 North 89 degrees 47 minutes 33 seconds West 369.86 feet to a  
11-14 5/8-inch diameter iron rod set on the southeast right-of-way line  
11-15 of the said Texas Pipe Line Company Fee strip, for POINT OF  
11-16 BEGINNING of the tract herein described;

11-17 THENCE with the north right-of-way line of Kingspoint Road,  
11-18 North 89 degrees 47 minutes 33 seconds West for a distance of 97.35  
11-19 feet to a 5/8-inch diameter iron rod found on the northwest line of  
11-20 the said Texas Pipe Line Company Fee strip;

11-21 THENCE with the northwest line of the said Texas Pipe Line  
11-22 Company Fee strip, North 52 degrees 09 minutes 27 seconds East for a  
11-23 distance of 593.30 feet to a 1/2-inch diameter iron rod set;

11-24 THENCE South 00 degrees 12 minutes 27 seconds West for a  
11-25 distance of 76.20 feet to a 1/2-inch diameter iron rod set at the  
11-26 northwest corner of the said Trustees of The Presbytery of Houston  
11-27 tract and on the south right-of-way line of the said Texas Pipe Line  
11-28 Company Fee strip;

11-29 THENCE with the southeast line of the Texas Pipe Line Company  
11-30 Fee strip, South 52 degrees 09 minutes 27 seconds West for a  
11-31 distance of 469.68 feet to the POINT OF BEGINNING containing 0.7321  
11-32 acres (31,890 square feet) of land.

11-33 The subject property contains 14.4703 gross acres (630,325  
11-34 square feet) less 0.7321 acres (31,890 square feet) in the save and  
11-35 except tract for a net acreage of 13.7382 acres (598,435 square  
11-36 feet) of land.

11-37 SECTION 3. (a) The legal notice of the intention to  
11-38 introduce this Act, setting forth the general substance of this  
11-39 Act, has been published as provided by law, and the notice and a  
11-40 copy of this Act have been furnished to all persons, agencies,  
11-41 officials, or entities to which they are required to be furnished  
11-42 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11-43 Government Code.

11-44 (b) The governor, one of the required recipients, has  
11-45 submitted the notice and Act to the Texas Commission on  
11-46 Environmental Quality.

11-47 (c) The Texas Commission on Environmental Quality has filed  
11-48 its recommendations relating to this Act with the governor,  
11-49 lieutenant governor, and speaker of the house of representatives  
11-50 within the required time.

11-51 (d) The general law relating to consent by political  
11-52 subdivisions to the creation of districts with conservation,  
11-53 reclamation, and road powers and the inclusion of land in those  
11-54 districts has been complied with.

11-55 (e) All requirements of the constitution and laws of this  
11-56 state and the rules and procedures of the legislature with respect  
11-57 to the notice, introduction, and passage of this Act have been  
11-58 fulfilled and accomplished.

11-59 SECTION 4. This Act takes effect immediately if it receives  
11-60 a vote of two-thirds of all the members elected to each house, as  
11-61 provided by Section 39, Article III, Texas Constitution. If this  
11-62 Act does not receive the vote necessary for immediate effect, this  
11-63 Act takes effect September 1, 2009.

11-64 \* \* \* \* \*