

1-1 By: Patrick S.B. No. 2537  
1-2 (In the Senate - Filed April 17, 2009; April 20, 2009, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 7, 2009, reported favorably by the following vote:  
1-5 Yeas 4, Nays 0; May 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Harris County Municipal Utility  
1-9 District No. 524; providing authority to impose a tax and issue  
1-10 bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8354 to read as follows:

1-14 CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8354.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Harris County Municipal  
1-20 Utility District No. 524.

1-21 Sec. 8354.002. NATURE OF DISTRICT. The district is a  
1-22 municipal utility district created under Section 59, Article XVI,  
1-23 Texas Constitution.

1-24 Sec. 8354.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-25 REQUIRED. The temporary directors shall hold an election to  
1-26 confirm the creation of the district and to elect five permanent  
1-27 directors as provided by Section 49.102, Water Code.

1-28 Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-29 temporary directors may not hold an election under Section 8354.003  
1-30 until each municipality in whose corporate limits or  
1-31 extraterritorial jurisdiction the district is located has  
1-32 consented by ordinance or resolution to the creation of the  
1-33 district and to the inclusion of land in the district.

1-34 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-35 (a) The district is created to serve a public purpose and benefit.

1-36 (b) The district is created to accomplish the purposes of:

1-37 (1) a municipal utility district as provided by  
1-38 general law and Section 59, Article XVI, Texas Constitution; and

1-39 (2) Section 52, Article III, Texas Constitution, that  
1-40 relate to the construction, acquisition, or improvement of  
1-41 macadamized, graveled, or paved roads described by Section 54.234,  
1-42 Water Code, or improvements, including storm drainage, in aid of  
1-43 those roads.

1-44 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The  
1-45 district is initially composed of the territory described by  
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of  
1-48 the Act creating this chapter form a closure. A mistake made in the  
1-49 field notes or in copying the field notes in the legislative process  
1-50 does not affect the district's:

1-51 (1) organization, existence, or validity;

1-52 (2) right to issue any type of bond for the purposes  
1-53 for which the district is created or to pay the principal of and  
1-54 interest on a bond;

1-55 (3) right to impose a tax; or

1-56 (4) legality or operation.

1-57 [Sections 8354.007-8354.050 reserved for expansion]

1-58 SUBCHAPTER B. BOARD OF DIRECTORS

1-59 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district is  
1-60 governed by a board of five elected directors.

1-61 (b) Except as provided by Section 8354.052, directors serve  
1-62 staggered four-year terms.

1-63 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the  
1-64 effective date of the Act creating this chapter, the owner or owners

2-1 of a majority of the assessed value of the real property in the  
2-2 district may submit a petition to the Texas Commission on  
2-3 Environmental Quality requesting that the commission appoint as  
2-4 temporary directors the five persons named in the petition. The  
2-5 commission shall appoint as temporary directors the five persons  
2-6 named in the petition.

2-7 (b) Temporary directors serve until the earlier of:  
2-8 (1) the date permanent directors are elected under  
2-9 Section 8354.003; or  
2-10 (2) the fourth anniversary of the effective date of  
2-11 the Act creating this chapter.

2-12 (c) If permanent directors have not been elected under  
2-13 Section 8354.003 and the terms of the temporary directors have  
2-14 expired, successor temporary directors shall be appointed or  
2-15 reappointed as provided by Subsection (d) to serve terms that  
2-16 expire on the earlier of:

2-17 (1) the date permanent directors are elected under  
2-18 Section 8354.003; or  
2-19 (2) the fourth anniversary of the date of the  
2-20 appointment or reappointment.

2-21 (d) If Subsection (c) applies, the owner or owners of a  
2-22 majority of the assessed value of the real property in the district  
2-23 may submit a petition to the Texas Commission on Environmental  
2-24 Quality requesting that the commission appoint as successor  
2-25 temporary directors the five persons named in the petition. The  
2-26 commission shall appoint as successor temporary directors the five  
2-27 persons named in the petition.

2-28 [Sections 8354.053-8354.100 reserved for expansion]

2-29 SUBCHAPTER C. POWERS AND DUTIES

2-30 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district has  
2-31 the powers and duties necessary to accomplish the purposes for  
2-32 which the district is created.

2-33 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-34 DUTIES. The district has the powers and duties provided by the  
2-35 general law of this state, including Chapters 49 and 54, Water Code,  
2-36 applicable to municipal utility districts created under Section 59,  
2-37 Article XVI, Texas Constitution.

2-38 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
2-39 Section 52, Article III, Texas Constitution, the district may  
2-40 design, acquire, construct, finance, issue bonds for, improve, and  
2-41 convey to this state, a county, or a municipality for operation and  
2-42 maintenance macadamized, graveled, or paved roads described by  
2-43 Section 54.234, Water Code, or improvements, including storm  
2-44 drainage, in aid of those roads.

2-45 (b) The district may exercise the powers provided by this  
2-46 section without submitting a petition to or obtaining approval from  
2-47 the Texas Commission on Environmental Quality as required by  
2-48 Section 54.234, Water Code.

2-49 Sec. 8354.104. APPROVAL OF ROAD PROJECT. (a) The district  
2-50 may not undertake a road project authorized by Section 8354.103  
2-51 unless:

2-52 (1) each municipality or county that will operate and  
2-53 maintain the road has approved the plans and specifications of the  
2-54 road project, if a municipality or county will operate and maintain  
2-55 the road; or

2-56 (2) the Texas Transportation Commission has approved  
2-57 the plans and specifications of the road project, if the state will  
2-58 operate and maintain the road.

2-59 (b) Except as provided by Subsection (a), the district is  
2-60 not required to obtain approval from the Texas Transportation  
2-61 Commission to design, acquire, construct, finance, issue bonds for,  
2-62 improve, or convey a road project.

2-63 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-64 OR RESOLUTION. The district shall comply with all applicable  
2-65 requirements of any ordinance or resolution that is adopted under  
2-66 Section 54.016 or 54.0165, Water Code, and that consents to the  
2-67 creation of the district or to the inclusion of land in the  
2-68 district.

2-69 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The

3-1 district may not exercise the power of eminent domain outside the  
3-2 district to acquire a site or easement for:  
3-3 (1) a road project authorized by Section 8354.103; or  
3-4 (2) a recreational facility as defined by Section  
3-5 49.462, Water Code.  
3-6 Sec. 8354.107. DIVISION OF DISTRICT. (a) The district may  
3-7 be divided into two or more new districts only if the district:  
3-8 (1) has no outstanding bonded debt; and  
3-9 (2) is not imposing ad valorem taxes.  
3-10 (b) This chapter applies to any new district created by the  
3-11 division of the district, and a new district has all the powers and  
3-12 duties of the district.  
3-13 (c) Any new district created by the division of the district  
3-14 may not, at the time the new district is created, contain any land  
3-15 outside the area described by Section 2 of the Act creating this  
3-16 chapter.  
3-17 (d) The board, on its own motion or on receipt of a petition  
3-18 signed by the owner or owners of a majority of the assessed value of  
3-19 the real property in the district, may adopt an order dividing the  
3-20 district.  
3-21 (e) The board may adopt an order dividing the district  
3-22 before or after the date the board holds an election under Section  
3-23 8354.003 to confirm the district's creation.  
3-24 (f) An order dividing the district:  
3-25 (1) shall:  
3-26 (A) name each new district;  
3-27 (B) include the metes and bounds of each new  
3-28 district;  
3-29 (C) appoint temporary directors for each new  
3-30 district, or provide that the owner or owners of a majority of the  
3-31 assessed value of the real property in each new district may submit  
3-32 a petition to the Texas Commission on Environmental Quality  
3-33 requesting that the commission appoint as temporary directors the  
3-34 five persons named in the petition; and  
3-35 (D) provide for the division of assets and  
3-36 liabilities between or among the new districts; and  
3-37 (2) is subject to a confirmation election in each new  
3-38 district.  
3-39 (g) On or before the 30th day after the date of adoption of  
3-40 an order dividing the district, the district shall file the order  
3-41 with the Texas Commission on Environmental Quality and record the  
3-42 order in the real property records of each county in which the  
3-43 district is located.  
3-44 (h) Any new district created by the division of the district  
3-45 shall hold a confirmation and directors' election as required by  
3-46 Section 8354.003. The results of that election must be filed as  
3-47 required by Sections 49.102(e) and (f), Water Code. If the voters  
3-48 of a new district do not confirm the creation of the new district,  
3-49 the assets, liabilities, territory, and governance of the new  
3-50 district revert to the original district.  
3-51 (i) Municipal consent to the creation of the district and to  
3-52 the inclusion of land in the district granted under Section  
3-53 8354.004 acts as municipal consent to the creation of any new  
3-54 district created by the division of the district and to the  
3-55 inclusion of land in the new district.  
3-56 (j) Any new district created by the division of the district  
3-57 must hold an election as required by this chapter to obtain voter  
3-58 approval before the district may impose a maintenance tax or issue  
3-59 bonds payable wholly or partly from ad valorem taxes.  
3-60 Sec. 8354.108. FIREFIGHTING AND EMERGENCY MEDICAL  
3-61 SERVICES. Subchapter L, Chapter 49, Water Code, applies to the  
3-62 district.  
3-63 [Sections 8354.109-8354.150 reserved for expansion]  
3-64 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
3-65 Sec. 8354.151. ELECTIONS REGARDING TAXES OR BONDS.  
3-66 (a) The district may issue, without an election, bonds and other  
3-67 obligations secured by:  
3-68 (1) revenue other than ad valorem taxes; or  
3-69 (2) contract payments described by Section 8354.153.

4-1 (b) The district must hold an election in the manner  
4-2 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
4-3 before the district may impose an ad valorem tax or issue bonds  
4-4 payable from ad valorem taxes.

4-5 (c) The district may not issue bonds payable from ad valorem  
4-6 taxes to finance a road project unless the issuance is approved by a  
4-7 vote of a two-thirds majority of the district voters voting at an  
4-8 election held for that purpose.

4-9 Sec. 8354.152. OPERATION AND MAINTENANCE TAX. (a) If  
4-10 authorized at an election held under Section 8354.151, the district  
4-11 may impose an operation and maintenance tax on taxable property in  
4-12 the district in accordance with Section 49.107, Water Code.

4-13 (b) The board shall determine the tax rate. The rate may not  
4-14 exceed the rate approved at the election.

4-15 Sec. 8354.153. CONTRACT TAXES. (a) In accordance with  
4-16 Section 49.108, Water Code, the district may impose a tax other than  
4-17 an operation and maintenance tax and use the revenue derived from  
4-18 the tax to make payments under a contract after the provisions of  
4-19 the contract have been approved by a majority of the district voters  
4-20 voting at an election held for that purpose.

4-21 (b) A contract approved by the district voters may contain a  
4-22 provision stating that the contract may be modified or amended by  
4-23 the board without further voter approval.

4-24 [Sections 8354.154-8354.200 reserved for expansion]

4-25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-26 Sec. 8354.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4-27 OBLIGATIONS. The district may issue bonds or other obligations  
4-28 payable wholly or partly from ad valorem taxes, impact fees,  
4-29 revenue, contract payments, grants, or other district money, or any  
4-30 combination of those sources, to pay for any authorized district  
4-31 purpose.

4-32 Sec. 8354.202. TAXES FOR BONDS. At the time the district  
4-33 issues bonds payable wholly or partly from ad valorem taxes, the  
4-34 board shall provide for the annual imposition of a continuing  
4-35 direct ad valorem tax, without limit as to rate or amount, while all  
4-36 or part of the bonds are outstanding as required and in the manner  
4-37 provided by Sections 54.601 and 54.602, Water Code.

4-38 Sec. 8354.203. BONDS FOR ROAD PROJECTS. At the time of  
4-39 issuance, the total principal amount of bonds or other obligations  
4-40 issued or incurred to finance road projects and payable from ad  
4-41 valorem taxes may not exceed one-fourth of the assessed value of the  
4-42 real property in the district.

4-43 SECTION 2. The Harris County Municipal Utility District No.  
4-44 524 initially includes all the territory contained in the following  
4-45 area: 990.804 acres in 5 non-contiguous tracts out of Sections 9,  
4-46 10, 15, and 16 of Harris County School Land Survey, Abstract No 332,  
4-47 recorded in Vol 17, Pg 222 of the Deed Records of Harris County,  
4-48 Texas and including within Tracts 1, 2, 3, and 4 an unnamed 66 foot  
4-49 roadway as shown on the plat of said Harris County School Land being  
4-50 granted by Commissioners Award recorded in Vol 7448, Pg 181, HCDR;  
4-51 said roadway does not exist physically on the ground: (All bearings  
4-52 used herein are based on Highway Right-of-Way Maps provided by the  
4-53 Texas Department of Transportation)

4-54 Tract 1  
4-55 A tract or parcel of land containing 255.572 acres (11,132,730  
4-56 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and Lots 1,  
4-57 2, 7, & 8 of Section 16 of said Harris County School Land Survey,  
4-58 Abstract No 332, Harris County, Texas; said 255.572 acres being  
4-59 that same tract of land called 257.230 acres described by deed  
4-60 recorded in HCCF No M577056 ("Tract 1", therein) and conveyed to  
4-61 Delta Troy Interests, Ltd by deed recorded in X381657 and more  
4-62 particularly described by metes and bounds as follows:

4-63 COMMENCING at a State Department of Highways and Public  
4-64 Transportation Horizontal Control Monument located in the  
4-65 southerly right-of-way line of U.S. 290, 160.00 feet at right  
4-66 angles from the centerline, across from Engineers Station  
4-67 109+27.74;

4-68 THENCE along said southerly right-of-way line, clockwise,  
4-69 following the arc of a 1855.86 foot radius curve-to-the-right,

5-1 subtending a central angle of 03 degrees 20 min 18 seconds, through  
 5-2 an arc length of 108.13 feet (chord bearing of South 66 degrees 23  
 5-3 minutes 38 seconds East, 108.12 feet) to a 5/8 inch iron rod found  
 5-4 marking the POINT OF BEGINNING and most northerly Northeast corner  
 5-5 of the herein described tract, same being the East corner of that  
 5-6 called 12.4147 acre tract of land conveyed to Peter S. Terpstra,  
 5-7 Trustee by deed recorded in HCCF No 20060246633;  
 5-8 THENCE continuing along said right-of-way line and said curve,  
 5-9 subtending a central angle of 06 degrees 36 minutes 09 seconds,  
 5-10 through an arc length of 213.86 feet (chord bearing of South 61  
 5-11 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch iron  
 5-12 rod set marking the end of said curve; said point being located in  
 5-13 the southerly right-of-way line of U.S. 290, 202.32 feet at right  
 5-14 angles from the centerline, across from Engineers Station  
 5-15 112+46.53;  
 5-16 THENCE continuing along said right-of-line line, following the arc  
 5-17 of a 1963.86 foot radius curve-to-the-left (radius point of said  
 5-18 curve falls along a bearing of North 31 degrees 52 minutes 42  
 5-19 seconds East), subtending a central angle of 12 degrees 31 minutes  
 5-20 54 seconds, through an arc length of 429.54 feet (chord bearing of  
 5-21 South 64 degrees 23 minutes 15 seconds East, 428.68 feet) to a 5/8  
 5-22 inch iron rod set marking a point-of-tangency in the southerly  
 5-23 right-of-way line; said point-of-tangency being located in the  
 5-24 southerly right-of-way line of U.S. 290, 249.10 feet at right  
 5-25 angles from the centerline, across from Engineers Station  
 5-26 116+72.65;  
 5-27 THENCE South 70 degrees 39 minutes 12 seconds East, along said  
 5-28 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron rod  
 5-29 set marking the Northerly end of cut-back corner at the southwest  
 5-30 corner of the intersection of said U.S. 290 and Binford Road; said  
 5-31 corner being located in the southerly right-of-way line of U.S.  
 5-32 290, 249.10 feet at right angles from the centerline, across from  
 5-33 Engineers Station 120+54.80;  
 5-34 THENCE South 30 degrees 37 minutes 41 seconds East, along said  
 5-35 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set  
 5-36 marking the Southerly end of said cut-back and the most Easterly  
 5-37 Northeast corner of the herein described tract; said corner being  
 5-38 located in the southerly right-of-way line of U.S. 290, 310.37 feet  
 5-39 at right angles from the centerline, across from Engineers Station  
 5-40 121+28.11;  
 5-41 THENCE South 09 degrees 03 minutes 59 seconds East, along the  
 5-42 westerly right-of-way of said Binford Road (right-of-way varies at  
 5-43 this point), a distance of 452.04 feet to a 5/8 inch iron rod set  
 5-44 marking an angle point in said right-of-way line; a 1 inch iron pipe  
 5-45 found bears South 03 degrees 41 minutes 58 seconds East, 35.93 feet  
 5-46 from said angle point;  
 5-47 THENCE South 02 degrees 39 minutes 08 seconds East, along the  
 5-48 westerly right-of-way line of said Binford Road (66' right-of-way)  
 5-49 and crossing Lots 9 and 16 of said Section 9 and Lots 1 and 8 of  
 5-50 Section 16, a distance of 3953.90 feet (call: 3954.35 feet) to a 5/8  
 5-51 inch iron rod set marking the Southeast corner of the herein  
 5-52 described tract, same being the Northwest corner of the  
 5-53 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead  
 5-54 Highway) and said Binford Road; a 5/8 inch iron rod found bears  
 5-55 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said  
 5-56 corner;  
 5-57 THENCE North 68 degrees 08 minutes 01 seconds West, along the  
 5-58 Northerly right-of-way line of said U.S. 290 (old)/State Highway 6  
 5-59 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said  
 5-60 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a 5/8  
 5-61 inch iron set marking the Southwest corner of the herein described  
 5-62 tract, same being the Southeast corner of that called 30.213 acre  
 5-63 tract of land conveyed to Michael L. Perry and Edna A. Perry by deed  
 5-64 recorded in HCCF No U717338; a 5/8 inch iron rod found bears South  
 5-65 02 degrees 24 minutes 55 seconds East, 7.01 feet from said corner;  
 5-66 THENCE North 02 degrees 24 minutes 55 seconds West, along the  
 5-67 Easterly line of said 30.213 acres, same being the Westerly line of  
 5-68 Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said Section 9,  
 5-69 and with the Easterly line of that called 70.801 acre tract conveyed

6-1 to A.J. Foyt, Jr. by deed recorded in HCCF No U071611 and that  
6-2 called 11.15 acre tract conveyed to L.J. Hakemack and wife, Ney  
6-3 Hakemack, by deed recorded in HCCF No P056681, a distance of 3736.61  
6-4 feet (call: 3753.11 feet) to a point for corner at the Northwest  
6-5 corner of the herein described tract, same being the Southwest  
6-6 corner of the aforesaid 12.4147 acre Terpstra Tract;  
6-7 THENCE North 87 degrees 11 minutes 26 seconds East, along the  
6-8 Southerly line of said 12.4147 acre tract, a distance of 1612.53  
6-9 feet (call: 1623.36 feet) to the Point of Beginning and containing  
6-10 255.572 Acres (11,132,730 square feet) of land.  
6-11 Tract 2  
6-12 A tract or parcel of land containing 440.146 acres (19,172,762  
6-13 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15, & 16  
6-14 of Section 15 of said Harris County School Land Survey, Abstract No  
6-15 332, Harris County, Texas; said 440.146 acres out of that same tract  
6-16 of land called 451.6392 acres described by deed recorded in HCCF No  
6-17 M577056 ("Tract 2-A", therein) and conveyed to Delta Troy  
6-18 Interests, Ltd by deed recorded in X381657 and more particularly  
6-19 described by metes and bounds as follows:  
6-20 COMMENCING at a State Department of Highways and Public  
6-21 Transportation Horizontal Control Monument located in the  
6-22 southerly right-of-way line of U.S. 290, 160.00 feet at right  
6-23 angles from the centerline, across from Engineers Station  
6-24 109+27.74;  
6-25 THENCE South 70 degrees 39 minutes 12 seconds East, a distance of  
6-26 1690.16 feet to a point-of-curvature in the former southerly  
6-27 right-of-way line of said U.S. 290; said point-of-curvature being  
6-28 located 160.00 feet at right angles from the centerline, across  
6-29 from Engineers Station 126+17.90;  
6-30 THENCE along said former southerly right-of-way line, clockwise,  
6-31 following the arc of a 7479.44 foot radius curve-to-the-right  
6-32 (radius point of said curve falls along a bearing of South 19  
6-33 degrees 20 minutes 48 seconds West), subtending a central angle of  
6-34 03 degrees 05 min 32 seconds, through an arc length of 403.66 feet  
6-35 (chord bearing of South 69 degrees 06 minutes 26 seconds East,  
6-36 403.61 feet) to a 5/8 inch iron rod set in the current Southerly  
6-37 right-of-way line of said U.S. 290 marking the POINT OF BEGINNING  
6-38 and the most Easterly Northwest corner of the herein described  
6-39 tract; said point being located 160.00 feet at right angles from the  
6-40 centerline, across from Engineers Station 130+30.21;  
6-41 THENCE continuing along said right-of-way line and said curve,  
6-42 subtending a central angle of 13 degrees 42 minutes 56 seconds,  
6-43 through an arc length of 1790.44 feet (chord bearing of South 60  
6-44 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch iron  
6-45 rod set marking a point-of-tangency in said right-of-way line; said  
6-46 point being located in the southerly right-of-way line of U.S. 290,  
6-47 160.00 feet at right angles from the centerline, across from  
6-48 Engineers Station 148+59.00;  
6-49 THENCE South 53 degrees 50 minutes 44 seconds East, along said  
6-50 right-of-way line, a distance of 2795.16 feet (call: 2793.73 feet -  
6-51 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in  
6-52 said right-of-way line;  
6-53 THENCE along said southerly right-of-way line, clockwise,  
6-54 following the arc of a 532.96 foot radius curve-to-the-right,  
6-55 subtending a central angle of 51 degrees 31 min 30 seconds (call: 51  
6-56 degrees 32 minutes 51 seconds - TxDOT), through an arc length of  
6-57 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing of South 28  
6-58 degrees 04 minutes 59 seconds East, 463.29 feet) to a 5/8 inch iron  
6-59 rod found marking a point-of-tangency in said southerly  
6-60 right-of-way line;  
6-61 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02  
6-62 degrees 17 minutes 53 seconds East - TxDOT), along said southerly  
6-63 right-of-way line, a distance of 187.88 feet (call: 188.32 feet -  
6-64 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in  
6-65 said southerly right-of-way line;  
6-66 THENCE counter-clockwise continuing along said right-of-way line  
6-67 and a 612.96 foot radius curve-to-the-left, subtending a central  
6-68 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34  
6-69 minutes 06 seconds), through an arc length of 261.99 feet (call:

7-1 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56  
7-2 seconds East, 260.00 feet) to a 5/8 inch iron rod set for corner,  
7-3 same being the most Northerly corner of that called 1.939 acre tract  
7-4 of land conveyed to the State of Texas as a Drainage Easement for  
7-5 Highway Purposes by deed recorded in HCCF No R450176 out of that  
7-6 called 30 acre residue of that called 920.21 acre Schindler "First  
7-7 Tract" as described by deed recorded in Vol 2187, Pg 525, HCDR;  
7-8 THENCE South 63 degrees 11 minutes 23 seconds West (call: South 63  
7-9 degrees 08 minutes 01 seconds West), along the northwesterly line  
7-10 of said 1.939 acre tract, a distance of 620.23 feet (call: 620.08  
7-11 feet) to a 5/8 inch iron rod set at the northwesterly corner of said  
7-12 1.939 acre tract;  
7-13 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02  
7-14 degrees 17 minutes 53 seconds East), along the westerly line of said  
7-15 1.939 acre tract, passing at a distance of 1102.28 feet (call:  
7-16 1100.29 feet) a 1/2 inch iron rod found marking the Southwest corner  
7-17 of said 1.939 acre and 30 acre tract and the Northwest corner of  
7-18 that called 10.298 acre tract conveyed to MRJ Wood Products by deed  
7-19 recorded in HCCF No U232228, continuing along the westerly line of  
7-20 said 10.298 acre tract, a total distance of 1502.28 feet (call:  
7-21 1500.29 feet) to a 5/8 inch iron rod set for corner, same being the  
7-22 southwest corner of said 10.298 acre tract;  
7-23 THENCE North 87 degrees 40 minutes 46 seconds East (call: North 87  
7-24 degrees 42 minutes 07 seconds East), along the southerly line of  
7-25 said 10.298 acre tract, a distance of 1121.41 feet to a 5/8 inch  
7-26 iron rod set in the Westerly right-of-way line of Kickapoo Road  
7-27 marking the most Northerly Southeast corner of the herein described  
7-28 tract, same being the southeasterly corner of said 10.298 acre  
7-29 tract;  
7-30 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02  
7-31 degrees 17 minutes 53 seconds East), along the Westerly  
7-32 right-of-way line of said Kickapoo Road, a distance of 939.31 feet  
7-33 (call: 938.70 feet) to a 1 inch iron pipe found for corner, same  
7-34 being the Northeast corner of that called 2.401 acre tract conveyed  
7-35 to Leaman Building Materials by deed recorded in HCCF No X159580  
7-36 ("Tract One");  
7-37 THENCE North 68 degrees 08 minutes 01 seconds West, along the  
7-38 northerly line of said 2.401 acre tract, a distance of 597.94 feet  
7-39 (call: 600.00') to a 5/8 inch iron rod set for corner, same being  
7-40 the Northwest corner of said 2.401 acre tract;  
7-41 THENCE South 02 degrees 19 minutes 14 seconds East, along the  
7-42 westerly line of said 2.401 acre tract and that called 1.804 acre  
7-43 tract also conveyed to said Leaman Building Materials in said HCCF  
7-44 No X159580 ("Tract Two"), a distance of 362.42 feet (call: 363.00  
7-45 feet) to a 5/8 inch iron rod set in the northerly right-of-way line  
7-46 of U.S. 290 (old)/State Highway 6 (aka Hempstead Highway) marking  
7-47 the most Southerly Southeast corner of the herein described tract;  
7-48 a 1 inch iron rod found bears South 02 degrees 19 minutes 14 seconds  
7-49 East, 2.33 feet from said property corner; a 2 inch iron rod found  
7-50 marking the Northeast corner of the intersection of said Kickapoo  
7-51 Road and said U.S. 290 (old)/State Highway 6 (aka Hempstead  
7-52 Highway) bears South 68 degrees 08 minutes 01 seconds East, 670.29  
7-53 feet from said property corner;  
7-54 THENCE North 68 degrees 08 minutes 01 seconds West, along the  
7-55 northerly right-of-way line of said U.S. 290 (old)/State Highway 6  
7-56 (aka Hempstead Highway), a distance of 5170.99 feet (call: 5167.61  
7-57 feet) to a 5/8 inch iron rod set marking the Southwest corner of the  
7-58 herein described tract, same being the Northeast corner of the  
7-59 intersection of Binford Road and said U.S. 290 (old)/State Highway  
7-60 6 (aka Hempstead Highway); a 5/8 inch iron rod set marking the  
7-61 Northwest corner of said intersection bears North 68 degrees 08  
7-62 minutes 01 seconds West, 72.54 feet from which a 5/8 inch iron rod  
7-63 found bears North 68 degrees 08 minutes 01 seconds West, 4.54 feet;  
7-64 THENCE North 02 degrees 39 minutes 08 seconds West, along the  
7-65 Easterly right-of-way of said Binford Road (66' right-of-way), a  
7-66 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron rod  
7-67 set marking an angle point in said Easterly right-of-way line;  
7-68 THENCE North 03 degrees 59 minutes 00 seconds East, continuing  
7-69 along the Easterly right-of-way of said Binford Road (right-of-way



8-1 varies at this point), a distance of 370.66 feet to a 5/8 inch iron  
8-2 rod set marking the Southerly end of cut-back corner at the  
8-3 southeast corner of the intersection of the aforesaid U.S. 290  
8-4 (new) and said Binford Road; said corner being located in the  
8-5 southerly right-of-way line of U.S. 290, 326.25 feet at right  
8-6 angles from the centerline, across from Engineers Station  
8-7 123+06.25;  
8-8 THENCE North 56 degrees 39 minutes 54 seconds East, along said  
8-9 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set  
8-10 marking the most Northerly Northwest corner of the herein described  
8-11 tract; said corner being located in the southerly right-of-way line  
8-12 of U.S. 290, 249.10 feet at right angles from the centerline, across  
8-13 from Engineers Station 123+65.05;  
8-14 THENCE South 70 degrees 39 minutes 12 seconds East, along said  
8-15 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron rod  
8-16 set marking a point-of-curvature in said right-of-way line; said  
8-17 point-of-curvature being located in the southerly right-of-way  
8-18 line of U.S. 290, 249.10 feet at right angles from the centerline,  
8-19 across from Engineers Station 124+72.67;  
8-20 THENCE continuing along said right-of-way line,  
8-21 counter-clockwise, following the arc of a 1963.86 foot radius  
8-22 curve-to-the-left (radius point of said curve falls along a bearing  
8-23 of North 19 degrees 20 minutes 48 seconds East), subtending a  
8-24 central angle of 16 degrees 13 minutes 27 seconds, through an arc  
8-25 length of 556.10 feet (chord bearing of South 78 degrees 45 minutes  
8-26 56 seconds East, 554.24 feet) to the POINT OF BEGINNING and  
8-27 containing 440.146 acres (19,172,762 square feet) of land.  
8-28 Tract 3  
8-29 A tract or parcel of land containing 10.536 acres (458,955 square  
8-30 feet) out of Lot 1 of Section 15 of said Harris County School Land  
8-31 Survey, Abstract No 332, Harris County, Texas; said 10.536 acres  
8-32 being that same tract of land called 10.5483 acres described by deed  
8-33 recorded in HCCF No M577056 ("Tract 3", therein) and conveyed to  
8-34 Delta Troy Interests, Ltd by deed recorded in X381657 and more  
8-35 particularly described by metes and bounds as follows:  
8-36 BEGINNING at a 1/2 inch iron rod found marking the Northwest corner  
8-37 of the intersection of the northerly right-of-way line of U.S. 290  
8-38 and the westerly right-of-way line of Kickapoo Road (66'  
8-39 right-of-way), same being the Southeast corner of the herein  
8-40 described tract;  
8-41 THENCE North 87 degrees 42 minutes 07 seconds West, along the  
8-42 northerly right-of-way line of said U.S. 290, a distance of 468.34  
8-43 feet to a 5/8 inch iron rod set marking a point-of-curvature in  
8-44 said northerly right-of-way line; a 3/8 inch iron rod found bears  
8-45 South 56 degrees 27 minutes 32 seconds East, 2.03 feet from said  
8-46 point-of-curvature;  
8-47 THENCE clockwise along said northerly right-of-way line and  
8-48 following a 532.96 foot radius curve-to-the-right, subtending a  
8-49 central angle of 38 degrees 27 minutes 09 seconds, through an arc  
8-50 length of 357.68 feet (chord bearing of North 73 degrees 04 minutes  
8-51 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set marking a  
8-52 point-of-tangency in said northerly right-of-way line; said  
8-53 point-of-tangency being located in the northerly right-of-way line  
8-54 of U.S. 290, 160.00 feet at right angles from the centerline, across  
8-55 from Engineers Station 174+17.41;  
8-56 THENCE North 53 degrees 50 minutes 44 seconds West, along said  
8-57 northerly right-of-way line, a distance of 595.14 feet (call:  
8-58 596.40 feet) to a 5/8 inch iron rod set marking the Northwest corner  
8-59 of the herein described tract in the common line of Lot 16 of  
8-60 Section 10 and said Lot 1 of Section 15;  
8-61 THENCE North 87 degrees 57 minutes 51 seconds East, along said  
8-62 common line, same being the centerline of the aforesaid unnamed 66'  
8-63 roadway, a distance of 1266.25 feet (call: 1266.84 feet) to a 5/8  
8-64 inch iron rod set in the westerly right-of-way line of said Kickapoo  
8-65 Road marking the Northeast corner of the herein described tract; a 1  
8-66 inch iron pipe found marking the Southeast corner of the called  
8-67 78.9245 acre Schindler tract bears North 02 degrees 15 minutes 05  
8-68 seconds West, 33.00 feet for reference;  
8-69 THENCE South 02 degrees 15 minutes 05 seconds East, along the



9-1 westerly right-of-way line of said Kickapoo Road, a distance of  
9-2 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and  
9-3 containing 10.536 acres (458,955 square feet) of land.  
9-4 Tract 4  
9-5 A tract or parcel of land containing 283.558 acres (12,351,801  
9-6 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10 of  
9-7 said Harris County School Land Survey, Abstract No 332, Harris  
9-8 County, Texas; said 283.558 acres being out of that tract of land  
9-9 called 393.3575 acres described by deed recorded in HCCF No M577056  
9-10 ("Tract 4-A", therein) and conveyed to Delta Troy Interests, Ltd by  
9-11 deed recorded in X381657 and more particularly described by metes  
9-12 and bounds as follows:  
9-13 BEGINNING at a 5/8 inch iron rod set marking the Northeast corner of  
9-14 the herein described tract, same being the southwest corner of the  
9-15 intersection of Kickapoo Road and said FM 2920 (aka Waller-Tomball  
9-16 Road); a 1 inch iron pipe found bears South 02 degrees 15 minutes 05  
9-17 seconds East, 0.99 foot from said property corner;  
9-18 THENCE South 02 degrees 15 minutes 05 seconds East (call: South 02  
9-19 degrees 17 minutes 53 seconds East), along the westerly  
9-20 right-of-way line of said Kickapoo Road (66' right-of-way), a  
9-21 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-HCCF  
9-22 No M577056) to a 5/8 inch iron rod set marking the most northerly  
9-23 Southeast corner of the herein described tract, same being in the  
9-24 common line of Lots 8 and 9 of said Section 10 and being the  
9-25 Northeast corner of that called 78.9245 acre Schindler tract of  
9-26 land described in HCCF No M798918 and that called 23.6773 acre tract  
9-27 out of same conveyed to Michael McDonald and wife, Kimela McDonald,  
9-28 by deed recorded in HCCF No X611580; a 5/8 inch iron rod found bears  
9-29 North 87 degrees 33 minutes 33 seconds East, 2.99 feet from said  
9-30 corner;  
9-31 Thence South 87 degrees 33 minutes 33 seconds West, along the common  
9-32 line of said Lots 8 and 9, same being the northerly line of said  
9-33 78.9245 acre Schindler tract, a distance of 1316.56 feet (call:  
9-34 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe found for  
9-35 corner, same being the common corner of Lots 7, 8, 9, and 10 of said  
9-36 Section 10 and the Northwest corner of said 78.9245 acre Schindler  
9-37 tract; a capped iron rod found bears North 41 degrees 57 minutes 18  
9-38 seconds East, 12.64 feet from said corner;  
9-39 THENCE South 02 degrees 31 minutes 48 seconds East, along the common  
9-40 line of Lots 9, 10, 15, and 16 of said Section 10, same being the  
9-41 westerly line of said 78.9245 acre Schindler tract, passing at a  
9-42 distance of 2618.58 feet (call: 2617.89 feet- HCCF No M798918) a 1  
9-43 inch iron pipe found marking the most Southwest corner of said  
9-44 78.9245 acre Schindler tract, same being in the northerly line of  
9-45 the aforesaid unnamed 66' roadway, continuing a total distance of  
9-46 2621.94 feet (call: 2631.01 feet) to a 5/8 inch iron rod set in the  
9-47 northerly right-of-way line of the aforesaid U.S. 290 marking the  
9-48 most southerly Southeast corner of the herein described tract;  
9-49 THENCE North 53 degrees 50 minutes 44 seconds West, along the  
9-50 northerly right-of-way line of said U.S. 290, a distance of 1915.33  
9-51 feet (call: 1917.64 feet) to a 5/8 inch iron rod set marking a  
9-52 point-of-curvature in the northerly right-of-way line of U.S. 290,  
9-53 160.00 feet at right angles from the centerline, across from  
9-54 Engineers Station 148+59.00;  
9-55 THENCE along said northerly right-of-way line, counter-clockwise,  
9-56 following the arc of a 7799.44 foot radius curve-to-the-left,  
9-57 subtending a central angle of 04 degrees 50 min 53 seconds, through  
9-58 an arc length of 659.96 feet (chord bearing of North 55 degrees 16  
9-59 minutes 11 seconds West, 659.76 feet) to the Southwest corner of the  
9-60 herein described tract, same being the Southeast corner of that  
9-61 called 107.6370 acre tract conveyed to Peter S. Terpstra by deed  
9-62 recorded in HCCF No 20070033123; a 3/8 inch iron rod found bears  
9-63 South 79 degrees 56 minutes 25 seconds West, 0.88 foot from said  
9-64 corner;  
9-65 THENCE North 02 degrees 18 minutes 00 seconds West, crossing Lots  
9-66 11, 6, and 3 of said Section 10 and along the easterly line of said  
9-67 107.6370 acre tract, a distance of 3638.55 feet (call: 3639.80  
9-68 feet) to a 5/8 inch iron rod set in the southerly right-of-way line  
9-69 of FM 2920 (aka Waller-Tomball Road - 100' right-of-way) marking

10-1 the Northwest corner of the herein described tract, same being the  
 10-2 Northeast corner of said 107.6370 acres; 5/8 inch iron rods found  
 10-3 marking the northeast and northwest corners of a 10'x20' SWBT  
 10-4 easement dedicated by instrument recorded in HCCF No H844991 bear  
 10-5 South 87 degrees 42 minutes 00 seconds West, along said southerly  
 10-6 right-of-way line at 379.81 feet and 399.81 feet, respectively,  
 10-7 from said property corner;  
 10-8 THENCE North 87 degrees 42 minutes 00 seconds East, along said  
 10-9 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch  
 10-10 iron rod found marking the northeast corner of a 20'x20' SWBT  
 10-11 easement dedicated by instrument recorded in HCCF No H844992,  
 10-12 continuing a total distance of 3341.68 feet (call: 3335.99 feet) to  
 10-13 the POINT OF BEGINNING and containing 283.558 acres (12,351,801  
 10-14 square feet) of land.

10-15 Tract 5

10-16 Being 0.992 acre (43,220 square feet) out of Lot 1, Section 9 of  
 10-17 Harris County School Land Survey, Abstract No 332 and being that  
 10-18 called 1 acre conveyed to Leon Schindler and R.G. Schindler by deed  
 10-19 recorded in Volume 2187, Page 525 of the Deed Records of Harris  
 10-20 County, Texas; said 0.992 acre fronting 208.00 feet on Binford Road  
 10-21 and being surrounded on three sides by that called 127.96 acre tract  
 10-22 conveyed to Peter S. Terpstra, Trustee, by deed recorded in HCCF Nos  
 10-23 20060246634 & 20060246637; said 0.992 acre also being that same  
 10-24 tract of land called 1 acre conveyed to Leon Schindler and R.G.  
 10-25 Schindler by deed recorded in Vol 2187, Pg 525, HCDR ("Fourth  
 10-26 Tract", therein) and called 0.9922 acre as described by deed  
 10-27 recorded in HCCF No M577056 ("Tract 5", therein) and conveyed to  
 10-28 Delta Troy Interests, Ltd by deed recorded in X381657 and more  
 10-29 particularly described by metes and bounds as follows:

10-30 COMMENCING at a 5/8 inch iron rod found marking the Southerly end of  
 10-31 cut-back corner at the northwest corner of the intersection of the  
 10-32 aforesaid U.S. 290 (new) and Binford Road; said corner being  
 10-33 located in the northerly right-of-way line of U.S. 290, 248.90 feet  
 10-34 at right angles from the centerline, across from Engineers Station  
 10-35 118+23.58;

10-36 THENCE North 56 degrees 39 minutes 54 seconds East, along said  
 10-37 cut-back, a distance of 97.00 feet to a point in the westerly  
 10-38 right-of-way line of said Binford Road at the Northerly end of said  
 10-39 cut-back;

10-40 THENCE North 03 degrees 59 minutes 00 seconds East, along the  
 10-41 westerly right-of-way line of said Binford Road (right-of-way  
 10-42 varies at this point), a distance of 370.87 feet to a 5/8 inch iron  
 10-43 rod found marking an angle point in said westerly right-of-way  
 10-44 line;

10-45 THENCE North 02 degrees 42 minutes 01 seconds West, along the  
 10-46 westerly right-of-way line of said Binford Road (66' right-of-way),  
 10-47 a distance of 1690.50 feet to a 1 inch iron pipe found marking the  
 10-48 POINT OF BEGINNING and southeast corner of the herein described  
 10-49 tract;

10-50 THENCE South 89 degrees 52 minutes 54 seconds West, crossing said  
 10-51 Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch iron rod  
 10-52 set marking the southwest corner of the herein described tract; a  
 10-53 5/8 inch iron rod found bears North 14 degrees 12 minutes 39 seconds  
 10-54 East, 2.36 feet from said corner;

10-55 THENCE North 02 degrees 42 seconds 01 seconds West (call: North 02  
 10-56 degrees 41 seconds 16 seconds West, crossing said Lot 1 of Section  
 10-57 9, a distance of 208.00 feet to a 5/8 inch iron rod set marking the  
 10-58 northwest corner of the herein described tract;

10-59 THENCE North 89 degrees 52 minutes 54 seconds East, crossing said  
 10-60 Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch iron pipe  
 10-61 found in the westerly right-of-way line of said Binford Road (66'  
 10-62 right-of-way) marking the northeast corner of the herein described  
 10-63 tract;

10-64 THENCE South 02 degrees 42 minutes 01 seconds East (call:  
 10-65 South 02 degrees 41 minutes 16 seconds East, along the westerly  
 10-66 right-of-way line of said Binford Road, a distance of 208.00 feet to  
 10-67 the POINT OF BEGINNING and containing 0.992 acre (43,220 square  
 10-68 feet) of land.

10-69 SECTION 3. (a) The legal notice of the intention to

11-1 introduce this Act, setting forth the general substance of this  
11-2 Act, has been published as provided by law, and the notice and a  
11-3 copy of this Act have been furnished to all persons, agencies,  
11-4 officials, or entities to which they are required to be furnished  
11-5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11-6 Government Code.

11-7 (b) The governor, one of the required recipients, has  
11-8 submitted the notice and Act to the Texas Commission on  
11-9 Environmental Quality.

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

11-14 (d) All requirements of the constitution and laws of this  
11-15 state and the rules and procedures of the legislature with respect  
11-16 to the notice, introduction, and passage of this Act are fulfilled  
11-17 and accomplished.

11-18 SECTION 4. This Act takes effect immediately if it receives  
11-19 a vote of two-thirds of all the members elected to each house, as  
11-20 provided by Section 39, Article III, Texas Constitution. If this  
11-21 Act does not receive the vote necessary for immediate effect, this  
11-22 Act takes effect September 1, 2009.

11-23

\* \* \* \* \*