

House Bill 2668
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9031 to read as follows:

CHAPTER 9031. SMITH ROAD WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF JEFFERSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9031.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Smith Road Water Control and Improvement District No. 1 of Jefferson County.

Sec. 9031.002. NATURE OF DISTRICT. The district is a water control and improvement district in Jefferson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9031.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9031.024 before September 1, 2013:

- (1) the district is dissolved September 1, 2013, except that the district shall:
 - (A) pay any debts incurred;
 - (B) transfer to Jefferson County any assets that remain after the payment of debts; and
 - (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and
- (2) this chapter expires September 1, 2016.

Sec. 9031.004. INITIAL DISTRICT TERRITORY. (a)

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SUBCHAPTER A. GENERAL PROVISIONS

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- (2) "Director" means a board member.
- (3) "District" means the Smith Road Water Control and Improvement District No. 1 of Jefferson County.

Sec. 9031.002. NATURE OF DISTRICT. The district is a water control and improvement district in Jefferson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9031.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9031.024 before September 1, 2013:

- (1) the district is dissolved September 1, 2013, except that the district shall:
 - (A) pay any debts incurred;
 - (B) transfer to Jefferson County any assets that remain after the payment of debts; and
 - (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and
- (2) this chapter expires September 1, 2016.

Sec. 9031.004. INITIAL DISTRICT TERRITORY. (a)

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The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose taxes;

(3) the validity of the district's bonds, notes, or indebtedness; or

(4) the board's legality or operation.

[Sections 9031.005-9031.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 9031.021. TEMPORARY DIRECTORS. (a) On or after September 1, 2009, a person who owns land in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition.

(b) The commission shall appoint as temporary directors the five persons named in the first petition the commission receives.

(c) If a temporary director fails to qualify for office, the commission shall appoint a person to fill the vacancy.

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 9031.024; or

(2) the date this chapter expires under Section 9031.003.
Sec. 9031.022. ORGANIZATIONAL MEETING OF

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The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

(2) the district's right to impose taxes;

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[Sections 9031.005-9031.020 reserved for expansion]

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(b) The commission shall appoint as temporary directors the five persons named in the first petition the commission receives.

(c) If a temporary director fails to qualify for office, the commission shall appoint a person to fill the vacancy.

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 9031.024; or

(2) the date this chapter expires under Section 9031.003.
Sec. 9031.022. ORGANIZATIONAL MEETING OF

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TEMPORARY DIRECTORS. As soon as practicable after all temporary directors qualify under Section 49.055, Water Code, the temporary directors shall meet at a location in the district agreeable to a majority of the directors. If a location cannot be agreed upon, the meeting shall be at the Jefferson County Courthouse. At their initial meeting the temporary directors shall elect officers from among the temporary directors and conduct any other district business.

Sec. 9031.023. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9031.024 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located, if any, has adopted a resolution consenting to the district's creation.

Sec. 9031.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. The temporary directors shall hold an election to confirm the district's creation and to elect five directors as provided by Section 49.102, Water Code.

Sec. 9031.025. INITIAL ELECTED DIRECTORS; TERMS. The directors elected under Section 9031.024 shall draw lots to determine which two shall serve until the first regularly scheduled election of directors under Section 9031.052 and which three shall serve until the second regularly scheduled election of directors.

Sec. 9031.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2016.

[Sections 9031.027-9031.050 reserved for expansion]

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TEMPORARY DIRECTORS. As soon as practicable after all temporary directors qualify under Section 49.055, Water Code, the temporary directors shall meet at a location in the district agreeable to a majority of the directors. If a location cannot be agreed upon, the meeting shall be at the Jefferson County Courthouse. At their initial meeting the temporary directors shall elect officers from among the temporary directors and conduct any other district business.

Sec. 9031.023. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9031.024 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located, if any, has adopted a resolution consenting to the district's creation.

Sec. 9031.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. The temporary directors shall hold an election to confirm the district's creation and to elect five directors as provided by Section 49.102, Water Code.

Sec. 9031.025. INITIAL ELECTED DIRECTORS; TERMS. The directors elected under Section 9031.024 shall draw lots to determine which two shall serve until the first regularly scheduled election of directors under Section 9031.052 and which three shall serve until the second regularly scheduled election of directors.

Sec. 9031.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2016.

[Sections 9031.027-9031.050 reserved for expansion]

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SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9031.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Sec. 9031.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

[Sections 9031.053-9031.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9031.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES.

The district has the powers and duties provided by the general law of this state, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code.

Sec. 9031.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads, inside the district.

(b) A road project must meet or exceed all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is located outside the extraterritorial jurisdiction of a municipality, a road project must meet or exceed all applicable

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SUBCHAPTER B. BOARD OF DIRECTORS

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(b) Directors serve staggered four-year terms.

Sec. 9031.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

[Sections 9031.053-9031.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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The district has the powers and duties provided by the general law of this state, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code.

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(b) A road project must meet or exceed all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is located outside the extraterritorial jurisdiction of a municipality, a road project must meet or exceed all applicable

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construction standards, zoning and subdivision requirements, and regulatory ordinances of each county in which the district is located.

(c) The district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by ordinance or resolution. If a district is located outside the extraterritorial jurisdiction of a municipality, the district may not undertake a road project unless each county in which the district is located consents by ordinance or resolution.

Sec. 9031.103. LEVEE AND FLOOD HAZARD MITIGATION POWERS. The district may purchase, construct, acquire, own, operate, maintain, improve, or extend, inside or outside the district, levees, dikes, flood hazard mitigation structures, and any other improvements or facilities necessary or convenient to accomplish the levee improvements and flood hazard mitigation purposes of the district under Chapter 57, Water Code, as authorized by Section 59, Article XVI, Texas Constitution.

Sec. 9031.104. DIVISION OF DISTRICT. (a) The district may be divided into two new districts only if the district:

(1) has no outstanding bonded debt; and

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construction standards, zoning and subdivision requirements, and regulatory ordinances of each county in which the district is located.

(c) The district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by ordinance or resolution. If a district is located outside the extraterritorial jurisdiction of a municipality, the district may not undertake a road project unless each county in which the district is located consents by ordinance or resolution.

Sec. 9031.103. POTABLE WATER SUPPLIER. The district shall purchase potable water for the district from the West Jefferson County Municipal Water District or a successor to that supplier of potable water.

Sec. 9031.104. LEVEE AND FLOOD HAZARD MITIGATION POWERS. The district may purchase, construct, acquire, own, operate, maintain, improve, or extend, inside or outside the district, levees, dikes, flood hazard mitigation structures, and any other improvements or facilities necessary or convenient to accomplish the levee improvements and flood hazard mitigation purposes of the district under Chapter 57, Water Code, as authorized by Section 59, Article XVI, Texas Constitution.

Sec. 9031.105. DIVISION OF DISTRICT. (a) The district may be divided into two new districts only if the district:

(1) has no outstanding bonded debt; and

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(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code. Sections 51.748 through 51.753, Water Code, do not apply to the district.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) A new district, at the time it is created by the division of the district, may not contain land outside the area described by Section 2 of the Act creating this chapter.

Sec. 9031.105. LIMITATION ON DISTRICT DISSOLUTION. (a) Notwithstanding Section 43.0751, Local Government Code, or any other general law, the district may not be dissolved before December 31, 2019, unless the dissolution is approved by:

(1) the board; and

(2) the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

(b) This section expires December 31, 2019.

[Sections 9031.106-9031.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9031.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 9031.201.

[Sections 9031.152-9031.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9031.201. AUTHORITY TO ISSUE BONDS AND

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(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code. Sections 51.748 through 51.753, Water Code, do not apply to the district.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) A new district, at the time it is created by the division of the district, may not contain land outside the area described by Section 2 of the Act creating this chapter.

Sec. 9031.106. LIMITATION ON DISTRICT DISSOLUTION. (a) Notwithstanding Section 43.0751, Local Government Code, or any other general law, the district may not be dissolved before December 31, 2019, unless the dissolution is approved by:

(1) the board; and

(2) the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

(b) This section expires December 31, 2019.

[Sections 9031.107-9031.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9031.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 9031.201.

[Sections 9031.152-9031.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9031.201. AUTHORITY TO ISSUE BONDS AND

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OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49, 51, and 57, Water Code, and to finance the construction, maintenance, or operation of projects under Sections 9031.101, 9031.102, and 9031.103.

(b) The district may not issue bonds to finance projects authorized by Section 9031.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9031.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Smith Road Water Control and Improvement District No. 1 of Jefferson County initially includes all the territory contained in the following area:

EXHIBIT "A"

LEGAL DESCRIPTION OF LAND:

Tract I:

BEING a 21.104 acre tract of land, being out of and a part of that certain Louisiana Gas Development Corporation called 21.100 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 21.104 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No. 261, of said County and State, and is more particularly described as follows:

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OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49, 51, and 57, Water Code, and to finance the construction, maintenance, or operation of projects under Sections 9031.101, 9031.102, and 9031.104.

(b) The district may not issue bonds to finance projects authorized by Section 9031.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9031.102 may not exceed one-fourth of the assessed value of the real property in the district.

Same as House version.

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BEGINNING at a Concrete Monument found for the Easterly corner of said Louisiana Gas Development Corporation called 21.100 acre tract of land, same being the intersection of the Southwesterly right of way line of Smith Road a public right of way and the Northwesterly right of way line of Interstate Highway No. 10 a public right of way;

THENCE South 41 Deg. 37 Min. 00 Sec. West (Reference Bearing) along and with the Southeasterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, same being the Northwesterly right of way line of said Interstate Highway No. 10, a distance of 1000.09 feet to a 5/8-inch iron rod marked "Leap Eng." set for the Southerly corner of said Louisiana Gas Development Corporation called 21.100 acre tract, same being an East corner of that certain Louisiana Gas Development called residue of 501.76 acre tract of land, more fully described in Clerk File No. 2005028881 of the Official Public Records of said county and state;

THENCE North 50 Deg. 10 Min. 20 Sec. West along and with the Southwesterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 850.40 feet to a 1-inch iron rod found for the Westerly corner of said Louisiana Gas Development Corporation called 21.100 acre tract, same being an ell corner of said Louisiana Gas Development

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Corporation called residue of 501.76 acre tract;
THENCE North 41 Deg. 37 Min. 45 Sec. East along and with the Northwesterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, same being a Southeast line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 1130.75 feet to a 1-inch iron rod found for the Northerly corner of said Louisiana Gas Development Corporation called 21.100 acre tract, same being the most Northwesterly East corner of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, same being in the Southwesterly right of way line of said Smith Road;
THENCE South 50 Deg. 12 Min. 03 Sec. East along and with the Northeasterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, same being the Southwesterly right of way of Smith Road, a distance of 211.13 feet to a concrete monument found for an angle point of said Louisiana Gas Development Corporation called 21.100 acre tract;
THENCE South 38 Deg. 32 Min. 29 Sec. East along and with the Northeasterly line of said Louisiana Gas Development Corporation said 21.100 acre tract, same being the Southwesterly right of way line of said Smith Road, a distance of 648.25 feet to the PLACE OF BEGINNING, containing 21.104 acres of land, more or less.
Tract II:
BEING a 51.418 acre tract of land, being out of and a

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part of that certain Louisiana Gas Development Corporation called 231.743 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 51.418 acre tract being out of the H. T. & N. O. R. R. Co. Survey, Abstract No. 143, of said County and State, and is more particularly described as follows:

BEGINNING at a 1-inch iron rod found for the Southerly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in the Northwesterly right of way line of said Interstate Highway No. 10, same being the Southeasterly corner of that certain Sherholders LP called 408.233 acre tract of land more fully described in Clerk File No. 2003026036 of the Official Public Records of said County and State, same being the Southerly corner of said Louisiana Gas Development Corporation called residue of 501.76 acre tract;

THENCE North 20 Deg. 41 Min. 25 Sec. East along and with the Westerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 2335.19 feet to a 1-inch iron rod found for an angle point in the Westerly line of said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE South 50 Deg. 10 Min. 15 Sec. East along and with a Northeasterly line of said Louisiana Gas

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Development Corporation called 231.743 acre tract, same being a Southwesterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 174.42 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE North 41 Deg. 37 Min. 05 Sec. East continuing along and with the Westerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 1999.86 feet to a 5/8-inch iron rod marked "Leap Eng." set for the Northerly corner of the herein described 51.418 acre tract, same being the Southerly corner of a 180.238 acre tract of land called tract III surveyed on the same date as the herein described;

THENCE South 50 Deg. 10 Min. 20 Sec. East along and with the Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Southwesterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 660.00 feet to a 1-inch iron rod found for the Easterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in the Northwesterly right of way line of said Interstate Highway No. 10;

THENCE South 41 Deg. 37 Min. 00 Sec. West along and with the Southeasterly line of said Louisiana Gas

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Development Corporation called 231.743 acre tract, same being the Northwesterly right of way line of said Interstate Highway No. 10, a distance of 4207.07 feet to the PLACE OF BEGINNING, containing 51.418 acres of land, more or less.

Tract III:

BEING a 180.238 acre tract of land, being out of and a part of that certain Louisiana Gas Development Corporation called 231.743 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 180.238 acre tract being out of the H. T. & N. O. R. R. Co. Survey, Abstract No. 143, T. & N. O. R. R. Co. Survey, Abstract No. 260, T. & N. O. R. R. Co. Survey, Abstract No. 261, George W. Kidd Survey, Abstract No. 795, George W. Kidd Survey, Abstract No. 737, and S. D. Decordova Survey, Abstract No. 851 of said County and State, and is more particularly described as follows:

BEGINNING at a 1-inch iron rod found for a Easterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in the Southwesterly right of way line of said Smith Road, same being in the Northerly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract;

THENCE South 41 Deg. 38 Min. 21 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northeasterly line of said Louisiana Gas

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Development Corporation called residue of 501.76 acre tract, a distance of 2130.59 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract;
THENCE South 50 Deg. 19 Min. 12 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Southwesterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 1150.80 feet to a 5/8-inch iron rod marked "Leap Eng." set for a PC of a non tangent curve to the right;
THENCE along and with the curve to the right an arc distance of 272.42 feet with a radius of 363.39 feet with a chord bearing of South 20 Deg. 10 Min. 36 Sec. West a chord distance of 266.09 feet to a 1-inch iron rod found for an angle point of said Louisiana Gas Development Corporation called 231.743 acre tract;
THENCE South 41 Deg. 37 Min. 05 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northwesterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 1751.90 feet to a 5/8-inch iron rod marked "Leap Eng." set for the Southerly corner of the herein described 180.238 acre tract, same being the Northerly corner of a 51.418 acre tract of land called Tract II surveyed on the same day as the herein described tract of land;

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THENCE North 50 Deg. 10 Min. 20 Sec. West along and with a Southwesterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 644.41 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE South 41 Deg. 35 Min. 30 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northwesterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 239.63 feet to a 5/8-inch iron rod marked "Leap Eng." set for an angle point for said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE South 89 Deg. 57 Min. 09 Sec. West along and with a Southerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northerly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 1077.96 feet to a 5/8-inch iron rod marked "Leap Eng." set for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE South 00 Deg. 15 Min. 31 Sec. East along and with a Easterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Westerly line of said Louisiana Gas Development

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Corporation called residue of 501.76 acre tract, a distance of 1074.17 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract;
THENCE South 89 Deg. 37 Min. 40 Sec. West along and with a Southerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northerly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 571.97 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Southwesterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northwesterly corner of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, same being in the Easterly line of said Sherholders LP called 408.233 acre tract;
THENCE North 00 Deg. 14 Min. 54 Sec. West along and with a Westerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly line of said Sherholders LP called 408.233 acre tract, a distance of 1076.90 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly corner of said Sherholders LP called 408.233 acre tract;
THENCE South 89 Deg. 58 Min. 03 Sec. West along and with a Southerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Northerly line of said Sherholders LP called 408.233

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acre tract, a distance of 2083.92 feet to a point for corner marking a Southwesterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Northwesterly corner of said Sherholders LP called 408.233 acre tract, same being in the Easterly line of that certain Sherholders LP called 126.010 acre tract of land more fully described in Clerks File No. 2003026036 of the Official Public Records of said County and State;

THENCE North 00 Deg. 14 Min. 37 Sec. West along and with a Westerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly line of said Sherholders LP called 126.010 acre tract, a distance of 535.85 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Northwesterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Southwesterly corner of said Louisiana Gas Development Corporation called residue of 501.76 acre tract;

THENCE North 89 Deg. 41 Min. 36 Sec. East along and with a Northerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Southerly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 3114.90 feet to a 1-inch iron rod found for an angle point of said Louisiana Gas Development Corporation called 231.743 acre tract;

THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a Northwesterly line of said Louisiana Gas

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Development Corporation called 231.743 acre tract, same being a Southeasterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 2215.26 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 231.743 acre tract; THENCE North 50 Deg. 10 Min. 15 Sec. West along and with a Southwesterly line of said Louisiana Gas Development Corporation called 231.745 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, a distance of 829.98 feet to a 1-inch iron rod found a Westerly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being a Northerly corner of said Louisiana Gas Development Corporation called residue of 501.76 acre tract, same being in the Southeasterly line of that certain D & R Properties called 150.08 acre tract of land more fully described in Clerk File No. 2005027161 of the Official Public Records of said County and State; THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a Northwesterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Southeasterly line of said D & R Properties called 150.08 acre tract and Treasure Cove a subdivision to Jefferson County, Texas, recorded in Clerk File No. 2006024719 of the Map Records of said County and State, a distance of 2129.83 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Northerly corner

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of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Easterly corner of said D & R Properties called 150.80 acre tract, same being in the Southwesterly right of way line of said Smith Road; THENCE South 50 Deg. 12 Min. 03 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, same being the Southwesterly right of way line of said Smith Road, a distance of 1057.06 feet to the PLACE OF BEGINNING, containing 180.238 acres of land, more or less.

Attachment "B"

Surveyor's Field Note Description: 251.685 Acres

Tract I:

BEING a 101.623 acre tract of land, being out of and a part of that certain Louisiana Gas Development Corporation called 248.917 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 101.623 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No. 261, George W. Kidd Survey, Abstract No. 761, George W. Kidd Survey, Abstract No. 795, George W. Kidd Survey, Abstract No. 737, and the S.D. Decordova Survey, Abstract No. 851, of said County and State, and is more particularly described as follows:

BEGINNING at a 5/8-inch iron rod marked "Leap Eng." set for an Easterly corner of said Louisiana Gas Development Corporation called 248.917 acre tract,

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same being the Southerly corner of that certain Louisiana Gas Development Corporation called 21.100 acre tract of land more fully described in Clerk File No. 2005028881 of the Official Public Records of said County and State, same being in the Northwesterly right of way line if Interstate Highway No. 10 a public right of way;
THENCE South 41 Deg. 37 Min. 00 Sec. West (Reference Bearing) along and with the Southeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being the Northwesterly right of way line of said Interstate Highway No. 10, a distance of 2999.99 feet to a 1-inch iron rod found for the Southerly corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being an Easterly corner of that certain Louisiana Gas Development Corporation called 231.743 acre tract of land more fully described in Clerk File No. 2005028881 of the Official Public Records of said County and State;
THENCE North 50 Deg. 10 Min. 20 Sec. West along and with the Southwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 660.00 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Westerly corner of the herein described 101.623 acre tract, same being an Easterly corner of a 72.960 acre tract of land called tract II surveyed on the same date as the herein described;
THENCE North 41 Deg. 37 Min. 05 Sec. East along and

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with a Northwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a southeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 1751.90 feet to a 1-inch iron rod found for the PC of a non tangent curve to the left;
THENCE along and with the curve to the left an arc distance of 272.42 feet with a radius of 363.39 feet with a chord bearing of North 20 Deg. 10 Min. 36 Sec. East with a chord distance of 266.09 feet to a 5/8-inch iron rod marked "Leap Eng." set for an angle point of said Louisiana Gas Development Corporation called 248.917 acre tract;
THENCE North 50 Deg. 19 Min. 12 Sec. West along and with a Southwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 1150.80 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;
THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a Northwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 2130.59 feet to a 1-inch iron rod found for the Northerly corner of a said Louisiana Gas Development Corporation called 248.917 acre tract,

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same being an Easterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in the Southwesterly right of way of Smith Road a public right of way;

THENCE South 50 Deg. 12 Min. 03 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being in the Southwesterly right of way line of said Smith Road, a distance of 1056.98 feet to a 1-inch iron rod found for an Easterly corner of said Louisiana Gas Development Corporation called 248.917 acre tract same being the Northerly corner of said Louisiana Gas Development Corporation called 21.100 acre tract;

THENCE South 41 Deg. 37 Min. 45 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract same being the Northwesterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, a distance of 1130.75 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being the Westerly corner of said Louisiana Gas Development Corporation called 21.100 acre tract;

THENCE South 50 Deg. 10 Min. 20 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being the Southwesterly line of said Louisiana Gas Development Corporation called 21.100 acre tract, a distance of 850.40 feet to the PLACE OF BEGINNING,

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containing 101.623 acre of land, more or less.

Tract II

BEING a 72.960 acre tract of land, being out of and a part of that certain Louisiana Gas Development Corporation called 248.917 acre tract of land more fully described and recorded in Clerk File No. 2005028881 of the Official Public Records of Jefferson County, Texas. Said 72.960 acre tract being out of the H. T. & N. O. R. R. Co. Survey, Abstract No. 143, of said County and State, and is more particularly described as follows:

BEGINNING at a 1-inch iron rod found for the Southerly corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being the Southerly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in the Northwesterly right of way line of said Interstate Highway No. 10, same being an easterly corner of that certain Sherholders LP called 408.233 acre tract of land more fully described in Clerk File No. 2003026036 of the Official Public Records of said County and State;

THENCE North 00 Deg. 14 Min. 54 Sec. West along and with a Westerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Easterly line of said Sherholders LP called 408.233 acre tract, a distance of 2722.72 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Westerly corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southwesterly corner of said Louisiana Gas Development Corporation called 231.743

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acre tract;

THENCE North 89 Deg. 37 Min. 40 Sec. East along and with a Northerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 571.97 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE North 00 Deg. 15 Min. 31 Sec. West along and with a Westerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being an Easterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 1074.17 feet to a 5/8-inch iron rod marked "Leap Eng." set for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE North 89 Deg. 57 Min. 09 Sec. East along and with a Northerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southerly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 1077.16 feet to a 5/8-inch iron rod marked "Leap Eng." set for an angle point in said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE North 41 Deg. 35 Min. 30 Sec. East along and with a Northwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southeasterly line of said Louisiana Gas

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Development Corporation called 231.743 acre tract, a distance of 239.63 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;
THENCE South 50 Deg. 10 Min. 20 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract same being a Southwesterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 644.41 feet to a 5/8-inch iron rod marked "Leap Eng." set for an Easterly corner of the herein described 72.960 acre tract, same being a Westerly corner of a 101.623 acre tract of land called Tract I surveyed on the same date as the herein described;
THENCE South 41 Deg. 37 Min. 05 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northwesterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 1999.86 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;
THENCE North 50 Deg. 10 Min. 15 Sec. West along and with a Southwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 174.42 feet to a 1-inch iron rod found for and angle point in said Louisiana Gas Development

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Corporation called 248.917 acre tract;
THENCE South 20 Deg. 41 Min. 25 Sec. West along and
with an Easterly line of said Louisiana Gas Development
Corporation called 248.917 acre tract, same being a
Westerly line of said Louisiana Gas Development
Corporation called 231.743 acre tract, a distance of
2335.19 feet to the PLACE OF BEGINNING, containing
72.960 acres of land, more or less.

Tract III

BEING a 77.049 acre tract of land, being out of and a
part of that certain Louisiana Gas Development
Corporation called 248.917 acre tract of land more fully
described and recorded in Clerk File No. 2005028881 of
the Official Public Records of Jefferson County, Texas.
Said 77.049 acre tract being out of the T. & N. O. R. R.
Co. Survey, Abstract No. 260, George W. Kidd Survey,
Abstract No. 795, George W. Kidd Survey, Abstract No.
737, and the S.D. Decordova Survey, Abstract No. 851,
of said County and State, and is more particularly
described as follows:

BEGINNING at a 1-inch iron rod found for Northerly
corner of said Louisiana Gas Development Corporation
called 248.917 acre tract, same being in the
Southeasterly line of that certain D & R Properties called
150.80 acre tract of land more fully described in Clerk
File No. 2005027161 of the Official Public Records of
said County and State, same being a Westerly corner of
said Louisiana Gas Development Corporation called
231.743 acre tract;

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THENCE South 50 Deg. 10 Min. 15 Sec. East along and with a Northeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southwesterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 829.98 feet to a 1-inch iron rod found for an ell corner of said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE South 41 Deg. 36 Min. 48 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northeasterly line of said Louisiana Gas Development Corporation called 231.743 acre tract, a distance of 2215.29 feet to a 1-inch iron rod found for an ell corner in said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE South 89 Deg. 41 Min. 36 Sec. West along and with a Southerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northerly line of said Louisiana Gas Development Corporation called 3114.90 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Southwesterly corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Northwesterly corner of said Louisiana Gas Development Corporation called 231.743 acre tract, same being in a Easterly line of that certain Sherholders LP called 126.010 acre tract of land more fully described in Clerk File No. 2003026036 of the Official Public Records of said County and State;

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THENCE North 00 Deg. 14 Min. 37 Sec. West along and with a Westerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Easterly line of said Sherholders LP called 126.010 acre tract, a distance of 551.55 feet to a 5/8-inch iron rod marked "Leap Eng." set for a Northwesterly corner of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southwesterly corner of that certain Will Crenshaw called 207.49 acre tract of land more fully described in Clerk File No. 2006021640 of the Official Public Records of said County and State;
THENCE South 89 Deg. 59 Min. 38 Sec. East along and with a Northerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southerly line of said Will Crenshaw called 207.49 acre tract and that certain Louisiana Gas Development Corporation called 11.449 acre tract of land more fully described in Clerk File No. 2000015005 of the Official Public Records of said County and State, a distance of 2480.80 feet to a 5/8-inch iron rod marked "Leap Eng." set for an angle point in said Louisiana Gas Development Corporation called 248.917 acre tract;
THENCE North 41 Deg. 36 Min. 48 Sec. East along and with a Northwesterly line of said Louisiana Gas Development Corporation called 248.917 acre tract, same being a Southeasterly line of said Louisiana Gas Development Corporation called 11.449 acre tract and said D & R Properties called 150.80 acre tract, a distance of 2213.74 feet to the PLACE OF BEGINNING,

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containing 77.049 acres of land, more or less.

Tract IV

BEING a 11.435 acre tract of land consisting of that certain Louisiana Gas Development Corporation called 11.449 acre tract of land more fully described in Clerk File No. 2000015005 of the Official Public Records of Jefferson County, Texas. Said 11.435 acre tract being out of the T. & N. O. R. R. Co. Survey, Abstract No. 260 and the George W. Kidd Survey, Abstract No. 737 of said County and State, and is more particularly described as follows:

BEGINNING at a 5/8-inch iron rod marked "Leap Eng." set for the Northwest corner of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Southerly corner of said Will Crenshaw called 207.49 acre tract, same being in the centerline of that certain 125 foot wide Drainage Easement more fully described in Film Coded No. 102-77-1073 of the Official Public Records of said County and State;

THENCE North 89 Deg. 36 Min. 28 Sec. East along and with the Northerly line of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Southerly line of said Will Crenshaw called 207.49 acre tract, a distance of 940.86 feet to a 1/2-inch iron rod found for the Northeast corner of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Southerly Corner of said Will Crenshaw called 207.49 acre tract;

THENCE South 00 Deg. 19 Min. 45 Sec. East along and

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with the Easterly line of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Westerly line of said Will Crenshaw called 207.49 acre tract, a distance of 487.58 feet to a 1/2-inch iron rod found for the Southeast Corner of said Louisiana Gas Development Corporation called 11.449 acre tract, same being an interior corner of said Will Crenshaw called 207.49 acre tract, same being in a Northerly line of said Louisiana Gas Development Corporation called 248.917 acre tract;

THENCE South 41 Deg. 36 Min. 48 Sec. West along and with a Southeasterly line of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Northerly line of said Louisiana Gas Development Corporation called 248.917 acre tract, a distance of 273.14 feet to a 1/2-inch iron rod found for the most Southerly Southeast corner of said Louisiana Gas Development Corporation called 11.449 acre tract, same being an angle point of said Louisiana Gas Development Corporation called 248.917 acre tract,

THENCE North 89 Deg. 59 Sec. 38 Min. West along and with the Southerly line of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a northerly line of said Louisiana Gas Development Corporation called 207.917 acre tract, a distance of 426.05 feet to a 5/8-inch iron rod marked "Leap Eng." set for the Southwest Corner of said Louisiana Gas Development Corporation called 11.449 acre tract, same being in a Northerly line of said

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Louisiana Gas Development Corporation called 207.917 acre tract, same being in the Centerline of said 125 foot wide Drainage Easement;
THENCE in a Northerly direction along and with the Westerly line of said Louisiana Gas Development Corporation called 11.449 acre tract, same being a Easterly line of said Will Crenshaw called 207.49 acre tract same being the centerline of said 125 foot wide Drainage Ditch the following courses and distances;
North 35 Deg. 41 Min. 44 Sec. West a distance of 45.19 feet to a point for corner;
North 25 Deg. 16 Min. 34 Sec. West a distance of 172.86 feet to a point for corner;
North 00 Deg. 19 Min. 34 Sec. West a distance of 133.04 feet to a point for corner;
North 27 Deg. 08 Min. 27 Sec. West a distance of 215.90 feet to a point for corner;
North 41 Deg. 50 Min. 08 Sec. West a distance of 162.93 feet to a point for corner;
North 31 Deg. 44 Min. 51 Sec. West a distance of 53.37 feet to a point for corner, to the PLACE OF BEGINNING, containing 11.435 acre tract of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all

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persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 4. This Act takes effect September 1, 2009.

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Same as House version.

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