

By: Fletcher

H.B. No. 709

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8354.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris County Municipal Utility District No. 524.

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

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

Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8354.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

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

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, or improvement of
13 macadamized, graveled, or paved roads described by Section 54.234,
14 Water Code, or improvements, including storm drainage, in aid of
15 those roads.

16 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The

17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 [Sections 8354.007-8354.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8354.052, directors serve
7 staggered four-year terms.

8 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the
9 effective date of the Act enacting this chapter, the owner or owners
10 of a majority of the assessed value of the real property in the
11 district may submit a petition to the commission requesting that
12 the commission appoint as temporary directors the five persons
13 named in the petition. The commission shall appoint as temporary
14 directors the five persons named in the petition.

15 (b) Temporary directors serve until the earlier of:

16 (1) the date permanent directors are elected under
17 Section 8354.003; or

18 (2) the fourth anniversary of the effective date of
19 the Act enacting this chapter.

20 (c) If permanent directors have not been elected under
21 Section 8354.003 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8354.003; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a
3 majority of the assessed value of the real property in the district
4 may submit a petition to the commission requesting that the
5 commission appoint as successor temporary directors the five
6 persons named in the petition. The commission shall appoint as
7 successor temporary directors the five persons named in the
8 petition.

9 [Sections 8354.053-8354.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district has
12 the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve, and
22 convey to this state, a county, or a municipality for operation and
23 maintenance macadamized, graveled, or paved roads described by
24 Section 54.234, Water Code, or improvements, including storm
25 drainage, in aid of those roads.

26 (b) The district may exercise the powers provided by this
27 section without submitting a petition to or obtaining approval from

1 the commission as required by Section 54.234, Water Code.

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

5 (1) each municipality or county that will operate and
6 maintain the road has approved the plans and specifications of the
7 road project, if a municipality or county will operate and maintain
8 the road; or

9 (2) the Texas Transportation Commission has approved
10 the plans and specifications of the road project, if the state will
11 operate and maintain the road.

12 (b) Except as provided by Subsection (a), the district is
13 not required to obtain approval from the Texas Transportation
14 Commission to design, acquire, construct, finance, issue bonds for,
15 improve, or convey a road project.

16 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
17 OR RESOLUTION. The district shall comply with all applicable
18 requirements of any ordinance or resolution that is adopted under
19 Section 54.016 or 54.0165, Water Code, and that consents to the
20 creation of the district or to the inclusion of land in the
21 district.

22 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The
23 district may not exercise the power of eminent domain outside the
24 district to acquire a site or easement for:

25 (1) a road project authorized by Section 8354.103; or

26 (2) a recreational facility as defined by Section
27 49.462, Water Code.

1 [Sections 8354.107-8354.150 reserved for expansion]

2 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

3 Sec. 8354.151. DIVISION OF DISTRICT; PREREQUISITES. The
4 district may be divided into two or more new districts only if the
5 district:

6 (1) has no outstanding bonded debt; and

7 (2) is not imposing ad valorem taxes.

8 Sec. 8354.152. LAW APPLICABLE TO NEW DISTRICT. This
9 chapter applies to any new district created by division of the
10 district, and a new district has all the powers and duties of the
11 district.

12 Sec. 8354.153. LIMITATION ON AREA OF NEW DISTRICT. A new
13 district created by the division of the district may not, at the
14 time the new district is created, contain any land outside the area
15 described by Section 2 of the Act enacting this chapter.

16 Sec. 8354.154. DIVISION PROCEDURES. (a) The board, on its
17 own motion or on receipt of a petition signed by the owner or owners
18 of a majority of the assessed value of the real property in the
19 district, may adopt an order dividing the district.

20 (b) The board may adopt an order dividing the district
21 before or after the date the board holds an election under Section
22 8354.003 to confirm the district's creation.

23 (c) An order dividing the district:

24 (1) must:

25 (A) name each new district;

26 (B) include the metes and bounds description of
27 the territory of each new district;

1 (C) appoint temporary directors for each new
2 district, or provide that temporary directors are appointed in the
3 manner provided by Section 8354.052(a); and

4 (D) provide for the division of assets and
5 liabilities between the new districts; and

6 (2) is subject to a confirmation election in each new
7 district.

8 (d) On or before the 30th day after the date of adoption of
9 an order dividing the district, the district shall file the order
10 with the commission and record the order in the real property
11 records of each county in which the district is located.

12 Sec. 8354.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
13 A new district created by the division of the district shall hold a
14 confirmation and directors' election as required by Section
15 8354.003.

16 (b) The results of that election must be filed as required
17 by Sections 49.102(e) and (f), Water Code.

18 (c) If the voters of a new district do not confirm the
19 creation of the new district, the assets, liabilities, territory,
20 and governance of the new districts revert to the original
21 district.

22 Sec. 8354.156. MUNICIPAL CONSENT. Municipal consent to the
23 creation of the district and to the inclusion of land in the
24 district granted under Section 8354.004 acts as municipal consent
25 to the creation of any new district created by the division of the
26 district and to the inclusion of land in the new district.

27 Sec. 8354.157. TAX OR BOND ELECTION. Before a new district

1 created by the division of the district may impose a maintenance tax
2 or issue bonds payable wholly or partly from ad valorem taxes, the
3 new district must hold an election as required by this chapter to
4 obtain voter approval.

5 [Sections 8354.158-8354.200 reserved for expansion]

6 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

7 Sec. 8354.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
8 district may issue, without an election, bonds and other
9 obligations secured by:

10 (1) revenue other than ad valorem taxes; or

11 (2) contract payments described by Section 8354.203.

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

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

20 Sec. 8354.202. OPERATION AND MAINTENANCE TAX. (a) If
21 authorized at an election held under Section 8354.201, the district
22 may impose an operation and maintenance tax on taxable property in
23 the district in accordance with Section 49.107, Water Code.

24 (b) The board shall determine the tax rate. The rate may not
25 exceed the rate approved at the election.

26 Sec. 8354.203. CONTRACT TAXES. (a) In accordance with
27 Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from
2 the tax to make payments under a contract after the provisions of
3 the contract have been approved by a majority of the district voters
4 voting at an election held for that purpose.

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

8 [Sections 8354.204-8354.250 reserved for expansion]

9 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

10 Sec. 8354.251. AUTHORITY TO ISSUE BONDS AND OTHER
11 OBLIGATIONS. The district may issue bonds or other obligations
12 payable wholly or partly from ad valorem taxes, impact fees,
13 revenue, contract payments, grants, or other district money, or any
14 combination of those sources, to pay for any authorized district
15 purpose.

16 Sec. 8354.252. TAXES FOR BONDS. At the time the district
17 issues bonds payable wholly or partly from ad valorem taxes, the
18 board shall provide for the annual imposition of a continuing
19 direct ad valorem tax, without limit as to rate or amount, while all
20 or part of the bonds are outstanding as required and in the manner
21 provided by Sections 54.601 and 54.602, Water Code.

22 Sec. 8354.253. BONDS FOR ROAD PROJECTS. At the time of
23 issuance, the total principal amount of bonds or other obligations
24 issued or incurred to finance road projects and payable from ad
25 valorem taxes may not exceed one-fourth of the assessed value of the
26 real property in the district.

27 SECTION 2. The Harris County Municipal Utility District No.

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

11 Tract 1

12 A tract or parcel of land containing 255.572 acres (11,132,730
13 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and Lots 1,
14 2, 7, & 8 of Section 16 of said Harris County School Land Survey,
15 Abstract No 332, Harris County, Texas; said 255.572 acres being
16 that same tract of land called 257.230 acres described by deed
17 recorded in HCCF No M577056 ("Tract 1", therein) and conveyed to
18 Delta Troy Interests, Ltd by deed recorded in X381657 and more
19 particularly described by metes and bounds as follows:

20 COMMENCING at a State Department of Highways and Public
21 Transportation Horizontal Control Monument located in the
22 southerly right-of-way line of U.S. 290, 160.00 feet at right
23 angles from the centerline, across from Engineers Station
24 109+27.74;

25 THENCE along said southerly right-of-way line, clockwise,
26 following the arc of a 1855.86 foot radius curve-to-the-right,
27 subtending a central angle of 03 degrees 20 min 18 seconds, through

1 an arc length of 108.13 feet (chord bearing of South 66 degrees 23
2 minutes 38 seconds East, 108.12 feet) to a 5/8 inch iron rod found
3 marking the POINT OF BEGINNING and most northerly Northeast corner
4 of the herein described tract, same being the East corner of that
5 called 12.4147 acre tract of land conveyed to Peter S. Terpstra,
6 Trustee by deed recorded in HCCF No 20060246633;
7 THENCE continuing along said right-of-way line and said curve,
8 subtending a central angle of 06 degrees 36 minutes 09 seconds,
9 through an arc length of 213.86 feet (chord bearing of South 61
10 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch iron
11 rod set marking the end of said curve; said point being located in
12 the southerly right-of-way line of U.S. 290, 202.32 feet at right
13 angles from the centerline, across from Engineers Station
14 112+46.53;
15 THENCE continuing along said right-of-line line, following the arc
16 of a 1963.86 foot radius curve-to-the-left (radius point of said
17 curve falls along a bearing of North 31 degrees 52 minutes 42
18 seconds East), subtending a central angle of 12 degrees 31 minutes
19 54 seconds, through an arc length of 429.54 feet (chord bearing of
20 South 64 degrees 23 minutes 15 seconds East, 428.68 feet) to a 5/8
21 inch iron rod set marking a point-of-tangency in the southerly
22 right-of-way line; said point-of-tangency being located in the
23 southerly right-of-way line of U.S. 290, 249.10 feet at right
24 angles from the centerline, across from Engineers Station
25 116+72.65;
26 THENCE South 70 degrees 39 minutes 12 seconds East, along said
27 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron rod

1 set marking the Northerly end of cut-back corner at the southwest
2 corner of the intersection of said U.S. 290 and Binford Road; said
3 corner being located in the southerly right-of-way line of U.S.
4 290, 249.10 feet at right angles from the centerline, across from
5 Engineers Station 120+54.80;

6 THENCE South 30 degrees 37 minutes 41 seconds East, along said
7 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set
8 marking the Southerly end of said cut-back and the most Easterly
9 Northeast corner of the herein described tract; said corner being
10 located in the southerly right-of-way line of U.S. 290, 310.37 feet
11 at right angles from the centerline, across from Engineers Station
12 121+28.11;

13 THENCE South 09 degrees 03 minutes 59 seconds East, along the
14 westerly right-of-way of said Binford Road (right-of-way varies at
15 this point), a distance of 452.04 feet to a 5/8 inch iron rod set
16 marking an angle point in said right-of-way line; a 1 inch iron pipe
17 found bears South 03 degrees 41 minutes 58 seconds East, 35.93 feet
18 from said angle point;

19 THENCE South 02 degrees 39 minutes 08 seconds East, along the
20 westerly right-of-way line of said Binford Road (66' right-of-way)
21 and crossing Lots 9 and 16 of said Section 9 and Lots 1 and 8 of
22 Section 16, a distance of 3953.90 feet (call: 3954.35 feet) to a 5/8
23 inch iron rod set marking the Southeast corner of the herein
24 described tract, same being the Northwest corner of the
25 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead
26 Highway) and said Binford Road; a 5/8 inch iron rod found bears
27 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said

1 corner;
2 THENCE North 68 degrees 08 minutes 01 seconds West, along the
3 Northerly right-of-way line of said U.S. 290 (old)/State Highway 6
4 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said
5 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a 5/8
6 inch iron set marking the Southwest corner of the herein described
7 tract, same being the Southeast corner of that called 30.213 acre
8 tract of land conveyed to Michael L. Perry and Edna A. Perry by deed
9 recorded in HCCF No U717338; a 5/8 inch iron rod found bears South
10 02 degrees 24 minutes 55 seconds East, 7.01 feet from said corner;
11 THENCE North 02 degrees 24 minutes 55 seconds West, along the
12 Easterly line of said 30.213 acres, same being the Westerly line of
13 Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said Section 9,
14 and with the Easterly line of that called 70.801 acre tract conveyed
15 to A.J. Foyt, Jr. by deed recorded in HCCF No U071611 and that
16 called 11.15 acre tract conveyed to L.J. Hakemack and wife, Ney
17 Hakemack, by deed recorded in HCCF No P056681, a distance of 3736.61
18 feet (call: 3753.11 feet) to a point for corner at the Northwest
19 corner of the herein described tract, same being the Southwest
20 corner of the aforesaid 12.4147 acre Terpstra Tract;
21 THENCE North 87 degrees 11 minutes 26 seconds East, along the
22 Southerly line of said 12.4147 acre tract, a distance of 1612.53
23 feet (call: 1623.36 feet) to the Point of Beginning and containing
24 255.572 Acres (11,132,730 square feet) of land.

25 Tract 2

26 A tract or parcel of land containing 440.146 acres (19,172,762
27 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15, & 16

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1 of Section 15 of said Harris County School Land Survey, Abstract No
2 332, Harris County, Texas; said 440.146 acres out of that same tract
3 of land called 451.6392 acres described by deed recorded in HCCF No
4 M577056 ("Tract 2-A", therein) and conveyed to Delta Troy
5 Interests, Ltd by deed recorded in X381657 and more particularly
6 described by metes and bounds as follows:

7 COMMENCING at a State Department of Highways and Public
8 Transportation Horizontal Control Monument located in the
9 southerly right-of-way line of U.S. 290, 160.00 feet at right
10 angles from the centerline, across from Engineers Station
11 109+27.74;

12 THENCE South 70 degrees 39 minutes 12 seconds East, a distance of
13 1690.16 feet to a point-of-curvature in the former southerly
14 right-of-way line of said U.S. 290; said point-of-curvature being
15 located 160.00 feet at right angles from the centerline, across
16 from Engineers Station 126+17.90;

17 THENCE along said former southerly right-of-way line, clockwise,
18 following the arc of a 7479.44 foot radius curve-to-the-right
19 (radius point of said curve falls along a bearing of South 19
20 degrees 20 minutes 48 seconds West), subtending a central angle of
21 03 degrees 05 min 32 seconds, through an arc length of 403.66 feet
22 (chord bearing of South 69 degrees 06 minutes 26 seconds East,
23 403.61 feet) to a 5/8 inch iron rod set in the current Southerly
24 right-of-way line of said U.S. 290 marking the POINT OF BEGINNING
25 and the most Easterly Northwest corner of the herein described
26 tract; said point being located 160.00 feet at right angles from the
27 centerline, across from Engineers Station 130+30.21;

1 THENCE continuing along said right-of-way line and said curve,
2 subtending a central angle of 13 degrees 42 minutes 56 seconds,
3 through an arc length of 1790.44 feet (chord bearing of South 60
4 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch iron
5 rod set marking a point-of-tangency in said right-of-way line; said
6 point being located in the southerly right-of-way line of U.S. 290,
7 160.00 feet at right angles from the centerline, across from
8 Engineers Station 148+59.00;

9 THENCE South 53 degrees 50 minutes 44 seconds East, along said
10 right-of-way line, a distance of 2795.16 feet (call: 2793.73 feet -
11 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
12 said right-of-way line;

13 THENCE along said southerly right-of-way line, clockwise,
14 following the arc of a 532.96 foot radius curve-to-the-right,
15 subtending a central angle of 51 degrees 31 min 30 seconds (call: 51
16 degrees 32 minutes 51 seconds - TxDOT), through an arc length of
17 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing of South 28
18 degrees 04 minutes 59 seconds East, 463.29 feet) to a 5/8 inch iron
19 rod found marking a point-of-tangency in said southerly
20 right-of-way line;

21 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
22 degrees 17 minutes 53 seconds East - TxDOT), along said southerly
23 right-of-way line, a distance of 187.88 feet (call: 188.32 feet -
24 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
25 said southerly right-of-way line;

26 THENCE counter-clockwise continuing along said right-of-way line
27 and a 612.96 foot radius curve-to-the-left, subtending a central

1 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34
2 minutes 06 seconds), through an arc length of 261.99 feet (call:
3 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56
4 seconds East, 260.00 feet) to a 5/8 inch iron rod set for corner,
5 same being the most Northerly corner of that called 1.939 acre tract
6 of land conveyed to the State of Texas as a Drainage Easement for
7 Highway Purposes by deed recorded in HCCF No R450176 out of that
8 called 30 acre residue of that called 920.21 acre Schindler "First
9 Tract" as described by deed recorded in Vol 2187, Pg 525, HCDR;
10 THENCE South 63 degrees 11 minutes 23 seconds West (call: South 63
11 degrees 08 minutes 01 seconds West), along the northwesterly line
12 of said 1.939 acre tract, a distance of 620.23 feet (call: 620.08
13 feet) to a 5/8 inch iron rod set at the northwesterly corner of said
14 1.939 acre tract;
15 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
16 degrees 17 minutes 53 seconds East), along the westerly line of said
17 1.939 acre tract, passing at a distance of 1102.28 feet (call:
18 1100.29 feet) a 1/2 inch iron rod found marking the Southwest corner
19 of said 1.939 acre and 30 acre tract and the Northwest corner of
20 that called 10.298 acre tract conveyed to MRJ Wood Products by deed
21 recorded in HCCF No U232228, continuing along the westerly line of
22 said 10.298 acre tract, a total distance of 1502.28 feet (call:
23 1500.29 feet) to a 5/8 inch iron rod set for corner, same being the
24 southwest corner of said 10.298 acre tract;
25 THENCE North 87 degrees 40 minutes 46 seconds East (call: North 87
26 degrees 42 minutes 07 seconds East), along the southerly line of
27 said 10.298 acre tract, a distance of 1121.41 feet to a 5/8 inch

1 iron rod set in the Westerly right-of-way line of Kickapoo Road
2 marking the most Northerly Southeast corner of the herein described
3 tract, same being the southeasterly corner of said 10.298 acre
4 tract;

5 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
6 degrees 17 minutes 53 seconds East), along the Westerly
7 right-of-way line of said Kickapoo Road, a distance of 939.31 feet
8 (call: 938.70 feet) to a 1 inch iron pipe found for corner, same
9 being the Northeast corner of that called 2.401 acre tract conveyed
10 to Leaman Building Materials by deed recorded in HCCF No X159580
11 ("Tract One");

12 THENCE North 68 degrees 08 minutes 01 seconds West, along the
13 northerly line of said 2.401 acre tract, a distance of 597.94 feet
14 (call: 600.00') to a 5/8 inch iron rod set for corner, same being
15 the Northwest corner of said 2.401 acre tract;

16 THENCE South 02 degrees 19 minutes 14 seconds East, along the
17 westerly line of said 2.401 acre tract and that called 1.804 acre
18 tract also conveyed to said Leaman Building Materials in said HCCF
19 No X159580 ("Tract Two"), a distance of 362.42 feet (call: 363.00
20 feet) to a 5/8 inch iron rod set in the northerly right-of-way line
21 of U.S. 290 (old)/State Highway 6 (aka Hempstead Highway) marking
22 the most Southerly Southeast corner of the herein described tract;
23 a 1 inch iron rod found bears South 02 degrees 19 minutes 14 seconds
24 East, 2.33 feet from said property corner; a 2 inch iron rod found
25 marking the Northeast corner of the intersection of said Kickapoo
26 Road and said U.S. 290 (old)/State Highway 6 (aka Hempstead
27 Highway) bears South 68 degrees 08 minutes 01 seconds East, 670.29

1 feet from said property corner;
2 THENCE North 68 degrees 08 minutes 01 seconds West, along the
3 northerly right-of-way line of said U.S. 290 (old)/State Highway 6
4 (aka Hempstead Highway), a distance of 5170.99 feet (call: 5167.61
5 feet) to a 5/8 inch iron rod set marking the Southwest corner of the
6 herein described tract, same being the Northeast corner of the
7 intersection of Binford Road and said U.S. 290 (old)/State Highway
8 6 (aka Hempstead Highway); a 5/8 inch iron rod set marking the
9 Northwest corner of said intersection bears North 68 degrees 08
10 minutes 01 seconds West, 72.54 feet from which a 5/8 inch iron rod
11 found bears North 68 degrees 08 minutes 01 seconds West, 4.54 feet;
12 THENCE North 02 degrees 39 minutes 08 seconds West, along the
13 Easterly right-of-way of said Binford Road (66' right-of-way), a
14 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron rod
15 set marking an angle point in said Easterly right-of-way line;
16 THENCE North 03 degrees 59 minutes 00 seconds East, continuing
17 along the Easterly right-of-way of said Binford Road (right-of-way
18 varies at this point), a distance of 370.66 feet to a 5/8 inch iron
19 rod set marking the Southerly end of cut-back corner at the
20 southeast corner of the intersection of the aforesaid U.S. 290
21 (new) and said Binford Road; said corner being located in the
22 southerly right-of-way line of U.S. 290, 326.25 feet at right
23 angles from the centerline, across from Engineers Station
24 123+06.25;
25 THENCE North 56 degrees 39 minutes 54 seconds East, along said
26 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set
27 marking the most Northerly Northwest corner of the herein described

1 tract; said corner being located in the southerly right-of-way line
2 of U.S. 290, 249.10 feet at right angles from the centerline, across
3 from Engineers Station 123+65.05;

4 THENCE South 70 degrees 39 minutes 12 seconds East, along said
5 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron rod
6 set marking a point-of-curvature in said right-of-way line; said
7 point-of-curvature being located in the southerly right-of-way
8 line of U.S. 290, 249.10 feet at right angles from the centerline,
9 across from Engineers Station 124+72.67;

10 THENCE continuing along said right-of-line line,
11 counter-clockwise, following the arc of a 1963.86 foot radius
12 curve-to-the-left (radius point of said curve falls along a bearing
13 of North 19 degrees 20 minutes 48 seconds East), subtending a
14 central angle of 16 degrees 13 minutes 27 seconds, through an arc
15 length of 556.10 feet (chord bearing of South 78 degrees 45 minutes
16 56 seconds East, 554.24 feet) to the POINT OF BEGINNING and
17 containing 440.146 acres (19,172,762 square feet) of land.

18 Tract 3

19 A tract or parcel of land containing 10.536 acres (458,955 square
20 feet) out of Lot 1 of Section 15 of said Harris County School Land
21 Survey, Abstract No 332, Harris County, Texas; said 10.536 acres
22 being that same tract of land called 10.5483 acres described by deed
23 recorded in HCCF No M577056 ("Tract 3", therein) and conveyed to
24 Delta Troy Interests, Ltd by deed recorded in X381657 and more
25 particularly described by metes and bounds as follows:

26 BEGINNING at a 1/2 inch iron rod found marking the Northwest corner
27 of the intersection of the northerly right-of-way line of U.S. 290

1 and the westerly right-of-way line of Kickapoo Road (66'
2 right-of-way), same being the Southeast corner of the herein
3 described tract;
4 THENCE North 87 degrees 42 minutes 07 seconds West, along the
5 northerly right-of-way line of said U.S. 290, a distance of 468.34
6 feet to a 5/8 inch iron rod set marking a point-of-curvature in
7 said northerly right-of-way line; a 3/8 inch iron rod found bears
8 South 56 degrees 27 minutes 32 seconds East, 2.03 feet from said
9 point-of-curvature;
10 THENCE clockwise along said northerly right-of-way line and
11 following a 532.96 foot radius curve-to-the-right, subtending a
12 central angle of 38 degrees 27 minutes 09 seconds, through an arc
13 length of 357.68 feet (chord bearing of North 73 degrees 04 minutes
14 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set marking a
15 point-of-tangency in said northerly right-of-way line; said
16 point-of-tangency being located in the northerly right-of-way line
17 of U.S. 290, 160.00 feet at right angles from the centerline, across
18 from Engineers Station 174+17.41;
19 THENCE North 53 degrees 50 minutes 44 seconds West, along said
20 northerly right-of-way line, a distance of 595.14 feet (call:
21 596.40 feet) to a 5/8 inch iron rod set marking the Northwest corner
22 of the herein described tract in the common line of Lot 16 of
23 Section 10 and said Lot 1 of Section 15;
24 THENCE North 87 degrees 57 minutes 51 seconds East, along said
25 common line, same being the centerline of the aforesaid unnamed 66'
26 roadway, a distance of 1266.25 feet (call: 1266.84 feet) to a 5/8
27 inch iron rod set in the westerly right-of-way line of said Kickapoo

1 Road marking the Northeast corner of the herein described tract; a 1
2 inch iron pipe found marking the Southeast corner of the called
3 78.9245 acre Schindler tract bears North 02 degrees 15 minutes 05
4 seconds West, 33.00 feet for reference;

5 THENCE South 02 degrees 15 minutes 05 seconds East, along the
6 westerly right-of-way line of said Kickapoo Road, a distance of
7 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and
8 containing 10.536 acres (458,955 square feet) of land.

9 Tract 4

10 A tract or parcel of land containing 283.558 acres (12,351,801
11 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10 of
12 said Harris County School Land Survey, Abstract No 332, Harris
13 County, Texas; said 283.558 acres being out of that tract of land
14 called 393.3575 acres described by deed recorded in HCCF No M577056
15 ("Tract 4-A", therein) and conveyed to Delta Troy Interests, Ltd by
16 deed recorded in X381657 and more particularly described by metes
17 and bounds as follows:

18 BEGINNING at a 5/8 inch iron rod set marking the Northeast corner of
19 the herein described tract, same being the southwest corner of the
20 intersection of Kickapoo Road and said FM 2920 (aka Waller-Tomball
21 Road); a 1 inch iron pipe found bears South 02 degrees 15 minutes 05
22 seconds East, 0.99 foot from said property corner;

23 THENCE South 02 degrees 15 minutes 05 seconds East (call: South 02
24 degrees 17 minutes 53 seconds East), along the westerly
25 right-of-way line of said Kickapoo Road (66' right-of-way), a
26 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-HCCF
27 No M577056) to a 5/8 inch iron rod set marking the most northerly

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1 Southeast corner of the herein described tract, same being in the
2 common line of Lots 8 and 9 of said Section 10 and being the
3 Northeast corner of that called 78.9245 acre Schindler tract of
4 land described in HCCF No M798918 and that called 23.6773 acre tract
5 out of same conveyed to Michael McDonald and wife, Kimela McDonald,
6 by deed recorded in HCCF No X611580; a 5/8 inch iron rod found bears
7 North 87 degrees 33 minutes 33 seconds East, 2.99 feet from said
8 corner;

9 Thence South 87 degrees 33 minutes 33 seconds West, along the common
10 line of said Lots 8 and 9, same being the northerly line of said
11 78.9245 acre Schindler tract, a distance of 1316.56 feet (call:
12 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe found for
13 corner, same being the common corner of Lots 7, 8, 9, and 10 of said
14 Section 10 and the Northwest corner of said 78.9245 acre Schindler
15 tract; a capped iron rod found bears North 41 degrees 57 minutes 18
16 seconds East, 12.64 feet from said corner;

17 THENCE South 02 degrees 31 minutes 48 seconds East, along the common
18 line of Lots 9, 10, 15, and 16 of said Section 10, same being the
19 westerly line of said 78.9245 acre Schindler tract, passing at a
20 distance of 2618.58 feet (call: 2617.89 feet- HCCF No M798918) a 1
21 inch iron pipe found marking the most Southwest corner of said
22 78.9245 acre Schindler tract, same being in the northerly line of
23 the aforesaid unnamed 66' roadway, continuing a total distance of
24 2621.94 feet (call: 2631.01 feet) to a 5/8 inch iron rod set in the
25 northerly right-of-way line of the aforesaid U.S. 290 marking the
26 most southerly Southeast corner of the herein described tract;

27 THENCE North 53 degrees 50 minutes 44 seconds West, along the

1 northerly right-of-way line of said U.S. 290, a distance of 1915.33
2 feet (call: 1917.64 feet) to a 5/8 inch iron rod set marking a
3 point-of-curvature in the northerly right-of-way line of U.S. 290,
4 160.00 feet at right angles from the centerline, across from
5 Engineers Station 148+59.00;
6 THENCE along said northerly right-of-way line, counter-clockwise,
7 following the arc of a 7799.44 foot radius curve-to-the-left,
8 subtending a central angle of 04 degrees 50 min 53 seconds, through
9 an arc length of 659.96 feet (chord bearing of North 55 degrees 16
10 minutes 11 seconds West, 659.76 feet) to the Southwest corner of the
11 herein described tract, same being the Southeast corner of that
12 called 107.6370 acre tract conveyed to Peter S. Terpstra by deed
13 recorded in HCCF No 20070033123; a 3/8 inch iron rod found bears
14 South 79 degrees 56 minutes 25 seconds West, 0.88 foot from said
15 corner;
16 THENCE North 02 degrees 18 minutes 00 seconds West, crossing Lots
17 11, 6, and 3 of said Section 10 and along the easterly line of said
18 107.6370 acre tract, a distance of 3638.55 feet (call: 3639.80
19 feet) to a 5/8 inch iron rod set in the southerly right-of-way line
20 of FM 2920 (aka Waller-Tomball Road - 100' right-of-way) marking
21 the Northwest corner of the herein described tract, same being the
22 Northeast corner of said 107.6370 acres; 5/8 inch iron rods found
23 marking the northeast and northwest corners of a 10'x20' SWBT
24 easement dedicated by instrument recorded in HCCF No H844991 bear
25 South 87 degrees 42 minutes 00 seconds West, along said southerly
26 right-of-way line at 379.81 feet and 399.81 feet, respectively,
27 from said property corner;

1 THENCE North 87 degrees 42 minutes 00 seconds East, along said
2 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch
3 iron rod found marking the northeast corner of a 20'x20' SWBT
4 easement dedicated by instrument recorded in HCCF No H844992,
5 continuing a total distance of 3341.68 feet (call: 3335.99 feet) to
6 the POINT OF BEGINNING and containing 283.558 acres (12,351,801
7 square feet) of land.

8 Tract 5

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

23 COMMENCING at a 5/8 inch iron rod found marking the Southerly end of
24 cut-back corner at the northwest corner of the intersection of the
25 aforesaid U.S. 290 (new) and Binford Road; said corner being
26 located in the northerly right-of-way line of U.S. 290, 248.90 feet
27 at right angles from the centerline, across from Engineers Station

1 118+23.58;
2 THENCE North 56 degrees 39 minutes 54 seconds East, along said
3 cut-back, a distance of 97.00 feet to a point in the westerly
4 right-of-way line of said Binford Road at the Northerly end of said
5 cut-back;
6 THENCE North 03 degrees 59 minutes 00 seconds East, along the
7 westerly right-of-way line of said Binford Road (right-of-way
8 varies at this point), a distance of 370.87 feet to a 5/8 inch iron
9 rod found marking an angle point in said westerly right-of-way
10 line;
11 THENCE North 02 degrees 42 minutes 01 seconds West, along the
12 westerly right-of-way line of said Binford Road (66' right-of-way),
13 a distance of 1690.50 feet to a 1 inch iron pipe found marking the
14 POINT OF BEGINNING and southeast corner of the herein described
15 tract;
16 THENCE South 89 degrees 52 minutes 54 seconds West, crossing said
17 Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch iron rod
18 set marking the southwest corner of the herein described tract; a
19 5/8 inch iron rod found bears North 14 degrees 12 minutes 39 seconds
20 East, 2.36 feet from said corner;
21 THENCE North 02 degrees 42 seconds 01 seconds West (call: North 02
22 degrees 41 seconds 16 seconds West, crossing said Lot 1 of Section
23 9, a distance of 208.00 feet to a 5/8 inch iron rod set marking the
24 northwest corner of the herein described tract;
25 THENCE North 89 degrees 52 minutes 54 seconds East, crossing said
26 Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch iron pipe
27 found in the westerly right-of-way line of said Binford Road (66'

1 right-of-way) marking the northeast corner of the herein described
2 tract;

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

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

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

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

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

26 SECTION 4. (a) Section 8354.106, Special District Local
27 Laws Code, as added by Section 1 of this Act, takes effect only if

1 this Act receives a two-thirds vote of all the members elected to
2 each house.

3 (b) If this Act does not receive a two-thirds vote of all the
4 members elected to each house, Subchapter C, Chapter 8354, Special
5 District Local Laws Code, as added by Section 1 of this Act, is
6 amended by adding Section 8354.106 to read as follows:

7 Sec. 8354.106. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

9 (c) This section is not intended to be an expression of a
10 legislative interpretation of the requirements of Section 17(c),
11 Article I, Texas Constitution.

12 SECTION 5. Except as provided by Section 4 of this Act:

13 (1) this Act takes effect immediately if it receives a
14 vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution; and

16 (2) if this Act does not receive the vote necessary for
17 immediate effect, this Act takes effect September 1, 2011.