

1-1 By: Fletcher (Senate Sponsor - Patrick) H.B. No. 709
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 19, 2011, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 19, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Harris County Municipal Utility
1-10 District No. 524; providing authority to impose a tax and issue
1-11 bonds; granting a limited power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8354 to read as follows:

1-15 CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8354.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Commission" means the Texas Commission on
1-20 Environmental Quality.

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

1-22 (4) "District" means the Harris County Municipal
1-23 Utility District No. 524.

1-24 Sec. 8354.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district created under Section 59, Article XVI,
1-26 Texas Constitution.

1-27 Sec. 8354.003. CONFIRMATION AND DIRECTORS' ELECTION
1-28 REQUIRED. The temporary directors shall hold an election to
1-29 confirm the creation of the district and to elect five permanent
1-30 directors as provided by Section 49.102, Water Code.

1-31 Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-32 temporary directors may not hold an election under Section 8354.003
1-33 until each municipality in whose corporate limits or
1-34 extraterritorial jurisdiction the district is located has
1-35 consented by ordinance or resolution to the creation of the
1-36 district and to the inclusion of land in the district.

1-37 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-38 The district is created to serve a public purpose and benefit.

1-39 (b) The district is created to accomplish the purposes of:

1-40 (1) a municipal utility district as provided by
1-41 general law and Section 59, Article XVI, Texas Constitution; and

1-42 (2) Section 52, Article III, Texas Constitution, that
1-43 relate to the construction, acquisition, or improvement of
1-44 macadamized, graveled, or paved roads described by Section 54.234,
1-45 Water Code, or improvements, including storm drainage, in aid of
1-46 those roads.

1-47 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The
1-48 district is initially composed of the territory described by
1-49 Section 2 of the Act enacting this chapter.

1-50 (b) The boundaries and field notes contained in Section 2 of
1-51 the Act enacting this chapter form a closure. A mistake made in the
1-52 field notes or in copying the field notes in the legislative process
1-53 does not affect the district's:

1-54 (1) organization, existence, or validity;

1-55 (2) right to issue any type of bond for the purposes
1-56 for which the district is created or to pay the principal of and
1-57 interest on a bond;

1-58 (3) right to impose a tax; or

1-59 (4) legality or operation.

1-60 [Sections 8354.007-8354.050 reserved for expansion]

1-61 SUBCHAPTER B. BOARD OF DIRECTORS

1-62 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district is
1-63 governed by a board of five elected directors.

1-64 (b) Except as provided by Section 8354.052, directors serve

2-1 staggered four-year terms.

2-2 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the
 2-3 effective date of the Act enacting this chapter, the owner or owners
 2-4 of a majority of the assessed value of the real property in the
 2-5 district may submit a petition to the commission requesting that
 2-6 the commission appoint as temporary directors the five persons
 2-7 named in the petition. The commission shall appoint as temporary
 2-8 directors the five persons named in the petition.

2-9 (b) Temporary directors serve until the earlier of:

2-10 (1) the date permanent directors are elected under
 2-11 Section 8354.003; or

2-12 (2) the fourth anniversary of the effective date of
 2-13 the Act enacting this chapter.

2-14 (c) If permanent directors have not been elected under
 2-15 Section 8354.003 and the terms of the temporary directors have
 2-16 expired, successor temporary directors shall be appointed or
 2-17 reappointed as provided by Subsection (d) to serve terms that
 2-18 expire on the earlier of:

2-19 (1) the date permanent directors are elected under
 2-20 Section 8354.003; or

2-21 (2) the fourth anniversary of the date of the
 2-22 appointment or reappointment.

2-23 (d) If Subsection (c) applies, the owner or owners of a
 2-24 majority of the assessed value of the real property in the district
 2-25 may submit a petition to the commission requesting that the
 2-26 commission appoint as successor temporary directors the five
 2-27 persons named in the petition. The commission shall appoint as
 2-28 successor temporary directors the five persons named in the
 2-29 petition.

2-30 [Sections 8354.053-8354.100 reserved for expansion]

2-31 SUBCHAPTER C. POWERS AND DUTIES

2-32 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district has
 2-33 the powers and duties necessary to accomplish the purposes for
 2-34 which the district is created.

2-35 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-36 DUTIES. The district has the powers and duties provided by the
 2-37 general law of this state, including Chapters 49 and 54, Water Code,
 2-38 applicable to municipal utility districts created under Section 59,
 2-39 Article XVI, Texas Constitution.

2-40 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-41 Section 52, Article III, Texas Constitution, the district may
 2-42 design, acquire, construct, finance, issue bonds for, improve, and
 2-43 convey to this state, a county, or a municipality for operation and
 2-44 maintenance macadamized, graveled, or paved roads described by
 2-45 Section 54.234, Water Code, or improvements, including storm
 2-46 drainage, in aid of those roads.

2-47 (b) The district may exercise the powers provided by this
 2-48 section without submitting a petition to or obtaining approval from
 2-49 the commission as required by Section 54.234, Water Code.

2-50 Sec. 8354.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-51 may not undertake a road project authorized by Section 8354.103
 2-52 unless:

2-53 (1) each municipality or county that will operate and
 2-54 maintain the road has approved the plans and specifications of the
 2-55 road project, if a municipality or county will operate and maintain
 2-56 the road; or

2-57 (2) the Texas Transportation Commission has approved
 2-58 the plans and specifications of the road project, if the state will
 2-59 operate and maintain the road.

2-60 (b) Except as provided by Subsection (a), the district is
 2-61 not required to obtain approval from the Texas Transportation
 2-62 Commission to design, acquire, construct, finance, issue bonds for,
 2-63 improve, or convey a road project.

2-64 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-65 OR RESOLUTION. The district shall comply with all applicable
 2-66 requirements of any ordinance or resolution that is adopted under
 2-67 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-68 creation of the district or to the inclusion of land in the
 2-69 district.

3-1 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-2 district may not exercise the power of eminent domain outside the
 3-3 district to acquire a site or easement for:

- 3-4 (1) a road project authorized by Section 8354.103; or
- 3-5 (2) a recreational facility as defined by Section
 3-6 49.462, Water Code.

3-7 [Sections 8354.107-8354.150 reserved for expansion]
 3-8 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

3-9 Sec. 8354.151. DIVISION OF DISTRICT; PREREQUISITES. The
 3-10 district may be divided into two or more new districts only if the
 3-11 district:

- 3-12 (1) has no outstanding bonded debt; and
- 3-13 (2) is not imposing ad valorem taxes.

3-14 Sec. 8354.152. LAW APPLICABLE TO NEW DISTRICT. This
 3-15 chapter applies to any new district created by division of the
 3-16 district, and a new district has all the powers and duties of the
 3-17 district.

3-18 Sec. 8354.153. LIMITATION ON AREA OF NEW DISTRICT. A new
 3-19 district created by the division of the district may not, at the
 3-20 time the new district is created, contain any land outside the area
 3-21 described by Section 2 of the Act enacting this chapter.

3-22 Sec. 8354.154. DIVISION PROCEDURES. (a) The board, on its
 3-23 own motion or on receipt of a petition signed by the owner or owners
 3-24 of a majority of the assessed value of the real property in the
 3-25 district, may adopt an order dividing the district.

3-26 (b) The board may adopt an order dividing the district
 3-27 before or after the date the board holds an election under Section
 3-28 8354.003 to confirm the district's creation.

3-29 (c) An order dividing the district:

- 3-30 (1) must:
 - 3-31 (A) name each new district;
 - 3-32 (B) include the metes and bounds description of
 3-33 the territory of each new district;
 - 3-34 (C) appoint temporary directors for each new
 3-35 district, or provide that temporary directors are appointed in the
 3-36 manner provided by Section 8354.052(a); and
 - 3-37 (D) provide for the division of assets and
 3-38 liabilities between the new districts; and
- 3-39 (2) is subject to a confirmation election in each new
 3-40 district.

3-41 (d) On or before the 30th day after the date of adoption of
 3-42 an order dividing the district, the district shall file the order
 3-43 with the commission and record the order in the real property
 3-44 records of each county in which the district is located.

3-45 Sec. 8354.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
 3-46 A new district created by the division of the district shall hold a
 3-47 confirmation and directors' election as required by Section
 3-48 8354.003.

3-49 (b) The results of that election must be filed as required
 3-50 by Sections 49.102(e) and (f), Water Code.

3-51 (c) If the voters of a new district do not confirm the
 3-52 creation of the new district, the assets, liabilities, territory,
 3-53 and governance of the new districts revert to the original
 3-54 district.

3-55 Sec. 8354.156. MUNICIPAL CONSENT. Municipal consent to the
 3-56 creation of the district and to the inclusion of land in the
 3-57 district granted under Section 8354.004 acts as municipal consent
 3-58 to the creation of any new district created by the division of the
 3-59 district and to the inclusion of land in the new district.

3-60 Sec. 8354.157. TAX OR BOND ELECTION. Before a new district
 3-61 created by the division of the district may impose a maintenance tax
 3-62 or issue bonds payable wholly or partly from ad valorem taxes, the
 3-63 new district must hold an election as required by this chapter to
 3-64 obtain voter approval.

3-65 [Sections 8354.158-8354.200 reserved for expansion]

3-66 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3-67 Sec. 8354.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 3-68 district may issue, without an election, bonds and other
 3-69 obligations secured by:

4-1 (1) revenue other than ad valorem taxes; or
 4-2 (2) contract payments described by Section 8354.203.

4-3 (b) The district must hold an election in the manner
 4-4 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 4-5 before the district may impose an ad valorem tax or issue bonds
 4-6 payable from ad valorem taxes.

4-7 (c) The district may not issue bonds payable from ad valorem
 4-8 taxes to finance a road project unless the issuance is approved by a
 4-9 vote of a two-thirds majority of the district voters voting at an
 4-10 election held for that purpose.

4-11 Sec. 8354.202. OPERATION AND MAINTENANCE TAX. (a) If
 4-12 authorized at an election held under Section 8354.201, the district
 4-13 may impose an operation and maintenance tax on taxable property in
 4-14 the district in accordance with Section 49.107, Water Code.

4-15 (b) The board shall determine the tax rate. The rate may not
 4-16 exceed the rate approved at the election.

4-17 Sec. 8354.203. CONTRACT TAXES. (a) In accordance with
 4-18 Section 49.108, Water Code, the district may impose a tax other than
 4-19 an operation and maintenance tax and use the revenue derived from
 4-20 the tax to make payments under a contract after the provisions of
 4-21 the contract have been approved by a majority of the district voters
 4-22 voting at an election held for that purpose.

4-23 (b) A contract approved by the district voters may contain a
 4-24 provision stating that the contract may be modified or amended by
 4-25 the board without further voter approval.

4-26 [Sections 8354.204-8354.250 reserved for expansion]

4-27 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

4-28 Sec. 8354.251. AUTHORITY TO ISSUE BONDS AND OTHER
 4-29 OBLIGATIONS. The district may issue bonds or other obligations
 4-30 payable wholly or partly from ad valorem taxes, impact fees,
 4-31 revenue, contract payments, grants, or other district money, or any
 4-32 combination of those sources, to pay for any authorized district
 4-33 purpose.

4-34 Sec. 8354.252. TAXES FOR BONDS. At the time the district
 4-35 issues bonds payable wholly or partly from ad valorem taxes, the
 4-36 board shall provide for the annual imposition of a continuing
 4-37 direct ad valorem tax, without limit as to rate or amount, while all
 4-38 or part of the bonds are outstanding as required and in the manner
 4-39 provided by Sections 54.601 and 54.602, Water Code.

4-40 Sec. 8354.253. BONDS FOR ROAD PROJECTS. At the time of
 4-41 issuance, the total principal amount of bonds or other obligations
 4-42 issued or incurred to finance road projects and payable from ad
 4-43 valorem taxes may not exceed one-fourth of the assessed value of the
 4-44 real property in the district.

4-45 SECTION 2. The Harris County Municipal Utility District No.
 4-46 524 initially includes all the territory contained in the following
 4-47 area: 990.804 acres in 5 non-contiguous tracts out of Sections 9,
 4-48 10, 15, and 16 of Harris County School Land Survey, Abstract No 332,
 4-49 recorded in Vol 17, Pg 222 of the Deed Records of Harris County,
 4-50 Texas and including within Tracts 1, 2, 3, and 4 an unnamed 66 foot
 4-51 roadway as shown on the plat of said Harris County School Land being
 4-52 granted by Commissioners Award recorded in Vol 7448, Pg 181, HCDR;
 4-53 said roadway does not exist physically on the ground: (All bearings
 4-54 used herein are based on Highway Right-of-Way Maps provided by the
 4-55 Texas Department of Transportation)

4-56 Tract 1

4-57 A tract or parcel of land containing 255.572 acres (11,132,730
 4-58 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and Lots 1,
 4-59 2, 7, & 8 of Section 16 of said Harris County School Land Survey,
 4-60 Abstract No 332, Harris County, Texas; said 255.572 acres being
 4-61 that same tract of land called 257.230 acres described by deed
 4-62 recorded in HCCF No M577056 ("Tract 1", therein) and conveyed to
 4-63 Delta Troy Interests, Ltd by deed recorded in X381657 and more
 4-64 particularly described by metes and bounds as follows:

4-65 COMMENCING at a State Department of Highways and Public
 4-66 Transportation Horizontal Control Monument located in the
 4-67 southerly right-of-way line of U.S. 290, 160.00 feet at right
 4-68 angles from the centerline, across from Engineers Station
 4-69 109+27.74;

5-1 THENCE along said southerly right-of-way line, clockwise,
5-2 following the arc of a 1855.86 foot radius curve-to-the-right,
5-3 subtending a central angle of 03 degrees 20 min 18 seconds, through
5-4 an arc length of 108.13 feet (chord bearing of South 66 degrees 23
5-5 minutes 38 seconds East, 108.12 feet) to a 5/8 inch iron rod found
5-6 marking the POINT OF BEGINNING and most northerly Northeast corner
5-7 of the herein described tract, same being the East corner of that
5-8 called 12.4147 acre tract of land conveyed to Peter S. Terpstra,
5-9 Trustee by deed recorded in HCCF No 20060246633;
5-10 THENCE continuing along said right-of-way line and said curve,
5-11 subtending a central angle of 06 degrees 36 minutes 09 seconds,
5-12 through an arc length of 213.86 feet (chord bearing of South 61
5-13 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch iron
5-14 rod set marking the end of said curve; said point being located in
5-15 the southerly right-of-way line of U.S. 290, 202.32 feet at right
5-16 angles from the centerline, across from Engineers Station
5-17 112+46.53;
5-18 THENCE continuing along said right-of-line line, following the arc
5-19 of a 1963.86 foot radius curve-to-the-left (radius point of said
5-20 curve falls along a bearing of North 31 degrees 52 minutes 42
5-21 seconds East), subtending a central angle of 12 degrees 31 minutes
5-22 54 seconds, through an arc length of 429.54 feet (chord bearing of
5-23 South 64 degrees 23 minutes 15 seconds East, 428.68 feet) to a 5/8
5-24 inch iron rod set marking a point-of-tangency in the southerly
5-25 right-of-way line; said point-of-tangency being located in the
5-26 southerly right-of-way line of U.S. 290, 249.10 feet at right
5-27 angles from the centerline, across from Engineers Station
5-28 116+72.65;
5-29 THENCE South 70 degrees 39 minutes 12 seconds East, along said
5-30 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron rod
5-31 set marking the Northerly end of cut-back corner at the southwest
5-32 corner of the intersection of said U.S. 290 and Binford Road; said
5-33 corner being located in the southerly right-of-way line of U.S.
5-34 290, 249.10 feet at right angles from the centerline, across from
5-35 Engineers Station 120+54.80;
5-36 THENCE South 30 degrees 37 minutes 41 seconds East, along said
5-37 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set
5-38 marking the Southerly end of said cut-back and the most Easterly
5-39 Northeast corner of the herein described tract; said corner being
5-40 located in the southerly right-of-way line of U.S. 290, 310.37 feet
5-41 at right angles from the centerline, across from Engineers Station
5-42 121+28.11;
5-43 THENCE South 09 degrees 03 minutes 59 seconds East, along the
5-44 westerly right-of-way of said Binford Road (right-of-way varies at
5-45 this point), a distance of 452.04 feet to a 5/8 inch iron rod set
5-46 marking an angle point in said right-of-way line; a 1 inch iron pipe
5-47 found bears South 03 degrees 41 minutes 58 seconds East, 35.93 feet
5-48 from said angle point;
5-49 THENCE South 02 degrees 39 minutes 08 seconds East, along the
5-50 westerly right-of-way line of said Binford Road (66' right-of-way)
5-51 and crossing Lots 9 and 16 of said Section 9 and Lots 1 and 8 of
5-52 Section 16, a distance of 3953.90 feet (call: 3954.35 feet) to a 5/8
5-53 inch iron rod set marking the Southeast corner of the herein
5-54 described tract, same being the Northwest corner of the
5-55 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead
5-56 Highway) and said Binford Road; a 5/8 inch iron rod found bears
5-57 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said
5-58 corner;
5-59 THENCE North 68 degrees 08 minutes 01 seconds West, along the
5-60 Northerly right-of-way line of said U.S. 290 (old)/State Highway 6
5-61 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said
5-62 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a 5/8
5-63 inch iron set marking the Southwest corner of the herein described
5-64 tract, same being the Southeast corner of that called 30.213 acre
5-65 tract of land conveyed to Michael L. Perry and Edna A. Perry by deed
5-66 recorded in HCCF No U717338; a 5/8 inch iron rod found bears South
5-67 02 degrees 24 minutes 55 seconds East, 7.01 feet from said corner;
5-68 THENCE North 02 degrees 24 minutes 55 seconds West, along the
5-69 Easterly line of said 30.213 acres, same being the Westerly line of

6-1 Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said Section 9,
6-2 and with the Easterly line of that called 70.801 acre tract conveyed
6-3 to A.J. Foyt, Jr. by deed recorded in HCCF No U071611 and that
6-4 called 11.15 acre tract conveyed to L.J. Hakemack and wife, Ney
6-5 Hakemack, by deed recorded in HCCF No P056681, a distance of 3736.61
6-6 feet (call: 3753.11 feet) to a point for corner at the Northwest
6-7 corner of the herein described tract, same being the Southwest
6-8 corner of the aforesaid 12.4147 acre Terpstra Tract;
6-9 THENCE North 87 degrees 11 minutes 26 seconds East, along the
6-10 Southerly line of said 12.4147 acre tract, a distance of 1612.53
6-11 feet (call: 1623.36 feet) to the Point of Beginning and containing
6-12 255.572 Acres (11,132,730 square feet) of land.
6-13 Tract 2
6-14 A tract or parcel of land containing 440.146 acres (19,172,762
6-15 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15, & 16
6-16 of Section 15 of said Harris County School Land Survey, Abstract No
6-17 332, Harris County, Texas; said 440.146 acres out of that same tract
6-18 of land called 451.6392 acres described by deed recorded in HCCF No
6-19 M577056 ("Tract 2-A", therein) and conveyed to Delta Troy
6-20 Interests, Ltd by deed recorded in X381657 and more particularly
6-21 described by metes and bounds as follows:
6-22 COMMENCING at a State Department of Highways and Public
6-23 Transportation Horizontal Control Monument located in the
6-24 southerly right-of-way line of U.S. 290, 160.00 feet at right
6-25 angles from the centerline, across from Engineers Station
6-26 109+27.74;
6-27 THENCE South 70 degrees 39 minutes 12 seconds East, a distance of
6-28 1690.16 feet to a point-of-curvature in the former southerly
6-29 right-of-way line of said U.S. 290; said point-of-curvature being
6-30 located 160.00 feet at right angles from the centerline, across
6-31 from Engineers Station 126+17.90;
6-32 THENCE along said former southerly right-of-way line, clockwise,
6-33 following the arc of a 7479.44 foot radius curve-to-the-right
6-34 (radius point of said curve falls along a bearing of South 19
6-35 degrees 20 minutes 48 seconds West), subtending a central angle of
6-36 03 degrees 05 min 32 seconds, through an arc length of 403.66 feet
6-37 (chord bearing of South 69 degrees 06 minutes 26 seconds East,
6-38 403.61 feet) to a 5/8 inch iron rod set in the current Southerly
6-39 right-of-way line of said U.S. 290 marking the POINT OF BEGINNING
6-40 and the most Easterly Northwest corner of the herein described
6-41 tract; said point being located 160.00 feet at right angles from the
6-42 centerline, across from Engineers Station 130+30.21;
6-43 THENCE continuing along said right-of-way line and said curve,
6-44 subtending a central angle of 13 degrees 42 minutes 56 seconds,
6-45 through an arc length of 1790.44 feet (chord bearing of South 60
6-46 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch iron
6-47 rod set marking a point-of-tangency in said right-of-way line; said
6-48 point being located in the southerly right-of-way line of U.S. 290,
6-49 160.00 feet at right angles from the centerline, across from
6-50 Engineers Station 148+59.00;
6-51 THENCE South 53 degrees 50 minutes 44 seconds East, along said
6-52 right-of-way line, a distance of 2795.16 feet (call: 2793.73 feet -
6-53 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
6-54 said right-of-way line;
6-55 THENCE along said southerly right-of-way line, clockwise,
6-56 following the arc of a 532.96 foot radius curve-to-the-right,
6-57 subtending a central angle of 51 degrees 31 min 30 seconds (call: 51
6-58 degrees 32 minutes 51 seconds - TxDOT), through an arc length of
6-59 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing of South 28
6-60 degrees 04 minutes 59 seconds East, 463.29 feet) to a 5/8 inch iron
6-61 rod found marking a point-of-tangency in said southerly
6-62 right-of-way line;
6-63 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
6-64 degrees 17 minutes 53 seconds East - TxDOT), along said southerly
6-65 right-of-way line, a distance of 187.88 feet (call: 188.32 feet -
6-66 TxDOT) to a 5/8 inch iron rod found marking a point-of-curvature in
6-67 said southerly right-of-way line;
6-68 THENCE counter-clockwise continuing along said right-of-way line
6-69 and a 612.96 foot radius curve-to-the-left, subtending a central

7-1 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34
7-2 minutes 06 seconds), through an arc length of 261.99 feet (call:
7-3 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56
7-4 seconds East, 260.00 feet) to a 5/8 inch iron rod set for corner,
7-5 same being the most Northerly corner of that called 1.939 acre tract
7-6 of land conveyed to the State of Texas as a Drainage Easement for
7-7 Highway Purposes by deed recorded in HCCF No R450176 out of that
7-8 called 30 acre residue of that called 920.21 acre Schindler "First
7-9 Tract" as described by deed recorded in Vol 2187, Pg 525, HCDR;
7-10 THENCE South 63 degrees 11 minutes 23 seconds West (call: South 63
7-11 degrees 08 minutes 01 seconds West), along the northwesterly line
7-12 of said 1.939 acre tract, a distance of 620.23 feet (call: 620.08
7-13 feet) to a 5/8 inch iron rod set at the northwesterly corner of said
7-14 1.939 acre tract;
7-15 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
7-16 degrees 17 minutes 53 seconds East), along the westerly line of said
7-17 1.939 acre tract, passing at a distance of 1102.28 feet (call:
7-18 1100.29 feet) a 1/2 inch iron rod found marking the Southwest corner
7-19 of said 1.939 acre and 30 acre tract and the Northwest corner of
7-20 that called 10.298 acre tract conveyed to MRJ Wood Products by deed
7-21 recorded in HCCF No U232228, continuing along the westerly line of
7-22 said 10.298 acre tract, a total distance of 1502.28 feet (call:
7-23 1500.29 feet) to a 5/8 inch iron rod set for corner, same being the
7-24 southwest corner of said 10.298 acre tract;
7-25 THENCE North 87 degrees 40 minutes 46 seconds East (call: North 87
7-26 degrees 42 minutes 07 seconds East), along the southerly line of
7-27 said 10.298 acre tract, a distance of 1121.41 feet to a 5/8 inch
7-28 iron rod set in the Westerly right-of-way line of Kickapoo Road
7-29 marking the most Northerly Southeast corner of the herein described
7-30 tract, same being the southeasterly corner of said 10.298 acre
7-31 tract;
7-32 THENCE South 02 degrees 19 minutes 14 seconds East (call: South 02
7-33 degrees 17 minutes 53 seconds East), along the Westerly
7-34 right-of-way line of said Kickapoo Road, a distance of 939.31 feet
7-35 (call: 938.70 feet) to a 1 inch iron pipe found for corner, same
7-36 being the Northeast corner of that called 2.401 acre tract conveyed
7-37 to Leaman Building Materials by deed recorded in HCCF No X159580
7-38 ("Tract One");
7-39 THENCE North 68 degrees 08 minutes 01 seconds West, along the
7-40 northerly line of said 2.401 acre tract, a distance of 597.94 feet
7-41 (call: 600.00') to a 5/8 inch iron rod set for corner, same being
7-42 the Northwest corner of said 2.401 acre tract;
7-43 THENCE South 02 degrees 19 minutes 14 seconds East, along the
7-44 westerly line of said 2.401 acre tract and that called 1.804 acre
7-45 tract also conveyed to said Leaman Building Materials in said HCCF
7-46 No X159580 ("Tract Two"), a distance of 362.42 feet (call: 363.00
7-47 feet) to a 5/8 inch iron rod set in the northerly right-of-way line
7-48 of U.S. 290 (old)/State Highway 6 (aka Hempstead Highway) marking
7-49 the most Southerly Southeast corner of the herein described tract;
7-50 a 1 inch iron rod found bears South 02 degrees 19 minutes 14 seconds
7-51 East, 2.33 feet from said property corner; a 2 inch iron rod found
7-52 marking the Northeast corner of the intersection of said Kickapoo
7-53 Road and said U.S. 290 (old)/State Highway 6 (aka Hempstead
7-54 Highway) bears South 68 degrees 08 minutes 01 seconds East, 670.29
7-55 feet from said property corner;
7-56 THENCE North 68 degrees 08 minutes 01 seconds West, along the
7-57 northerly right-of-way line of said U.S. 290 (old)/State Highway 6
7-58 (aka Hempstead Highway), a distance of 5170.99 feet (call: 5167.61
7-59 feet) to a 5/8 inch iron rod set marking the Southwest corner of the
7-60 herein described tract, same being the Northeast corner of the
7-61 intersection of Binford Road and said U.S. 290 (old)/State Highway
7-62 6 (aka Hempstead Highway); a 5/8 inch iron rod set marking the
7-63 Northwest corner of said intersection bears North 68 degrees 08
7-64 minutes 01 seconds West, 72.54 feet from which a 5/8 inch iron rod
7-65 found bears North 68 degrees 08 minutes 01 seconds West, 4.54 feet;
7-66 THENCE North 02 degrees 39 minutes 08 seconds West, along the
7-67 Easterly right-of-way of said Binford Road (66' right-of-way), a
7-68 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron rod
7-69 set marking an angle point in said Easterly right-of-way line;

8-1 THENCE North 03 degrees 59 minutes 00 seconds East, continuing
8-2 along the Easterly right-of-way of said Binford Road (right-of-way
8-3 varies at this point), a distance of 370.66 feet to a 5/8 inch iron
8-4 rod set marking the Southerly end of cut-back corner at the
8-5 southeast corner of the intersection of the aforesaid U.S. 290
8-6 (new) and said Binford Road; said corner being located in the
8-7 southerly right-of-way line of U.S. 290, 326.25 feet at right
8-8 angles from the centerline, across from Engineers Station
8-9 123+06.25;

8-10 THENCE North 56 degrees 39 minutes 54 seconds East, along said
8-11 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set
8-12 marking the most Northerly Northwest corner of the herein described
8-13 tract; said corner being located in the southerly right-of-way line
8-14 of U.S. 290, 249.10 feet at right angles from the centerline, across
8-15 from Engineers Station 123+65.05;

8-16 THENCE South 70 degrees 39 minutes 12 seconds East, along said
8-17 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron rod
8-18 set marking a point-of-curvature in said right-of-way line; said
8-19 point-of-curvature being located in the southerly right-of-way
8-20 line of U.S. 290, 249.10 feet at right angles from the centerline,
8-21 across from Engineers Station 124+72.67;

8-22 THENCE continuing along said right-of-line line,
8-23 counter-clockwise, following the arc of a 1963.86 foot radius
8-24 curve-to-the-left (radius point of said curve falls along a bearing
8-25 of North 19 degrees 20 minutes 48 seconds East), subtending a
8-26 central angle of 16 degrees 13 minutes 27 seconds, through an arc
8-27 length of 556.10 feet (chord bearing of South 78 degrees 45 minutes
8-28 56 seconds East, 554.24 feet) to the POINT OF BEGINNING and
8-29 containing 440.146 acres (19,172,762 square feet) of land.
8-30 Tract 3

8-31 A tract or parcel of land containing 10.536 acres (458,955 square
8-32 feet) out of Lot 1 of Section 15 of said Harris County School Land
8-33 Survey, Abstract No 332, Harris County, Texas; said 10.536 acres
8-34 being that same tract of land called 10.5483 acres described by deed
8-35 recorded in HCCF No M577056 ("Tract 3", therein) and conveyed to
8-36 Delta Troy Interests, Ltd by deed recorded in X381657 and more
8-37 particularly described by metes and bounds as follows:
8-38 BEGINNING at a 1/2 inch iron rod found marking the Northwest corner
8-39 of the intersection of the northerly right-of-way line of U.S. 290
8-40 and the westerly right-of-way line of Kickapoo Road (66'
8-41 right-of-way), same being the Southeast corner of the herein
8-42 described tract;

8-43 THENCE North 87 degrees 42 minutes 07 seconds West, along the
8-44 northerly right-of-way line of said U.S. 290, a distance of 468.34
8-45 feet to a 5/8 inch iron rod set marking a point-of-curvature in
8-46 said northerly right-of-way line; a 3/8 inch iron rod found bears
8-47 South 56 degrees 27 minutes 32 seconds East, 2.03 feet from said
8-48 point-of-curvature;

8-49 THENCE clockwise along said northerly right-of-way line and
8-50 following a 532.96 foot radius curve-to-the-right, subtending a
8-51 central angle of 38 degrees 27 minutes 09 seconds, through an arc
8-52 length of 357.68 feet (chord bearing of North 73 degrees 04 minutes
8-53 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set marking a
8-54 point-of-tangency in said northerly right-of-way line; said
8-55 point-of-tangency being located in the northerly right-of-way line
8-56 of U.S. 290, 160.00 feet at right angles from the centerline, across
8-57 from Engineers Station 174+17.41;

8-58 THENCE North 53 degrees 50 minutes 44 seconds West, along said
8-59 northerly right-of-way line, a distance of 595.14 feet (call:
8-60 596.40 feet) to a 5/8 inch iron rod set marking the Northwest corner
8-61 of the herein described tract in the common line of Lot 16 of
8-62 Section 10 and said Lot 1 of Section 15;

8-63 THENCE North 87 degrees 57 minutes 51 seconds East, along said
8-64 common line, same being the centerline of the aforesaid unnamed 66'
8-65 roadway, a distance of 1266.25 feet (call: 1266.84 feet) to a 5/8
8-66 inch iron rod set in the westerly right-of-way line of said Kickapoo
8-67 Road marking the Northeast corner of the herein described tract; a 1
8-68 inch iron pipe found marking the Southeast corner of the called
8-69 78.9245 acre Schindler tract bears North 02 degrees 15 minutes 05

9-1 seconds West, 33.00 feet for reference;
 9-2 THENCE South 02 degrees 15 minutes 05 seconds East, along the
 9-3 westerly right-of-way line of said Kickapoo Road, a distance of
 9-4 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and
 9-5 containing 10.536 acres (458,955 square feet) of land.
 9-6 Tract 4
 9-7 A tract or parcel of land containing 283.558 acres (12,351,801
 9-8 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10 of
 9-9 said Harris County School Land Survey, Abstract No 332, Harris
 9-10 County, Texas; said 283.558 acres being out of that tract of land
 9-11 called 393.3575 acres described by deed recorded in HCCF No M577056
 9-12 ("Tract 4-A", therein) and conveyed to Delta Troy Interests, Ltd by
 9-13 deed recorded in X381657 and more particularly described by metes
 9-14 and bounds as follows:
 9-15 BEGINNING at a 5/8 inch iron rod set marking the Northeast corner of
 9-16 the herein described tract, same being the southwest corner of the
 9-17 intersection of Kickapoo Road and said FM 2920 (aka Waller-Tomball
 9-18 Road); a 1 inch iron pipe found bears South 02 degrees 15 minutes 05
 9-19 seconds East, 0.99 foot from said property corner;
 9-20 THENCE South 02 degrees 15 minutes 05 seconds East (call: South 02
 9-21 degrees 17 minutes 53 seconds East), along the westerly
 9-22 right-of-way line of said Kickapoo Road (66' right-of-way), a
 9-23 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-HCCF
 9-24 No M577056) to a 5/8 inch iron rod set marking the most northerly
 9-25 Southeast corner of the herein described tract, same being in the
 9-26 common line of Lots 8 and 9 of said Section 10 and being the
 9-27 Northeast corner of that called 78.9245 acre Schindler tract of
 9-28 land described in HCCF No M798918 and that called 23.6773 acre tract
 9-29 out of same conveyed to Michael McDonald and wife, Kimela McDonald,
 9-30 by deed recorded in HCCF No X611580; a 5/8 inch iron rod found bears
 9-31 North 87 degrees 33 minutes 33 seconds East, 2.99 feet from said
 9-32 corner;
 9-33 Thence South 87 degrees 33 minutes 33 seconds West, along the common
 9-34 line of said Lots 8 and 9, same being the northerly line of said
 9-35 78.9245 acre Schindler tract, a distance of 1316.56 feet (call:
 9-36 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe found for
 9-37 corner, same being the common corner of Lots 7, 8, 9, and 10 of said
 9-38 Section 10 and the Northwest corner of said 78.9245 acre Schindler
 9-39 tract; a capped iron rod found bears North 41 degrees 57 minutes 18
 9-40 seconds East, 12.64 feet from said corner;
 9-41 THENCE South 02 degrees 31 minutes 48 seconds East, along the common
 9-42 line of Lots 9, 10, 15, and 16 of said Section 10, same being the
 9-43 westerly line of said 78.9245 acre Schindler tract, passing at a
 9-44 distance of 2618.58 feet (call: 2617.89 feet- HCCF No M798918) a 1
 9-45 inch iron pipe found marking the most Southwest corner of said
 9-46 78.9245 acre Schindler tract, same being in the northerly line of
 9-47 the aforesaid unnamed 66' roadway, continuing a total distance of
 9-48 2621.94 feet (call: 2631.01 feet) to a 5/8 inch iron rod set in the
 9-49 northerly right-of-way line of the aforesaid U.S. 290 marking the
 9-50 most southerly Southeast corner of the herein described tract;
 9-51 THENCE North 53 degrees 50 minutes 44 seconds West, along the
 9-52 northerly right-of-way line of said U.S. 290, a distance of 1915.33
 9-53 feet (call: 1917.64 feet) to a 5/8 inch iron rod set marking a
 9-54 point-of-curvature in the northerly right-of-way line of U.S. 290,
 9-55 160.00 feet at right angles from the centerline, across from
 9-56 Engineers Station 148+59.00;
 9-57 THENCE along said northerly right-of-way line, counter-clockwise,
 9-58 following the arc of a 7799.44 foot radius curve-to-the-left,
 9-59 subtending a central angle of 04 degrees 50 min 53 seconds, through
 9-60 an arc length of 659.96 feet (chord bearing of North 55 degrees 16
 9-61 minutes 11 seconds West, 659.76 feet) to the Southwest corner of the
 9-62 herein described tract, same being the Southeast corner of that
 9-63 called 107.6370 acre tract conveyed to Peter S. Terpstra by deed
 9-64 recorded in HCCF No 20070033123; a 3/8 inch iron rod found bears
 9-65 South 79 degrees 56 minutes 25 seconds West, 0.88 foot from said
 9-66 corner;
 9-67 THENCE North 02 degrees 18 minutes 00 seconds West, crossing Lots
 9-68 11, 6, and 3 of said Section 10 and along the easterly line of said
 9-69 107.6370 acre tract, a distance of 3638.55 feet (call: 3639.80

10-1 feet) to a 5/8 inch iron rod set in the southerly right-of-way line
10-2 of FM 2920 (aka Waller-Tomball Road - 100' right-of-way) marking
10-3 the Northwest corner of the herein described tract, same being the
10-4 Northeast corner of said 107.6370 acres; 5/8 inch iron rods found
10-5 marking the northeast and northwest corners of a 10'x20' SWBT
10-6 easement dedicated by instrument recorded in HCCF No H844991 bear
10-7 South 87 degrees 42 minutes 00 seconds West, along said southerly
10-8 right-of-way line at 379.81 feet and 399.81 feet, respectively,
10-9 from said property corner;
10-10 THENCE North 87 degrees 42 minutes 00 seconds East, along said
10-11 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch
10-12 iron rod found marking the northeast corner of a 20'x20' SWBT
10-13 easement dedicated by instrument recorded in HCCF No H844992,
10-14 continuing a total distance of 3341.68 feet (call: 3335.99 feet) to
10-15 the POINT OF BEGINNING and containing 283.558 acres (12,351,801
10-16 square feet) of land.
10-17 Tract 5
10-18 Being 0.992 acre (43,220 square feet) out of Lot 1, Section 9 of
10-19 Harris County School Land Survey, Abstract No 332 and being that
10-20 called 1 acre conveyed to Leon Schindler and R.G. Schindler by deed
10-21 recorded in Volume 2187, Page 525 of the Deed Records of Harris
10-22 County, Texas; said 0.992 acre fronting 208.00 feet on Binford Road
10-23 and being surrounded on three sides by that called 127.96 acre tract
10-24 conveyed to Peter S. Terpstra, Trustee, by deed recorded in HCCF Nos
10-25 20060246634 & 20060246637; said 0.992 acre also being that same
10-26 tract of land called 1 acre conveyed to Leon Schindler and R.G.
10-27 Schindler by deed recorded in Vol 2187, Pg 525, HCDR ("Fourth
10-28 Tract", therein) and called 0.9922 acre as described by deed
10-29 recorded in HCCF No M577056 ("Tract 5", therein) and conveyed to
10-30 Delta Troy Interests, Ltd by deed recorded in X381657 and more
10-31 particularly described by metes and bounds as follows:
10-32 COMMENCING at a 5/8 inch iron rod found marking the Southerly end of
10-33 cut-back corner at the northwest corner of the intersection of the
10-34 aforesaid U.S. 290 (new) and Binford Road; said corner being
10-35 located in the northerly right-of-way line of U.S. 290, 248.90 feet
10-36 at right angles from the centerline, across from Engineers Station
10-37 118+23.58;
10-38 THENCE North 56 degrees 39 minutes 54 seconds East, along said
10-39 cut-back, a distance of 97.00 feet to a point in the westerly
10-40 right-of-way line of said Binford Road at the Northerly end of said
10-41 cut-back;
10-42 THENCE North 03 degrees 59 minutes 00 seconds East, along the
10-43 westerly right-of-way line of said Binford Road (right-of-way
10-44 varies at this point), a distance of 370.87 feet to a 5/8 inch iron
10-45 rod found marking an angle point in said westerly right-of-way
10-46 line;
10-47 THENCE North 02 degrees 42 minutes 01 seconds West, along the
10-48 westerly right-of-way line of said Binford Road (66' right-of-way),
10-49 a distance of 1690.50 feet to a 1 inch iron pipe found marking the
10-50 POINT OF BEGINNING and southeast corner of the herein described
10-51 tract;
10-52 THENCE South 89 degrees 52 minutes 54 seconds West, crossing said
10-53 Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch iron rod
10-54 set marking the southwest corner of the herein described tract; a
10-55 5/8 inch iron rod found bears North 14 degrees 12 minutes 39 seconds
10-56 East, 2.36 feet from said corner;
10-57 THENCE North 02 degrees 42 seconds 01 seconds West (call: North 02
10-58 degrees 41 seconds 16 seconds West, crossing said Lot 1 of Section
10-59 9, a distance of 208.00 feet to a 5/8 inch iron rod set marking the
10-60 northwest corner of the herein described tract;
10-61 THENCE North 89 degrees 52 minutes 54 seconds East, crossing said
10-62 Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch iron pipe
10-63 found in the westerly right-of-way line of said Binford Road (66'
10-64 right-of-way) marking the northeast corner of the herein described
10-65 tract;
10-66 THENCE South 02 degrees 42 minutes 01 seconds East (call:
10-67 South 02 degrees 41 minutes 16 seconds East, along the westerly
10-68 right-of-way line of said Binford Road, a distance of 208.00 feet to
10-69 the POINT OF BEGINNING and containing 0.992 acre (43,220 square

11-1 feet) of land.

11-2 SECTION 3. (a) The legal notice of the intention to
11-3 introduce this Act, setting forth the general substance of this
11-4 Act, has been published as provided by law, and the notice and a
11-5 copy of this Act have been furnished to all persons, agencies,
11-6 officials, or entities to which they are required to be furnished
11-7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11-8 Government Code.

11-9 (b) The governor, one of the required recipients, has
11-10 submitted the notice and Act to the Texas Commission on
11-11 Environmental Quality.

11-12 (c) The Texas Commission on Environmental Quality has filed
11-13 its recommendations relating to this Act with the governor, the
11-14 lieutenant governor, and the speaker of the house of
11-15 representatives within the required time.

11-16 (d) All requirements of the constitution and laws of this
11-17 state and the rules and procedures of the legislature with respect
11-18 to the notice, introduction, and passage of this Act are fulfilled
11-19 and accomplished.

11-20 SECTION 4. (a) Section 8354.106, Special District Local
11-21 Laws Code, as added by Section 1 of this Act, takes effect only if
11-22 this Act receives a two-thirds vote of all the members elected to
11-23 each house.

11-24 (b) If this Act does not receive a two-thirds vote of all the
11-25 members elected to each house, Subchapter C, Chapter 8354, Special
11-26 District Local Laws Code, as added by Section 1 of this Act, is
11-27 amended by adding Section 8354.106 to read as follows:

11-28 Sec. 8354.106. NO EMINENT DOMAIN POWER. The district may
11-29 not exercise the power of eminent domain.

11-30 (c) This section is not intended to be an expression of a
11-31 legislative interpretation of the requirements of Section 17(c),
11-32 Article I, Texas Constitution.

11-33 SECTION 5. Except as provided by Section 4 of this Act:

11-34 (1) this Act takes effect immediately if it receives a
11-35 vote of two-thirds of all the members elected to each house, as
11-36 provided by Section 39, Article III, Texas Constitution; and

11-37 (2) if this Act does not receive the vote necessary for
11-38 immediate effect, this Act takes effect September 1, 2011.

11-39

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