

By: Ritter

H.B. No. 2296

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Jefferson County Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3864 to read as follows:

CHAPTER 3864. JEFFERSON COUNTY MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3864.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Port Arthur.

(3) "County" means Jefferson County.

(4) "Director" means a board member.

(5) "District" means the Jefferson County Management District No. 1.

Sec. 3864.002. NATURE OF DISTRICT. The Jefferson County Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3864.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the

1 county, and other political subdivisions to contract with the
2 district, the legislature has established a program to accomplish
3 the public purposes set out in Section 52-a, Article III, Texas
4 Constitution.

5 (b) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (c) This chapter and the creation of the district may not be
11 interpreted to relieve the city or the county from providing the
12 level of services provided as of the effective date of the Act
13 enacting this chapter to the area in the district. The district is
14 created to supplement and not to supplant city or county services
15 provided in the district.

16 Sec. 3864.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
17 The district is created to serve a public use and benefit.

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

23 (c) The creation of the district is in the public interest
24 and is essential to further the public purposes of:

25 (1) developing and diversifying the economy of the
26 state;

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

4 (1) promote the health, safety, and general welfare of
5 residents, employers, potential employees, employees, visitors,
6 and consumers in the district, and of the public;

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

10 (3) promote the health, safety, welfare, and enjoyment
11 of the public by providing pedestrian ways and by landscaping and
12 developing certain areas in the district, which are necessary for
13 the restoration, preservation, and enhancement of scenic beauty;

14 (4) provide for road, rail, and recreational
15 facilities for the district; and

16 (5) provide for water facilities, wastewater
17 facilities, drainage facilities, canals, waterways, bulkheads,
18 docks, and other similar improvements or facilities for the
19 district.

20 (e) Pedestrian ways along or across a street, whether at
21 grade or above or below the surface, and street lighting, street
22 landscaping, parking, and street art objects are parts of and
23 necessary components of a street and are considered to be a street
24 or road improvement.

25 (f) The district will not act as the agent or
26 instrumentality of any private interest even though the district
27 will benefit many private interests as well as the public.

1 (g) Rail facilities and improvements are:

2 (1) necessary and convenient for the use and
3 implementation of the district's navigation facilities and
4 improvements;

5 (2) necessary components of and are considered to be a
6 navigation facility and improvement; and

7 (3) necessary and convenient for the development and
8 expansion of transportation in this state.

9 Sec. 3864.005. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act enacting this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act enacting this chapter form a closure. A mistake in the
14 field notes or in copying the field notes in the legislative process
15 does not affect the district's:

16 (1) organization, existence, or validity;

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

20 (3) right to impose or collect an assessment or tax; or

21 (4) legality or operation.

22 Sec. 3864.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
23 All or any part of the area of the district is eligible to be
24 included in:

25 (1) a tax increment reinvestment zone created under
26 Chapter 311, Tax Code;

27 (2) a tax abatement reinvestment zone created under

Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303,
Government Code; or

(4) an industrial district created under Chapter 42,
Local Government Code.

Sec. 3864.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
DISTRICTS LAW. Except as otherwise provided by this chapter,
Chapter 375, Local Government Code, applies to the district.

Sec. 3864.008. CONSTRUCTION OF CHAPTER. This chapter shall
be liberally construed in conformity with the findings and purposes
stated in this chapter.

[Sections 3864.009-3864.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3864.051. GOVERNING BODY; TERMS. (a) The district is
governed by a board of five voting directors who serve staggered
terms of four years, with two or three directors' terms expiring
June 1 of each odd-numbered year.

(b) The board by resolution may change the number of voting
directors on the board if the board determines that the change is in
the best interest of the district. The board may not consist of
fewer than 5 or more than 15 voting directors.

Sec. 3864.052. APPOINTMENT OF VOTING DIRECTORS. The Texas
Commission on Environmental Quality shall appoint voting directors
from persons recommended by the board.

Sec. 3864.0525. INITIAL VOTING DIRECTORS. (a) On or after
the effective date of the Act creating this chapter, the owner or
owners of a majority of the assessed value of the real property in

1 the district according to the most recent certified tax appraisal
2 roll for the county may submit a petition to the Texas Commission on
3 Environmental Quality requesting that the commission appoint as
4 initial voting directors the five persons named in the petition.
5 The commission shall appoint the five persons named in the petition
6 as initial directors by position.

7 (b) Of the initial directors, the terms of directors
8 appointed for positions one through three expire June 1, 2013, and
9 the terms of directors appointed for positions four and five expire
10 June 1, 2015.

11 (c) Section 3864.052 does not apply to appointment of
12 directors under this section.

13 (d) This section expires September 1, 2016.

14 Sec. 3864.053. NONVOTING DIRECTORS. The board may appoint
15 nonvoting directors to serve at the pleasure of the voting
16 directors.

17 Sec. 3864.054. QUORUM. For purposes of determining the
18 requirements for a quorum of the board, the following are not
19 counted:

20 (1) a board position vacant for any reason, including
21 death, resignation, or disqualification;

22 (2) a director who is abstaining from participation in
23 a vote because of a conflict of interest; or

24 (3) a nonvoting director.

25 Sec. 3864.055. COMPENSATION. A director is entitled to
26 receive fees of office and reimbursement for actual expenses as
27 provided by Section 49.060, Water Code. Sections 375.069 and

375.070, Local Government Code, do not apply to the board.

[Sections 3864.056-3864.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3864.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3864.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3864.103. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3864.104. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431,

1 Transportation Code; and

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

4 (c) The board shall appoint the board of directors of the
5 nonprofit corporation. The board of directors of the nonprofit
6 corporation shall serve in the same manner as the board of directors
7 of a local government corporation created under Subchapter D,
8 Chapter 431, Transportation Code, except that a board member is not
9 required to reside in the district.

10 Sec. 3864.105. AGREEMENTS; GRANTS. (a) As provided by
11 Chapter 375, Local Government Code, the district may make an
12 agreement with or accept a gift, grant, or loan from any person.

13 (b) The implementation of a project is a governmental
14 function or service for the purposes of Chapter 791, Government
15 Code.

16 Sec. 3864.106. LAW ENFORCEMENT SERVICES. To protect the
17 public interest, the district may contract with a qualified party,
18 including the county or the city, to provide law enforcement
19 services in the district for a fee.

20 Sec. 3864.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
21 district may join and pay dues to a charitable or nonprofit
22 organization that performs a service or provides an activity
23 consistent with the furtherance of a district purpose.

24 Sec. 3864.108. ECONOMIC DEVELOPMENT. (a) The district may
25 engage in activities that accomplish the economic development
26 purposes of the district.

27 (b) The district may establish and provide for the

1 administration of one or more programs to promote state or local
2 economic development and to stimulate business and commercial
3 activity in the district, including programs to:

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

5 (2) provide district personnel and services.

6 (c) The district may create economic development programs
7 and exercise the economic development powers provided to
8 municipalities by:

9 (1) Chapter 380, Local Government Code; and

10 (2) Subchapter A, Chapter 1509, Government Code.

11 Sec. 3864.109. PARKING FACILITIES. (a) The district may
12 acquire, lease as lessor or lessee, construct, develop, own,
13 operate, and maintain parking facilities or a system of parking
14 facilities, including lots, garages, parking terminals, or other
15 structures or accommodations for parking motor vehicles off the
16 streets and related appurtenances.

17 (b) The district's parking facilities serve the public
18 purposes of the district and are owned, used, and held for a public
19 purpose even if leased or operated by a private entity for a term of
20 years.

21 (c) The district's parking facilities are parts of and
22 necessary components of a street and are considered to be a street
23 or road improvement.

24 (d) The development and operation of the district's parking
25 facilities may be considered an economic development program.

26 Sec. 3864.110. ANNEXATION OR EXCLUSION OF LAND. (a) The
27 district may annex land as provided by Subchapter J, Chapter 49,

1 Water Code.

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

5 Sec. 3864.111. NAVIGATION DISTRICT POWERS. (a) The
6 district has the powers provided by the general law of this state
7 applicable to navigation districts created under Section 59,
8 Article XVI, Texas Constitution, including Chapters 60 and 62,
9 Water Code.

10 (b) The district may purchase, construct, acquire, own,
11 operate, maintain, improve, or extend, inside and outside the
12 district, a canal, waterway, bulkhead, dock, or other improvement
13 or facility necessary or convenient to accomplish the navigation
14 purposes of the district.

15 Sec. 3864.112. STRATEGIC PARTNERSHIP AGREEMENT. The
16 district may negotiate and enter into a written strategic
17 partnership under Section 43.0751, Local Government Code, with a
18 municipality in whose extraterritorial jurisdiction the district
19 is located.

20 Sec. 3864.113. RAIL FACILITIES. The district may
21 construct, acquire, improve, maintain, finance, and operate rail
22 facilities and improvements in aid of those facilities.

23 Sec. 3864.114. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

25 [Sections 3864.115-3864.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

27 Sec. 3864.151. TAX AND ASSESSMENT ABATEMENTS. The district

1 may designate reinvestment zones and may grant abatements of a tax
2 or assessment on property in the zones.

3 Sec. 3864.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4 board by resolution shall establish the number of directors'
5 signatures and the procedure required for a disbursement or
6 transfer of district money.

7 Sec. 3864.153. MONEY USED FOR IMPROVEMENTS OR SERVICES.
8 The district may acquire, construct, finance, operate, or maintain
9 any improvement or service authorized under this chapter or Chapter
10 375, Local Government Code, using any money available to the
11 district.

12 Sec. 3864.154. PETITION REQUIRED FOR FINANCING SERVICES AND
13 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
14 service or improvement project with assessments under this chapter
15 unless a written petition requesting that service or improvement
16 has been filed with the board.

17 (b) A petition filed under Subsection (a) must be signed by
18 the owners of a majority of the assessed value of real property in
19 the district subject to assessment according to the most recent
20 certified tax appraisal roll for the county.

21 Sec. 3864.155. METHOD OF NOTICE FOR HEARING. The district
22 may mail the notice required by Section 375.115(c), Local
23 Government Code, by certified or first class United States mail.
24 The board shall determine the method of notice.

25 Sec. 3864.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
26 The board by resolution may impose and collect an assessment for any
27 purpose authorized by this chapter in all or any part of the

1 district.

2 (b) An assessment, a reassessment, or an assessment
3 resulting from an addition to or correction of the assessment roll
4 by the district, penalties and interest on an assessment or
5 reassessment, an expense of collection, and reasonable attorney's
6 fees incurred by the district:

7 (1) are a first and prior lien against the property
8 assessed;

9 (2) are superior to any other lien or claim other than
10 a lien or claim for county, school district, or municipal ad valorem
11 taxes; and

12 (3) are the personal liability of and a charge against
13 the owners of the property even if the owners are not named in the
14 assessment proceedings.

15 (c) The lien is effective from the date of the board's
16 resolution imposing the assessment until the date the assessment is
17 paid. The board may enforce the lien in the same manner that the
18 board may enforce an ad valorem tax lien against real property.

19 (d) The board may make a correction to or deletion from the
20 assessment roll that does not increase the amount of assessment of
21 any parcel of land without providing notice and holding a hearing in
22 the manner required for additional assessments.

23 Sec. 3864.157. RESIDENTIAL PROPERTY NOT EXEMPT. Section
24 375.161, Local Government Code, does not apply to a tax approved by
25 the voters of the district or a required payment for a service
26 provided by the district, including water and sewer services.

27 Sec. 3864.158. COMPETITIVE BIDDING. Subchapter I, Chapter

49, Water Code, applies to the district. Sections 375.221 and 375.223, Local Government Code, do not apply to the district.

[Sections 3864.159-3864.200 reserved for expansion]

SUBCHAPTER E. TAXES AND BONDS

Sec. 3864.201. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3864.203.

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

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

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3864.202. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held in accordance with Section 3864.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

1 (3) provide a service.

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

4 Sec. 3864.203. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 Sec. 3864.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
14 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
15 determined by the board. Section 375.205, Local Government Code,
16 does not apply to a loan, line of credit, or other borrowing from a
17 bank or financial institution secured by revenue other than ad
18 valorem taxes.

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

24 Sec. 3864.205. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct annual ad valorem tax, without limit as to rate or amount,

1 for each year that all or part of the bonds are outstanding as
2 required and in the manner provided by Sections 54.601 and 54.602,
3 Water Code.

4 Sec. 3864.206. TAXES FOR RAIL FACILITIES AND IMPROVEMENTS.
5 Under Sections 52 and 52-a, Article III, and Section 59, Article
6 XVI, Texas Constitution, the district may impose taxes in
7 accordance with this subchapter for the construction and
8 maintenance of rail facilities and improvements.

9 [Sections 3864.207-3864.250 reserved for expansion]

10 SUBCHAPTER F. DEFINED AREAS

11 Sec. 3864.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
12 DESIGNATED PROPERTY. The district may define areas or designate
13 certain property of the district to pay for improvements,
14 facilities, or services that primarily benefit that area or
15 property and do not generally and directly benefit the district as a
16 whole.

17 Sec. 3864.252. PROCEDURE FOR ELECTION. (a) Before the
18 district may impose an ad valorem tax or issue bonds payable from ad
19 valorem taxes of the area defined or property designated under
20 Section 3864.251, the board shall call and hold an election in the
21 defined area or within the boundaries of the designated property
22 only.

23 (b) The board may submit the proposition to the voters on
24 the same ballot to be used in another election.

25 Sec. 3864.253. DECLARING RESULT AND ISSUING ORDER. (a) If
26 a majority of the voters voting at the election approve the
27 proposition or propositions, the board shall declare the results

1 and, by order, shall establish the defined area and describe it by
2 metes and bounds or designate the specific property.

3 (b) The board's order is not subject to judicial review
4 except on the ground of fraud, palpable error, or arbitrary and
5 confiscatory abuse of discretion.

6 Sec. 3864.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
7 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
8 approval and adoption of the order described by Section 3864.253,
9 the district may apply separately, differently, equitably, and
10 specifically its taxing power and lien authority to the defined
11 area or designated property to provide money to construct,
12 administer, maintain, and operate services, improvements, and
13 facilities that primarily benefit the defined area or designated
14 property.

15 Sec. 3864.255. ISSUANCE OF BONDS FOR DEFINED AREAS OR
16 DESIGNATED PROPERTY. After the order under Section 3864.253 is
17 adopted, the district may issue bonds to provide for any land,
18 improvements, facilities, plants, equipment, and appliances for
19 the defined area or designated property.

20 [Sections 3864.256-3864.300 reserved for expansion]

21 SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

22 Sec. 3864.301. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The
23 district is a "water or sewer district" under Section 43.071, Local
24 Government Code.

25 (b) Section 43.075, Local Government Code, applies to the
26 district.

27 (c) Section 375.264, Local Government Code, does not apply

1 to the dissolution of the district by a municipality.

2 SECTION 2. Jefferson County Management District No. 1
3 initially includes all territory contained in the following area:

4 A 1,116.39 acre (48,630,066 square feet) tract of land In the
5 T & NO Railroad Survey, Section 276, Abstract 414, the T & NO
6 Railroad Survey, Section 275, Abstract 316, the BBB & C Railroad Co.
7 Survey, Section 390, Abstract 93, the W. Kyle Survey, Abstract 414,
8 the William H. Voris Survey, Abstract 382, and the R. A. Greer
9 Survey, Abstract 666, Port Arthur, Jefferson County, Texas, and
10 being comprised of a called 1101.94 acre tract of land (called
11 Parcel 1) conveyed to Equistar Chemicals, LP and described in a deed
12 to National Distillers and Chemical Corporation, as recorded under
13 Jefferson County Clerk's File Number 8403467, a called 2.02 acre
14 tract of land (called Parcel N) described in a deed to National
15 Distillers and Chemical Corporation, as recorded under Jefferson
16 County Clerk's File Number 8403467, and a called 9.49 acre tract of
17 land described in a deed to National Distillers and Chemical
18 Corporation, as recorded under Jefferson County Clerk's File Number
19 8414481, said 1,116.39 acre tract being more particularly described
20 as follows (bearings based on the Texas State Plane Coordinate
21 System, South Central Zone, derived by GPS observations from TXBM,
22 TXCN, and TXGA (TXDOT COR Stations)):

23 COMMENCING at a 3/8-inch iron rod found at the northwest
24 corner of a called 1.345 acre tract of land described in a deed from
25 Equistar Chemicals, LP to Lakeside Palomar Community Development,
26 Inc., as recorded under Jefferson County Clerk's File Number
27 2001004526, the intersection of the southerly right-of-way line of

1 State Highway 73 (width varies), and the easterly right-of-way line
2 of Lakeside Plaza:

3 THENCE, South 85 degrees 12 minutes 34 seconds East, along
4 the southerly right-of-way line of said State Highway 73, a
5 distance of 139.60 feet, to a 3/8-inch iron rod found at the
6 northeast corner of said called 1.345 acre tract, the most
7 northerly corner of said called 1101.94 acre tract, and the most
8 northerly corner and POINT OF BEGINNING of the herein described
9 tract of land;

10 THENCE, South 75 degrees 27 minutes 26 seconds East, along
11 the southerly right-of-way line of said State Highway 73, a
12 distance of 636.46 feet, to a 5/8-inch iron rod with "CLR" cap set
13 at a northeasterly corner of the herein described tract, the
14 intersection of the southerly right-of-way line of said State
15 Highway 73 and the westerly right-of-way line of F.M. 823 (100 feet
16 wide);

17 THENCE, South 34 degrees 49 minutes 10 seconds East, along
18 the westerly right-of-way line of said F.M. 823, a distance of
19 846.39 feet, to a 5/8-inch iron rod with "CLR" cap set at a point of
20 curvature;

21 THENCE, Southeasterly, along said curve to the left, through
22 a central angle of 10 degrees 25 minutes 43 seconds, to a 5/8-inch
23 iron rod with "CLR" cap set at a point of tangency, said curve
24 having a radius of 1,687.07 feet, an arc length of 307.07 feet, and
25 a chord which bears South 40 degrees 02 minutes 02 seconds East, a
26 distance of 306.65 feet;

27 THENCE, South 45 degrees 06 minutes 25 seconds East, a

1 distance of 59.59 feet, to a 5/8-inch iron rod with "CLR" cap set at
2 an interior corner of the herein described tract;

3 THENCE, North 47 degrees 31 minutes 22 seconds East, a
4 distance of 100.11 feet, to a 1-inch iron pipe found at an interior
5 corner of the herein described tract, and lying in the easterly
6 right-of-way line of said F.M. 823;

7 THENCE, North 45 degrees 06 minutes 25 seconds West, along
8 the easterly right-of-way line of said F.M. 823, a distance of 64.31
9 feet, to a 5/8-inch iron rod with "CLR" cap set at a point of
10 curvature;

11 THENCE, Northwesterly, along a curve to the right, through a
12 central angle of 10 degrees 25 minutes 59 seconds, to a 5/8-inch
13 iron rod with "CLR" cap set at a point of tangency, said curve
14 having a radius of 1,587.07 feet, an arc length of 288.99 feet, and
15 a chord which bears North 40 degrees 02 minutes 10 seconds West, a
16 distance of 288.59 feet;

17 THENCE, North 34 degrees 49 minutes 10 seconds West, a
18 distance of 742.18 feet, to a 1-inch iron pipe found at a
19 northwesterly corner of the herein described tract;

20 THENCE, North 29 degrees 49 minutes 53 seconds East, a
21 distance of 61.31 feet, to a 1-inch iron pipe found at a
22 northwesterly corner of the herein described tract, and lying in
23 the southerly right-of-way line of said State Highway 73;

24 THENCE, South 85 degrees 05 minutes 29 seconds East, along
25 the southerly right-of-way line of said State Highway 73, a
26 distance of 75.01 feet, to a 5/8-inch iron rod with "CLR" cap set at
27 a northeasterly corner of the herein described tract;

1 THENCE, South 30 degrees 56 minutes 15 seconds East, a
2 distance of 1,073.07 feet, to a 1-inch iron pipe found at an
3 interior corner of the herein described tract;

4 THENCE, North 43 degrees 45 minutes 45 seconds East, a
5 distance of 123.97 feet, to a 5/8-inch iron rod with "CLR" cap set
6 at a northeasterly corner of the herein described tract;

7 THENCE, South 30 degrees 54 minutes 24 seconds East, a
8 distance of 4,363.53 feet, to a 5/8-inch iron rod with "CLR" cap set
9 at an angle point in the easterly line of the herein described
10 tract;

11 THENCE, South 32 degrees 16 minutes 49 seconds East, a
12 distance of 400.39 feet, to a broken concrete monument found at the
13 most northerly corner of the aforementioned called 9.49 acre tract;

14 THENCE, Southeasterly along a non-tangent curve to the left
15 through a central angle of 01 degrees 34 minutes 14 seconds, to a
16 5-inch concrete monument found at the most easterly corner of said
17 called 9.49 acre tract, said curve having a radius of 5,779.65 feet,
18 an arc length of 158.43 feet, and a chord which bears South 34
19 degrees 37 minutes 50 seconds East, a distance of 158.40 feet;

20 THENCE, South 36 degrees 37 minutes 44 seconds West, a
21 distance of 2,716.64 feet, to a 1-inch iron pipe found at the most
22 southerly corner of said called 9.49 acre tract and an interior
23 corner of the herein described tract;

24 THENCE, South 64 degrees 42 minutes 06 seconds East, a
25 distance of 1,434.17 feet, to a 5-inch concrete monument found at an
26 easterly corner of the herein described tract, and lying in the in
27 an easterly line of the herein described tract;

1 THENCE, South 14 degrees 26 minutes 02 seconds East, a
2 distance of 389.11 feet, to a point in the northerly bank of Taylor
3 Bayou, at the southeasterly corner of the herein described tract;

4 THENCE, North 89 degrees 54 minutes 00 seconds West, along
5 the northerly bank of Taylor Bayou, a distance of 88.44 feet, to a
6 point for corner;

7 THENCE, North 76 degrees 03 minutes 49 seconds West, along
8 the northerly bank of Taylor Bayou, a distance of 88.58 feet, to a
9 point for corner;

10 THENCE, North 84 degrees 22 minutes 39 seconds West, along
11 the northerly bank of Taylor Bayou, a distance of 59.83 feet, to a
12 point for corner;

13 THENCE, South 88 degrees 58 minutes 36 seconds West, along
14 the northerly bank of Taylor Bayou, a distance of 59.73 feet, to a
15 point for corner;

16 THENCE, South 86 degrees 45 minutes 53 seconds West, along
17 the northerly bank of Taylor Bayou, a distance of 38.13 feet, to a
18 point for corner;

19 THENCE, North 13 degrees 41 minutes 30 seconds East, a
20 distance of 11.39 feet, to a point for corner;

21 THENCE, North 01 degrees 38 minutes 12 seconds East, a
22 distance of 23.09 feet, to a point for corner;

23 THENCE, North 07 degrees 36 minutes 37 seconds West, a
24 distance of 14.64 feet, to a point for corner;

25 THENCE, North 57 degrees 12 minutes 26 seconds West, a
26 distance of 30.60 feet, to a point for corner;

27 THENCE, South 65 degrees 32 minutes 21 seconds West, a

1 distance of 29.18 feet, to a point for corner;
2 THENCE, South 22 degrees 23 minutes 51 seconds West, a
3 distance of 48.68 feet, to a point for corner;
4 THENCE, North 88 degrees 16 minutes 09 seconds West, along
5 the northerly bank of Taylor Bayou, a distance of 286.98 feet, to a
6 point for corner;
7 THENCE, North 89 degrees 45 minutes 37 seconds West, along
8 the northerly bank of Taylor Bayou, a distance of 182.99 feet, to a
9 point for corner;
10 THENCE, South 68 degrees 20 minutes 56 seconds West, along
11 the northerly bank of Taylor Bayou, a distance of 223.09 feet, to a
12 point for corner;
13 THENCE, North 15 degrees 55 minutes 19 seconds West, a
14 distance of 32.56 feet, to a point for corner;
15 THENCE, South 79 degrees 59 minutes 40 seconds West, a
16 distance of 43.90 feet, to a point for corner;
17 THENCE, South 19 degrees 20 minutes 41 seconds West, a
18 distance of 64.42 feet, to a point for corner;
19 THENCE, South 62 degrees 40 minutes 57 seconds West, along
20 the northerly bank of Taylor Bayou, a distance of 337.26 feet, to a
21 point for corner;
22 THENCE, South 85 degrees 56 minutes 10 seconds West, a
23 distance of 1,098.26 feet, to a point for corner;
24 THENCE, North 36 degrees 37 minutes 44 seconds East, a
25 distance of 49.73 feet, to a point for corner;
26 THENCE, South 85 degrees 24 minutes 44 seconds West, a
27 distance of 545.00 feet, to a point for corner;

1 THENCE, North 06 degrees 30 minutes 08 seconds West, a
2 distance of 53.66 feet, to a point for corner;

3 THENCE, North 76 degrees 15 minutes 31 seconds West, a
4 distance of 48.62 feet, to a point for corner;

5 THENCE, North 22 degrees 38 minutes 15 seconds West, a
6 distance of 140.59 feet, along the northeasterly bank of Taylor
7 Bayou, to a point for corner;

8 THENCE, North 33 degrees 05 minutes 13 seconds West, along
9 the northeasterly bank of Taylor Bayou, a distance of 96.41 feet, to
10 a point for corner;

11 THENCE, North 60 degrees 35 minutes 09 seconds West, along
12 the northerly bank of Taylor Bayou, a distance of 281.92 feet, to a
13 point for corner;

14 THENCE, North 78 degrees 00 minutes 48 seconds West, along
15 the northerly bank of Taylor Bayou, a distance of 123.30 feet, to a
16 point for corner;

17 THENCE, South 82 degrees 22 minutes 05 seconds West, along
18 the northerly bank of Taylor Bayou, a distance of 112.91 feet, to a
19 point for corner;

20 THENCE, South 54 degrees 28 minutes 06 seconds West, along
21 the northerly bank of Taylor Bayou, a distance of 157.98 feet, to a
22 point for corner;

23 THENCE, South 76 degrees 30 minutes 13 seconds West, along
24 the northerly bank of Taylor Bayou, a distance of 76.71 feet, to a
25 point for corner;

26 THENCE, South 46 degrees 35 minutes 51 seconds West, along
27 the northerly bank of Taylor Bayou, a distance of 402.96 feet, to a

1 point for corner;

2 THENCE, South 38 degrees 51 minutes 09 seconds West, along
3 the northerly bank of Taylor Bayou, a distance of 65.50 feet, to a
4 point for corner;

5 THENCE, South 16 degrees 59 minutes 01 seconds West, along
6 the northerly bank of Taylor Bayou, a distance of 80.03 feet, to a
7 point for corner;

8 THENCE, South 16 degrees 35 minutes 00 seconds West, along
9 the northerly bank of Taylor Bayou, a distance of 132.26 feet, to a
10 point for corner;

11 THENCE, South 27 degrees 14 minutes 01 seconds West, along
12 the northerly bank of Taylor Bayou, a distance of 468.77 feet, to a
13 point for corner;

14 THENCE, South 40 degrees 46 minutes 37 seconds West, along
15 the northerly bank of Taylor Bayou, a distance of 350.04 feet, to a
16 point for corner;

17 THENCE, South 46 degrees 28 minutes 54 seconds West, along
18 the northerly bank of Taylor Bayou, a distance of 237.05 feet, to a
19 point for corner;

20 THENCE, South 62 degrees 42 minutes 00 seconds West, along
21 the northerly bank of Taylor Bayou, a distance of 196.52 feet, to a
22 point for corner;

23 THENCE, South 79 degrees 33 minutes 00 seconds West, along
24 the northerly bank of Taylor Bayou, a distance of 105.88 feet, to a
25 point for corner;

26 THENCE, North 08 degrees 41 minutes 43 seconds West, along
27 the northerly bank of Taylor Bayou, a distance of 59.02 feet, to a

1 point for corner;

2 THENCE, North 89 degrees 24 minutes 01 seconds West, along
3 the northerly bank of Taylor Bayou, a distance of 123.82 feet, to a
4 point for corner;

5 THENCE, South 04 degrees 20 minutes 03 seconds East, along
6 the northerly bank of Taylor Bayou, a distance of 33.27 feet, to a
7 point for corner;

8 THENCE, North 87 degrees 33 minutes 19 seconds West, along
9 the northerly bank of Taylor Bayou, a distance of 107.49 feet, to a
10 point for corner;

11 THENCE, North 81 degrees 22 minutes 14 seconds West, along
12 the northerly bank of Taylor Bayou, a distance of 167.37 feet, to a
13 point for corner;

14 THENCE, North 58 degrees 34 minutes 35 seconds West, along
15 the northeasterly bank of Taylor Bayou, a distance of 233.42 feet,
16 to a point for corner;

17 THENCE, North 52 degrees 36 minutes 32 seconds West, along
18 the northeasterly bank of Taylor Bayou, a distance of 416.40 feet,
19 to a point for corner;

20 THENCE, North 45 degrees 04 minutes 29 seconds West, along
21 the northeasterly bank of Taylor Bayou, a distance of 334.26 feet,
22 to a point for corner;

23 THENCE, North 41 degrees 12 minutes 18 seconds West, along
24 the northeasterly bank of Taylor Bayou, a distance of 279.62 feet,
25 to a point for corner;

26 THENCE, North 38 degrees 01 minutes 24 seconds West, along
27 the easterly bank of Taylor Bayou, a distance of 338.36 feet, to a

1 point for corner;

2 THENCE, North 29 degrees 27 minutes 09 seconds West, along
3 the easterly bank of Taylor Bayou, a distance of 425.91 feet, to a
4 point for corner;

5 THENCE, North 15 degrees 26 minutes 41 seconds West, along
6 the easterly bank of Taylor Bayou, a distance of 338.77 feet, to a
7 point for corner;

8 THENCE, North 11 degrees 04 minutes 11 seconds West, along
9 the easterly bank of Taylor Bayou, a distance of 341.81 feet, to a
10 point for corner;

11 THENCE, North 05 degrees 50 minutes 15 seconds West, along
12 the easterly bank of Taylor Bayou, a distance of 471.18 feet, to a
13 point for corner;

14 THENCE, North 12 degrees 00 minutes 33 seconds West, along
15 the easterly bank of Taylor Bayou, a distance of 249.38 feet, to a
16 point for corner;

17 THENCE, North 19 degrees 47 minutes 46 seconds West, along
18 the easterly bank of Taylor Bayou, a distance of 118.89 feet, to a
19 point for corner;

20 THENCE, North 19 degrees 25 minutes 05 seconds West, along
21 the easterly bank of Taylor Bayou, a distance of 172.13 feet, to a
22 point for corner;

23 THENCE, North 35 degrees 29 minutes 15 seconds West, along
24 the easterly bank of Taylor Bayou, a distance of 314.01 feet, to a
25 point for corner;

26 THENCE, North 38 degrees 03 minutes 21 seconds West, along
27 the easterly bank of Taylor Bayou, a distance of 348.90 feet, to a

1 point for corner;

2 THENCE, North 12 degrees 31 minutes 53 seconds West, along
3 the easterly bank of Taylor Bayou, a distance of 120.92 feet, to a
4 point for corner;

5 THENCE, North 00 degrees 45 minutes 58 seconds East, along
6 the easterly bank of Taylor Bayou, a distance of 157.80 feet, to a
7 point for corner;

8 THENCE, North 14 degrees 11 minutes 10 seconds East, along
9 the easterly bank of Taylor Bayou, a distance of 281.70 feet, to a
10 point for corner;

11 THENCE, North 28 degrees 59 minutes 24 seconds East, along
12 the easterly bank of Taylor Bayou, a distance of 582.04 feet, to a
13 point for corner;

14 THENCE, North 43 degrees 40 minutes 13 seconds East, along
15 the easterly bank of Taylor Bayou, a distance of 389.34 feet, to a
16 point for corner;

17 THENCE, North 25 degrees 34 minutes 14 seconds East, along
18 the easterly bank of Taylor Bayou, a distance of 336.16 feet, to a
19 point for corner;

20 THENCE, North 08 degrees 04 minutes 22 seconds East, along
21 the easterly bank of Taylor Bayou, a distance of 220.47 feet, to a
22 point for corner;

23 THENCE, North 14 degrees 38 minutes 23 seconds West, along
24 the easterly bank of Taylor Bayou, a distance of 273.06 feet, to a
25 point for corner;

26 THENCE, North 27 degrees 28 minutes 48 seconds West, along
27 the easterly bank of Taylor Bayou, a distance of 465.55 feet, to a

1 point for corner;

2 THENCE, North 28 degrees 46 minutes 03 seconds West, along
3 the easterly bank of Taylor Bayou, a distance of 417.94 feet, to a
4 point for corner;

5 THENCE, North 04 degrees 24 minutes 55 seconds West, along
6 the easterly bank of Taylor Bayou, a distance of 125.95 feet, to a
7 point for corner;

8 THENCE, North 52 degrees 02 minutes 00 seconds West, along
9 the easterly bank of Taylor Bayou, a distance of 67.85 feet, to a
10 point at the northwest corner of the herein described tract, and
11 lying in the southerly bank of Tiger Bayou;

12 THENCE, leaving the easterly bank of Taylor Bayou, and along
13 the southerly bank of Tiger Bayou, as follows;

14 THENCE, North 54 degrees 32 minutes 23 seconds East, a
15 distance of 251.63 feet, to a 5/8-inch iron rod with "CLR" cap set
16 at a northerly corner of the herein described tract;

17 THENCE, North 51 degrees 22 minutes 50 seconds East, a
18 distance of 242.28 feet, to a 5/8-inch iron rod found at a northerly
19 corner of the herein described tract;

20 THENCE, North 24 degrees 29 minutes 19 seconds East, a
21 distance of 395.65 feet, to a 5/8-inch iron rod with "CLR" cap set
22 at a northerly corner of the herein described tract;

23 THENCE, North 52 degrees 35 minutes 33 seconds East, a
24 distance of 603.19 feet, to a 5/8-inch iron rod found at a northerly
25 corner of the herein described tract;

26 THENCE, North 68 degrees 18 minutes 18 seconds East, a
27 distance of 273.23 feet, to a 5/8-inch iron rod with "CLR" cap set

1 at a northerly corner of the herein described tract;

2 THENCE, North 78 degrees 40 minutes 42 seconds East, a
3 distance of 196.73 feet, to a 5/8-inch iron rod found at a northerly
4 corner of the herein described tract;

5 THENCE, South 80 degrees 02 minutes 00 seconds East, a
6 distance of 151.51 feet, to a 5/8-inch iron rod found at a northerly
7 corner of the herein described tract;

8 THENCE, North 82 degrees 58 minutes 03 seconds East, a
9 distance of 584.69 feet, to a 5/8-inch iron rod found at a northerly
10 corner of the herein described tract;

11 THENCE, North 77 degrees 22 minutes 04 seconds East, a
12 distance of 236.38 feet, to a 5/8-inch iron rod with "CLR" cap set
13 at a northerly corner of the herein described tract;

14 THENCE, North 83 degrees 54 minutes 58 seconds East, a
15 distance of 928.06 feet, to a 5/8-inch iron rod with "CLR" cap set
16 at a northerly re-entrant corner of the herein described tract;

17 THENCE, leaving the southerly bank of Tiger Bayou, North 08
18 degrees 36 minutes 40 seconds West, a distance of 933.50 feet, to a
19 3/8-inch iron rod in concrete found at a northwesterly corner of the
20 herein described tract;

21 THENCE, North 87 degrees 08 minutes 10 seconds East, a
22 distance of 114.31 feet, to a 1/2-inch iron rod found at a northerly
23 re-entrant corner of the herein described tract;

24 THENCE, North 09 degrees 21 minutes 06 seconds West, a
25 distance of 227.73 feet, to a 1/2-inch iron rod found at a
26 northwesterly corner of the herein described tract;

27 THENCE, South 85 degrees 30 minutes 28 seconds East, a

1 distance of 124.46 feet, to a 1/2-inch iron rod found at a northerly
2 re-entrant corner of the herein described tract;

3 THENCE, along a non-tangent curve to the left, through a
4 central angle of 12 degrees 16 minutes 36 seconds, to a 1/2-inch
5 iron rod found at a northwesterly corner of the herein described
6 tract, lying in the westerly right-of-way line of Lakeside Plaza
7 Drive, said curve having a radius of 258.42 feet, an arc length of
8 55.37 feet, and a chord which bears North 01 degrees 06 minutes 08
9 seconds West, a distance of 55.27 feet,;

10 THENCE, South 85 degrees 09 minutes 10 seconds East, a
11 distance of 59.76 feet, to a 5/8-inch iron rod with "CLR" cap set at
12 a northerly re-entrant corner of the herein described tract, and
13 lying the easterly right-of-way line of said Lakeside Plaza Drive;

14 THENCE, with the easterly right-of-way line of said Lakeside
15 Plaza Drive, North 04 degrees 48 minutes 08 seconds East, a
16 distance of 114.86 feet, to a 1/2-inch iron rod found at the
17 southwest corner of the aforementioned called 1.345 acre tract, and
18 a northwesterly corner of the herein described tract;

19 THENCE, South 85 degrees 13 minutes 23 seconds East, a
20 distance of 139.54 feet, to a 1/2-inch iron rod found at the
21 southeast corner of said called 1.345 acre tract, and a northerly
22 re-entrant corner of the herein described tract;

23 THENCE, North 04 degrees 48 minutes 39 seconds East, a
24 distance of 420.04 feet, to the POINT OF BEGINNING and containing a
25 computed area of 1,116.39 acres (48,630,066 square feet) of land.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

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

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

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

13 (d) The general law relating to consent by political
14 subdivisions to the creation of districts with conservation,
15 reclamation, and road powers and the inclusion of land in those
16 districts has been complied with.

17 (e) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act have been
20 fulfilled and accomplished.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2011.