

1-1 By: Ritter (Senate Sponsor - Huffman) H.B. No. 2296
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 26, 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 Jefferson County Management District
1-10 No. 1; providing authority to impose an assessment, impose a tax,
1-11 and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-14 Code, is amended by adding Chapter 3864 to read as follows:

1-15 CHAPTER 3864. JEFFERSON COUNTY MANAGEMENT DISTRICT NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 3864.001. DEFINITIONS. In this chapter:

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

1-19 (2) "City" means the City of Port Arthur.

1-20 (3) "County" means Jefferson County.

1-21 (4) "Director" means a board member.

1-22 (5) "District" means the Jefferson County Management
1-23 District No. 1.

1-24 Sec. 3864.002. NATURE OF DISTRICT. The Jefferson County
1-25 Management District No. 1 is a special district created under
1-26 Section 59, Article XVI, Texas Constitution.

1-27 Sec. 3864.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-28 creation of the district is essential to accomplish the purposes of
1-29 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-30 Texas Constitution, and other public purposes stated in this
1-31 chapter. By creating the district and in authorizing the city, the
1-32 county, and other political subdivisions to contract with the
1-33 district, the legislature has established a program to accomplish
1-34 the public purposes set out in Section 52-a, Article III, Texas
1-35 Constitution.

1-36 (b) The creation of the district is necessary to promote,
1-37 develop, encourage, and maintain employment, commerce,
1-38 transportation, housing, tourism, recreation, the arts,
1-39 entertainment, economic development, safety, and the public
1-40 welfare in the district.

1-41 (c) This chapter and the creation of the district may not be
1-42 interpreted to relieve the city or the county from providing the
1-43 level of services provided as of the effective date of the Act
1-44 enacting this chapter to the area in the district. The district is
1-45 created to supplement and not to supplant city or county services
1-46 provided in the district.

1-47 Sec. 3864.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
1-48 The district is created to serve a public use and benefit.

1-49 (b) All land and other property included in the district
1-50 will benefit from the improvements and services to be provided by
1-51 the district under powers conferred by Sections 52 and 52-a,
1-52 Article III, and Section 59, Article XVI, Texas Constitution, and
1-53 other powers granted under this chapter.

1-54 (c) The creation of the district is in the public interest
1-55 and is essential to further the public purposes of:

1-56 (1) developing and diversifying the economy of the
1-57 state;

1-58 (2) eliminating unemployment and underemployment; and

1-59 (3) developing or expanding transportation and
1-60 commerce.

1-61 (d) The district will:

1-62 (1) promote the health, safety, and general welfare of
1-63 residents, employers, potential employees, employees, visitors,
1-64 and consumers in the district, and of the public;

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

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

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

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

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

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

(g) Rail facilities and improvements are:

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

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

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

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

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

(1) organization, existence, or validity;

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

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

(4) legality or operation.

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

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

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

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

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

(d) This section expires September 1, 2016.

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

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

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

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

(3) a nonvoting director.

Sec. 3864.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as 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, Transportation Code; and

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

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

4-1 Sec. 3864.105. AGREEMENTS; GRANTS. (a) As provided by
 4-2 Chapter 375, Local Government Code, the district may make an
 4-3 agreement with or accept a gift, grant, or loan from any person.

4-4 (b) The implementation of a project is a governmental
 4-5 function or service for the purposes of Chapter 791, Government
 4-6 Code.

4-7 Sec. 3864.106. LAW ENFORCEMENT SERVICES. To protect the
 4-8 public interest, the district may contract with a qualified party,
 4-9 including the county or the city, to provide law enforcement
 4-10 services in the district for a fee.

4-11 Sec. 3864.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
 4-12 district may join and pay dues to a charitable or nonprofit
 4-13 organization that performs a service or provides an activity
 4-14 consistent with the furtherance of a district purpose.

4-15 Sec. 3864.108. ECONOMIC DEVELOPMENT. (a) The district may
 4-16 engage in activities that accomplish the economic development
 4-17 purposes of the district.

4-18 (b) The district may establish and provide for the
 4-19 administration of one or more programs to promote state or local
 4-20 economic development and to stimulate business and commercial
 4-21 activity in the district, including programs to:

4-22 (1) make loans and grants of public money; and

4-23 (2) provide district personnel and services.

4-24 (c) The district may create economic development programs
 4-25 and exercise the economic development powers provided to
 4-26 municipalities by:

4-27 (1) Chapter 380, Local Government Code; and

4-28 (2) Subchapter A, Chapter 1509, Government Code.

4-29 Sec. 3864.109. PARKING FACILITIES. (a) The district may
 4-30 acquire, lease as lessor or lessee, construct, develop, own,
 4-31 operate, and maintain parking facilities or a system of parking
 4-32 facilities, including lots, garages, parking terminals, or other
 4-33 structures or accommodations for parking motor vehicles off the
 4-34 streets and related appurtenances.

4-35 (b) The district's parking facilities serve the public
 4-36 purposes of the district and are owned, used, and held for a public
 4-37 purpose even if leased or operated by a private entity for a term of
 4-38 years.

4-39 (c) The district's parking facilities are parts of and
 4-40 necessary components of a street and are considered to be a street
 4-41 or road improvement.

4-42 (d) The development and operation of the district's parking
 4-43 facilities may be considered an economic development program.

4-44 Sec. 3864.110. ANNEXATION OR EXCLUSION OF LAND. (a) The
 4-45 district may annex land as provided by Subchapter J, Chapter 49,
 4-46 Water Code.

4-47 (b) The district may exclude land as provided by Subchapter
 4-48 J, Chapter 49, Water Code. Section 375.044(b), Local Government
 4-49 Code, does not apply to the district.

4-50 Sec. 3864.111. NAVIGATION DISTRICT POWERS. (a) The
 4-51 district has the powers provided by the general law of this state
 4-52 applicable to navigation districts created under Section 59,
 4-53 Article XVI, Texas Constitution, including Chapters 60 and 62,
 4-54 Water Code.

4-55 (b) The district may purchase, construct, acquire, own,
 4-56 operate, maintain, improve, or extend, inside and outside the
 4-57 district, a canal, waterway, bulkhead, dock, or other improvement
 4-58 or facility necessary or convenient to accomplish the navigation
 4-59 purposes of the district.

4-60 Sec. 3864.112. STRATEGIC PARTNERSHIP AGREEMENT. The
 4-61 district may negotiate and enter into a written strategic
 4-62 partnership under Section 43.0751, Local Government Code, with a
 4-63 municipality in whose extraterritorial jurisdiction the district
 4-64 is located.

4-65 Sec. 3864.113. RAIL FACILITIES. The district may
 4-66 construct, acquire, improve, maintain, finance, and operate rail
 4-67 facilities and improvements in aid of those facilities.

4-68 Sec. 3864.114. NO EMINENT DOMAIN POWER. The district may
 4-69 not exercise the power of eminent domain.

[Sections 3864.115-3864.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3864.151. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) provide a service.

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

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

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

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

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

Sec. 3864.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

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

[Sections 3864.207-3864.250 reserved for expansion]

SUBCHAPTER F. DEFINED AREAS

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

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

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

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

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

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

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

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

[Sections 3864.256-3864.300 reserved for expansion]

SUBCHAPTER G. MUNICIPAL ANNEXATION AND DISSOLUTION

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

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

(c) Section 375.264, Local Government Code, does not apply to the dissolution of the district by a municipality.

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

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

COMMENCING at a 3/8-inch iron rod found at the northwest corner of a called 1.345 acre tract of land described in a deed from Equistar Chemicals, LP to Lakeside Palomar Community Development, Inc., as recorded under Jefferson County Clerk's File Number 2001004526, the intersection of the southerly right-of-way line of State Highway 73 (width varies), and the easterly right-of-way line of Lakeside Plaza:

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

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

8-1 wide);

8-2 THENCE, South 34 degrees 49 minutes 10 seconds East, along

8-3 the westerly right-of-way line of said F.M. 823, a distance of

8-4 846.39 feet, to a 5/8-inch iron rod with "CLR" cap set at a point of

8-5 curvature;

8-6 THENCE, Southeasterly, along said curve to the left, through

8-7 a central angle of 10 degrees 25 minutes 43 seconds, to a 5/8-inch

8-8 iron rod with "CLR" cap set at a point of tangency, said curve

8-9 having a radius of 1,687.07 feet, an arc length of 307.07 feet, and

8-10 a chord which bears South 40 degrees 02 minutes 02 seconds East, a

8-11 distance of 306.65 feet;

8-12 THENCE, South 45 degrees 06 minutes 25 seconds East, a

8-13 distance of 59.59 feet, to a 5/8-inch iron rod with "CLR" cap set at

8-14 an interior corner of the herein described tract;

8-15 THENCE, North 47 degrees 31 minutes 22 seconds East, a

8-16 distance of 100.11 feet, to a 1-inch iron pipe found at an interior

8-17 corner of the herein described tract, and lying in the easterly

8-18 right-of-way line of said F.M. 823;

8-19 THENCE, North 45 degrees 06 minutes 25 seconds West, along

8-20 the easterly right-of-way line of said F.M. 823, a distance of 64.31

8-21 feet, to a 5/8-inch iron rod with "CLR" cap set at a point of

8-22 curvature;

8-23 THENCE, Northwesterly, along a curve to the right, through a

8-24 central angle of 10 degrees 25 minutes 59 seconds, to a 5/8-inch

8-25 iron rod with "CLR" cap set at a point of tangency, said curve

8-26 having a radius of 1,587.07 feet, an arc length of 288.99 feet, and

8-27 a chord which bears North 40 degrees 02 minutes 10 seconds West, a

8-28 distance of 288.59 feet;

8-29 THENCE, North 34 degrees 49 minutes 10 seconds West, a

8-30 distance of 742.18 feet, to a 1-inch iron pipe found at a

8-31 northwesterly corner of the herein described tract;

8-32 THENCE, North 29 degrees 49 minutes 53 seconds East, a

8-33 distance of 61.31 feet, to a 1-inch iron pipe found at a

8-34 northwesterly corner of the herein described tract, and lying in

8-35 the southerly right-of-way line of said State Highway 73;

8-36 THENCE, South 85 degrees 05 minutes 29 seconds East, along

8-37 the southerly right-of-way line of said State Highway 73, a

8-38 distance of 75.01 feet, to a 5/8-inch iron rod with "CLR" cap set at

8-39 a northeasterly corner of the herein described tract;

8-40 THENCE, South 30 degrees 56 minutes 15 seconds East, a

8-41 distance of 1,073.07 feet, to a 1-inch iron pipe found at an

8-42 interior corner of the herein described tract;

8-43 THENCE, North 43 degrees 45 minutes 45 seconds East, a

8-44 distance of 123.97 feet, to a 5/8-inch iron rod with "CLR" cap set

8-45 at a northeasterly corner of the herein described tract;

8-46 THENCE, South 30 degrees 54 minutes 24 seconds East, a

8-47 distance of 4,363.53 feet, to a 5/8-inch iron rod with "CLR" cap set

8-48 at an angle point in the easterly line of the herein described

8-49 tract;

8-50 THENCE, South 32 degrees 16 minutes 49 seconds East, a

8-51 distance of 400.39 feet, to a broken concrete monument found at the

8-52 most northerly corner of the aforementioned called 9.49 acre tract;

8-53 THENCE, Southeasterly along a non-tangent curve to the left

8-54 through a central angle of 01 degrees 34 minutes 14 seconds, to a

8-55 5-inch concrete monument found at the most easterly corner of said

8-56 called 9.49 acre tract, said curve having a radius of 5,779.65 feet,

8-57 an arc length of 158.43 feet, and a chord which bears South 34

8-58 degrees 37 minutes 50 seconds East, a distance of 158.40 feet;

8-59 THENCE, South 36 degrees 37 minutes 44 seconds West, a

8-60 distance of 2,716.64 feet, to a 1-inch iron pipe found at the most

8-61 southerly corner of said called 9.49 acre tract and an interior

8-62 corner of the herein described tract;

8-63 THENCE, South 64 degrees 42 minutes 06 seconds East, a

8-64 distance of 1,434.17 feet, to a 5-inch concrete monument found at an

8-65 easterly corner of the herein described tract, and lying in the in

8-66 an easterly line of the herein described tract;

8-67 THENCE, South 14 degrees 26 minutes 02 seconds East, a

8-68 distance of 389.11 feet, to a point in the northerly bank of Taylor

8-69 Bayou, at the southeasterly corner of the herein described tract;

9-1 THENCE, North 89 degrees 54 minutes 00 seconds West, along
 9-2 the northerly bank of Taylor Bayou, a distance of 88.44 feet, to a
 9-3 point for corner;
 9-4 THENCE, North 76 degrees 03 minutes 49 seconds West, along
 9-5 the northerly bank of Taylor Bayou, a distance of 88.58 feet, to a
 9-6 point for corner;
 9-7 THENCE, North 84 degrees 22 minutes 39 seconds West, along
 9-8 the northerly bank of Taylor Bayou, a distance of 59.83 feet, to a
 9-9 point for corner;
 9-10 THENCE, South 88 degrees 58 minutes 36 seconds West, along
 9-11 the northerly bank of Taylor Bayou, a distance of 59.73 feet, to a
 9-12 point for corner;
 9-13 THENCE, South 86 degrees 45 minutes 53 seconds West, along
 9-14 the northerly bank of Taylor Bayou, a distance of 38.13 feet, to a
 9-15 point for corner;
 9-16 THENCE, North 13 degrees 41 minutes 30 seconds East, a
 9-17 distance of 11.39 feet, to a point for corner;
 9-18 THENCE, North 01 degrees 38 minutes 12 seconds East, a
 9-19 distance of 23.09 feet, to a point for corner;
 9-20 THENCE, North 07 degrees 36 minutes 37 seconds West, a
 9-21 distance of 14.64 feet, to a point for corner;
 9-22 THENCE, North 57 degrees 12 minutes 26 seconds West, a
 9-23 distance of 30.60 feet, to a point for corner;
 9-24 THENCE, South 65 degrees 32 minutes 21 seconds West, a
 9-25 distance of 29.18 feet, to a point for corner;
 9-26 THENCE, South 22 degrees 23 minutes 51 seconds West, a
 9-27 distance of 48.68 feet, to a point for corner;
 9-28 THENCE, North 88 degrees 16 minutes 09 seconds West, along
 9-29 the northerly bank of Taylor Bayou, a distance of 286.98 feet, to a
 9-30 point for corner;
 9-31 THENCE, North 89 degrees 45 minutes 37 seconds West, along
 9-32 the northerly bank of Taylor Bayou, a distance of 182.99 feet, to a
 9-33 point for corner;
 9-34 THENCE, South 68 degrees 20 minutes 56 seconds West, along
 9-35 the northerly bank of Taylor Bayou, a distance of 223.09 feet, to a
 9-36 point for corner;
 9-37 THENCE, North 15 degrees 55 minutes 19 seconds West, a
 9-38 distance of 32.56 feet, to a point for corner;
 9-39 THENCE, South 79 degrees 59 minutes 40 seconds West, a
 9-40 distance of 43.90 feet, to a point for corner;
 9-41 THENCE, South 19 degrees 20 minutes 41 seconds West, a
 9-42 distance of 64.42 feet, to a point for corner;
 9-43 THENCE, South 62 degrees 40 minutes 57 seconds West, along
 9-44 the northerly bank of Taylor Bayou, a distance of 337.26 feet, to a
 9-45 point for corner;
 9-46 THENCE, South 85 degrees 56 minutes 10 seconds West, a
 9-47 distance of 1,098.26 feet, to a point for corner;
 9-48 THENCE, North 36 degrees 37 minutes 44 seconds East, a
 9-49 distance of 49.73 feet, to a point for corner;
 9-50 THENCE, South 85 degrees 24 minutes 44 seconds West, a
 9-51 distance of 545.00 feet, to a point for corner;
 9-52 THENCE, North 06 degrees 30 minutes 08 seconds West, a
 9-53 distance of 53.66 feet, to a point for corner;
 9-54 THENCE, North 76 degrees 15 minutes 31 seconds West, a
 9-55 distance of 48.62 feet, to a point for corner;
 9-56 THENCE, North 22 degrees 38 minutes 15 seconds West, a
 9-57 distance of 140.59 feet, along the northeasterly bank of Taylor
 9-58 Bayou, to a point for corner;
 9-59 THENCE, North 33 degrees 05 minutes 13 seconds West, along
 9-60 the northeasterly bank of Taylor Bayou, a distance of 96.41 feet, to
 9-61 a point for corner;
 9-62 THENCE, North 60 degrees 35 minutes 09 seconds West, along
 9-63 the northerly bank of Taylor Bayou, a distance of 281.92 feet, to a
 9-64 point for corner;
 9-65 THENCE, North 78 degrees 00 minutes 48 seconds West, along
 9-66 the northerly bank of Taylor Bayou, a distance of 123.30 feet, to a
 9-67 point for corner;
 9-68 THENCE, South 82 degrees 22 minutes 05 seconds West, along
 9-69 the northerly bank of Taylor Bayou, a distance of 112.91 feet, to a

10-1 point for corner;
 10-2 THENCE, South 54 degrees 28 minutes 06 seconds West, along
 10-3 the northerly bank of Taylor Bayou, a distance of 157.98 feet, to a
 10-4 point for corner;
 10-5 THENCE, South 76 degrees 30 minutes 13 seconds West, along
 10-6 the northerly bank of Taylor Bayou, a distance of 76.71 feet, to a
 10-7 point for corner;
 10-8 THENCE, South 46 degrees 35 minutes 51 seconds West, along
 10-9 the northerly bank of Taylor Bayou, a distance of 402.96 feet, to a
 10-10 point for corner;
 10-11 THENCE, South 38 degrees 51 minutes 09 seconds West, along
 10-12 the northerly bank of Taylor Bayou, a distance of 65.50 feet, to a
 10-13 point for corner;
 10-14 THENCE, South 16 degrees 59 minutes 01 seconds West, along
 10-15 the northerly bank of Taylor Bayou, a distance of 80.03 feet, to a
 10-16 point for corner;
 10-17 THENCE, South 16 degrees 35 minutes 00 seconds West, along
 10-18 the northerly bank of Taylor Bayou, a distance of 132.26 feet, to a
 10-19 point for corner;
 10-20 THENCE, South 27 degrees 14 minutes 01 seconds West, along
 10-21 the northerly bank of Taylor Bayou, a distance of 468.77 feet, to a
 10-22 point for corner;
 10-23 THENCE, South 40 degrees 46 minutes 37 seconds West, along
 10-24 the northerly bank of Taylor Bayou, a distance of 350.04 feet, to a
 10-25 point for corner;
 10-26 THENCE, South 46 degrees 28 minutes 54 seconds West, along
 10-27 the northerly bank of Taylor Bayou, a distance of 237.05 feet, to a
 10-28 point for corner;
 10-29 THENCE, South 62 degrees 42 minutes 00 seconds West, along
 10-30 the northerly bank of Taylor Bayou, a distance of 196.52 feet, to a
 10-31 point for corner;
 10-32 THENCE, South 79 degrees 33 minutes 00 seconds West, along
 10-33 the northerly bank of Taylor Bayou, a distance of 105.88 feet, to a
 10-34 point for corner;
 10-35 THENCE, North 08 degrees 41 minutes 43 seconds West, along
 10-36 the northerly bank of Taylor Bayou, a distance of 59.02 feet, to a
 10-37 point for corner;
 10-38 THENCE, North 89 degrees 24 minutes 01 seconds West, along
 10-39 the northerly bank of Taylor Bayou, a distance of 123.82 feet, to a
 10-40 point for corner;
 10-41 THENCE, South 04 degrees 20 minutes 03 seconds East, along
 10-42 the northerly bank of Taylor Bayou, a distance of 33.27 feet, to a
 10-43 point for corner;
 10-44 THENCE, North 87 degrees 33 minutes 19 seconds West, along
 10-45 the northerly bank of Taylor Bayou, a distance of 107.49 feet, to a
 10-46 point for corner;
 10-47 THENCE, North 81 degrees 22 minutes 14 seconds West, along
 10-48 the northerly bank of Taylor Bayou, a distance of 167.37 feet, to a
 10-49 point for corner;
 10-50 THENCE, North 58 degrees 34 minutes 35 seconds West, along
 10-51 the northeasterly bank of Taylor Bayou, a distance of 233.42 feet,
 10-52 to a point for corner;
 10-53 THENCE, North 52 degrees 36 minutes 32 seconds West, along
 10-54 the northeasterly bank of Taylor Bayou, a distance of 416.40 feet,
 10-55 to a point for corner;
 10-56 THENCE, North 45 degrees 04 minutes 29 seconds West, along
 10-57 the northeasterly bank of Taylor Bayou, a distance of 334.26 feet,
 10-58 to a point for corner;
 10-59 THENCE, North 41 degrees 12 minutes 18 seconds West, along
 10-60 the northeasterly bank of Taylor Bayou, a distance of 279.62 feet,
 10-61 to a point for corner;
 10-62 THENCE, North 38 degrees 01 minutes 24 seconds West, along
 10-63 the easterly bank of Taylor Bayou, a distance of 338.36 feet, to a
 10-64 point for corner;
 10-65 THENCE, North 29 degrees 27 minutes 09 seconds West, along
 10-66 the easterly bank of Taylor Bayou, a distance of 425.91 feet, to a
 10-67 point for corner;
 10-68 THENCE, North 15 degrees 26 minutes 41 seconds West, along
 10-69 the easterly bank of Taylor Bayou, a distance of 338.77 feet, to a

11-1 point for corner;
 11-2 THENCE, North 11 degrees 04 minutes 11 seconds West, along
 11-3 the easterly bank of Taylor Bayou, a distance of 341.81 feet, to a
 11-4 point for corner;
 11-5 THENCE, North 05 degrees 50 minutes 15 seconds West, along
 11-6 the easterly bank of Taylor Bayou, a distance of 471.18 feet, to a
 11-7 point for corner;
 11-8 THENCE, North 12 degrees 00 minutes 33 seconds West, along
 11-9 the easterly bank of Taylor Bayou, a distance of 249.38 feet, to a
 11-10 point for corner;
 11-11 THENCE, North 19 degrees 47 minutes 46 seconds West, along
 11-12 the easterly bank of Taylor Bayou, a distance of 118.89 feet, to a
 11-13 point for corner;
 11-14 THENCE, North 19 degrees 25 minutes 05 seconds West, along
 11-15 the easterly bank of Taylor Bayou, a distance of 172.13 feet, to a
 11-16 point for corner;
 11-17 THENCE, North 35 degrees 29 minutes 15 seconds West, along
 11-18 the easterly bank of Taylor Bayou, a distance of 314.01 feet, to a
 11-19 point for corner;
 11-20 THENCE, North 38 degrees 03 minutes 21 seconds West, along
 11-21 the easterly bank of Taylor Bayou, a distance of 348.90 feet, to a
 11-22 point for corner;
 11-23 THENCE, North 12 degrees 31 minutes 53 seconds West, along
 11-24 the easterly bank of Taylor Bayou, a distance of 120.92 feet, to a
 11-25 point for corner;
 11-26 THENCE, North 00 degrees 45 minutes 58 seconds East, along
 11-27 the easterly bank of Taylor Bayou, a distance of 157.80 feet, to a
 11-28 point for corner;
 11-29 THENCE, North 14 degrees 11 minutes 10 seconds East, along
 11-30 the easterly bank of Taylor Bayou, a distance of 281.70 feet, to a
 11-31 point for corner;
 11-32 THENCE, North 28 degrees 59 minutes 24 seconds East, along
 11-33 the easterly bank of Taylor Bayou, a distance of 582.04 feet, to a
 11-34 point for corner;
 11-35 THENCE, North 43 degrees 40 minutes 13 seconds East, along
 11-36 the easterly bank of Taylor Bayou, a distance of 389.34 feet, to a
 11-37 point for corner;
 11-38 THENCE, North 25 degrees 34 minutes 14 seconds East, along
 11-39 the easterly bank of Taylor Bayou, a distance of 336.16 feet, to a
 11-40 point for corner;
 11-41 THENCE, North 08 degrees 04 minutes 22 seconds East, along
 11-42 the easterly bank of Taylor Bayou, a distance of 220.47 feet, to a
 11-43 point for corner;
 11-44 THENCE, North 14 degrees 38 minutes 23 seconds West, along
 11-45 the easterly bank of Taylor Bayou, a distance of 273.06 feet, to a
 11-46 point for corner;
 11-47 THENCE, North 27 degrees 28 minutes 48 seconds West, along
 11-48 the easterly bank of Taylor Bayou, a distance of 465.55 feet, to a
 11-49 point for corner;
 11-50 THENCE, North 28 degrees 46 minutes 03 seconds West, along
 11-51 the easterly bank of Taylor Bayou, a distance of 417.94 feet, to a
 11-52 point for corner;
 11-53 THENCE, North 04 degrees 24 minutes 55 seconds West, along
 11-54 the easterly bank of Taylor Bayou, a distance of 125.95 feet, to a
 11-55 point for corner;
 11-56 THENCE, North 52 degrees 02 minutes 00 seconds West, along
 11-57 the easterly bank of Taylor Bayou, a distance of 67.85 feet, to a
 11-58 point at the northwest corner of the herein described tract, and
 11-59 lying in the southerly bank of Tiger Bayou;
 11-60 THENCE, leaving the easterly bank of Taylor Bayou, and along
 11-61 the southerly bank of Tiger Bayou, as follows;
 11-62 THENCE, North 54 degrees 32 minutes 23 seconds East, a
 11-63 distance of 251.63 feet, to a 5/8-inch iron rod with "CLR" cap set
 11-64 at a northerly corner of the herein described tract;
 11-65 THENCE, North 51 degrees 22 minutes 50 seconds East, a
 11-66 distance of 242.28 feet, to a 5/8-inch iron rod found at a northerly
 11-67 corner of the herein described tract;
 11-68 THENCE, North 24 degrees 29 minutes 19 seconds East, a
 11-69 distance of 395.65 feet, to a 5/8-inch iron rod with "CLR" cap set

12-1 at a northerly corner of the herein described tract;

12-2 THENCE, North 52 degrees 35 minutes 33 seconds East, a
12-3 distance of 603.19 feet, to a 5/8-inch iron rod found at a northerly
12-4 corner of the herein described tract;

12-5 THENCE, North 68 degrees 18 minutes 18 seconds East, a
12-6 distance of 273.23 feet, to a 5/8-inch iron rod with "CLR" cap set
12-7 at a northerly corner of the herein described tract;

12-8 THENCE, North 78 degrees 40 minutes 42 seconds East, a
12-9 distance of 196.73 feet, to a 5/8-inch iron rod found at a northerly
12-10 corner of the herein described tract;

12-11 THENCE, South 80 degrees 02 minutes 00 seconds East, a
12-12 distance of 151.51 feet, to a 5/8-inch iron rod found at a northerly
12-13 corner of the herein described tract;

12-14 THENCE, North 82 degrees 58 minutes 03 seconds East, a
12-15 distance of 584.69 feet, to a 5/8-inch iron rod found at a northerly
12-16 corner of the herein described tract;

12-17 THENCE, North 77 degrees 22 minutes 04 seconds East, a
12-18 distance of 236.38 feet, to a 5/8-inch iron rod with "CLR" cap set
12-19 at a northerly corner of the herein described tract;

12-20 THENCE, North 83 degrees 54 minutes 58 seconds East, a
12-21 distance of 928.06 feet, to a 5/8-inch iron rod with "CLR" cap set
12-22 at a northerly re-entrant corner of the herein described tract;

12-23 THENCE, leaving the southerly bank of Tiger Bayou, North 08
12-24 degrees 36 minutes 40 seconds West, a distance of 933.50 feet, to a
12-25 3/8-inch iron rod in concrete found at a northwesterly corner of the
12-26 herein described tract;

12-27 THENCE, North 87 degrees 08 minutes 10 seconds East, a
12-28 distance of 114.31 feet, to a 1/2-inch iron rod found at a northerly
12-29 re-entrant corner of the herein described tract;

12-30 THENCE, North 09 degrees 21 minutes 06 seconds West, a
12-31 distance of 227.73 feet, to a 1/2-inch iron rod found at a
12-32 northwesterly corner of the herein described tract;

12-33 THENCE, South 85 degrees 30 minutes 28 seconds East, a
12-34 distance of 124.46 feet, to a 1/2-inch iron rod found at a northerly
12-35 re-entrant corner of the herein described tract;

12-36 THENCE, along a non-tangent curve to the left, through a
12-37 central angle of 12 degrees 16 minutes 36 seconds, to a 1/2-inch
12-38 iron rod found at a northwesterly corner of the herein described
12-39 tract, lying in the westerly right-of-way line of Lakeside Plaza
12-40 Drive, said curve having a radius of 258.42 feet, an arc length of
12-41 55.37 feet, and a chord which bears North 01 degrees 06 minutes 08
12-42 seconds West, a distance of 55.27 feet,;

12-43 THENCE, South 85 degrees 09 minutes 10 seconds East, a
12-44 distance of 59.76 feet, to a 5/8-inch iron rod with "CLR" cap set at
12-45 a northerly re-entrant corner of the herein described tract, and
12-46 lying the easterly right-of-way line of said Lakeside Plaza Drive;

12-47 THENCE, with the easterly right-of-way line of said Lakeside
12-48 Plaza Drive, North 04 degrees 48 minutes 08 seconds East, a
12-49 distance of 114.86 feet, to a 1/2-inch iron rod found at the
12-50 southwest corner of the aforementioned called 1.345 acre tract, and
12-51 a northwesterly corner of the herein described tract;

12-52 THENCE, South 85 degrees 13 minutes 23 seconds East, a
12-53 distance of 139.54 feet, to a 1/2-inch iron rod found at the
12-54 southeast corner of said called 1.345 acre tract, and a northerly
12-55 re-entrant corner of the herein described tract;

12-56 THENCE, North 04 degrees 48 minutes 39 seconds East, a
12-57 distance of 420.04 feet, to the POINT OF BEGINNING and containing a
12-58 computed area of 1,116.39 acres (48,630,066 square feet) of land.

12-59 SECTION 3. (a) The legal notice of the intention to
12-60 introduce this Act, setting forth the general substance of this
12-61 Act, has been published as provided by law, and the notice and a
12-62 copy of this Act have been furnished to all persons, agencies,
12-63 officials, or entities to which they are required to be furnished
12-64 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
12-65 Government Code.

12-66 (b) The governor, one of the required recipients, has
12-67 submitted the notice and Act to the Texas Commission on
12-68 Environmental Quality.

12-69 (c) The Texas Commission on Environmental Quality has filed

its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

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

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

* * * * *