

By: Dutton

H.B. No. 1378

Substitute the following for H.B. No. 1378:

By: Miller of Comal

C.S.H.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Harris County Improvement District No. 23; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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 3910 to read as follows:

CHAPTER 3910. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 23

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3910.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Houston.

(3) "County" means Harris County.

(4) "Director" means a board member.

(5) "District" means the Harris County Improvement District No. 23.

(6) "East End district" means the Greater East End Management District created under Chapter 3807.

Sec. 3910.002. NATURE OF DISTRICT. The Harris County Improvement District No. 23 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3910.003. 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,

1 Texas Constitution, and other public purposes stated in this
2 chapter. By creating the district and in authorizing the city, the
3 county, and other political subdivisions to contract with the
4 district, the legislature has established a program to accomplish
5 the public purposes set out in Section 52-a, Article III, Texas
6 Constitution.

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

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

19 Sec. 3910.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
20 The district is created to serve a public use and benefit.

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

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

1 (1) developing and diversifying the economy of the
2 state;

3 (2) eliminating unemployment and underemployment; and

4 (3) developing or expanding transportation and
5 commerce.

6 (d) The district will:

7 (1) promote the health, safety, and general welfare of
8 residents, employers, potential employees, employees, visitors,
9 and consumers in the district, and of the public;

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

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

18 (4) provide for water, wastewater, drainage, road, and
19 recreational facilities for the 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 Sec. 3910.005. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 2 of the Act enacting this chapter.

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

8 (1) organization, existence, or validity;

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

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

13 (4) legality or operation.

14 Sec. 3910.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
15 All or any part of the area of the district is eligible to be
16 included in:

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

19 (2) a tax abatement reinvestment zone created under
20 Chapter 312, Tax Code;

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

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

25 Sec. 3910.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
26 DISTRICTS LAW. Except as otherwise provided by this chapter,
27 Chapter 375, Local Government Code, applies to the district.

1 Sec. 3910.008. CONSTRUCTION OF CHAPTER. This chapter shall
2 be liberally construed in conformity with the findings and purposes
3 stated in this chapter.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 3910.051. GOVERNING BODY; TERMS. (a) The district is
6 governed by a board of nine voting directors who serve staggered
7 terms of four years, with four or five directors' terms expiring
8 June 1 of each odd-numbered year.

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

13 Sec. 3910.052. APPOINTMENT OF VOTING DIRECTORS. The mayor
14 and members of the governing body of the city shall appoint voting
15 directors from persons recommended by the board. A person is
16 appointed if a majority of the members of the governing body and the
17 mayor vote to appoint that person.

18 Sec. 3910.053. NONVOTING DIRECTORS. The board may appoint
19 nonvoting directors to serve at the pleasure of the voting
20 directors.

21 Sec. 3910.054. QUORUM. For purposes of determining the
22 requirements for a quorum of the board, the following are not
23 counted:

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

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

1 (3) a nonvoting director.

2 Sec. 3910.055. COMPENSATION. A director is entitled to
3 receive fees of office and reimbursement for actual expenses as
4 provided by Section 49.060, Water Code. Sections 375.069 and
5 375.070, Local Government Code, do not apply to the board.

6 Sec. 3910.056. INITIAL VOTING DIRECTORS. (a) The initial
7 board consists of the following voting directors:

| <u>Pos. No.</u> | <u>Name of Director</u> |
|-----------------|-------------------------|
| <u>1</u> | <u>Dan Lipnick</u> |
| <u>2</u> | <u>Hien Le</u> |
| <u>3</u> | <u>Ndukwe Kalu</u> |
| <u>4</u> | <u>Adam Williams</u> |
| <u>5</u> | <u>Kenady Davis</u> |
| <u>6</u> | <u>Jeremy Brown</u> |
| <u>7</u> | <u>Jon Herbster</u> |
| <u>8</u> | <u>Carver L. Henry</u> |
| <u>9</u> | <u>Charles McCloud</u> |

18 (b) Of the initial directors, the terms of directors
19 appointed for positions one through five expire June 1, 2015, and
20 the terms of directors appointed for positions six through nine
21 expire June 1, 2017.

22 (c) Section 3910.052 does not apply to this section.

23 (d) This section expires September 1, 2017.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 3910.101. GENERAL POWERS AND DUTIES. The district has
26 the powers and duties necessary to accomplish the purposes for
27 which the district is created.

1 Sec. 3910.102. IMPROVEMENT PROJECTS AND SERVICES. Subject
2 to Section 3910.113, the district may provide, design, construct,
3 acquire, improve, relocate, operate, maintain, or finance an
4 improvement project or service using any money available to the
5 district, or contract with a governmental or private entity to
6 provide, design, construct, acquire, improve, relocate, operate,
7 maintain, or finance an improvement or service authorized under
8 this chapter or Chapter 375, Local Government Code.

9 Sec. 3910.103. DEVELOPMENT CORPORATION POWERS. The
10 district, using money available to the district, may exercise the
11 powers given to a development corporation under Chapter 505, Local
12 Government Code, including the power to own, operate, acquire,
13 construct, lease, improve, or maintain a project under that
14 chapter.

15 Sec. 3910.104. NONPROFIT CORPORATION. (a) The board by
16 resolution may authorize the creation of a nonprofit corporation to
17 assist and act for the district in implementing a project or
18 providing a service authorized by this chapter.

19 (b) The nonprofit corporation:

20 (1) has each power of and is considered to be a local
21 government corporation created under Subchapter D, Chapter 431,
22 Transportation Code; and

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

25 (c) The board shall appoint the board of directors of the
26 nonprofit corporation. The board of directors of the nonprofit
27 corporation shall serve in the same manner as the board of directors

1 of a local government corporation created under Subchapter D,
2 Chapter 431, Transportation Code, except that a board member is not
3 required to reside in the district.

4 Sec. 3910.105. AGREEMENTS; GRANTS. (a) As provided by
5 Chapter 375, Local Government Code, the district may make an
6 agreement with or accept a gift, grant, or loan from any person.

7 (b) The implementation of a project is a governmental
8 function or service for the purposes of Chapter 791, Government
9 Code.

10 Sec. 3910.106. LAW ENFORCEMENT SERVICES. To protect the
11 public interest, the district may contract with a qualified party,
12 including the county or the city, to provide law enforcement
13 services in the district for a fee.

14 Sec. 3910.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
15 district may join and pay dues to a charitable or nonprofit
16 organization that performs a service or provides an activity
17 consistent with the furtherance of a district purpose.

18 Sec. 3910.108. ECONOMIC DEVELOPMENT. (a) The district may
19 engage in activities that accomplish the economic development
20 purposes of the district.

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

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

26 (2) provide district personnel and services.

27 (c) The district may create economic development programs

1 and exercise the economic development powers provided to
2 municipalities by:

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

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

5 Sec. 3910.109. PARKING FACILITIES. (a) The district may
6 acquire, lease as lessor or lessee, construct, develop, own,
7 operate, and maintain parking facilities or a system of parking
8 facilities, including lots, garages, parking terminals, or other
9 structures or accommodations for parking motor vehicles off the
10 streets and related appurtenances.

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

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

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

20 Sec. 3910.110. ANNEXATION OF LAND. The district may annex
21 land as provided by Subchapter J, Chapter 49, Water Code.

22 Sec. 3910.111. NAVIGATION DISTRICT POWERS. (a) The
23 district has the powers provided by the general law of this state
24 applicable to navigation districts created under Section 59,
25 Article XVI, Texas Constitution, including Chapters 60 and 62,
26 Water Code.

27 (b) The district may purchase, construct, acquire, own,

1 operate, maintain, improve, or extend, inside and outside the
2 district, a canal, waterway, bulkhead, dock, or other improvement
3 or facility necessary or convenient to accomplish the navigation
4 purposes of the district.

5 Sec. 3910.112. APPROVAL BY CITY. (a) Except as provided by
6 Subsection (c), the district must obtain the approval of the city
7 for:

8 (1) the issuance of bonds;

9 (2) the plans and specifications of an improvement
10 project financed by bonds; and

11 (3) the plans and specifications of an improvement
12 project related to the use of land owned by the city, an easement
13 granted by the city, or a right-of-way of a street, road, or
14 highway.

15 (b) The district may not issue bonds until the governing
16 body of the city adopts a resolution or ordinance authorizing the
17 issuance of the bonds.

18 (c) If the district obtains the approval of the city's
19 governing body of a capital improvements budget for a period not to
20 exceed 10 years, the district may finance the capital improvements
21 and issue bonds specified in the budget without further approval
22 from the city.

23 (d) The governing body of the city:

24 (1) is not required to adopt a resolution or ordinance
25 to approve plans and specifications described by Subsection (a);
26 and

27 (2) may establish an administrative process to approve

1 plans and specifications described by Subsection (a) without the
2 involvement of the governing body.

3 Sec. 3910.113. COORDINATION WITH EAST END DISTRICT. In
4 determining the improvement projects or services the district
5 provides, the district shall coordinate its efforts with the
6 efforts of the East End district to achieve governmental efficiency
7 and avoid duplication of improvement projects or services. The
8 district may not duplicate an improvement project or service that
9 the East End district provides in the same territory.

10 Sec. 3910.114. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

13 Sec. 3910.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
14 board by resolution shall establish the number of directors'
15 signatures and the procedure required for a disbursement or
16 transfer of district money.

17 Sec. 3910.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
18 The district may acquire, construct, finance, operate, or maintain
19 any improvement or service authorized under this chapter or Chapter
20 375, Local Government Code, using any money available to the
21 district.

22 Sec. 3910.153. PETITION REQUIRED FOR FINANCING SERVICES AND
23 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
24 service or improvement project with assessments under this chapter
25 unless a written petition requesting that service or improvement
26 has been filed with the board.

27 (b) A petition filed under Subsection (a) must be signed by

1 the owners of a majority of the assessed value of real property in
2 the district subject to assessment according to the most recent
3 certified tax appraisal roll for the county.

4 Sec. 3910.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

5 The board by resolution may impose and collect an assessment for any
6 purpose authorized by this chapter in all or any part of the
7 district.

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

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

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

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

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

25 (d) The board may make a correction to or deletion from the
26 assessment roll that does not increase the amount of assessment of
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 Sec. 3910.155. RESIDENTIAL PROPERTY NOT EXEMPT. Section
3 375.161, Local Government Code, does not apply to a tax authorized
4 or approved by the voters of the district or a required payment for
5 a service provided by the district, including water and sewer
6 services.

7 Sec. 3910.156. NOTICE TO EAST END DISTRICT. The district
8 shall send to the board of directors of the East End district notice
9 of a hearing regarding an improvement project or service that is to
10 be financed with assessments under this chapter. The district shall
11 send the notice by certified mail, return receipt requested, or by
12 another method determined by the board to provide adequate proof
13 that the notice was timely mailed, not later than the 30th day
14 before the date of the hearing. The notice must contain the
15 information required by Section 375.115(b), Local Government Code.

16 Sec. 3910.157. TAX AND ASSESSMENT ABATEMENTS. The district
17 may designate reinvestment zones and may grant abatements of
18 district taxes or assessments on property in the zones.

19 SUBCHAPTER E. TAXES AND BONDS

20 Sec. 3910.201. ELECTIONS REGARDING TAXES AND BONDS. (a)
21 The district may issue, without an election, bonds, notes, and
22 other obligations secured by:

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

24 (2) contract payments described by Section 3910.203.

25 (b) The district must hold an election in the manner
26 provided by Subchapter L, Chapter 375, Local Government Code, to
27 obtain voter approval before the district may impose an ad valorem

1 tax or issue bonds payable from ad valorem taxes.

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

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

8 Sec. 3910.202. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized by a majority of the district voters voting at an
10 election held in accordance with Section 3910.201, the district may
11 impose an operation and maintenance tax on taxable property in the
12 district in accordance with Section 49.107, Water Code, for any
13 district purpose, including to:

- 14 (1) maintain and operate the district;
15 (2) construct or acquire improvements; or
16 (3) provide a service.

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

19 (c) Section 49.107(h), Water Code, does not apply to the
20 district.

21 Sec. 3910.203. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 Sec. 3910.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
4 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
5 determined by the board. Section 375.205, Local Government Code,
6 does not apply to a loan, line of credit, or other borrowing from a
7 bank or financial institution secured by revenue other than ad
8 valorem taxes.

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

14 (c) The limitation on the outstanding principal amount of
15 bonds, notes, and other obligations provided by Section 49.4645,
16 Water Code, does not apply to the district.

17 Sec. 3910.205. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes, the
19 board shall provide for the annual imposition of a continuing
20 direct annual ad valorem tax, without limit as to rate or amount,
21 for each year that all or part of the bonds are outstanding as
22 required and in the manner provided by Sections 54.601 and 54.602,
23 Water Code.

24 Sec. 3910.206. CITY NOT REQUIRED TO PAY DISTRICT
25 OBLIGATIONS. Except as provided by Section 375.263, Local
26 Government Code, the city is not required to pay a bond, note, or
27 other obligation of the district.

1 SECTION 2. The Harris County Improvement District No. 23
2 initially includes all territory contained in the following area:

3 TRACT 1

4 Being a 102.136 acre (4,449,039 square feet) tract of land
5 situated in the S.M. Harris Survey, Abstract No. 327, the Darius
6 Gregg Survey, Abstract No. 283 and the Harris & Wilson Survey,
7 Abstract No. 32, Harris County, Texas, being a portion of a called
8 104.25 acre tract described as Tract 1, Exhibit F and a portion of
9 Tract 5, Exhibit F, both described in a special warranty deed dated
10 January 2, 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE
11 SERVICES, INC. as recorded under File No. M938947 of the Harris
12 County Official Public Records of Real Property (H.C.O.P.R.R.P.),
13 being all of a called 2.736 acre tract conveyed in a special
14 warranty deed dated May 24, 2004 from KELLOGG BROWN & ROOT, INC. to
15 KBR TECHNICAL SERVICES, INC. as recorded under File No. X640714 of
16 said H.C.O.P.R.R.P. and being all of a called 0.0784 acre tract
17 conveyed in warranty deed dated June 21, 1990 from ADAMS RESOURCES &
18 ENERGY, INC. to BROWN & ROOT CORPORATE SERVICES, INC. as recorded
19 under File No. M691219 of said H.C.O.P.R.R.P., said 102.136 acre
20 tract being all of Blocks 50, 51 and 60 of the L.B. Swiney's
21 Addition, a subdivision of record according to the map or plat
22 thereof recorded under Volume 6, Page 610 of the Harris County Deed
23 Records (H.C.D.R.), being all of Blocks 4 and 25 of the Cage
24 Addition, a subdivision of record according to the map or plat
25 thereof recorded under Volume 43, Page 385 of said H.C.D.R. and
26 being a portion of Lots 1 through 8, Block 4 of the William A. Wilson
27 Company Subdivision, a subdivision of record according to the map

1 or plat thereof recorded under Volume 317, Page 298 of said
2 H.C.D.R., said 102.136 acre tract being more particularly described
3 by metes and bounds as follows with all bearings referenced to the
4 Texas State Plane Coordinate System of 1983 (1993 Adjustment),
5 South Central Zone. All coordinates and distances shown herein are
6 surface values and may be converted to grid by multiplying by a
7 combined scale factor of 0.999889585;

8 BEGINNING at a 5/8-inch iron rod (N = 13,845,069.64, East =
9 3,131,004.78) found at the point of intersection of the southerly
10 right-of-way line of Richardson Drive (40' wide) with the easterly
11 right-of way line of Grove Street (60' wide) for the northwest
12 corner of Block 50 of said L.B. Swiney's Addition and being the most
13 westerly northwest corner of said 104.25 acre tract;

14 THENCE, North 87°03'43" East, along the southerly
15 right-of-way line of Richardson Drive, a distance of 275.58 feet to
16 a PK nail found for corner at the intersection of the easterly
17 projection of the southerly right-of-way line of Richardson Drive
18 with the southerly projection of the easterly right-of-way line of
19 Gregg Street for an angle point in said 104.25 acre tract;

20 THENCE, North 02°36'08" West, along the projected easterly
21 right-of-way line of Gregg Street, passing at a distance of 31.07
22 feet, the southwest corner of Block 4 of said Cage Addition, same
23 being an angle point in said 104.25 acre tract, and continuing along
24 the easterly right-of-way line of Gregg Street and the westerly
25 line of said Block 4 for a total distance of 231.07 feet to a 5/8-
26 inch iron rod with plastic cap stamped "SURVCON INC." set in the
27 southerly right-of-way line of Clinton Drive (width varies) for the

1 northwest corner of said Block 4;

2 THENCE, along the southerly right-of-way line of Clinton
3 Drive, the following courses:

4 North 87°23'52" East, a distance of 540.00 feet to an "X"
5 in concrete found in the westerly right-of-way line of Bringhurst
6 Street (40' wide) for angle point and being the northeast corner of
7 Block 25 of said Cage Addition;

8 North 74°45'40" East, a distance of 51.25 feet to a
9 5/8-inch iron rod with plastic cap stamped "SURVCON INC." set in the
10 easterly right-of-way line of Bringhurst Street for the beginning
11 of a non-tangent curve to the left;

12 An arc distance of 228.80 feet, along said curve to the
13 left, having a radius of 340.40 feet, a delta angle of 38°30'38" and
14 a chord bearing and distance of North 61°04'34" East, 224.51 feet to
15 a 5/8-inch iron rod found for a point of tangency;

16 North 41°49'15" East, a distance of 12.60 feet to a
17 5/8-inch iron rod found for corner;

18 South 87°24'15" West, a distance of 11.40 feet to a
19 5/8-inch iron rod found for corner;

20 North 41°49'15" East, a distance of 31.00 feet a point
21 for the beginning of a non-tangent curve to the right, from which a
22 found 5/8-inch iron rod bears North 60°15' East, 0.33 feet;

23 An arc distance of 170.31 feet, along said curve to the
24 right, having a radius of 272.90 feet, a delta angle of 35°45'21" and
25 a chord bearing and distance of North 59°41'56" East, 167.56 feet to
26 an "X" in concrete found for the end of said curve to the right;

27 North 87°24'15" East, passing at a distance of 1,133.91

1 feet, a 5/8-inch iron rod found for the northwest corner of said
2 2.736 acre tract, continuing and passing at a distance of 1,193.91
3 feet, a 5/8-inch iron rod found for the northeast corner of said
4 2.736 acre tract, and continuing for a total distance of 1,293.20
5 feet to a 5/8-inch iron rod found for the most northerly northeast
6 corner of said 104.25 acre tract;

7 South 02°51'30" East, a distance of 10.55 feet to a
8 5/8-inch iron rod found for angle point;

9 North 87°08'30" East, passing at a distance of 80.00
10 feet, the northwest corner of said 0.0784 acre tract, and
11 continuing for a total distance of 228.00 feet to a 5/8-inch iron
12 rod found for a cutback corner, same being the most northerly
13 northeast corner of said 0.0784 acre tract;

14 THENCE, South 47°51'30" East, along a cutback line, a distance
15 of 21.21 feet to a 5/8-inch iron rod with plastic cap stamped
16 "SURVCON INC." set for corner in the westerly right-of-way line of
17 Hirsch Street (100 feet wide), same being the most easterly
18 northeast corner of said 0.0784 acre tract;

19 THENCE, South 02°51'30" East, along said westerly
20 right-of-way line of Hirsch Street and the easterly line of said
21 0.0784 acre tract, passing at a distance of 179.15 feet, a 1/2-inch
22 iron rod found for the southeast corner of said 0.0784 acre tract
23 and the most easterly northeast corner of said 104.25 acre tract,
24 continuing along said westerly right-of-way line of Hirsch Street
25 and the easterly line of said 104.25 acre tract, passing at a
26 distance of 660.00 feet, a 5/8-inch iron rod found for an angle
27 point in said 104.25 acre tract, same being the northwest corner of

1 a called 0.2865 acre roadway easement conveyed to the City of
2 Houston and described as Tract 4 in deed recorded in Volume 3468,
3 Page 487 of said H.C.D.R., and continuing along the westerly
4 right-of-way easement line of Hirsch Street, for a total distance
5 of 818.07 feet to a point for the beginning of a tangent curve to the
6 right;

7 THENCE, an arc distance of 1,095.02 feet, continuing along
8 said westerly right-of-way easement line of Hirsch Street and along
9 said curve to the right, having a radius of 1,587.02 feet, a delta
10 angle of 39°32'00" and a chord bearing and distance of South
11 16°54'30" West, 1,073.43 feet to 3/4-inch iron rod found for the
12 point of tangency;

13 THENCE, South 36°40'30" West, continuing along said westerly
14 right-of-way easement line of Hirsch Street, a distance of 85.13
15 feet to a point in the northerly line of Buffalo Bayou and the
16 southerly line of said 104.25 acre tract;

17 THENCE, along the meanders of the northerly line of Buffalo
18 Bayou and along the southerly line of said 104.25 acre tract, the
19 following courses:

20 North 81°21'02" West, a distance of 294.22 feet to a
21 point for corner;

22 South 81°17'51" West, a distance of 92.69 feet to a point
23 for corner;

24 South 71°46'20" West, a distance of 87.60 feet to a point
25 for corner;

26 South 56°00'12" West, a distance of 139.78 feet to a
27 point for corner;

1 South 42°22'06" West, a distance of 530.18 feet to a
2 point for corner;
3 South 86°47'52" West, a distance of 13.79 feet to a point
4 for corner;
5 South 43°55'05" West, a distance of 65.25 feet to a point
6 for corner;
7 South 74°12'42" West, a distance of 73.39 feet to a point
8 for corner;
9 South 80°29'10" West, a distance of 95.12 feet to a point
10 for corner;
11 North 62°25'33" West, a distance of 84.80 feet to a point
12 for corner;
13 North 23°26'39" West, a distance of 96.22 feet to a point
14 for corner;
15 North 48°58'41" West, a distance of 75.07 feet to a point
16 for corner;
17 North 22°52'13" West, a distance of 70.85 feet to a point
18 for corner;
19 North 00°23'51" East, a distance of 570.94 feet to a
20 point for the most southerly corner of said 2.736 acre tract;
21 North 00°03'45" East, along the westerly line of said
22 2.736 acre tract, a distance of 60.38 feet to an angle point in the
23 northwesterly line of said 2.736 acre tract;
24 North 17°43'38" West, a distance of 86.97 feet to a point
25 for corner;
26 North 35°56'28" West, a distance of 143.97 feet to a
27 point for corner;

1 North 61°18'39" West, a distance of 144.29 feet to a
2 point for corner;

3 North 83°06'56" West, a distance of 306.10 feet to a
4 point for corner;

5 South 88°11'58" West, a distance of 152.95 feet to a
6 point for corner;

7 North 89°23'55" West, a distance of 158.35 feet to a
8 point for corner;

9 North 81°40'26" West, a distance of 86.39 feet to a point
10 for corner;

11 North 79°43'08" West, a distance of 97.41 feet to a point
12 in said easterly right-of-way line of Grove Street for the
13 southwest corner of said 104.25 acre tract;

14 THENCE, North 02°56'17" West, along said easterly
15 right-of-way line of Grove Street and the westerly line of said
16 104.25 acre tract, passing at a distance of 65.05 feet, a found
17 5/8-inch iron rod, and continuing for a total distance of 705.08
18 feet to the POINT OF BEGINNING, containing a computed area of
19 102.136 acres (4,449,039 square feet) of land. Said 102.136 acre
20 tract being subject to portions of three (3) existing roadways
21 defined as follows: 1.) a 0.542 acre (23,589 square feet) tract
22 within the right-of-way of Richardson Drive between the easterly
23 right- of-way line of Gregg Street and the easterly right-of-way
24 line of Bringham Street, 2.) a 0.184 acre (7,997 square feet)
25 tract within the right-of-way of Cage Street between the southerly
26 right- of-way line of Clinton Drive and the northerly right-of-way
27 line of Richardson Drive and 3.) a 0.236 acre (10,280 square feet)

1 tract within the right-of-way of Bringhurst Street between the
2 southerly right-of-way line of Clinton Drive and the northerly
3 right-of-way line of Richardson Drive.

4 TRACT 2

5 Being a 4.059 acre (176,821 square feet) tract of land
6 situated in the Darius Gregg Survey, Abstract No. 283 and the Harris
7 & Wilson Survey, Abstract No. 32, Harris County, Texas, being a
8 portion of a called 104.25 acre tract described as Tract 1 of
9 Exhibit F in a special warranty deed dated January 2, 1990 from
10 BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE SERVICES, INC. as
11 recorded under File No. M938947 of the Harris County Official
12 Public Records of Real Property (H.C.O.P.R.R.P.), said 4.059 acre
13 tract being more particularly described by metes and bounds as
14 follows with all bearings referenced to the Texas State Plane
15 Coordinate System of 1983 (1993 Adjustment), South Central Zone.
16 All coordinates and distances shown herein are surface values and
17 may be converted to grid by multiplying by a combined scale factor
18 of 0.999889585:

19 BEGINNING at a 5/8-inch iron rod (N = 13,844,963.67, East =
20 3,133,786.01) found in the existing westerly right-of-way line of
21 Hirsch Street (width varies) for an angle point in the easterly line
22 of said 104.25 acre tract, same being the northwest corner of a
23 called 0.2865 acre roadway easement conveyed to the City of Houston
24 and described as Tract 4 in deed recorded in Volume 3468, Page 487
25 of the Harris County Deed Records (H.C.D.R.);

26 THENCE, North 87°42'30" East, along the easterly line of said
27 104.25 acre tract and along the northerly line of said 0.2865 acre

1 roadway easement, a distance of 41.88 feet to an "X" in concrete
2 found for an angle point in the easterly line of said 104.25 acre
3 tract and the northeast corner of said 0.2865 acre roadway
4 easement;

5 THENCE, South 02°17'32" East, along the easterly line of said
6 104.25 acre tract, a distance of 1,163.73 feet to a point in the
7 northerly line of Buffalo Bayou;

8 THENCE, along the meanders of the northerly line of Buffalo
9 Bayou and along the southerly line of said 104.25 acre tract, the
10 following courses:

11 South 40°14'22" West, a distance of 42.90 feet to a point
12 for corner;

13 South 75°00'39" West, a distance of 50.16 feet to a point
14 for corner;

15 South 84°00'51" West, a distance of 77.13 feet to a point
16 for corner;

17 South 83°31'17" West, a distance of 214.24 feet to a
18 point for corner;

19 South 74°08'41" West, a distance of 61.85 feet to a point
20 for corner;

21 North 81°21'02" West, a distance of 18.52 feet to a point
22 for the southwest corner of a called 1,595 square foot roadway
23 easement conveyed to the City of Houston and described as Tract 1 in
24 deed recorded in Volume 3468, Page 487 of said H.C.D.R.;

25 THENCE, North 36°40'30" East, along the westerly right-of-way
26 easement line of Hirsch Street, a distance of 85.13 feet to a
27 3/4-inch iron rod found for the beginning of a tangent curve to the

1 left;

2 THENCE, an arc distance of 1,095.02 feet, continuing along
3 the westerly right-of-way easement line of Hirsch Street and along
4 said curve to the left, having a radius of 1,587.02 feet, a delta
5 angle of 39°32'00" and a chord bearing and distance of North
6 16°54'30" East, 1,073.43 feet to the point of tangency;

7 THENCE, North 02°51'30" West, continuing along the westerly
8 right-of-way easement line of Hirsch Street, a distance of 158.07
9 feet to the POINT OF BEGINNING, containing a computed area of 4.059
10 acres (176,821 square feet) of land. Said 4.059 acre tract being
11 subject to an existing roadway easement defined as follows: a 2.392
12 acre (104,206 square feet) tract within the right-of-way easement
13 of Hirsch Street along the westerly line of said 4.059 acre tract.

14 TRACT 3

15 Being a 24.983 acre (1,088,253 square feet) tract of land
16 situated in the S.M. Harris Survey, Abstract No. 327, Harris
17 County, Texas, and being all of a called 24.92 acre tract described
18 as Tract 2 of Exhibit F in a special warranty deed dated January 2,
19 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE SERVICES,
20 INC. as recorded under File No. M938947 of the Harris County
21 Official Public Records of Real Property (H.C.O.P.R.R.P.), same
22 being all of Blocks 43, 44, 45 46, 47, 48, 53, 54, 55, 56, 57 and 58
23 of the L.B. Swiney's Addition, a subdivision of record according to
24 the map or plat thereof recorded under Volume 6, Page 610 of the
25 Harris County Deed Records (H.C.D.R.), said Blocks 43, 44 and 45
26 also being defined in the Swiney Addition, a subdivision of record
27 according to the map or plat thereof recorded under Volume 1A, Page

1 65 of the Harris County Map Records (H.C.M.R.), and being all of
2 Blocks 16, 17, 18, 21 and Tract C of the Barnes & Wetmore Addition, a
3 subdivision of record according to the map or plat thereof recorded
4 under Volume 37, Page 77 of said H.C.M.R., and being all of Lots 1,
5 2, 3, 4, 7, 8, 9, 10 and 11 and a portion of Lot 6 of Block 19, all of
6 Lots 1, 2, 3, 4, 12, 13 and 14 and a portion of Lots 5 and 10 of Block
7 20 and a portion of Tract B, all of said Barnes & Wetmore Addition,
8 and being a portion of the abandoned public streets by City of
9 Houston Ordinance No.(s) 2601, 2988 and 2986, as recorded in Volume
10 1779, Page 159, Volume 1825, Page 235 and Volume 3218, Page 132,
11 respectively, all of said H.C.D.R., said 24.983 acre tract being
12 more particularly described by metes and bounds as follows with all
13 bearings referenced to the Texas State Plane Coordinate System of
14 1983 (1993 Adjustment), South Central Zone. All coordinates and
15 distances shown herein are surface values and may be converted to
16 grid by multiplying by a combined scale factor of 0.999889585:

17 BEGINNING at a 5/8-inch iron rod (N = 13,845,290.36, East =
18 3,130,622.97) found at the point of intersection of the southerly
19 right-of-way line of Clinton Drive (width varies) with the westerly
20 right-of way line of Bayou Street (60' wide) for the common
21 northeast corner of said 24.92 acre tract and Lot 1, Block 43 of
22 said L.B. Swiney's Addition;

23 THENCE, South 02°56'17" East, along the westerly right-of-way
24 line of Bayou Street and the easterly line of said 24.92 acre tract,
25 passing at a distance of 750.00 feet, a found 5/8-iron rod, and
26 continuing for a total distance of 811.60 feet to a point in the
27 northerly line of Buffalo Bayou for the common southeast corner of

1 said 24.92 acre tract and said Block 58;

2 THENCE, along the meanders of the northerly line of Buffalo
3 Bayou and along the southerly line of said 24.92 acre tract, the
4 following courses:

5 North 84°59'39" West, a distance of 126.92 feet to a
6 point for corner;

7 South 85°43'56" West, a distance of 185.30 feet to a
8 point for corner;

9 South 72°56'47" West, a distance of 78.42 feet to a point
10 for corner;

11 South 56°53'10" West, a distance of 405.98 feet to a
12 point for corner;

13 South 60°22'55" West, a distance of 78.78 feet to a point
14 for corner;

15 South 72°14'30" West, a distance of 84.28 feet to a point
16 for corner;

17 South 84°58'16" West, a distance of 63.45 feet to a point
18 for corner;

19 North 87°53'15" West, a distance of 129.94 feet to a
20 point for the southwest corner of said 24.92 acre tract;

21 THENCE, along the westerly line of said 24.92 acre tract, the
22 following courses:

23 North 06°46'38" West, a distance of 263.23 feet to a
24 point for corner, from which a found 5/8-inch iron rod bears South
25 73°45' West, 0.30 feet;

26 North 12°46'38" West, a distance of 185.40 feet to a
27 point for corner, from which a found 5/8-inch iron rod bears South

1 88°16' East, 0.33 feet;
2 North 22°58'38" West, a distance of 192.60 feet to a
3 point for corner, from which a found 5/8-inch iron rod bears South
4 00°00' West, 0.21 feet;
5 North 15°42'38" West, a distance of 131.20 feet to a
6 point for corner, from which a found 5/8-inch iron rod bears South
7 44°08' East, 0.23 feet;
8 North 05°54'38" West, a distance of 286.20 feet to a 60d
9 nail found for corner;
10 North 02°42'02" East, a distance of 29.48 feet to a point
11 for corner in the southerly right-of-way line of Clinton Drive for
12 the northwest corner of said 24.92 acre tract, from which a found
13 5/8-inch iron rod bears South 83°37' East, 0.20 feet;
14 THENCE, North 87°03'43" East, along the southerly
15 right-of-way line of Clinton Drive, a distance of 1,238.93 feet to
16 the POINT OF BEGINNING, containing a computed area of 24.983 acres
17 (1,088,253 square feet) of land. Said 24.983 acre tract being
18 subject to portions of three (3) existing roadways defined as
19 follows: 1.) a 0.753 acre (32,800 square feet) tract within the
20 right- of-way of Richardson Drive between the westerly right-of-way
21 line of Bayou Street and a line 200 feet west of the westerly
22 right-of-way line of Meadow Street, 2.) a 0.275 acre (12,000 square
23 feet) tract within the right-of-way of Meadow Street between the
24 southerly right-of-way line of Clinton Drive and the northerly
25 right-of-way line of Richardson Drive and 3.) a 0.275 acre (12,000
26 square feet) tract within the right-of-way of Sydnor Street between
27 the southerly right-of-way line of Clinton Drive and the northerly

1 right-of-way line of Richardson Drive.

2 TRACTS 4-7

3 Being 4.592 acres (200,000 square feet) of land situated in
4 the S. M. Harris Survey, Abstract No. 327 and being out of the L.B.
5 Swiney's Addition, a subdivision of record according to the map or
6 plat thereof recorded under Volume 6, Page 610 of the Harris County
7 Deed Records (H.C.D.R.). Said 4.592 acre tract being comprised of
8 four (4) tracts defined as follows:

9 TRACT 4

10 A 1.148 acre (50,000 square feet) tract of land, being all of
11 Lots 1 through 10, Block 52 of said L.B. Swiney's Addition, being a
12 portion of Tracts 4 and 5 of Exhibit F as described in deed dated
13 January 2, 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE
14 SERVICES, INC. as recorded under File No. M938947 of the Harris
15 County Official Public Records of Real Property (H.C.O.P.R.R.P.).

16 TRACT 5

17 A 1.148 acre (50,000 square feet) tract of land, being all of
18 Lots 1 through 10, Block 49 of said L.B. Swiney's Addition and
19 described as follows: All of Lots 1 through 7 and Lot 10, Block 49,
20 being a portion of Tract 4 of Exhibit F as described in said deed
21 recorded under File No. M938947 of said H.C.O.P.R.R.P.; and all of
22 Lots 8 and 9, Block 49 described as a called 10,000 square foot
23 tract of land addressed in a May 22, 1996 motion under City of
24 Houston Ordinance 96-456 as recorded under File No. S023877 of said
25 H.C.O.P.R.R.P., said 10,000 square foot tract of land being
26 conveyed in a special warranty deed dated July 18, 1996 from the
27 City of Houston to BROWN & ROOT CORPORATE SERVICES, INC. as recorded

1 under File No. S023876 of said H.C.O.P.R.R.P.

2 TRACT 6

3 A 1.148 acre (50,000 square feet) tract of land, being all of
4 Lots 1 through 10, Block 42 of said L.B. Swiney's Addition, being
5 all of Tracts 7, 10, 11 and 13 and a portion of Tract 5 of Exhibit F
6 as described in said deed recorded under File No. M938947 of said
7 H.C.O.P.R.R.P.

8 TRACT 7

9 A 1.148 acre (50,000 square feet) tract of land, being all of
10 Lots 1 through 10, Block 41 of said L.B. Swiney's Addition, being
11 all of Tracts 6, 8, 9, 12 and 14 and a portion of Tract 5 of Exhibit F
12 as described in said deed recorded under File No. M938947 of said
13 H.C.O.P.R.R.P.

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

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

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

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

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

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2013.