

By: Ellis

S.B. No. 690

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.

20 (a) 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>Sakina Lanig</u>
<u>7</u>	<u>Alison Leland</u>
<u>8</u>	<u>Carver L. Henry</u>
<u>9</u>	<u>Charles McCloud</u>

8           (b) Of the initial directors, the terms of directors  
9 appointed for positions one through five expire June 1, 2015, and  
10 the terms of directors appointed for positions six through nine  
11 expire June 1, 2017.

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

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

14                           SUBCHAPTER C. POWERS AND DUTIES

15           Sec. 3910.101. GENERAL POWERS AND DUTIES. The district has  
16 the powers and duties necessary to accomplish the purposes for  
17 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 (c) An improvement or facility that is owned, constructed,  
6 or financed by the district under this section is subject to any  
7 applicable rules, regulations, bylaws, or similar legislative or  
8 regulatory acts or policies of the Port of Houston Authority of  
9 Harris County, Texas.

10 (d) This chapter does not supersede or diminish the rights,  
11 powers, privileges, and authority of the Port of Houston Authority  
12 of Harris County, Texas.

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

16 (1) the issuance of bonds;

17 (2) the plans and specifications of an improvement  
18 project financed by bonds; and

19 (3) the plans and specifications of an improvement  
20 project related to the use of land owned by the city, an easement  
21 granted by the city, or a right-of-way of a street, road, or  
22 highway.

23 (b) The district may not issue bonds until the governing  
24 body of the city adopts a resolution or ordinance authorizing the  
25 issuance of the bonds.

26 (c) If the district obtains the approval of the city's  
27 governing body of a capital improvements budget for a period not to

1 exceed 10 years, the district may finance the capital improvements  
2 and issue bonds specified in the budget without further approval  
3 from the city.

4 (d) The governing body of the city:

5 (1) is not required to adopt a resolution or ordinance  
6 to approve plans and specifications described by Subsection (a);  
7 and

8 (2) may establish an administrative process to approve  
9 plans and specifications described by Subsection (a) without the  
10 involvement of the governing body.

11 Sec. 3910.113. COORDINATION WITH EAST END DISTRICT. In  
12 determining the improvement projects or services the district  
13 provides, the district shall coordinate its efforts with the  
14 efforts of the East End district to achieve governmental efficiency  
15 and avoid duplication of improvement projects or services. The  
16 district may not duplicate an improvement project or service that  
17 the East End district provides in the same territory.

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

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

21 Sec. 3910.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
22 board by resolution shall establish the number of directors'  
23 signatures and the procedure required for a disbursement or  
24 transfer of district money.

25 Sec. 3910.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
26 The district may acquire, construct, finance, operate, or maintain  
27 any improvement or service authorized under this chapter or Chapter

1 375, Local Government Code, using any money available to the  
2 district.

3 Sec. 3910.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
4 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
5 service or improvement project with assessments under this chapter  
6 unless a written petition requesting that service or improvement  
7 has been filed with the board.

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

12 Sec. 3910.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

13 (a) The board by resolution may impose and collect an assessment  
14 for any purpose authorized by this chapter in all or any part of the  
15 district.

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

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

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

26 (3) are the personal liability of and a charge against  
27 the owners of the property even if the owners are not named in the

1 assessment proceedings.

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

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

10 Sec. 3910.155. RESIDENTIAL PROPERTY NOT EXEMPT. Section  
11 375.161, Local Government Code, does not apply to a tax authorized  
12 or approved by the voters of the district or a required payment for  
13 a service provided by the district, including water and sewer  
14 services.

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

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

SUBCHAPTER E. TAXES AND BONDS

Sec. 3910.201. 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 3910.203.

(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. 3910.202. OPERATION AND MAINTENANCE TAX. (a) If

authorized by a majority of the district voters voting at an election held in accordance with Section 3910.201, 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.

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

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

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

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

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

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

26       Sec. 3910.205. TAXES FOR BONDS. At the time the district  
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing  
2 direct annual ad valorem tax, without limit as to rate or amount,  
3 for each year that all or part of the bonds are outstanding as  
4 required and in the manner provided by Sections 54.601 and 54.602,  
5 Water Code.

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

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

12 TRACT 1

13 Being a 102.136 acre (4,449,039 square feet) tract of land  
14 situated in the S.M. Harris Survey, Abstract No. 327, the Darius  
15 Gregg Survey, Abstract No. 283 and the Harris & Wilson Survey,  
16 Abstract No. 32, Harris County, Texas, being a portion of a called  
17 104.25 acre tract described as Tract 1, Exhibit F and a portion of  
18 Tract 5, Exhibit F, both described in a special warranty deed dated  
19 January 2, 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE  
20 SERVICES, INC. as recorded under File No. M938947 of the Harris  
21 County Official Public Records of Real Property (H.C.O.P.R.R.P.),  
22 being all of a called 2.736 acre tract conveyed in a special  
23 warranty deed dated May 24, 2004 from KELLOGG BROWN & ROOT, INC. to  
24 KBR TECHNICAL SERVICES, INC. as recorded under File No. X640714 of  
25 said H.C.O.P.R.R.P. and being all of a called 0.0784 acre tract  
26 conveyed in warranty deed dated June 21, 1990 from ADAMS RESOURCES &  
27 ENERGY, INC. to BROWN & ROOT CORPORATE SERVICES, INC. as recorded



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1 under File No. M691219 of said H.C.O.P.R.R.P., said 102.136 acre  
2 tract being all of Blocks 50, 51 and 60 of the L.B. Swiney's  
3 Addition, a subdivision of record according to the map or plat  
4 thereof recorded under Volume 6, Page 610 of the Harris County Deed  
5 Records (H.C.D.R.), being all of Blocks 4 and 25 of the Cage  
6 Addition, a subdivision of record according to the map or plat  
7 thereof recorded under Volume 43, Page 385 of said H.C.D.R. and  
8 being a portion of Lots 1 through 8, Block 4 of the William A. Wilson  
9 Company Subdivision, a subdivision of record according to the map  
10 or plat thereof recorded under Volume 317, Page 298 of said  
11 H.C.D.R., said 102.136 acre tract being more particularly described  
12 by metes and bounds as follows with all bearings referenced to the  
13 Texas State Plane Coordinate System of 1983 (1993 Adjustment),  
14 South Central Zone. All coordinates and distances shown herein are  
15 surface values and may be converted to grid by multiplying by a  
16 combined scale factor of 0.999889585;

17 BEGINNING at a 5/8-inch iron rod (N = 13,845,069.64, East =  
18 3,131,004.78) found at the point of intersection of the southerly  
19 right-of-way line of Richardson Drive (40' wide) with the easterly  
20 right-of way line of Grove Street (60' wide) for the northwest  
21 corner of Block 50 of said L.B. Swiney's Addition and being the most  
22 westerly northwest corner of said 104.25 acre tract;

23 THENCE, North 87°03'43" East, along the southerly  
24 right-of-way line of Richardson Drive, a distance of 275.58 feet to  
25 a PK nail found for corner at the intersection of the easterly  
26 projection of the southerly right-of-way line of Richardson Drive  
27 with the southerly projection of the easterly right-of-way line of

1 Gregg Street for an angle point in said 104.25 acre tract;

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

11       THENCE, along the southerly right-of-way line of Clinton  
12 Drive, the following courses:

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

17               North 74°45'40" East, a distance of 51.25 feet to a  
18 5/8-inch iron rod with plastic cap stamped "SURVCON INC." set in the  
19 easterly right-of-way line of Bringhurst Street for the beginning  
20 of a non-tangent curve to the left;

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

25               North 41°49'15" East, a distance of 12.60 feet to a  
26 5/8-inch iron rod found for corner;

27               South 87°24'15" West, a distance of 11.40 feet to a

1 5/8-inch iron rod found for corner;

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

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

9 North 87°24'15" East, passing at a distance of 1,133.91  
10 feet, a 5/8-inch iron rod found for the northwest corner of said  
11 2.736 acre tract, continuing and passing at a distance of 1,193.91  
12 feet, a 5/8-inch iron rod found for the northeast corner of said  
13 2.736 acre tract, and continuing for a total distance of 1,293.20  
14 feet to a 5/8-inch iron rod found for the most northerly northeast  
15 corner of said 104.25 acre tract;

16 South 02°51'30" East, a distance of 10.55 feet to a  
17 5/8-inch iron rod found for angle point;

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

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

1           THENCE, South 02°51'30" East, along said westerly  
2 right-of-way line of Hirsch Street and the easterly line of said  
3 0.0784 acre tract, passing at a distance of 179.15 feet, a 1/2-inch  
4 iron rod found for the southeast corner of said 0.0784 acre tract  
5 and the most easterly northeast corner of said 104.25 acre tract,  
6 continuing along said westerly right-of-way line of Hirsch Street  
7 and the easterly line of said 104.25 acre tract, passing at a  
8 distance of 660.00 feet, a 5/8-inch iron rod found for an angle  
9 point in said 104.25 acre tract, same being the northwest corner of  
10 a called 0.2865 acre roadway easement conveyed to the City of  
11 Houston and described as Tract 4 in deed recorded in Volume 3468,  
12 Page 487 of said H.C.D.R., and continuing along the westerly  
13 right-of-way easement line of Hirsch Street, for a total distance  
14 of 818.07 feet to a point for the beginning of a tangent curve to the  
15 right;

16           THENCE, an arc distance of 1,095.02 feet, continuing along  
17 said westerly right-of-way easement line of Hirsch Street and along  
18 said curve to the right, having a radius of 1,587.02 feet, a delta  
19 angle of 39°32'00" and a chord bearing and distance of South  
20 16°54'30" West, 1,073.43 feet to 3/4-inch iron rod found for the  
21 point of tangency;

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

26           THENCE, along the meanders of the northerly line of Buffalo  
27 Bayou and along the southerly line of said 104.25 acre tract, the

1 following courses:

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

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

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

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

10 South 42°22'06" West, a distance of 530.18 feet to a  
11 point for corner;

12 South 86°47'52" West, a distance of 13.79 feet to a point  
13 for corner;

14 South 43°55'05" West, a distance of 65.25 feet to a point  
15 for corner;

16 South 74°12'42" West, a distance of 73.39 feet to a point  
17 for corner;

18 South 80°29'10" West, a distance of 95.12 feet to a point  
19 for corner;

20 North 62°25'33" West, a distance of 84.80 feet to a point  
21 for corner;

22 North 23°26'39" West, a distance of 96.22 feet to a point  
23 for corner;

24 North 48°58'41" West, a distance of 75.07 feet to a point  
25 for corner;

26 North 22°52'13" West, a distance of 70.85 feet to a point  
27 for corner;

1 North 00°23'51" East, a distance of 570.94 feet to a  
2 point for the most southerly corner of said 2.736 acre tract;

3 North 00°03'45" East, along the westerly line of said  
4 2.736 acre tract, a distance of 60.38 feet to an angle point in the  
5 northwesterly line of said 2.736 acre tract;

6 North 17°43'38" West, a distance of 86.97 feet to a point  
7 for corner;

8 North 35°56'28" West, a distance of 143.97 feet to a  
9 point for corner;

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

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

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

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

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

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

23 THENCE, North 02°56'17" West, along said easterly  
24 right-of-way line of Grove Street and the westerly line of said  
25 104.25 acre tract, passing at a distance of 65.05 feet, a found  
26 5/8-inch iron rod, and continuing for a total distance of 705.08  
27 feet to the POINT OF BEGINNING, containing a computed area of

1 102.136 acres (4,449,039 square feet) of land. Said 102.136 acre  
2 tract being subject to portions of three (3) existing roadways  
3 defined as follows: 1.) a 0.542 acre (23,589 square feet) tract  
4 within the right-of-way of Richardson Drive between the easterly  
5 right- of-way line of Gregg Street and the easterly right-of-way  
6 line of Bringhurst Street, 2.) a 0.184 acre (7,997 square feet)  
7 tract within the right-of-way of Cage Street between the southerly  
8 right- of-way line of Clinton Drive and the northerly right-of-way  
9 line of Richardson Drive and 3.) a 0.236 acre (10,280 square feet)  
10 tract within the right-of-way of Bringhurst Street between the  
11 southerly right-of-way line of Clinton Drive and the northerly  
12 right-of-way line of Richardson Drive.

13 TRACT 2

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

1 BEGINNING at a 5/8-inch iron rod (N = 13,844,963.67, East =  
2 3,133,786.01) found in the existing westerly right-of-way line of  
3 Hirsch Street (width varies) for an angle point in the easterly line  
4 of said 104.25 acre tract, same being the northwest corner of a  
5 called 0.2865 acre roadway easement conveyed to the City of Houston  
6 and described as Tract 4 in deed recorded in Volume 3468, Page 487  
7 of the Harris County Deed Records (H.C.D.R.);

8 THENCE, North 87°42'30" East, along the easterly line of said  
9 104.25 acre tract and along the northerly line of said 0.2865 acre  
10 roadway easement, a distance of 41.88 feet to an "X" in concrete  
11 found for an angle point in the easterly line of said 104.25 acre  
12 tract and the northeast corner of said 0.2865 acre roadway  
13 easement;

14 THENCE, South 02°17'32" East, along the easterly line of said  
15 104.25 acre tract, a distance of 1,163.73 feet to a point in the  
16 northerly line of Buffalo Bayou;

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

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

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

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



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

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

7 THENCE, North 36°40'30" East, along the westerly right-of-way  
8 easement line of Hirsch Street, a distance of 85.13 feet to a  
9 3/4-inch iron rod found for the beginning of a tangent curve to the  
10 left;

11 THENCE, an arc distance of 1,095.02 feet, continuing along  
12 the westerly right-of-way easement line of Hirsch Street and along  
13 said curve to the left, having a radius of 1,587.02 feet, a delta  
14 angle of 39°32'00" and a chord bearing and distance of North  
15 16°54'30" East, 1,073.43 feet to the point of tangency;

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

23 TRACT 3

24 Being a 24.983 acre (1,088,253 square feet) tract of land  
25 situated in the S.M. Harris Survey, Abstract No. 327, Harris  
26 County, Texas, and being all of a called 24.92 acre tract described  
27 as Tract 2 of Exhibit F in a special warranty deed dated January 2,

1 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE SERVICES,  
2 INC. as recorded under File No. M938947 of the Harris County  
3 Official Public Records of Real Property (H.C.O.P.R.R.P.), same  
4 being all of Blocks 43, 44, 45 46, 47, 48, 53, 54, 55, 56, 57 and 58  
5 of the L.B. Swiney's Addition, a subdivision of record according to  
6 the map or plat thereof recorded under Volume 6, Page 610 of the  
7 Harris County Deed Records (H.C.D.R.), said Blocks 43, 44 and 45  
8 also being defined in the Swiney Addition, a subdivision of record  
9 according to the map or plat thereof recorded under Volume 1A, Page  
10 65 of the Harris County Map Records (H.C.M.R.), and being all of  
11 Blocks 16, 17, 18, 21 and Tract C of the Barnes & Wetmore Addition, a  
12 subdivision of record according to the map or plat thereof recorded  
13 under Volume 37, Page 77 of said H.C.M.R., and being all of Lots 1,  
14 2, 3, 4, 7, 8, 9, 10 and 11 and a portion of Lot 6 of Block 19, all of  
15 Lots 1, 2, 3, 4, 12, 13 and 14 and a portion of Lots 5 and 10 of Block  
16 20 and a portion of Tract B, all of said Barnes & Wetmore Addition,  
17 and being a portion of the abandoned public streets by City of  
18 Houston Ordinance No.(s) 2601, 2988 and 2986, as recorded in Volume  
19 1779, Page 159, Volume 1825, Page 235 and Volume 3218, Page 132,  
20 respectively, all of said H.C.D.R., said 24.983 acre tract being  
21 more particularly described by metes and bounds as follows with all  
22 bearings referenced to the Texas State Plane Coordinate System of  
23 1983 (1993 Adjustment), South Central Zone. All coordinates and  
24 distances shown herein are surface values and may be converted to  
25 grid by multiplying by a combined scale factor of 0.999889585:

26 BEGINNING at a 5/8-inch iron rod (N = 13,845,290.36, East =  
27 3,130,622.97) found at the point of intersection of the southerly

1 right-of-way line of Clinton Drive (width varies) with the westerly  
2 right-of way line of Bayou Street (60' wide) for the common  
3 northeast corner of said 24.92 acre tract and Lot 1, Block 43 of  
4 said L.B. Swiney's Addition;

5       THENCE, South 02°56'17" East, along the westerly right-of-way  
6 line of Bayou Street and the easterly line of said 24.92 acre tract,  
7 passing at a distance of 750.00 feet, a found 5/8-iron rod, and  
8 continuing for a total distance of 811.60 feet to a point in the  
9 northerly line of Buffalo Bayou for the common southeast corner of  
10 said 24.92 acre tract and said Block 58;

11       THENCE, along the meanders of the northerly line of Buffalo  
12 Bayou and along the southerly line of said 24.92 acre tract, the  
13 following courses:

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

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

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

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

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

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

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

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

3 THENCE, along the westerly line of said 24.92 acre tract, the  
4 following courses:

5 North 06°46'38" West, a distance of 263.23 feet to a  
6 point for corner, from which a found 5/8-inch iron rod bears South  
7 73°45' West, 0.30 feet;

8 North 12°46'38" West, a distance of 185.40 feet to a  
9 point for corner, from which a found 5/8-inch iron rod bears South  
10 88°16' East, 0.33 feet;

11 North 22°58'38" West, a distance of 192.60 feet to a  
12 point for corner, from which a found 5/8-inch iron rod bears South  
13 00°00' West, 0.21 feet;

14 North 15°42'38" West, a distance of 131.20 feet to a  
15 point for corner, from which a found 5/8-inch iron rod bears South  
16 44°08' East, 0.23 feet;

17 North 05°54'38" West, a distance of 286.20 feet to a 60d  
18 nail found for corner;

19 North 02°42'02" East, a distance of 29.48 feet to a point  
20 for corner in the southerly right-of-way line of Clinton Drive for  
21 the northwest corner of said 24.92 acre tract, from which a found  
22 5/8-inch iron rod bears South 83°37' East, 0.20 feet;

23 THENCE, North 87°03'43" East, along the southerly  
24 right-of-way line of Clinton Drive, a distance of 1,238.93 feet to  
25 the POINT OF BEGINNING, containing a computed area of 24.983 acres  
26 (1,088,253 square feet) of land. Said 24.983 acre tract being  
27 subject to portions of three (3) existing roadways defined as

1 follows: 1.) a 0.753 acre (32,800 square feet) tract within the  
2 right- of-way of Richardson Drive between the westerly right-of-way  
3 line of Bayou Street and a line 200 feet west of the westerly  
4 right-of-way line of Meadow Street, 2.) a 0.275 acre (12,000 square  
5 feet) tract within the right-of-way of Meadow Street between the  
6 southerly right-of-way line of Clinton Drive and the northerly  
7 right-of-way line of Richardson Drive and 3.) a 0.275 acre (12,000  
8 square feet) tract within the right-of-way of Sydnor Street between  
9 the southerly right-of-way line of Clinton Drive and the northerly  
10 right-of-way line of Richardson Drive.

11 TRACTS 4-7

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

18 TRACT 4

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

25 TRACT 5

26 A 1.148 acre (50,000 square feet) tract of land, being all of  
27 Lots 1 through 10, Block 49 of said L.B. Swiney's Addition and

1 described as follows: All of Lots 1 through 7 and Lot 10, Block 49,  
2 being a portion of Tract 4 of Exhibit F as described in said deed  
3 recorded under File No. M938947 of said H.C.O.P.R.R.P.; and all of  
4 Lots 8 and 9, Block 49 described as a called 10,000 square foot  
5 tract of land addressed in a May 22, 1996 motion under City of  
6 Houston Ordinance 96-456 as recorded under File No. S023877 of said  
7 H.C.O.P.R.R.P., said 10,000 square foot tract of land being  
8 conveyed in a special warranty deed dated July 18, 1996 from the  
9 City of Houston to BROWN & ROOT CORPORATE SERVICES, INC. as recorded  
10 under File No. S023876 of said H.C.O.P.R.R.P.

11 TRACT 6

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

17 TRACT 7

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

23 SECTION 3. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

3 (b) The governor, one of the required recipients, has  
4 submitted the notice and Act to the Texas Commission on  
5 Environmental Quality.

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

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

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

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