

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, and 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.

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, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the

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

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

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

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

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

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

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

27 (2) eliminating unemployment and underemployment; and

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

3 (d) The district will:

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

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

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

15 (4) provide for water, wastewater, drainage, road, and
16 recreational facilities for the district.

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

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

25 Sec. 3910.005. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

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

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

10 (4) legality or operation.

11 Sec. 3910.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

12 All or any part of the area of the district is eligible to be
13 included in:

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

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

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

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

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

25 Sec. 3910.008. CONSTRUCTION OF CHAPTER. This chapter shall
26 be liberally construed in conformity with the findings and purposes
27 stated in this chapter.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 3910.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of seven voting directors who serve staggered
4 terms of four years, with three or four directors' terms expiring
5 June 1 of each odd-numbered year.

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

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

15 Sec. 3910.053. NONVOTING DIRECTORS. The board may appoint
16 nonvoting directors to serve at the pleasure of the voting
17 directors.

18 Sec. 3910.054. QUORUM. For purposes of determining the
19 requirements for a quorum of the board, the following are not
20 counted:

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

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

25 (3) a nonvoting director.

26 Sec. 3910.055. COMPENSATION. A director is entitled to
27 receive fees of office and reimbursement for actual expenses as

1 provided by Section 49.060, Water Code. Sections 375.069 and
2 375.070, Local Government Code, do not apply to the board.

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

5	<u>Pos. No.</u>	<u>Name of Director</u>
6	<u>1</u>	<u>Dan Lipnick</u>
7	<u>2</u>	<u>Hien Le</u>
8	<u>3</u>	<u>Ndukwe Kalu</u>
9	<u>4</u>	<u>Adam William</u>
10	<u>5</u>	<u>Kenady Davis</u>
11	<u>6</u>	<u>Cortney Cole</u>
12	<u>7</u>	<u>Jon Herbster</u>

13 (b) Of the initial directors, the terms of directors
14 appointed for positions one through four expire June 1, 2015, and
15 the terms of directors appointed for positions five through seven
16 expire June 1, 2017.

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

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

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 3910.101. GENERAL POWERS AND DUTIES. The district has
21 the powers and duties necessary to accomplish the purposes for
22 which the district is created.

23 Sec. 3910.102. IMPROVEMENT PROJECTS AND SERVICES. The
24 district may provide, design, construct, acquire, improve,
25 relocate, operate, maintain, or finance an improvement project or
26 service using any money available to the district, or contract with
27 a governmental or private entity to provide, design, construct,

1 acquire, improve, relocate, operate, maintain, or finance an
2 improvement or service authorized under this chapter or Chapter
3 375, Local Government Code.

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

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

14 (b) The nonprofit corporation:

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

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

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

26 Sec. 3910.105. AGREEMENTS; GRANTS. (a) As provided by
27 Chapter 375, Local Government Code, the district may make an

1 agreement with or accept a gift, grant, or loan from any person.

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

5 Sec. 3910.106. LAW ENFORCEMENT SERVICES. To protect the
6 public interest, the district may contract with a qualified party,
7 including the county or the city, to provide law enforcement
8 services in the district for a fee.

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

13 Sec. 3910.108. ECONOMIC DEVELOPMENT. (a) The district may
14 engage in activities that accomplish the economic development
15 purposes of the district.

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

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

21 (2) provide district personnel and services.

22 (c) The district may create economic development programs
23 and exercise the economic development powers provided to
24 municipalities by:

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

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

27 Sec. 3910.109. PARKING FACILITIES. (a) The district may

1 acquire, lease as lessor or lessee, construct, develop, own,
2 operate, and maintain parking facilities or a system of parking
3 facilities, including lots, garages, parking terminals, or other
4 structures or accommodations for parking motor vehicles off the
5 streets and related appurtenances.

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

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

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

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

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

22 (b) The district may purchase, construct, acquire, own,
23 operate, maintain, improve, or extend, inside and outside the
24 district, a canal, waterway, bulkhead, dock, or other improvement
25 or facility necessary or convenient to accomplish the navigation
26 purposes of the district.

27 Sec. 3910.112. APPROVAL BY CITY. (a) Except as provided by

1 Subsection (c), the district must obtain the approval of the city
2 for:

3 (1) the issuance of bonds;

4 (2) the plans and specifications of an improvement
5 project financed by bonds; and

6 (3) the plans and specifications of an improvement
7 project related to the use of land owned by the city, an easement
8 granted by the city, or a right-of-way of a street, road, or
9 highway.

10 (b) The district may not issue bonds until the governing
11 body of the city adopts a resolution or ordinance authorizing the
12 issuance of the bonds.

13 (c) If the district obtains the approval of the city's
14 governing body of a capital improvements budget for a period not to
15 exceed 10 years, the district may finance the capital improvements
16 and issue bonds specified in the budget without further approval
17 from the city.

18 (d) The governing body of the city:

19 (1) is not required to adopt a resolution or ordinance
20 to approve plans and specifications described by Subsection (a);
21 and

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

25 Sec. 3910.113. NO EMINENT DOMAIN POWER. The district may
26 not exercise the power of eminent domain.

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

1 Sec. 3910.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
2 board by resolution shall establish the number of directors'
3 signatures and the procedure required for a disbursement or
4 transfer of district money.

5 Sec. 3910.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
6 The district may acquire, construct, finance, operate, or maintain
7 any improvement or service authorized under this chapter or Chapter
8 375, Local Government Code, using any money available to the
9 district.

10 Sec. 3910.153. PETITION REQUIRED FOR FINANCING SERVICES AND
11 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
12 service or improvement project with assessments under this chapter
13 unless a written petition requesting that service or improvement
14 has been filed with the board.

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

19 Sec. 3910.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
20 The board by resolution may impose and collect an assessment for any
21 purpose authorized by this chapter in all or any part of the
22 district.

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

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

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

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

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

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

17 Sec. 3910.155. RESIDENTIAL PROPERTY NOT EXEMPT. Section
18 375.161, Local Government Code, does not apply to a tax authorized
19 or approved by the voters of the district or a required payment for
20 a service provided by the district, including water and sewer
21 services.

22 Sec. 3910.156. TAX AND ASSESSMENT ABATEMENTS. The district
23 may designate reinvestment zones and may grant abatements of
24 district taxes or assessments on property in the zones.

25 SUBCHAPTER E. TAXES AND BONDS

26 Sec. 3910.201. ELECTIONS REGARDING TAXES AND BONDS. (a)
27 The district may issue, without an election, bonds, notes, and

1 other obligations secured by:

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

3 (2) contract payments described by Section 3910.203.

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

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

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

14 Sec. 3910.202. OPERATION AND MAINTENANCE TAX. (a) If
15 authorized by a majority of the district voters voting at an
16 election held in accordance with Section 3910.201, the district may
17 impose an operation and maintenance tax on taxable property in the
18 district in accordance with Section 49.107, Water Code, for any
19 district purpose, including to:

20 (1) maintain and operate the district;

21 (2) construct or acquire improvements; or

22 (3) provide a service.

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

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

27 Sec. 3910.203. CONTRACT TAXES. (a) In accordance with

1 Section 49.108, Water Code, the district may impose a tax other than
2 an operation and maintenance tax and use the revenue derived from
3 the tax to make payments under a contract after the provisions of
4 the contract have been approved by a majority of the district voters
5 voting at an election held for that purpose.

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

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

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

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

23 Sec. 3910.205. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct annual ad valorem tax, without limit as to rate or amount,
27 for each year that all or part of the bonds are outstanding as

1 required and in the manner provided by Sections 54.601 and 54.602,
2 Water Code.

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

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

9 TRACT 1

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

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1 thereof recorded under Volume 6, Page 610 of the Harris County Deed
2 Records (H.C.D.R.), being all of Blocks 4 and 25 of the Cage
3 Addition, a subdivision of record according to the map or plat
4 thereof recorded under Volume 43, Page 385 of said H.C.D.R. and
5 being a portion of Lots 1 through 8, Block 4 of the William A. Wilson
6 Company Subdivision, a subdivision of record according to the map
7 or plat thereof recorded under Volume 317, Page 298 of said
8 H.C.D.R., said 102.136 acre tract being more particularly described
9 by metes and bounds as follows with all bearings referenced to the
10 Texas State Plane Coordinate System of 1983 (1993 Adjustment),
11 South Central Zone. All coordinates and distances shown herein are
12 surface values and may be converted to grid by multiplying by a
13 combined scale factor of 0.999889585;

14 BEGINNING at a 5/8-inch iron rod (N = 13,845,069.64, East =
15 3,131,004.78) found at the point of intersection of the southerly
16 right-of-way line of Richardson Drive (40' wide) with the easterly
17 right-of way line of Grove Street (60' wide) for the northwest
18 corner of Block 50 of said L.B. Swiney's Addition and being the most
19 westerly northwest corner of said 104.25 acre tract;

20 THENCE, North 87°03'43" East, along the southerly
21 right-of-way line of Richardson Drive, a distance of 275.58 feet to
22 a PK nail found for corner at the intersection of the easterly
23 projection of the southerly right-of-way line of Richardson Drive
24 with the southerly projection of the easterly right-of-way line of
25 Gregg Street for an angle point in said 104.25 acre tract;

26 THENCE, North 02°36'08" West, along the projected easterly
27 right-of-way line of Gregg Street, passing at a distance of 31.07

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

8 THENCE, along the southerly right-of-way line of Clinton
9 Drive, the following courses:

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

14 North 74°45'40" East, a distance of 51.25 feet to a
15 5/8-inch iron rod with plastic cap stamped "SURVCON INC." set in the
16 easterly right-of-way line of Bringhurst Street for the beginning
17 of a non-tangent curve to the left;

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

22 North 41°49'15" East, a distance of 12.60 feet to a
23 5/8-inch iron rod found for corner;

24 South 87°24'15" West, a distance of 11.40 feet to a
25 5/8-inch iron rod found for corner;

26 North 41°49'15" East, a distance of 31.00 feet a point
27 for the beginning of a non-tangent curve to the right, from which a

1 found 5/8-inch iron rod bears North 60°15' East, 0.33 feet;

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

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

13 South 02°51'30" East, a distance of 10.55 feet to a
14 5/8-inch iron rod found for angle point;

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

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

25 THENCE, South 02°51'30" East, along said westerly
26 right-of-way line of Hirsch Street and the easterly line of said
27 0.0784 acre tract, passing at a distance of 179.15 feet, a 1/2-inch

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

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

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

23 THENCE, along the meanders of the northerly line of Buffalo
24 Bayou and along the southerly line of said 104.25 acre tract, the
25 following courses:

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

1 South 81°17'51" West, a distance of 92.69 feet to a point
2 for corner;
3 South 71°46'20" West, a distance of 87.60 feet to a point
4 for corner;
5 South 56°00'12" West, a distance of 139.78 feet to a
6 point for corner;
7 South 42°22'06" West, a distance of 530.18 feet to a
8 point for corner;
9 South 86°47'52" West, a distance of 13.79 feet to a point
10 for corner;
11 South 43°55'05" West, a distance of 65.25 feet to a point
12 for corner;
13 South 74°12'42" West, a distance of 73.39 feet to a point
14 for corner;
15 South 80°29'10" West, a distance of 95.12 feet to a point
16 for corner;
17 North 62°25'33" West, a distance of 84.80 feet to a point
18 for corner;
19 North 23°26'39" West, a distance of 96.22 feet to a point
20 for corner;
21 North 48°58'41" West, a distance of 75.07 feet to a point
22 for corner;
23 North 22°52'13" West, a distance of 70.85 feet to a point
24 for corner;
25 North 00°23'51" East, a distance of 570.94 feet to a
26 point for the most southerly corner of said 2.736 acre tract;
27 North 00°03'45" East, along the westerly line of said

1 2.736 acre tract, a distance of 60.38 feet to an angle point in the
2 northwesterly line of said 2.736 acre tract;

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

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

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

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

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

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

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

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

20 THENCE, North 02°56'17" West, along said easterly
21 right-of-way line of Grove Street and the westerly line of said
22 104.25 acre tract, passing at a distance of 65.05 feet, a found
23 5/8-inch iron rod, and continuing for a total distance of 705.08
24 feet to the POINT OF BEGINNING, containing a computed area of
25 102.136 acres (4,449,039 square feet) of land. Said 102.136 acre
26 tract being subject to portions of three (3) existing roadways
27 defined as follows: 1.) a 0.542 acre (23,589 square feet) tract

1 within the right-of-way of Richardson Drive between the easterly
2 right- of-way line of Gregg Street and the easterly right-of-way
3 line of Bringhurst Street, 2.) a 0.184 acre (7,997 square feet)
4 tract within the right-of-way of Cage Street between the southerly
5 right- of-way line of Clinton Drive and the northerly right-of-way
6 line of Richardson Drive and 3.) a 0.236 acre (10,280 square feet)
7 tract within the right-of-way of Bringhurst Street between the
8 southerly right-of-way line of Clinton Drive and the northerly
9 right-of-way line of Richardson Drive.

10 TRACT 2

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

25 BEGINNING at a 5/8-inch iron rod (N = 13,844,963.67, East =
26 3,133,786.01) found in the existing westerly right-of-way line of
27 Hirsch Street (width varies) for an angle point in the easterly line

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1 of said 104.25 acre tract, same being the northwest corner of a
2 called 0.2865 acre roadway easement conveyed to the City of Houston
3 and described as Tract 4 in deed recorded in Volume 3468, Page 487
4 of the Harris County Deed Records (H.C.D.R.);

5 THENCE, North 87°42'30" East, along the easterly line of said
6 104.25 acre tract and along the northerly line of said 0.2865 acre
7 roadway easement, a distance of 41.88 feet to an "X" in concrete
8 found for an angle point in the easterly line of said 104.25 acre
9 tract and the northeast corner of said 0.2865 acre roadway
10 easement;

11 THENCE, South 02°17'32" East, along the easterly line of said
12 104.25 acre tract, a distance of 1,163.73 feet to a point in the
13 northerly line of Buffalo Bayou;

14 THENCE, along the meanders of the northerly line of Buffalo
15 Bayou and along the southerly line of said 104.25 acre tract, the
16 following courses:

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

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

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

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

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

27 North 81°21'02" West, a distance of 18.52 feet to a point

1 for the southwest corner of a called 1,595 square foot roadway
2 easement conveyed to the City of Houston and described as Tract 1 in
3 deed recorded in Volume 3468, Page 487 of said H.C.D.R.;

4 THENCE, North 36°40'30" East, along the westerly right-of-way
5 easement line of Hirsch Street, a distance of 85.13 feet to a
6 3/4-inch iron rod found for the beginning of a tangent curve to the
7 left;

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

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

20 TRACT 3

21 Being a 24.983 acre (1,088,253 square feet) tract of land
22 situated in the S.M. Harris Survey, Abstract No. 327, Harris
23 County, Texas, and being all of a called 24.92 acre tract described
24 as Tract 2 of Exhibit F in a special warranty deed dated January 2,
25 1990 from BROWN & ROOT I, INC. to BROWN & ROOT CORPORATE SERVICES,
26 INC. as recorded under File No. M938947 of the Harris County
27 Official Public Records of Real Property (H.C.O.P.R.R.P.), same

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

23 BEGINNING at a 5/8-inch iron rod (N = 13,845,290.36, East =
24 3,130,622.97) found at the point of intersection of the southerly
25 right-of-way line of Clinton Drive (width varies) with the westerly
26 right-of way line of Bayou Street (60' wide) for the common
27 northeast corner of said 24.92 acre tract and Lot 1, Block 43 of

1 said L.B. Swiney's Addition;

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

8 THENCE, along the meanders of the northerly line of Buffalo
9 Bayou and along the southerly line of said 24.92 acre tract, the
10 following courses:

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

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

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

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

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

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

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

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

27 THENCE, along the westerly line of said 24.92 acre tract, the

1 following courses:

2 North 06°46'38" West, a distance of 263.23 feet to a
3 point for corner, from which a found 5/8-inch iron rod bears South
4 73°45' West, 0.30 feet;

5 North 12°46'38" West, a distance of 185.40 feet to a
6 point for corner, from which a found 5/8-inch iron rod bears South
7 88°16' East, 0.33 feet;

8 North 22°58'38" West, a distance of 192.60 feet to a
9 point for corner, from which a found 5/8-inch iron rod bears South
10 00°00' West, 0.21 feet;

11 North 15°42'38" West, a distance of 131.20 feet to a
12 point for corner, from which a found 5/8-inch iron rod bears South
13 44°08' East, 0.23 feet;

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

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

20 THENCE, North 87°03'43" East, along the southerly
21 right-of-way line of Clinton Drive, a distance of 1,238.93 feet to
22 the POINT OF BEGINNING, containing a computed area of 24.983 acres
23 (1,088,253 square feet) of land. Said 24.983 acre tract being
24 subject to portions of three (3) existing roadways defined as
25 follows: 1.) a 0.753 acre (32,800 square feet) tract within the
26 right- of-way of Richardson Drive between the westerly right-of-way
27 line of Bayou Street and a line 200 feet west of the westerly

1 right-of-way line of Meadow Street, 2.) a 0.275 acre (12,000 square
2 feet) tract within the right-of-way of Meadow Street between the
3 southerly right-of-way line of Clinton Drive and the northerly
4 right-of-way line of Richardson Drive and 3.) a 0.275 acre (12,000
5 square feet) tract within the right-of-way of Sydnor Street between
6 the southerly right-of-way line of Clinton Drive and the northerly
7 right-of-way line of Richardson Drive.

8 TRACTS 4-7

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

15 TRACT 4

16 A 1.148 acre (50,000 square feet) tract of land, being all of
17 Lots 1 through 10, Block 52 of said L.B. Swiney's Addition, being a
18 portion of Tracts 4 and 5 of Exhibit F as described in 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 TRACT 5

23 A 1.148 acre (50,000 square feet) tract of land, being all of
24 Lots 1 through 10, Block 49 of said L.B. Swiney's Addition and
25 described as follows: All of Lots 1 through 7 and Lot 10, Block 49,
26 being a portion of Tract 4 of Exhibit F as described in said deed
27 recorded under File No. M938947 of said H.C.O.P.R.R.P.; and all of

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

8 TRACT 6

9 A 1.148 acre (50,000 square feet) tract of land, being all of
10 Lots 1 through 10, Block 42 of said L.B. Swiney's Addition, being
11 all of Tracts 7, 10, 11 and 13 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 TRACT 7

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

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

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

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