

1-1 By: Taylor, Ellis S.B. No. 863  
1-2 (In the Senate - Filed February 26, 2013; March 5, 2013,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 8, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 8, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hinojosa</u>	X		
1-10	<u>Nichols</u>	X		
1-11	<u>Garcia</u>	X		
1-12	<u>Paxton</u>	X		
1-13	<u>Taylor</u>	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 863 By: Garcia

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the creation of Pearland Municipal Management District  
1-18 No. 2; providing authority to issue bonds; providing authority to  
1-19 impose assessments, fees, or taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
1-22 Code, is amended by adding Chapter 3867 to read as follows:

1-23 CHAPTER 3867. PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 2

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 3867.001. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the district's board of directors.

1-27 (2) "City" means the City of Pearland.

1-28 (3) "County" means Brazoria County.

1-29 (4) "Director" means a board member.

1-30 (5) "District" means the Pearland Municipal  
1-31 Management District No. 2.

1-32 Sec. 3867.002. NATURE OF DISTRICT. The Pearland Municipal  
1-33 Management District No. 2 is a special district created under  
1-34 Section 59, Article XVI, Texas Constitution.

1-35 Sec. 3867.003. PURPOSE; DECLARATION OF INTENT. (a) The  
1-36 creation of the district is essential to accomplish the purposes of  
1-37 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
1-38 Texas Constitution, and other public purposes stated in this  
1-39 chapter. By creating the district and in authorizing the city, the  
1-40 county, and other political subdivisions to contract with the  
1-41 district, the legislature has established a program to accomplish  
1-42 the public purposes set out in Section 52-a, Article III, Texas  
1-43 Constitution.

1-44 (b) The creation of the district is necessary to promote,  
1-45 develop, encourage, and maintain employment, commerce,  
1-46 transportation, housing, tourism, recreation, the arts,  
1-47 entertainment, economic development, safety, and the public  
1-48 welfare in the district.

1-49 (c) This chapter and the creation of the district may not be  
1-50 interpreted to relieve the city or the county from providing the  
1-51 level of services provided as of the effective date of the Act  
1-52 enacting this chapter to the area in the district. The district is  
1-53 created to supplement and not to supplant city or county services  
1-54 provided in the district.

1-55 Sec. 3867.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-56 (a) The district is created to serve a public use and benefit.

1-57 (b) All land and other property included in the district  
1-58 will benefit from the improvements and services to be provided by  
1-59 the district under powers conferred by Sections 52 and 52-a,  
1-60 Article III, and Section 59, Article XVI, Texas Constitution, and

2-1 other powers granted under this chapter.  
 2-2 (c) The creation of the district is in the public interest  
 2-3 and is essential to further the public purposes of:  
 2-4 (1) developing and diversifying the economy of the  
 2-5 state;  
 2-6 (2) eliminating unemployment and underemployment; and  
 2-7 (3) developing or expanding transportation and  
 2-8 commerce.  
 2-9 (d) The district will:  
 2-10 (1) promote the health, safety, and general welfare of  
 2-11 residents, employers, potential employees, employees, visitors,  
 2-12 and consumers in the district, and of the public;  
 2-13 (2) provide needed funding for the district to  
 2-14 preserve, maintain, and enhance the economic health and vitality of  
 2-15 the district territory as a community and business center;  
 2-16 (3) promote the health, safety, welfare, and enjoyment  
 2-17 of the public by providing pedestrian ways and by landscaping and  
 2-18 developing certain areas in the district, which are necessary for  
 2-19 the restoration, preservation, and enhancement of scenic beauty;  
 2-20 and  
 2-21 (4) provide for street or road and recreational  
 2-22 facilities and improvements, including related drainage  
 2-23 facilities, for the district.  
 2-24 (e) Pedestrian or other nonmotorized vehicle ways along or  
 2-25 across a street, whether at grade or above or below the surface, and  
 2-26 street lighting, street landscaping, parking, and street art  
 2-27 objects are parts of and necessary components of a street and are  
 2-28 considered to be a street or road improvement.  
 2-29 (f) The district will not act as the agent or  
 2-30 instrumentality of any private interest even though the district  
 2-31 will benefit many private interests as well as the public.  
 2-32 Sec. 3867.005. INITIAL DISTRICT TERRITORY. (a) The  
 2-33 district is initially composed of the territory described by  
 2-34 Section 2 of the Act enacting this chapter.  
 2-35 (b) The boundaries and field notes contained in Section 2 of  
 2-36 the Act enacting this chapter form a closure. A mistake in the  
 2-37 field notes or in copying the field notes in the legislative process  
 2-38 does not affect the district's:  
 2-39 (1) organization, existence, or validity;  
 2-40 (2) right to issue any type of bond for the purposes  
 2-41 for which the district is created or to pay the principal of and  
 2-42 interest on the bond;  
 2-43 (3) right to impose or collect an assessment or tax; or  
 2-44 (4) legality or operation.  
 2-45 Sec. 3867.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
 2-46 All or any part of the area of the district is eligible to be  
 2-47 included in:  
 2-48 (1) a tax increment reinvestment zone created under  
 2-49 Chapter 311, Tax Code;  
 2-50 (2) a tax abatement reinvestment zone created under  
 2-51 Chapter 312, Tax Code;  
 2-52 (3) an enterprise zone created under Chapter 2303,  
 2-53 Government Code; or  
 2-54 (4) an industrial district created under Chapter 42,  
 2-55 Local Government Code.  
 2-56 Sec. 3867.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
 2-57 DISTRICTS LAW. Except as otherwise provided by this chapter,  
 2-58 Chapter 375, Local Government Code, applies to the district.  
 2-59 Sec. 3867.008. CONSTRUCTION OF CHAPTER. This chapter shall  
 2-60 be liberally construed in conformity with the findings and purposes  
 2-61 stated in this chapter.  
 2-62 SUBCHAPTER B. BOARD OF DIRECTORS  
 2-63 Sec. 3867.051. GOVERNING BODY; TERMS. (a) The district is  
 2-64 governed by a board of seven voting directors who serve staggered  
 2-65 terms of four years, with three or four directors' terms expiring  
 2-66 June 1 of each odd-numbered year.  
 2-67 (b) The board by resolution may change the number of voting  
 2-68 directors on the board if the board determines that the change is in  
 2-69 the best interest of the district and the governing body of the city

3-1 consents to the change. The board may not consist of fewer than 5 or  
3-2 more than 15 voting directors.

3-3 Sec. 3867.052. APPOINTMENT OF VOTING DIRECTORS. The  
3-4 governing body of the city shall appoint voting directors from  
3-5 persons recommended by the board. A person is appointed if a  
3-6 majority of the members of the governing body of the city vote to  
3-7 appoint that person.

3-8 Sec. 3867.053. NONVOTING DIRECTORS. The board may appoint  
3-9 nonvoting directors to serve at the pleasure of the voting  
3-10 directors.

3-11 Sec. 3867.054. QUORUM. For purposes of determining the  
3-12 requirements for a quorum of the board, the following are not  
3-13 counted:

3-14 (1) a board position vacant for any reason, including  
3-15 death, resignation, or disqualification;

3-16 (2) a director who is abstaining from participation in  
3-17 a vote because of a conflict of interest; or

3-18 (3) a nonvoting director.

3-19 Sec. 3867.055. INITIAL VOTING DIRECTORS. (a) The initial  
3-20 board consists of the following voting directors:

Pos. No.	Name of Director
1	Teir Allender
2	Steve Chandler
3	Will Deane
4	Stephanie King
5	John Moody
6	Rushi Patel
7	Sylvester L. Roeder III

3-29 (b) Of the initial directors, the terms of directors  
3-30 appointed for positions one through four expire June 1, 2015, and  
3-31 the terms of directors appointed for positions five through seven  
3-32 expire June 1, 2017.

3-33 (c) Section 3867.052 does not apply to this section.

3-34 (d) This section expires September 1, 2017.

3-35 SUBCHAPTER C. POWERS AND DUTIES

3-36 Sec. 3867.101. GENERAL POWERS AND DUTIES. The district has  
3-37 the powers and duties necessary to accomplish the purposes for  
3-38 which the district is created.

3-39 Sec. 3867.102. IMPROVEMENT PROJECTS AND SERVICES. The  
3-40 district may provide, design, construct, acquire, improve,  
3-41 relocate, operate, maintain, or finance an improvement project or  
3-42 service using any money available to the district, or contract with  
3-43 a governmental or private entity to provide, design, construct,  
3-44 acquire, improve, relocate, operate, maintain, or finance an  
3-45 improvement project or service authorized under this chapter or  
3-46 Chapter 375, Local Government Code.

3-47 Sec. 3867.103. DEVELOPMENT CORPORATION POWERS. The  
3-48 district, using money available to the district, may exercise the  
3-49 powers given to a development corporation under Chapter 505, Local  
3-50 Government Code, including the power to own, operate, acquire,  
3-51 construct, lease, improve, or maintain a project under that  
3-52 chapter.

3-53 Sec. 3867.104. NONPROFIT CORPORATION. (a) The board by  
3-54 resolution may authorize the creation of a nonprofit corporation to  
3-55 assist and act for the district in implementing a project or  
3-56 providing a service authorized by this chapter.

3-57 (b) The nonprofit corporation:

3-58 (1) has each power of and is considered to be a local  
3-59 government corporation created under Subchapter D, Chapter 431,  
3-60 Transportation Code; and

3-61 (2) may implement any project and provide any service  
3-62 authorized by this chapter.

3-63 (c) The board shall appoint the board of directors of the  
3-64 nonprofit corporation. The board of directors of the nonprofit  
3-65 corporation shall serve in the same manner as the board of directors  
3-66 of a local government corporation created under Subchapter D,  
3-67 Chapter 431, Transportation Code, except that a board member is not  
3-68 required to reside in the district.

3-69 Sec. 3867.105. AGREEMENTS; GRANTS. (a) As provided by

4-1 Chapter 375, Local Government Code, the district may make an  
4-2 agreement with or accept a gift, grant, or loan from any person.

4-3 (b) The implementation of a project is a governmental  
4-4 function or service for the purposes of Chapter 791, Government  
4-5 Code.

4-6 Sec. 3867.106. LAW ENFORCEMENT AND SECURITY SERVICES. To  
4-7 protect the public interest, the district may provide security  
4-8 services or contract with a qualified party, including the county  
4-9 or the city, to provide law enforcement services in the district for  
4-10 a fee.

4-11 Sec. 3867.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
4-12 district may join and pay dues to a charitable or nonprofit  
4-13 organization that performs a service or provides an activity  
4-14 consistent with the furtherance of a district purpose.

4-15 Sec. 3867.108. ECONOMIC DEVELOPMENT. (a) The district may  
4-16 engage in activities that accomplish the economic development  
4-17 purposes of the district.

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

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

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

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

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

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

4-29 Sec. 3867.109. PARKING FACILITIES. (a) The district may  
4-30 acquire, lease as lessor or lessee, construct, develop, own,  
4-31 operate, and maintain parking facilities or a system of parking  
4-32 facilities, including lots, garages, parking terminals, or other  
4-33 structures or accommodations for parking motor vehicles off the  
4-34 streets and related appurtenances.

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

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

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

4-44 Sec. 3867.110. ANNEXATION OF LAND. The district may annex  
4-45 land as provided by Subchapter J, Chapter 49, Water Code.

4-46 Sec. 3867.111. APPROVAL BY CITY. (a) Except as provided  
4-47 by Chapter 375, Local Government Code, the district must obtain the  
4-48 approval of the city for:

4-49 (1) the issuance of bonds;

4-50 (2) the annexation or exclusion of land;

4-51 (3) the plans and specifications of an improvement  
4-52 project financed by bonds; and

4-53 (4) the plans and specifications of an improvement  
4-54 project related to the use of land owned by the city, an easement  
4-55 granted by the city, or a right-of-way of a street, road, or  
4-56 highway.

4-57 (b) The district may not issue bonds or annex or exclude  
4-58 land until the governing body of the city adopts a resolution or  
4-59 ordinance authorizing the issuance of the bonds or the annexation  
4-60 or exclusion of the land.

4-61 (c) The governing body of the city:

4-62 (1) is not required to adopt a resolution or ordinance  
4-63 to approve plans and specifications described by Subsection (a);  
4-64 and

4-65 (2) may establish an administrative process to approve  
4-66 plans and specifications described by Subsection (a) without the  
4-67 involvement of the governing body.

4-68 Sec. 3867.112. NO EMINENT DOMAIN POWER. The district may  
4-69 not exercise the power of eminent domain.

5-1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

5-2 Sec. 3867.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
 5-3 board by resolution shall establish the number of directors'  
 5-4 signatures and the procedure required for a disbursement or  
 5-5 transfer of district money.

5-6 Sec. 3867.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
 5-7 The district may acquire, construct, finance, operate, or maintain  
 5-8 any improvement or service authorized under this chapter or Chapter  
 5-9 375, Local Government Code, using any money available to the  
 5-10 district.

5-11 Sec. 3867.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
 5-12 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
 5-13 service or improvement project with assessments under this chapter  
 5-14 unless a written petition requesting that service or improvement  
 5-15 has been filed with the board.

5-16 (b) A petition filed under Subsection (a) must be signed by  
 5-17 the owners of a majority of the assessed value of real property in  
 5-18 the district subject to assessment according to the most recent  
 5-19 certified tax appraisal roll for the county.

5-20 Sec. 3867.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.  
 5-21 (a) The board by resolution may impose and collect an assessment  
 5-22 for any purpose authorized by this chapter in all or any part of the  
 5-23 district.

5-24 (b) An assessment, a reassessment, or an assessment  
 5-25 resulting from an addition to or correction of the assessment roll  
 5-26 by the district, penalties and interest on an assessment or  
 5-27 reassessment, an expense of collection, and reasonable attorney's  
 5-28 fees incurred by the district:

5-29 (1) are a first and prior lien against the property  
 5-30 assessed;

5-31 (2) are superior to any other lien or claim other than  
 5-32 a lien or claim for county, school district, or municipal ad valorem  
 5-33 taxes; and

5-34 (3) are the personal liability of and a charge against  
 5-35 the owners of the property even if the owners are not named in the  
 5-36 assessment proceedings.

5-37 (c) The lien is effective from the date of the board's  
 5-38 resolution imposing the assessment until the date the assessment is  
 5-39 paid. The board may enforce the lien in the same manner that the  
 5-40 board may enforce an ad valorem tax lien against real property.

5-41 (d) The board may make a correction to or deletion from the  
 5-42 assessment roll that does not increase the amount of assessment of  
 5-43 any parcel of land without providing notice and holding a hearing in  
 5-44 the manner required for additional assessments.

5-45 Sec. 3867.155. TAX AND ASSESSMENT ABATEMENTS. The district  
 5-46 may designate reinvestment zones and may grant abatements of a tax  
 5-47 or assessment on property in the zones.

5-48 SUBCHAPTER E. TAXES AND BONDS

5-49 Sec. 3867.201. ELECTIONS REGARDING TAXES AND BONDS.  
 5-50 (a) The district may issue, without an election, bonds, notes, and  
 5-51 other obligations secured by:

5-52 (1) revenue other than ad valorem taxes; or

5-53 (2) contract payments described by Section 3867.203.

5-54 (b) The district must hold an election in the manner  
 5-55 provided by Subchapter L, Chapter 375, Local Government Code, to  
 5-56 obtain voter approval before the district may impose an ad valorem  
 5-57 tax or issue bonds payable from ad valorem taxes.

5-58 (c) Section 375.243, Local Government Code, does not apply  
 5-59 to the district.

5-60 (d) All or any part of any facilities or improvements that  
 5-61 may be acquired by a district by the issuance of its bonds may be  
 5-62 submitted as a single proposition or as several propositions to be  
 5-63 voted on at the election.

5-64 Sec. 3867.202. OPERATION AND MAINTENANCE TAX. (a) If  
 5-65 authorized by a majority of the district voters voting at an  
 5-66 election held in accordance with Section 3867.201, the district may  
 5-67 impose an operation and maintenance tax on taxable property in the  
 5-68 district in accordance with Section 49.107, Water Code, for any  
 5-69 district purpose, including to:

- 6-1 (1) maintain and operate the district;
- 6-2 (2) construct or acquire improvements; or
- 6-3 (3) provide a service.

6-4 (b) The board shall determine the tax rate. The rate may not  
 6-5 exceed the rate approved at the election.

6-6 Sec. 3867.203. CONTRACT TAXES. (a) In accordance with  
 6-7 Section 49.108, Water Code, the district may impose a tax other than  
 6-8 an operation and maintenance tax and use the revenue derived from  
 6-9 the tax to make payments under a contract after the provisions of  
 6-10 the contract have been approved by a majority of the district voters  
 6-11 voting at an election held for that purpose.

6-12 (b) A contract approved by the district voters may contain a  
 6-13 provision stating that the contract may be modified or amended by  
 6-14 the board without further voter approval.

6-15 Sec. 3867.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS  
 6-16 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms  
 6-17 determined by the board. Section 375.205, Local Government Code,  
 6-18 does not apply to a loan, line of credit, or other borrowing from a  
 6-19 bank or financial institution secured by revenue other than ad  
 6-20 valorem taxes.

6-21 (b) The district may issue bonds, notes, or other  
 6-22 obligations payable wholly or partly from ad valorem taxes,  
 6-23 assessments, impact fees, revenue, contract payments, grants, or  
 6-24 other district money, or any combination of those sources of money,  
 6-25 to pay for any authorized district purpose.

6-26 Sec. 3867.205. TAXES FOR BONDS. At the time the district  
 6-27 issues bonds payable wholly or partly from ad valorem taxes, the  
 6-28 board shall provide for the annual imposition of a continuing  
 6-29 direct annual ad valorem tax, without limit as to rate or amount,  
 6-30 for each year that all or part of the bonds are outstanding as  
 6-31 required and in the manner provided by Sections 54.601 and 54.602,  
 6-32 Water Code.

6-33 Sec. 3867.206. TAXES AND BONDS FOR RECREATIONAL FACILITIES.  
 6-34 (a) The limitation on the outstanding principal amount of bonds,  
 6-35 notes, and other obligations provided by Section 49.4645, Water  
 6-36 Code, does not apply to the district.

6-37 (b) Section 49.107(h), Water Code, does not apply to the  
 6-38 district.

6-39 Sec. 3867.207. CITY NOT REQUIRED TO PAY DISTRICT  
 6-40 OBLIGATIONS. Except as provided by Section 375.263, Local  
 6-41 Government Code, the city is not required to pay a bond, note, or  
 6-42 other obligation of the district.

6-43 SECTION 2. The Pearland Municipal Management District No. 2  
 6-44 initially includes all territory contained in the following area:

6-45 BEING 1,483 acres, more or less, of land within the City  
 6-46 Limits of Pearland, Texas, located in the H. T. & B. R. R. Co.  
 6-47 Survey, Abstract No. 300, the J. W. Maxcy Survey, Abstract No. 675,  
 6-48 the R. B. Lyle Survey, Abstract No. 539, the W. W. Dupuy and L. F.  
 6-49 Roberts Survey, Abstract No. 726, the H. T. & B. R. R. Co. Survey,  
 6-50 Abstract No. 304, the W. M. Morris Survey, Abstract No. 344, the J.  
 6-51 Crawley Survey, Abstract No.174 and the D. White Survey, Abstract  
 6-52 No. 747, Brazoria County, Texas and also located in the James  
 6-53 Hamilton Survey, Abstract No. 881, Harris County, Texas, said 1,483  
 6-54 acres being more particularly described as follows:

6-55 BEGINNING at the southeast corner of SOUTHGATE SECTION ONE, a  
 6-56 subdivision of record in Volume 24, Pages 123-126 of the Plat  
 6-57 Records of Brazoria County, Texas (B.C.P.R.) on the northerly  
 6-58 right-of-way line of County Road 59 (width varies);

6-59 THENCE NORTHERLY, 2,574 feet more or less, along the east  
 6-60 line of said SOUTHGATE SECTION ONE and the east line of SOUTHGATE  
 6-61 SECTION TWO, a subdivision of record in Volume 24, Pages 278-279,  
 6-62 B.C.P.R. to the northeast corner of said SOUTHGATE SECTION TWO;

6-63 THENCE WESTERLY, 2,642 feet more or less, along the north  
 6-64 line of said SOUTHGATE SECTION TWO to a point on the west line of  
 6-65 said SOUTHGATE SECTION ONE for the southwest corner of Restricted  
 6-66 Reserve "A" of said SOUTHGATE SECTION ONE;

6-67 THENCE NORTHERLY, 1,175 feet more or less, along said west  
 6-68 line to the southwest corner of the MINOR PLAT OF KIRBY WATER PLANT  
 6-69 SITE AND FIRE STATION NO. 5, a subdivision of record under Document

7-1 Number 2008029867 of the Official Public Records of Brazoria  
7-2 County, Texas (B.C.O.P.R.)  
7-3 THENCE EASTERLY, 626 feet more or less, to the southeast  
7-4 corner of said MINOR PLAT;  
7-5 THENCE NORTHEASTERLY, 335 feet more or less, to the northeast  
7-6 corner of said MINOR PLAT;  
7-7 THENCE WESTERLY, 776 feet more or less, to the northwest  
7-8 corner of said MINOR PLAT and being the southwest corner of the  
7-9 remainder of a called 13.380 acre tract of land conveyed to Pearland  
7-10 Town Center Limited Partnership as recorded under Document Number  
7-11 2006071333 of the Official Records of Brazoria County, Texas  
7-12 (B.C.O.R.);  
7-13 THENCE NORTHERLY, 1,231 feet more or less, along the west  
7-14 line of said remainder and the west line of KIRBY CROSSING SECTION  
7-15 ONE, a subdivision of record under Document Number 2012041370,  
7-16 B.C.O.R., to the south right-of-way line and crossing to the north  
7-17 right-of-way line of F.M. 518 (120' wide);  
7-18 THENCE WESTERLY, 597 feet more or less, along said north  
7-19 right-of-way line to the southeast corner of SF-18B, a subdivision  
7-20 of record in Volume 23, Pages 393-396, B.C.P.R.;  
7-21 THENCE NORTHERLY, 1,053 feet more or less, along the east  
7-22 line of said SF-18B to the south line of SF-15, a subdivision of  
7-23 record in Volume 23, Pages 265-268, B.C.P.R.;  
7-24 THENCE EASTERLY, 1,566 feet more or less, along said south  
7-25 line to the west right-of-way line and crossing to the east  
7-26 right-of-way line of Kirby Drive (100' wide);  
7-27 THENCE SOUTHERLY, 634 feet more or less, along said east  
7-28 right-of-way line to the northwest corner of SHADOW CREEK RANCH  
7-29 COMMERCIAL SITE NO. 3, a subdivision of record under Document  
7-30 Number 2006023374, B.C.O.R.;  
7-31 THENCE SOUTHEASTERLY, 789 feet more or less, along the  
7-32 northeast line of said SHADOW CREEK RANCH COMMERCIAL SITE NO. 3 to  
7-33 the southeast corner of same on the north right-of-way line of the  
7-34 aforementioned F.M. 518;  
7-35 THENCE EASTERLY, 162 feet more or less, along said north  
7-36 right-of-way line to the southeast corner of SF-16B, a subdivision  
7-37 of record in Volume 23, Pages 273-276, B.C.P.R.;  
7-38 THENCE NORTHERLY, 2,448 feet more or less, along the east  
7-39 line of said SF-16B, SF-16A, a subdivision of record in Volume 23,  
7-40 Pages 269-272, B.C.P.R. and SF-14B, a subdivision of record in  
7-41 Volume 23, Pages 261-264, B.C.P.R. to the southwest corner of the  
7-42 MINOR SUBDIVISION PLAT OF DISCOVERY AT SHADOW CREEK RANCH, a  
7-43 subdivision of record under Document Number 2009049537, B.C.O.R.;  
7-44 THENCE EASTERLY, 1,486 feet more or less, along the south  
7-45 line of said MINOR SUBDIVISION PLAT OF DISCOVERY AT SHADOW CREEK  
7-46 RANCH, to the northwest corner of Lot "A" of the AMENDING PLAT OF  
7-47 SHADOW CREEK TOWN CENTER, a subdivision of record under Document  
7-48 Number 2007002505, B.C.O.R.;  
7-49 THENCE SOUTHERLY, 960 feet more or less, along the west line  
7-50 of said Lot "A" and the easterly right-of-way line of Business  
7-51 Center Drive as shown on said AMENDING PLAT OF SHADOW CREEK TOWN  
7-52 CENTER to the intersection of said Business Center Drive and  
7-53 Memorial Herman Drive as shown on said AMENDING PLAT OF SHADOW CREEK  
7-54 TOWN CENTER, same being the southerly southwest corner of said Lot  
7-55 "A";  
7-56 THENCE EASTERLY, 1,149 feet more or less, along the north  
7-57 right-of-way line of said Memorial Herman Drive to the easterly  
7-58 southeast corner of said Lot "A", said point being on the westerly  
7-59 right-of-way line of SH 288;  
7-60 THENCE NORTHERLY, 1,609 feet more or less, along said  
7-61 westerly right-of-way line to the northeast corner of that certain  
7-62 called 13.100 acre tract conveyed to Memorial Herman by an  
7-63 instrument of record under Document Number 2008000334, B.C.O.R.;  
7-64 THENCE WESTERLY, 874 feet more or less, departing said  
7-65 westerly right-of-way line and along the north line of said 13.100  
7-66 acre tract to the westerly right-of-way line of Business Center  
7-67 Drive (100' wide) as shown on SHADOW CREEK RANCH BUSINESS CENTER  
7-68 DRIVE EXTENSION, a subdivision of record in Volume 24, Pages  
7-69 392-393, B.C.O.R.;

8-1           THENCE NORTHERLY, 3,751 feet more or less, along said  
8-2 westerly right-of-way line and along the westerly right-of-way line  
8-3 of said Business Center Drive, as shown on SHADOW CREEK RANCH  
8-4 BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE, a subdivision of  
8-5 record in Volume 24, Pages 251-252, B.C.O.R. to a point opposite of  
8-6 the northwest corner of Restricted Reserve "B" as shown on SHADOW  
8-7 CREEK RANCH BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE;  
8-8           THENCE EASTERLY, 90 feet, departing said west right-of-way  
8-9 line to the northwest corner of said Restricted Reserve "B";  
8-10          THENCE EASTERLY, 72 feet more or less, along the northerly  
8-11 line of said Restricted Reserve "B" to the southeast corner of said  
8-12 Restricted Reserve "B", said point being on the northerly  
8-13 right-of-way line of Medical Center Drive (100' wide) as shown on  
8-14 SHADOW CREEK RANCH BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE;  
8-15          THENCE EASTERLY, 1,550 feet more or less, along the northerly  
8-16 right-of-way line of said Medical Center Drive to a point on the  
8-17 westerly right-of-way line of SH 288, same being the easterly line  
8-18 of that certain called 48.00 acre tract conveyed to H.C.A. HEALTH  
8-19 SERVICES OF TEXAS, INC. by an instrument of record under File Number  
8-20 02-063451, B.C.O.R.;  
8-21          THENCE NORTHERLY, 764 feet more or less, along said westerly  
8-22 right-of-way line and the easterly line of said 48.00 acre tract to  
8-23 the south corner of that certain called 2.266 acre tract conveyed to  
8-24 SHADOW CREEK RANCH MAINTENANCE ASSOCIATION by an instrument of  
8-25 record under File Number 01-048774, B.C.O.R.;  
8-26          THENCE NORTHERLY, 1,014 feet more or less, along the easterly  
8-27 line of said 48.00 acre tract to the northwest corner of said 2.266  
8-28 acre tract, said point being on the southerly line of F.M. 2234 -  
8-29 Shadow Creek Parkway (width varies);  
8-30          THENCE WESTERLY, 978 feet more or less, along the north line  
8-31 of said 48.00 acre tract to the northwest corner of said 48.00 acre  
8-32 tract, said point being the northeast corner of Business Center  
8-33 Drive (width varies at this point);  
8-34          THENCE SOUTHERLY, 925 feet more or less, along the west line  
8-35 of said 48.00 acre tract and the easterly right-of-way line of  
8-36 Business Center Drive to a point opposite the southeast corner of  
8-37 that certain called 17.5691 acre tract of land conveyed to GLOBAL  
8-38 NEW MILLENIUM PARTNERS, LTD. by the instrument of record under  
8-39 Document Number 2009057174, B.C.O.P.R.;  
8-40          THENCE WESTERLY, 1,113 feet more or less, along the south  
8-41 line of said called 17.5691 acre tract to the southwest corner of  
8-42 the same;  
8-43          THENCE NORTHERLY, 769 feet more or less, along the west line  
8-44 of said called 17.5691 acre tract to the most westerly northwest  
8-45 corner of the same;  
8-46          THENCE NORTHEASTERLY, 429 feet more or less, along the  
8-47 northwest line of said called 17.5691 acre tract to the south  
8-48 right-of-way line and crossing to the north right-of-way line of  
8-49 F.M. 2234 - Shadow Creek Parkway (160.00' wide);  
8-50          THENCE EASTERLY, 464 feet more or less, along said north  
8-51 right-of-way line, same being the south line of SHADOW CREEK RANCH  
8-52 COMMERCIAL SITE NO. 18B, a subdivision of record under Document  
8-53 Number 2007035195, B.C.O.P.R., to the southeast corner of said SITE  
8-54 18B;  
8-55          THENCE NORTHERLY, 515 feet more or less, along the east line  
8-56 of said SITE 18B to a point on the south line of SHADOW CREEK  
8-57 MARKETPLACE, a subdivision of record under Document Number  
8-58 2008001974, B.C.O.P.R.  
8-59          THENCE EASTERLY, 60 feet more or less, along said south line  
8-60 to a point on the west right-of-way line of Business Center Drive  
8-61 (100' wide);  
8-62          THENCE NORTHERLY, 101 feet more or less, along said west  
8-63 right-of-way line to a point on the north line of said SHADOW CREEK  
8-64 MARKETPLACE;  
8-65          THENCE NORTHEASTERLY, 1,674 feet more or less, along said  
8-66 north line to a point on the south line of a called 48.4712 acre  
8-67 tract of land conveyed to AMEGY MORTGAGE COMPANY, L.L.C., by the  
8-68 instrument of record under Document Number 2010023540, B.C.O.P.R.;  
8-69          THENCE EASTERLY, 792 feet more or less, along the south line



9-1 of said called 48.4712 acre tract to the west right-of-way line of  
9-2 State Highway 288;  
9-3 THENCE NORTHERLY, 4,620 feet more or less, along said west  
9-4 right-of-way line to a point on the south right-of-way line of  
9-5 Beltway 8, same being the Northern City Limit Line of  
9-6 Pearland, Texas;  
9-7 THENCE EASTERLY, 2,623 feet more or less, along said City  
9-8 Limit Line, crossing and to a point on the east side of said State  
9-9 Highway 288 for the northwest corner of the MINOR SUBDIVISION PLAT  
9-10 OF REC-TIME SUBDIVISION, a subdivision of record under Film Code  
9-11 600053 of the Harris County Map Records, (H.C.M.R.);  
9-12 THENCE SOUTHERLY, 1,290 feet more or less, along the west  
9-13 line of said MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION to the  
9-14 north line of TOM BASS PARK;  
9-15 THENCE WESTERLY, 679 feet more or less, to the west line of  
9-16 said PARK;  
9-17 THENCE SOUTHERLY, 2,966 feet more or less, along said west  
9-18 line to the north line of THE LAKES AT COUNTRYPLACE SECTION EIGHT, a  
9-19 subdivision of record in Volume 21, Pages 173-174, B.C.P.R.;  
9-20 THENCE WESTERLY, 116 feet more or less, SOUTHERLY 207 feet  
9-21 more or less and WESTERLY 439 feet more or less, along said north  
9-22 line to a point on the east right-of-way line of the aforementioned  
9-23 State Highway 288;  
9-24 THENCE SOUTHERLY to SOUTHEASTERLY, 1,682 feet more or less,  
9-25 along said east right-of-way line to the north right-of-way line of  
9-26 the aforementioned F.M. 2234-Shadow Creek Parkway;  
9-27 THENCE EASTERLY, 250 feet more or less, along said north  
9-28 right-of-way line to a point at the intersection with the east  
9-29 right-of-way line of County Road 94 (100' wide) projected north;  
9-30 THENCE SOUTHERLY, 3,536 feet more or less, along said east  
9-31 right-of-way line to the northwest corner of SOUTHDOWN COMMERCIAL  
9-32 RESERVE TRACT A, a subdivision of record in Volume 17, Pages  
9-33 151-152, B.C.P.R.;  
9-34 THENCE EASTERLY, 381 feet more or less, along the north line  
9-35 of said SOUTHDOWN COMMERCIAL RESERVE TRACT A and SOUTHDOWN  
9-36 COMMERCIAL RESERVE TRACT B, a subdivision of record in Volume 20,  
9-37 Pages 225-226, B.C.P.R. to the northeast corner of said TRACT B;  
9-38 THENCE SOUTHERLY, 264 feet more or less, along the east line  
9-39 of said TRACT B to the north right-of-way line and crossing to the  
9-40 south right-of-way line of Hughes Ranch Road (70' wide);  
9-41 THENCE EASTERLY, 758 feet more or less, along said south  
9-42 right-of-way line to the northwest corner of SERENE GARDENS, a  
9-43 subdivision of record under Document Number 2012007617,  
9-44 B.C.O.P.R.;  
9-45 THENCE SOUTHERLY, 970 feet more or less, along the west line  
9-46 of said SERENE GARDENS to the southwest corner of the same;  
9-47 THENCE EASTERLY, 417 feet more or less, along the south line  
9-48 of said SERENE GARDENS to the southeast corner of the same and being  
9-49 on the west line of AUTUMN LAKE SECTION 2, a subdivision of record  
9-50 in Volume 23, Pages 43-44, B.C.P.R.;  
9-51 THENCE SOUTHERLY, 2,972 feet more or less, along said west  
9-52 line of AUTUMN LAKE SECTION 2, AUTUMN LAKE SECTION 1, a subdivision  
9-53 of record in Volume 21, Pages 111-116, B.C.P.R. and AUTUMN LAKE  
9-54 SECTION 3, a subdivision of record in Volume 24, Page 19, B.C.P.R.  
9-55 to the southwest corner of said SECTION 3;  
9-56 THENCE EASTERLY, 906 feet more or less, along the south line  
9-57 of said SECTION 3 to the southeast corner of the same being on the  
9-58 east line of Lot 29 of the Allison-Richey Gulf Coast Home Company of  
9-59 Suburban Gardens Subdivision, Section 85, a subdivision of record  
9-60 in Volume 2, Page 107, B.C.P.R.;  
9-61 THENCE SOUTHERLY, 1,283 feet more or less, along the east  
9-62 line of said Lot 29 and Lot 30 of said Allison-Richey Subdivision,  
9-63 same being the HOME DEPOT tract to the north right-of-way line of  
9-64 F.M. 518 (130' wide at this point);  
9-65 THENCE SOUTHWESTERLY, 154 feet more or less, crossing said  
9-66 F.M. 518 to the south right-of-way line of the same;  
9-67 THENCE SOUTHERLY, 420 feet more or less, over and across  
9-68 SILVERLAKE COMMERCIAL PARK PHASE II, a subdivision of record in  
9-69 Volume 20, Pages 99-100, B.C.P.R. to an angle point in the south

10-1 line of said SILVERLAKE COMMERCIAL PARK PHASE II;  
 10-2 THENCE WESTERLY, 520 feet more or less, along the south line  
 10-3 of said SILVERLAKE COMMERCIAL PARK PHASE II, passing the southwest  
 10-4 corner of the same on the east right-of-way line and crossing to the  
 10-5 west right-of-way line of the aforementioned County Road 94 (100'  
 10-6 wide);

10-7 THENCE SOUTHERLY, 280 feet more or less, along said west  
 10-8 right-of-way line to the southeast corner of SILVERLAKE COMMERCIAL  
 10-9 PARK PHASE VII, a subdivision of record in Volume 21, Pages 39-40,  
 10-10 B.C.P.R.;

10-11 THENCE WESTERLY, 570 feet more or less, along the south line  
 10-12 of said PHASE VII to the most easterly southeast corner of  
 10-13 SILVERLAKE POWER CENTER, a subdivision of record in Volume 21,  
 10-14 Pages 351-352, B.C.P.R.;

10-15 THENCE SOUTHWESTERLY, 2,248 feet more or less, along the  
 10-16 south and southeast line of said SILVERLAKE POWER CENTER to the most  
 10-17 westerly corner of SCOFIELD SECTION 1 AT SILVERLAKE, a subdivision  
 10-18 of record in Volume 20, Pages 299-300, B.C.P.R.;

10-19 THENCE SOUTHEASTERLY, 911 feet more or less, along the  
 10-20 southwest line of said SCOFIELD SECTION 1 to the westerly  
 10-21 right-of-way line of the aforementioned County Road 94;

10-22 THENCE SOUTHERLY, 3,012 feet more or less, along said  
 10-23 westerly right-of-way line to the north right-of-way line of the  
 10-24 aforementioned County Road 59;

10-25 THENCE WESTERLY, 451 feet more or less, along said north  
 10-26 right-of-way line to an angle point on the same and being common  
 10-27 with the east right-of-way line of the aforementioned State Highway  
 10-28 288;

10-29 THENCE NORTHWESTERLY, 389 feet more or less, along said east  
 10-30 right-of-way line to an angle point;

10-31 THENCE WESTERLY, 509 feet more or less, crossing said State  
 10-32 Highway 288 to an angle point on the west right-of-way line of the  
 10-33 same;

10-34 THENCE SOUTHWESTERLY, 381 feet more or less, along said west  
 10-35 right-of-way line to an angle point on the same and being common  
 10-36 with the north right-of-way line of the aforementioned County Road  
 10-37 59;

10-38 THENCE WESTERLY, 936 feet more or less, along said north  
 10-39 right-of-way line to the POINT OF BEGINNING and containing 1,483  
 10-40 acres, more or less, of land.

10-41 SECTION 3. (a) The legal notice of the intention to  
 10-42 introduce this Act, setting forth the general substance of this  
 10-43 Act, has been published as provided by law, and the notice and a  
 10-44 copy of this Act have been furnished to all persons, agencies,  
 10-45 officials, or entities to which they are required to be furnished  
 10-46 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 10-47 Government Code.

10-48 (b) The governor, one of the required recipients, has  
 10-49 submitted the notice and Act to the Texas Commission on  
 10-50 Environmental Quality.

10-51 (c) The Texas Commission on Environmental Quality has filed  
 10-52 its recommendations relating to this Act with the governor,  
 10-53 lieutenant governor, and speaker of the house of representatives  
 10-54 within the required time.

10-55 (d) The general law relating to consent by political  
 10-56 subdivisions to the creation of districts with conservation,  
 10-57 reclamation, and road powers and the inclusion of land in those  
 10-58 districts has been complied with.

10-59 (e) All requirements of the constitution and laws of this  
 10-60 state and the rules and procedures of the legislature with respect  
 10-61 to the notice, introduction, and passage of this Act have been  
 10-62 fulfilled and accomplished.

10-63 SECTION 4. This Act takes effect immediately if it receives  
 10-64 a vote of two-thirds of all the members elected to each house, as  
 10-65 provided by Section 39, Article III, Texas Constitution. If this  
 10-66 Act does not receive the vote necessary for immediate effect, this  
 10-67 Act takes effect September 1, 2013.

10-68

\* \* \* \* \*