

By: Zerwas

H.B. No. 4192

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Simonton Management District No. 1; 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 3934 to read as follows:

CHAPTER 3934. SIMONTON MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3934.001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Fort Bend County.

(4) "Director" means a board member.

(5) "District" means the Simonton Management District No. 1.

Sec. 3934.002. NATURE OF DISTRICT. The Simonton Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3934.003. 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. 3934.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) 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. 3934.005. 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 bonds for the purposes
7 for which the district is created or to pay the principal of and
8 interest on the bonds;

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

10 (4) legality or operation.

11 Sec. 3934.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
12 DISTRICTS LAW. Except as otherwise provided by this chapter,
13 Chapter 375, Local Government Code, applies to the district.

14 Sec. 3934.007. CONSTRUCTION OF CHAPTER. This chapter shall
15 be liberally construed in conformity with the findings and purposes
16 stated in this chapter.

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3934.051. GOVERNING BODY; TERMS. (a) The district is
19 governed by a board of five voting directors who serve staggered
20 terms of four years, with two or three directors' terms expiring
21 June 1 of each odd-numbered year.

22 (b) The board by resolution may change the number of voting
23 directors on the board if the board determines that the change is in
24 the best interest of the district. The board may not consist of
25 fewer than five or more than nine voting directors.

26 Sec. 3934.052. APPOINTMENT OF VOTING DIRECTORS. The mayor
27 and members of the governing body of the city shall appoint voting

1 directors from persons recommended by the board. A person is
2 appointed if a majority of the members of the governing body,
3 including the mayor, vote to appoint that person.

4 Sec. 3934.053. NONVOTING DIRECTORS. The board may appoint
5 nonvoting directors to serve at the pleasure of the voting
6 directors.

7 Sec. 3934.054. QUORUM. For purposes of determining the
8 requirements for a quorum of the board, the following are not
9 counted:

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

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

14 (3) a nonvoting director.

15 Sec. 3934.055. COMPENSATION. A director is entitled to
16 receive fees of office and reimbursement for actual expenses as
17 provided by Section 49.060, Water Code. Sections 375.069 and
18 375.070, Local Government Code, do not apply to the board.

19 Sec. 3934.056. INITIAL VOTING DIRECTORS. (a) The initial
20 board consists of the following voting directors:

| <u>Pos. No.</u> | <u>Name of Director</u> |
|-----------------|--------------------------|
| <u>1</u> | <u>CJ Aber</u> |
| <u>2</u> | <u>Debra Sabrsula</u> |
| <u>3</u> | <u>Jeff Cannon</u> |
| <u>4</u> | <u>Steve Littlefield</u> |
| <u>5</u> | <u>Mac McAleer</u> |

27 (b) Of the initial directors, the terms of directors

1 appointed for positions one through three expire June 1, 2017, and
2 the terms of directors appointed for positions four and five expire
3 June 1, 2019.

4 (c) Section 3934.052 does not apply to this section.

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3934.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 3934.102. IMPROVEMENT PROJECTS AND SERVICES. The
10 district may provide, design, construct, acquire, improve,
11 relocate, operate, maintain, or finance an improvement project or
12 service using any money available to the district, or contract with
13 a governmental or private entity to provide, design, construct,
14 acquire, improve, relocate, operate, maintain, or finance an
15 improvement project or service authorized under this chapter or
16 Chapter 375, Local Government Code.

17 Sec. 3934.103. DEVELOPMENT CORPORATION POWERS. The
18 district, using money available to the district, may exercise the
19 powers given to a development corporation under Chapter 505, Local
20 Government Code, including the power to own, operate, acquire,
21 construct, lease, improve, or maintain a project under that
22 chapter.

23 Sec. 3934.104. NONPROFIT CORPORATION. (a) The board by
24 resolution may authorize the creation of a nonprofit corporation to
25 assist and act for the district in implementing a project or
26 providing a service authorized by this chapter.

27 (b) The nonprofit corporation:

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

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

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

12 Sec. 3934.105. AGREEMENTS; GRANTS. (a) As provided by
13 Chapter 375, Local Government Code, the district may make an
14 agreement with or accept a gift, grant, or loan from any person.

15 (b) The implementation of a project is a governmental
16 function or service for the purposes of Chapter 791, Government
17 Code.

18 Sec. 3934.106. LAW ENFORCEMENT SERVICES. To protect the
19 public interest, the district may contract with a qualified party,
20 including the county or the city, to provide law enforcement
21 services in the district for a fee.

22 Sec. 3934.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
23 district may join and pay dues to a charitable or nonprofit
24 organization that performs a service or provides an activity
25 consistent with the furtherance of a district purpose.

26 Sec. 3934.108. ECONOMIC DEVELOPMENT. (a) The district may
27 engage in activities that accomplish the economic development

1 purposes of the district.

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

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

7 (2) provide district personnel and services.

8 (c) The district may create economic development programs
9 and exercise the economic development powers provided to
10 municipalities by Chapter 380, Local Government Code.

11 Sec. 3934.109. PARKING FACILITIES. (a) The district may
12 acquire, lease as lessor or lessee, construct, develop, own,
13 operate, and maintain parking facilities or a system of parking
14 facilities, including lots, garages, parking terminals, or other
15 structures or accommodations for parking motor vehicles off the
16 streets and related appurtenances.

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

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

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

26 Sec. 3934.110. ANNEXATION OF LAND. The district may annex
27 land as provided by Subchapter J, Chapter 49, Water Code.

1 Sec. 3934.111. APPROVAL BY CITY. Section 375.207, Local
2 Government Code, does not apply to the district.

3 Sec. 3934.112. NO EMINENT DOMAIN POWER. The district may
4 not exercise the power of eminent domain.

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

6 Sec. 3934.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
7 board by resolution shall establish the number of directors'
8 signatures and the procedure required for a disbursement or
9 transfer of district money.

10 Sec. 3934.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
11 The district may acquire, construct, finance, operate, or maintain
12 any improvement or service authorized under this chapter or Chapter
13 375, Local Government Code, using any money available to the
14 district.

15 Sec. 3934.153. PETITION REQUIRED FOR FINANCING SERVICES AND
16 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
17 service or improvement project with assessments under this chapter
18 unless a written petition requesting that service or improvement
19 has been filed with the board.

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

24 Sec. 3934.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.
25 (a) The board by resolution may impose and collect an assessment
26 for any purpose authorized by this chapter in all or any part of the
27 district.

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

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

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

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

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

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

22 Sec. 3934.155. 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. 3934.201. ELECTIONS REGARDING TAXES AND BONDS.

27 (a) 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 3934.203.

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. 3934.202. 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 3934.201, 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. 3934.203. 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. 3934.204. 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. The district may pledge
20 ad valorem taxes to bonds, notes, or other obligations only as
21 authorized by the Texas Constitution.

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

25 Sec. 3934.205. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

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

5 Sec. 3934.206. CITY NOT REQUIRED TO PAY DISTRICT
6 OBLIGATIONS. Except as provided by Section 375.263, Local
7 Government Code, the city is not required to pay a bond, note, or
8 other obligation of the district.

9 SECTION 2. The Simonton Management District No. 1 initially
10 includes all territory contained in the following area:

11 TRACT 1

12 Being 33.2 acres, more or less, of land situated in the Thomas
13 Westall League, Abstract 92, Fort Bend County, Texas, more
14 particularly being that certain called 0.681 acre tract (described
15 as Tract No. 1), that certain 1.630 acre tract (described as Tract
16 No. 2), and that certain 1.019 acre tract (described as Tract No. 3
17 & 4), all conveyed to CBDS Investments, Inc. by instrument of record
18 in File No. 2006104265 of the Official Public Records of said Fort
19 Bend County, Texas (F.B.C.O.P.R.), that certain called 1.012 acre
20 tract of land conveyed to CBDS Investments, Inc., by instrument of
21 record in File No. 2006110957, F.B.C.O.P.R., that certain called
22 1.19 acre tract of land conveyed to FM 1489 Farms, Inc., by
23 instrument of record in File No. 2006076342, F.B.C.O.P.R., now
24 owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483,
25 F.B.C.O.P.R., and a portion of that certain called 42.35 acre tract
26 conveyed to FM 1489 Farms, Inc., by instrument of record in File
27 No. 2006076344, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as

1 conveyed in File No. 2012121483, F.B.C.O.P.R., said 33.2 acre tract
2 being more particularly described by metes and bounds as follows:

3 BEGINNING at the southwesterly corner of the aforementioned
4 42.35 acre tract, said point being on the northerly line of F.M.
5 1093;

6 Thence, Northerly, along the westerly line of said 42.35 acre
7 tract, 871 feet, more or less, to a point for corner, said point
8 being at the approximate City Limits Line of Simonton;

9 Thence, Easterly, along the approximate City Limits Line of
10 Simonton, 1,704 feet, more or less, to a point for corner, said
11 point being on the easterly line of said 42.35 acre tract and the
12 westerly right-of-way line of said F.M. 1489, the beginning of a
13 curve;

14 Thence, Southerly along the westerly line of said 42.35 acre
15 tract, the westerly line of the aforementioned 1.19 acre tract and
16 the easterly right-of-way line of said F.M. 1489, 336 feet, more or
17 less, along the arc of a non-tangent curve to the right, having a
18 radius of 5,679.65 feet, to a westerly corner of said 42.35 acre
19 tract;

20 Thence, Southerly, along the easterly lines of said 42.35
21 acre tract and the aforementioned 0.681 acre tract and the westerly
22 right-of-way line of said F.M. 1489, 580 feet, more or less, to a
23 point for corner, said point being on the southerly line of the
24 aforementioned 1.630 acre;

25 Thence, Westerly, along the southerly line of said 1.630 acre
26 tract, 162 feet, more or less, to the southwesterly corner of said
27 1.630 acre tract;

1 Thence, Northerly, along a westerly line of said 1.630 acre
2 tract, 95 feet, more or less, to the southeasterly corner of the
3 aforementioned 1.012 acre tract, said point being in the northerly
4 right-of-way line of said F.M. 1093;

5 Thence, Westerly, along the northerly right-of-way line of
6 said F.M. 1093 and the southerly line of said 1.012 acre tract, 198
7 feet, more or less, to the southwesterly corner of said 1.012 acre
8 tract, said point being on the easterly line of the aforementioned
9 1.019 acre tract;

10 Thence, Southerly, along the easterly line of said 1.019 acre
11 tract, 5 feet, more or less, to the southeasterly corner of said
12 1.019 acre tract, said point being on the northerly right-of-way
13 line of said F.M. 1093;

14 Thence, Westerly, along a southerly line of said 1.019 acre
15 tract and the northerly right-of-way line of said F.M. 1093, 118
16 feet, more or less, to a southerly corner of said 1.019 acre tract;

17 Thence, Southerly, along a southerly line of said 1.019 acre
18 tract and a northerly right-of-way line of said F.M. 1093, 5 feet,
19 more or less, to a southerly corner of said 1.019 acre tract;

20 Thence, Westerly, along a southerly line of said 1.019 acre
21 tract and the northerly right-of-way line of said F.M. 1093, 51
22 feet, more or less, to the southwesterly corner of said 1.019 acre
23 tract;

24 Thence, Northerly, departing the northerly right-of-way line
25 of said F.M. 1093, along the westerly line of said 1.019 acre tract,
26 159 feet, more or less, to a southerly corner of the aforementioned
27 42.35 acre tract;

1 Thence, Westerly, along a southerly line of said 42.35 acre
2 tract, 168 feet, more or less, to a southerly interior corner of
3 said 42.35 acre tract;

4 Thence, Southerly, along a southerly interior line of said
5 42.35 acre tract, 156 feet, more or less, to a southerly corner of
6 said 42.35 acre tract, said point being on the northerly
7 right-of-way line of said F.M. 1093;

8 Thence, Westerly, along a southerly line of said 42.35 acre
9 tract and the northerly right-of-way line of said F.M. 1093, 1,070
10 feet, more or less, to the POINT OF BEGINNING and containing 33.2
11 acres of land, more or less.

12 TRACT 2

13 Being 102 acres, more or less, of land situated in the Thomas
14 Westall League, Abstract 92, Fort Bend County, Texas, more
15 particularly being a portion of that certain called 42.35 acre
16 tract of land conveyed to FM 1489 Farms, Inc., by instrument of
17 record in File No. 2006076344, in the Official Public Records of
18 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
19 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., a
20 portion of that certain called 69.1455 acre tract conveyed to FM
21 1489 Farms, Inc. by instrument of record in File No. 2008055874,
22 now owned by Twinwood (U.S.), Inc. as conveyed in File
23 No. 2012121483, F.B.C.O.P.R., and that certain called 63.46 acre
24 tract conveyed to FM 1489 Farms, Inc. by instrument of record in
25 File No. 2006076347, F.B.C.O.P.R., now owned by Twinwood (U.S.),
26 Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 102
27 acre tract being more particularly described by metes and bounds as

1 follows:

2 BEGINNING at the most westerly southwest corner of said
3 69.1455 acre tract;

4 Thence, Northerly, along an easterly line of said 69.1455
5 acre tract, 190 feet, more or less, to a point for corner, said
6 point being at the approximate ETJ Line of Simonton;

7 Thence, Easterly, along the approximate ETJ Line of Simonton,
8 2,169 feet, more or less, to a point for corner, said point being on
9 a northeasterly line of said 69.1455 acre tract;

10 Thence, Southeasterly, along the northeasterly line of said
11 69.1455 acre tract, 402 feet to an easterly corner of said 69.1455
12 acre tract, said point being on the westerly right-of-way line of
13 F.M. 1489;

14 Thence, Southerly, along the easterly line of said 69.1455
15 acre tract, the easterly line of the aforementioned 63.46 acre
16 tract, and the westerly right-of-way line of said F.M. 1489, 1,507
17 feet, more or less, to an easterly corner of said 63.46 acre tract,
18 the beginning of a curve;

19 Thence, Southerly, along the westerly line of said 63.46 acre
20 tract and the westerly right-of-way line of said F.M. 1489, 437
21 feet, more or less, along the arc of a tangent curve to the left,
22 having a radius of 5,779.65 feet to an easterly corner of said 63.46
23 acre tract;

24 Thence, Southerly along the easterly line of said 63.46 acre
25 tract, an easterly line of the aforementioned 42.35 acre tract, and
26 the westerly right-of-way line of said F.M. 1489, 365 feet, more or
27 less, to an easterly corner of said 42.35 acre tract, the beginning

1 of a curve;

2 Thence, Southerly, along the an easterly line of said 42.35
3 acre tract and the westerly right-of-way line of said F.M. 1489, 94
4 feet, more or less, along the arc of a tangent curve to the right,
5 having a radius of 5,679.65 feet, to a point for corner, said point
6 being at the approximate City Limits Line of Simonton;

7 Thence, Westerly, along the approximate City Limits Line of
8 Simonton, 1,704 feet, more or less, to a point for corner, said
9 point being on the westerly line of said 42.35 acre tract;

10 Thence, Northerly, along the westerly lines of said 42.35
11 acre tract, said 63.46 acre tract, and said 69.1455 acre tract,
12 2,443 feet, more or less, to a southwesterly interior corner of said
13 69.1455 acre tract;

14 Thence Westerly, along a southerly line of said 69.1455 acre
15 tract, 943 feet, more or less, to the POINT OF BEGINNING and
16 containing 102 acres of land, more or less.

17 TRACT 3

18 Being 138 acres, more or less, of land situated in the Thomas
19 Westall League, Abstract 92, Fort Bend County, Texas, more
20 particularly being a portion of that certain called 200.15 acre
21 tract of land conveyed to Hady Creek Ranch, Inc. by instrument of
22 record in File No. 2006084768 of the Official Public Records of
23 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
24 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., and
25 that certain 1.6858 acre tract of land conveyed to Hady Creek Ranch,
26 Inc. by instrument of record in File No. 2006084767, F.B.C.O.P.R.,
27 now owned by Twinwood (U.S.), Inc. as conveyed in File

1 No. 2012121483, F.B.C.O.P.R., said 138 acre tract being more
2 particularly described by metes and bounds as follows:

3 BEGINNING at the southeasterly corner of said 200.15 acre
4 tract;

5 Thence, Westerly, along a southerly line of said 200.15 acre
6 tract, 1,414 feet, more or less, to a southwesterly corner of said
7 200.15 acre tract;

8 Thence, Northerly, along a southerly line of said 200.15 acre
9 tract, 50 feet, more or less, to a southwesterly corner of said
10 200.15 acre tract;

11 Thence, Westerly, along a southerly line of said 200.15 acre
12 tract, 258 feet, more or less, to a southwesterly corner of said
13 200.15 acre tract, said point being on the easterly right-of-way
14 line of F.M. 1489;

15 Thence, Northerly, along a westerly line of said 200.15 acre
16 tract and the easterly line of said F.M. 1489, 570 feet, more or
17 less, to a westerly corner of said 200.15 acre tract, the beginning
18 of a curve;

19 Thence, Northerly, along a westerly line of said 200.15 acre
20 tract and the easterly line of said F.M. 1489, 437 feet, more or
21 less, along the arc of a tangent curve to the left, having a radius
22 of 5,779.65 feet, to a westerly corner of said 200.15 acre tract;

23 Thence, Northerly, along a westerly line of said 200.15 acre
24 tract and the easterly line of said F.M. 1489, 365 feet, more or
25 less to a westerly corner of said 200.15 acre tract, the beginning
26 of a curve;

27 Thence, Northerly, along a westerly line of said 200.15 acre

1 tract and the easterly line of said F.M. 1489, 430 feet, more or
2 less, along the arc of a tangent curve to the right, having a radius
3 of 5,679.65 feet, to a westerly corner of said 200.15 acre tract;

4 Thence, Northerly, along a westerly line of said 200.15 acre
5 tract and the easterly right-of-way line of said F.M. 1489, 1,801
6 feet, more or less, to a point for corner, said point being at the
7 approximate ETJ Line of Simonton, the beginning of a curve;

8 Thence, Southeasterly, along the approximate ETJ Line of
9 Simonton, 2,115 feet, more or less, along the arc of a non-tangent
10 curve to the right, having a radius of 2,640.00 feet, to a point for
11 corner, said point being on an easterly line of said 200.15 acre
12 tract;

13 Thence, Southerly, along an easterly line of said 200.15 acre
14 tract and the easterly line of the aforementioned 1.6858 acre
15 tract, 2,741 feet, more or less, to the POINT OF BEGINNING and
16 containing 138 acres of land, more or less.

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

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

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

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

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

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.