

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3931 to read as follows:  
CHAPTER 3931. MISSOURI CITY MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3931.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Missouri City.
- (3) "County" means Fort Bend County.
- (4) "Director" means a board member.
- (5) "District" means the Missouri City Management District No. 1.

Sec. 3931.002. NATURE OF DISTRICT. The Missouri City Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3931.003. 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 county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.
- (b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public

SENATE VERSION (CS)

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- (b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

welfare in the district.

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

Sec. 3931.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

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

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) The district will:

- (1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;
- (2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;
- (3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic

SENATE VERSION (CS)

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

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

beauty; and  
(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.  
(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.  
(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3931.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

- (1) organization, existence, or validity;
- (2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

Sec. 3931.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

- (1) a tax increment reinvestment zone created under Chapter 311, Tax Code;
- (2) a tax abatement reinvestment zone created under Chapter

SENATE VERSION (CS)

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

312, Tax Code;

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

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

Sec. 3931.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3931.008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3931.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven voting directors who serve staggered terms of four years, with three or four directors' terms expiring June 1 of each odd-numbered year.

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

Sec. 3931.052. APPOINTMENT OF VOTING DIRECTORS. The mayor and members of the governing body of the city shall appoint voting directors from persons recommended by the board. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint that person.

SENATE VERSION (CS)

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Sec. 3931.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3931.054. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

- (1) a board position vacant for any reason, including death, resignation, or disqualification;
- (2) a director who is abstaining from participation in a vote because of a conflict of interest; or
- (3) a nonvoting director.

Sec. 3931.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3931.056. INITIAL VOTING DIRECTORS. (a) The initial board consists of the following voting directors:

Pos. No.Name of Director

- 1Scott Frasier
- 2Todd Burrer
- 3Anthony C. Francis
- 4Jaime Virkus
- 5David Bale
- 6Vicki Ann DePriest
- 7Curtis Williams

(b) Of the initial directors, the terms of directors appointed for positions one through four expire June 1, 2019, and the terms of directors appointed for positions five through seven

SENATE VERSION (CS)

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

expire June 1, 2017.

(c) Section 3931.052 does not apply to this section.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3931.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3931.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3931.103. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3931.104. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter

SENATE VERSION (CS)

expire June 1, 2017.

(c) Section 3931.052 does not apply to this section.

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

431, Transportation Code; and  
(2) may implement any project and provide any service authorized by this chapter.

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

Sec. 3931.105. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift or grant from any person. The district shall promptly notify the city of any gift or grant accepted by the district.

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

Sec. 3931.106. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a fee.

Sec. 3931.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3931.108. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own,

SENATE VERSION (CS)

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

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

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

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

Sec. 3931.109. ANNEXATION OF LAND. The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

Sec. 3931.110. APPROVAL BY CITY. (a) Except as provided by Subsection (c), the district must obtain the approval of the city for:

(1) the issuance of bonds;

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

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

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

SENATE VERSION (CS)

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CONFERENCE



**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(d) The governing body of the city:

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

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

Sec. 3931.111. CONSENT OF CITY REQUIRED. The district may not take any of the following actions until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district:

(1) hold an election under Subchapter L, Chapter 375, Local Government Code;

(2) impose an ad valorem tax;

(3) impose an assessment;

(4) issue bonds; or

(5) enter into an agreement to reimburse the costs of facilities.

Sec. 3931.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3931.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a

SENATE VERSION (CS)

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

disbursement or transfer of district money.

Sec. 3931.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3931.153. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

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

Sec. 3931.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

- (1) are a first and prior lien against the property assessed;
- (2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

SENATE VERSION (CS)

disbursement or transfer of district money.

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- (1) are a first and prior lien against the property assessed;
- (2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SUBCHAPTER E. TAXES AND BONDS

Sec. 3931.201. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3931.203.

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

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

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

Sec. 3931.202. OPERATION AND MAINTENANCE TAX.

SENATE VERSION (CS)

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

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

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CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(a) If authorized by a majority of the district voters voting at an election held in accordance with Section 3931.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

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

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

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

Sec. 3931.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

Sec. 3931.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board. Section 375.205, Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

(b) The district may issue bonds, notes, or other obligations

SENATE VERSION (CS)

(a) If authorized by a majority of the district voters voting at an election held in accordance with Section 3931.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

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

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

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

Sec. 3931.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

Sec. 3931.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board. Section 375.205, Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

(b) The district may issue bonds, notes, or other obligations

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

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

Sec. 3931.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3931.206. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the city is not required to pay a bond, note, or other obligation of the district.

SECTION 2. The Missouri City Management District No. 1 initially includes all territory contained in the following area:  
TRACT 1

A METES & BOUNDS description of a certain 41.72 acre tract of land situated in the H. Shropshire Survey 1/3 League, Abstract No. 313 in Fort Bend County, Texas, being out of a called 565.1305 acre tract of land conveyed to Marhaba Partners Limited Partnership by Special Warranty Deed recorded in Clerk's File No. 2001122130 of the Fort Bend County Official Public Records of Real Property; said 41.72 acre tract being more particularly described as follows with all

SENATE VERSION (CS)

payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

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

Sec. 3931.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3931.206. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the city is not required to pay a bond, note, or other obligation of the district.

SECTION 2. Same as House version.

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

COMMENCING at a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") in the southwest line of a called 82.741 acre tract, Reserve A, Block 1 of Senior Road Tall Tower, plat of which is recorded in Slide No. 1840B of the Fort Bend County Map Records, from said iron rod a found 5/8-inch rod bears North 62°52'52" West, 412.26 feet;

THENCE, South 62°52'52" East, along the southwest line of said Reserve A, at 0.16 feet passing a found 5/8-inch iron rod (disturbed), continuing in all a total distance of 2225.38 feet found 5/8-inch iron rod (with cap stamped "VTSM") being in the west line of Fort Bend County Toll Road (right-of-way varies) recorded in Clerk's File No. 2002112837 of the Fort Bend County Official Public Records of Real Property, from said iron rod a found a found 5/8-inch iron rod bears North 02°49'05" West, 627.24 feet;

THENCE, along the west line of said Fort Bend County Toll Road, the following seven (7) courses and distances:

1. South 02°49'05" East, 121.16 feet to a point at the beginning of a curve to the left, from said point a found 5/8-inch iron rod bears South 84°36'50" East, 0.4 feet;
2. Along the arc of said curve to the left having a radius of 5879.60 feet, a central angle of 01°37'34", an arc length of 166.87 feet, and a long chord bearing South 03°37'51" East, 166.86 feet to the POINT OF BEGINNING of the herein described tract;
3. Continuing along said curve to the left having a radius of 5879.60 feet, a central angle of 09°51'34", an arc length of 1011.77 feet, and a long chord bearing South 09°22'26" East, 1010.53 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying");

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

4. South 02°50'47" East, 43.93 feet to a found 5/8-inch iron rod at the beginning of a curve to the left;
5. Along the arc of said curve to the left having a radius of 1453.39 feet, a central angle of 15°42'27", an arc length of 398.45 feet, and a long chord bearing South 10°42'01" East, 397.20 feet to a found 5/8-inch iron rod at the beginning of compound curve to the left;
6. Along the arc of said compound curve to the left having a radius of 5929.60 feet, a central angle of 03°38'22", an arc length of 376.65 feet, and a long chord bearing South 20°22'26" East, 376.59 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying"), from which a found 5/8-inch iron rod bears North 03°52'05" East, 0.25 feet;
7. South 32°26'09" West, 63.40 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") in the north line of Lake Olympia Parkway (called 100-foot wide) dedication of which is described in Warranty Deed with Vendor's Lien recorded in Clerk's File No. 200411056 of the Fort Bend County Official Public Records of Real Property at the beginning of a non-tangent curve to the right;  
THENCE, along the north line of said Lake Olympia Parkway, the following five (5) courses and distances:
  1. Along the arc of said non-tangent curve to the right having a radius of 1950.00 feet, a central angle of 03°14'44", an arc length of 110.46 feet, and a long chord bearing South 88°46'43" West, 110.44 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying");
  2. North 89°35'55" West, 120.00 feet to a found 5/8-inch iron rod at the beginning of a curve to the right;
  3. Along the arc of said curve to the right having a radius of 1150.00 feet, a central angle of 52°58'40", an arc length of 1063.33 feet, and a long chord bearing North 63°06'34" West,

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

1025.86 feet to a found 3/4-inch iron rod;  
4. North 36°37'19" West, 120.01 feet to a found 3/4-inch iron rod at the beginning of a curve to the left;  
5. Along the arc of said curve to the left having a radius of 2050.00 feet, a central angle of 24°46'42", an arc length of 886.55 feet, and a long chord bearing North 49°00'36" West, 879.66 feet to a point for corner;  
THENCE, North 65°32'32" East, 1695.44 feet to the POINT OF BEGINNING, CONTAINING 41.72 acres of land in Fort Bend County, Texas.

TRACT 2

A METES & BOUNDS description of a certain 25.35 acre tract of land situated in the D. Bright League Survey, Abstract No. 13 in Fort Bend County, Texas, being out of a called 40.787 acre tract of land conveyed to Teahouse Beverage, Inc. by Deed without Warranties recorded in Clerk's File No. 2013030020 of the Fort Bend County Official Public Records of Real Property; said 25.35 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;  
BEGINNING at a set 5/8-inch iron rod (with cap stamped "Cotton Surveying") at the southeast corner of said 40.787 acre tract, common with the northeast corner of the remainder of a called 640 acre tract of land conveyed to Edward A. Palmer by Deed recorded in Volume F, Page 219 and Volume 343, Page 483, both of the Fort Bend County Deed Records, being in a west line of a called 280.740 acre tract of land (Tract 1) conveyed to Memorial Herman Hospital System by Substitute Trustee's Deed and Bill of Sale recorded in Clerk's File No. 2011108901 of the Fort Bend County Official Public Records of Real Property, from which a found 5/8-inch iron rod (with cap stamped "Gary Bowes") bears South 87°25'38"

SENATE VERSION (CS)

CONFERENCE



**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

West, 5.38 feet and a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") bears South 02°31'08" East, 843.16 feet;

THENCE, South 87°25'38" West, along the south line of said 40.787 acre tract, common with the north line of the remainder of said 640 acre tract, passing the northwest corner of the remainder of said 640 acre tract, common with the northeast corner of Crescent Oak Village at Lake Olympia Sec. 7, plat of which is recorded in Slide No. 2334B of the Fort Bend County Plat Records, now along the north line of said Crescent Oak Village at Lake Olympia Sec. 7, 981.63 feet to a point for corner in the center of Mustang Bayou, from which a found 5/8-inch iron rod (with cap stamped "Gary Bowes") bears South 87°25'38" West, 1697.00 feet;

THENCE, North 17°21'32" West, along the center of said Mustang Bayou, 206.70 feet to a point for corner;

THENCE, North 14°24'28" West, continuing along the center of said Mustang Bayou, 608.44 feet to a point for corner in the north line of said 40.787 acre tract and the center of said Mustang Bayou, at a southwest corner of the aforementioned 280.740 acre tract, common with the southeast corner of a called 12.620 acre tract of land conveyed to City of Missouri City by Warranty Deed recorded in Volume 1943, Page 2541 of the Fort Bend County Deed Records, from which a found 5/8-inch iron rod (with cap stamped "JT Jalibuk") bears South 67°07'13" West, 987.26 feet;

THENCE, North 67°05'52" East, along the north line of said 40.787 acre tract, common with a south line of said 280.740 acre tract, 1237.40 feet to a set 5/8-inch iron rod (with cap stamped "Cotton Surveying") at the northeast corner of said 40.787 acre tract, common with an interior corner of said 280.740 acre tract;

SENATE VERSION (CS)

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

THENCE, South 02°31'08" East, along the east line of said 40.787 acre tract, common with a west line of said 280.740 acre tract, 1225.26 feet to the POINT OF BEGINNING, CONTAINING 25.35 acres of land in Fort Bend County, Texas, as shown on Drawing No. 8879 in the office of Cotton Surveying Company in Houston, Texas.

TRACT 3

A METES & BOUNDS description of a certain 280.70 acre tract of land situated in the H. Shropshire Survey, Abstract No. 313 and the David Bright League Survey, Abstract No. 13 in Fort Bend County, Texas, being all of a called 280.740 acre tract of land conveyed to Memorial Herman Hospital System by Substitute Trustee's Deed and Bill of Sale recorded in Clerk's File No. 2011108901 of the Fort Bend County Official Public Records of Real Property; said 280.7 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") for the northeast corner of said 280.740 acre tract, common with the northwest corner of a called 128.626 acre tract of land conveyed to Richland Houston Tower, LLC by Special Warranty Deed recorded in Clerk's File No. 2000025485 of the Fort Bend County Official Public Records of Real Property, in the south line of Quail Glen, plat of which is recorded in Slide No.'s 405B, 406A and 406B, all of the Fort Bend County Plat Records, from which a found 1/2-inch iron rod bears South 67°41'59" East, 0.38 feet;

THENCE, South 40°04'17" East, along the east line of said 280.740 acre tract, common with the west line of said 128.626 acre tract, 2128.84 feet to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying");

SENATE VERSION (CS)

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

THENCE, South 41°56'11" East, continuing along said common line, 3.85 feet to a found 5/8-inch iron rod at the southwest corner of said 128.686 acre tract, common with the northwest corner of a called 85.991 acre tract of land conveyed to American Tower, LP by Special Warranty Deed recorded in Clerk's File No. 1999012142 of the Fort Bend County Official Public Records of Real Property;

THENCE, South 47°19'50" East, along the east line of said 280.740 acre tract, common with a west line of said 85.991 acre tract, 787.14 feet to a found 5/8-inch iron rod;

THENCE, South 40°09'26" West, along a south line of said 280.740 acre tract, common with a north line of said 85.991 acre tract, 1715.36 feet to a found 5/8-inch iron rod;

THENCE, South 62°50'07" East, continuing along said common line, 412.16 feet to a found 5/8-inch iron rod at the southeast corner of said 280.740 acre tract, common with the north corner of a called 110.884 acre tract of land conveyed to M.V. McCarthy by Substitute Trustee's Deed recorded in Clerk's File No. 2011054594 of the Fort Bend County Official Public Records of Real Property;

THENCE, South 63°20'09" West, along the south line of said 280.740 acre tract, common with the north line of said 110.884 acre tract, 2304.15 feet to a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") at the northwest corner of said 110.884 acre tract, common with the southeast corner of Crescent Oak Village at Lake Olympic Sec. 7, plat of which is recorded in Slide No. 2334B of the Fort Bend County Plat Records;

THENCE, North 02°31'08" West, along the west line of said 280.740 acre tract, common with the east line of said Crescent Oak Village at Lake Olympia Sec. 7, a remainder of a called 640 acre tract of land conveyed to Edward A. Palmer recorded

SENATE VERSION (CS)

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

in Volume F, Page 219 and Volume 343, Page 483, both of the Harris County Map Records, passing a found 5/8-inch iron rod at a distance of 843.15 feet, 5.30 feet left, and along a called 40.787 acre tract of land conveyed to Teahouse Beverage, Inc. by Deed without Warranties recorded in Clerk's File No. 2013030020 of the Fort Bend County Official Public Records of Real Property, 2068.42 feet to a set 3/4-inch iron rod (with cap stamped "Cotton Surveying") at an interior corner of said 280.740 acre tract, common with the northwest corner of said 40.787 acre tract;

THENCE, South 67°05'52" West, along a south line of said 280.740 acre tract, common with the north line of said 40.787 acre tract, 1237.40 feet to the southeast corner of a called 12.620 acre tract of land conveyed to City of Missouri City by Warranty Deed recorded in Volume 1943, Page 2541 of the Fort Bend County Deed Records;

THENCE, North 21°48'08" West, along a west line of said 280.740 acre tract, common with the east line of said 12.620 acre tract, 226.10 feet to a point for corner;

THENCE, North 26°10'50" West, continuing along said common line and then along the east line of Glen Lakes Lane (80 feet right-of-way) no dedication found, 183.34 feet to a point for corner;

THENCE, North 15°11'03" West, along the west line of said 280.740 acre tract, common with the east line of said Glen Lakes Lane and then along the east line of a called 36.599 acre tract of land conveyed to the City of Missouri City by Warranty Deed recorded in Volume 1943, Page 2541 of the Fort Bend County Official Public Records of Real Property, 759.72 feet to a point at the beginning of a curve to the right;

THENCE, along the west line of said 280.740 acre tract, common with the east line of said 36.599 acre tract and then

SENATE VERSION (CS)

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

along the east line of a called 47.884 acre tract of land conveyed to the City of Missouri City by Warranty Deed recorded in Volume 1929, Page 1217 of the Fort Bend County Deed Records, and along the arc of said curve to the right having a radius of 650.00 feet, a central angle of 34°22'27", an arc length of 389.96 feet, and a long chord bearing North 02°00'10" East, 384.14 feet to a point for corner;

THENCE, along the west line of said 280.740 acre tract, common with the east line of said 47.884 acre tract, the following seven (7) courses and distances:

1. North 19°11'24" East, 260.36 feet to a point at the beginning of a curve to the left;
2. Along the arc of said curve to the left having a radius of 650.00 feet, a central angle of 16°55'17", an arc length of 191.97 feet, and a long chord bearing North 10°43'45" East, 191.27 feet to a point for corner;
3. North 02°16'07" East, 376.57 feet to a point at the beginning of a curve to the right;
4. Along the arc of said curve to the right having a radius of 480.00 feet, a central angle of 65°39'52", an arc length of 550.11 feet, and a long chord bearing North 35°06'03" East, 520.49 feet to a point for corner;
5. North 67°55'59" East, 138.16 feet to a point at the beginning of a curve to the left;
6. Along the arc of said curve to the left having a radius of 320.00 feet, a central angle of 36°02'18", an arc length of 201.28 feet, and a long chord bearing North 49°54'50" East, 197.97 feet to a point for corner;
7. North 31°53'41" East, 134.19 feet to a point in the north line of said 280.740 acre tract, common with the south line of Thunderbird North, plat of which is recorded in Slides 187A, 187B and 188A, all of the Fort Bend County Plat Records;

SENATE VERSION (CS)

CONFERENCE

**House Bill 4147**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

THENCE, North 86°45'39" East, along said common line, and then along the south line of the aforementioned Quail Glen, in all a total distance of, 1644.89 feet to the POINT OF BEGINNING, CONTAINING 280.7 acres of land in Fort Bend County, Texas, as shown on Drawing No. 8878 in the office of Cotton Surveying Company in Houston, Texas.

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

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

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

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

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE