

By: Schofield

H.B. No. 4321

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Harris County Improvement District No. 25; providing authority to levy an assessment, impose a tax, and issue bonds.

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 3958 to read as follows:

CHAPTER 3958. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 25

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3958.001. DEFINITIONS. In this chapter:

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

(2) "County" means Harris County.

(3) "Director" means a board member.

(4) "District" means the Harris County Improvement District No. 25.

Sec. 3958.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3958.003. 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 county and other political subdivisions to contract with the district, the

1 legislature has established a program to accomplish the public
2 purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

14 Sec. 3958.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
15 The district is created to serve a public use and benefit.

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

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

23 (1) developing and diversifying the economy of the
24 state;

25 (2) eliminating unemployment and underemployment; and

26 (3) developing or expanding transportation and
27 commerce.

1 (d) The district will:

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

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

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

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

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

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

23 Sec. 3958.005. INITIAL DISTRICT TERRITORY. (a) The
24 district is initially composed of the territory described by
25 Section 2 of the Act enacting this chapter.

26 (b) The boundaries and field notes contained in Section 2 of
27 the Act enacting this chapter form a closure. A mistake in the

1 field notes or in copying the field notes in the legislative process
2 does not affect the district's:

3 (1) organization, existence, or validity;

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

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

8 (4) legality or operation.

9 Sec. 3958.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
10 DISTRICTS LAW. Except as otherwise provided by this chapter,
11 Chapter 375, Local Government Code, applies to the district.

12 Sec. 3958.007. CONSTRUCTION OF CHAPTER. This chapter shall
13 be liberally construed in conformity with the findings and purposes
14 stated in this chapter.

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 3958.051. GOVERNING BODY; TERMS. (a) The district is
17 governed by a board of five voting directors who serve staggered
18 terms of four years, with two or three directors' terms expiring
19 June 1 of each odd-numbered year.

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

24 Sec. 3958.052. APPOINTMENT OF VOTING DIRECTORS. The Texas
25 Commission on Environmental Quality shall appoint voting directors
26 from persons recommended by the board.

27 Sec. 3958.053. NONVOTING DIRECTORS. The board may appoint

1 nonvoting directors to serve at the pleasure of the voting
2 directors.

3 Sec. 3958.054. QUORUM. For purposes of determining the
4 requirements for a quorum of the board, the following are not
5 counted:

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

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

10 (3) a nonvoting director.

11 Sec. 3958.055. COMPENSATION. A director is entitled to
12 receive fees of office and reimbursement for actual expenses as
13 provided by Section 49.060, Water Code. Sections 375.069 and
14 375.070, Local Government Code, do not apply to the board.

15 Sec. 3958.056. INITIAL VOTING DIRECTORS. (a) On or after
16 the effective date of the Act enacting this chapter, the owner or
17 owners of a majority of the assessed value of the real property in
18 the district according to the most recent certified tax appraisal
19 roll for the county may submit a petition to the Texas Commission on
20 Environmental Quality requesting that the commission appoint as
21 initial voting directors the five persons named in the petition.
22 The commission shall appoint the five persons named in the petition
23 as initial directors by position.

24 (b) Of the initial directors, the terms of directors
25 appointed for positions one through three expire June 1, 2019, and
26 the terms of directors appointed for positions four and five expire
27 June 1, 2021.

1 (c) Section 3958.052 does not apply to this section.

2 (d) This section expires September 1, 2021.

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 3958.101. GENERAL POWERS AND DUTIES. The district has
5 the powers and duties necessary to accomplish the purposes for
6 which the district is created.

7 Sec. 3958.102. IMPROVEMENT PROJECTS AND SERVICES. The
8 district may provide, design, construct, acquire, improve,
9 relocate, operate, maintain, or finance an improvement project or
10 service using any money available to the district, or contract with
11 a governmental or private entity to provide, design, construct,
12 acquire, improve, relocate, operate, maintain, or finance an
13 improvement project or service authorized under this chapter or
14 Chapter 375, Local Government Code.

15 Sec. 3958.103. DEVELOPMENT CORPORATION POWERS. The
16 district, using money available to the district, may exercise the
17 powers given to a development corporation under Chapter 505, Local
18 Government Code, including the power to own, operate, acquire,
19 construct, lease, improve, or maintain a project under that
20 chapter.

21 Sec. 3958.104. NONPROFIT CORPORATION. (a) The board by
22 resolution may authorize the creation of a nonprofit corporation to
23 assist and act for the district in implementing a project or
24 providing a service authorized by this chapter.

25 (b) The nonprofit corporation:

26 (1) has each power of and is considered to be a local
27 government corporation created under Subchapter D, Chapter 431,

1 Transportation Code; and

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

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

10 Sec. 3958.105. AGREEMENTS; GRANTS. (a) As provided by
11 Chapter 375, Local Government Code, the district may make an
12 agreement with or accept a gift, grant, or loan from any person.

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

16 Sec. 3958.106. LAW ENFORCEMENT SERVICES. To protect the
17 public interest, the district may contract with a qualified party,
18 including the county, to provide law enforcement services in the
19 district for a fee.

20 Sec. 3958.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
21 district may join and pay dues to a charitable or nonprofit
22 organization that performs a service or provides an activity
23 consistent with the furtherance of a district purpose.

24 Sec. 3958.108. ECONOMIC DEVELOPMENT. (a) The district may
25 engage in activities that accomplish the economic development
26 purposes of the district.

27 (b) The district may establish and provide for the

1 administration of one or more programs to promote state or local
2 economic development and to stimulate business and commercial
3 activity in the district, including programs to:

- 4 (1) make loans and grants of public money; and
- 5 (2) provide district personnel and services.

6 (c) The district may create economic development programs
7 and exercise the economic development powers provided to
8 municipalities by:

- 9 (1) Chapter 380, Local Government Code; and
- 10 (2) Subchapter A, Chapter 1509, Government Code.

11 Sec. 3958.109. 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 part 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. 3958.110. ANNEXATION OF LAND. The district may annex
27 land as provided by Subchapter J, Chapter 49, Water Code.

1 Sec. 3958.111. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

4 Sec. 3958.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
5 board by resolution shall establish the number of directors'
6 signatures and the procedure required for a disbursement or
7 transfer of district money.

8 Sec. 3958.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
9 The district may acquire, construct, finance, operate, or maintain
10 any improvement or service authorized under this chapter or Chapter
11 375, Local Government Code, using any money available to the
12 district.

13 Sec. 3958.153. PETITION REQUIRED FOR FINANCING SERVICES AND
14 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
15 service or improvement project with assessments under this chapter
16 unless a written petition requesting that service or improvement
17 has been filed with the board.

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

22 Sec. 3958.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
23 The board by resolution may impose and collect an assessment for any
24 purpose authorized by this chapter in all or part of the district.

25 (b) An assessment, a reassessment, or an assessment
26 resulting from an addition to or correction of the assessment roll
27 by the district, penalties and interest on an assessment or

1 reassessment, an expense of collection, and reasonable attorney's
2 fees incurred by the district:

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

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

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

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

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

19 Sec. 3958.155. TAX AND ASSESSMENT ABATEMENTS. The district
20 may designate reinvestment zones and may grant abatements of a tax
21 or assessment on property in the zones.

22 SUBCHAPTER E. TAXES AND BONDS

23 Sec. 3958.201. ELECTIONS REGARDING TAXES AND BONDS. (a)
24 The district may issue, without an election, bonds, notes, and
25 other obligations secured by:

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

27 (2) contract payments described by Section 3958.203.

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

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

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

11 Sec. 3958.202. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized by a majority of the district voters voting at an
13 election held in accordance with Section 3958.201, the district may
14 impose an operation and maintenance tax on taxable property in the
15 district in accordance with Section 49.107, Water Code, for any
16 district purpose, including to:

17 (1) maintain and operate the district;

18 (2) construct or acquire improvements; or

19 (3) provide a service.

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

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

24 Sec. 3958.203. CONTRACT TAXES. (a) In accordance with
25 Section 49.108, Water Code, the district may impose a tax other than
26 an operation and maintenance tax and use the revenue derived from
27 the tax to make payments under a contract after the provisions of

1 the contract have been approved by a majority of the district voters
2 voting at an election held for that purpose.

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

6 Sec. 3958.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
7 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
8 determined by the board. Section 375.205, Local Government Code,
9 does not apply to a loan, line of credit, or other borrowing from a
10 bank or financial institution secured by revenue other than ad
11 valorem taxes.

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

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

20 Sec. 3958.205. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct annual ad valorem tax, without limit as to rate or amount,
24 for each year that all or part of the bonds are outstanding as
25 required and in the manner provided by Sections 54.601 and 54.602,
26 Water Code.

1 SUBCHAPTER F. MUNICIPAL ANNEXATION AND DISSOLUTION

2 Sec. 3958.251. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The
3 district is a "water or sewer district" under Section 43.071, Local
4 Government Code.

5 (b) Section 43.075, Local Government Code, applies to the
6 district.

7 (c) Section 375.264, Local Government Code, does not apply
8 to the dissolution of the district by a municipality.

9 SECTION 2. Harris County Improvement District No. 25
10 initially includes all territory contained in the following area:

11 TRACT 1 - 88.03 ACRES

12 FIELD NOTES of a 88.03 of an acre tract of land situated in
13 the H.T. & B. R.R. Survey, Block 3, Sec. 9, Abstract No. 421, the
14 H.T. & B. R.R. Survey, Block 3, Sec. 7, Abstract No. 903 the C.
15 Collis Survey, Abstract No. 1330, and the G. Lolley Survey,
16 Abstract No. 1410 Harris County, Texas; said 88.03 of an acre tract
17 of land being out of and a part of Restricted Reserve "A" of the
18 Westside Mall, Sec. 2 and recorded at Film Code No. (F.C. No.)
19 602144 of the Harris County Map Records (H.C.M.R.); said 88.03 of an
20 acre tract of land being more particularly described by metes and
21 bounds as follows:

22 NOTE: All bearings are Lambert Grid bearings and all
23 coordinates refer to the Texas State Plane Coordinate System, South
24 Central Zone (#4204), as defined by article 21.071 of the Natural
25 Resources Code of the State of Texas, 1983 Datum (2001 adjustment).
26 All distances are actual distances. Scale factor = 0.99989325287.

27 BEGINNING at a found 5/8" iron rod with cap stamped "E.H.R.A.

1 713-784-4500" for the Southeast intersection of Partnership Way
2 (80' right-of-way) and Grand Circle Boulevard (80' right-of-way) as
3 recorded at F.C. No. 446143 of the H.C.M.R.

4 THENCE N 30°52'03" W with the common West line of said
5 Restricted Reserve "A" and across said Grand Circle Boulevard a
6 distance of 80.00 feet to a set 5/8" iron rod with cap stamped
7 "E.H.R.A. 713-784-4500" for the Northwest corner of this tract of
8 land and being in the North right-of-way line of the proposed Grand
9 Circle Boulevard (80' right-of-way).

10 THENCE N 59°07'57" E with the common North right-of-way line
11 of said Grand Circle Boulevard and the North line of this tract of
12 land a distance of 22.95 feet to a set 5/8" iron rod with cap stamped
13 "E.H.R.A. 713-784-4500" for the beginning of a curve to the right.

14 THENCE in a Northeasterly direction with the common North
15 right-of-way line of said Grand Circle Boulevard, the North line of
16 this tract of land and said curve to the right having a central
17 angle of 42°04'54", a radius of 340.00 feet, a length of 249.72 feet,
18 and a chord bearing and distance of N 80°10'24" E, 244.14 feet to a
19 set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the
20 end of this curve.

21 THENCE S 78°47'08" E with the common North right-of-way line
22 of said Grand Circle Boulevard and the North line of this tract of
23 land a distance of 183.98 feet to a set 5/8" iron rod with cap
24 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
25 left.

26 THENCE in a Southeasterly direction with the common North
27 right-of-way line of said Grand Circle Boulevard, the North line of

1 this tract of land and said curve to the left having a central angle
2 of $12^{\circ}30'52''$, a radius of 260.00 feet, a length of 56.79 feet, and a
3 chord bearing and distance of $S 85^{\circ}02'35'' E$, 56.68 feet to a set $5/8''$
4 iron rod with cap stamped "E.H.R.A. 713-784-4500" for the end of
5 this curve.

6 THENCE $N 88^{\circ}42'07'' E$ with the common North right-of-way line
7 of said Grand Circle Boulevard and the North line of this tract of
8 land a distance of 522.00 feet to a set $5/8''$ iron rod with cap
9 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
10 right.

11 THENCE in a Southeasterly direction with the common North
12 right-of-way line of said Grand Circle Boulevard, the North line of
13 this tract of land and said curve to the right having a central
14 angle of $24^{\circ}56'38''$, a radius of 340.00 feet, a length of 147.82 feet
15 and a chord bearing and distance of $S 78^{\circ}50'34'' E$, 146.66 feet to a
16 set $5/8''$ iron rod with cap stamped "E.H.R.A. 713-784-4500" for the
17 beginning of a reverse curve to the left.

18 THENCE in a Northeasterly direction with the common North
19 right-of-way line of said Grand Circle Boulevard, the North line of
20 this tract of land and said reverse curve to the left having a
21 central angle of $92^{\circ}17'27''$, a radius of 25.00 feet, a length of 40.27
22 feet and a chord bearing and distance of $N 67^{\circ}28'02'' E$, 36.05 feet to
23 a set $5/8''$ iron rod with cap stamped "E.H.R.A. 713-784-4500" for the
24 Northeast corner of this tract of land and the end of said reverse
25 curve to the left; said point being the Southwest intersection of
26 Westside Way (80' right-of-way) as recorded at F.C. No. 602144 of
27 the H.C.M.R. and said Grand Circle Boulevard.

1 THENCE S 21°19'19" W with the Northeast line of this tract of
2 land a distance of 5.27 feet to a set 5/8" iron rod with cap stamped
3 "E.H.R.A. 713-784-4500" for the beginning of a curve to the left.

4 THENCE in a Southeasterly direction with the common
5 Southwesterly right-of-way line of said Grand Circle Boulevard, the
6 Easterly line of this tract of land and said curve to the left
7 having a central angle of 87°40'44", a radius of 105.00 feet, a
8 length of 160.68 feet and a chord bearing and distance of S 22°31'03"
9 E, 145.45 feet to a found 5/8" iron rod with cap stamped "E.H.R.A.
10 713-784-4500" for the beginning of a reverse curve to the right.

11 THENCE in a Southeasterly direction with the Southwesterly
12 right-of-way line of said Grand Circle Boulevard, the Easterly line
13 of this tract of land and said reverse curve to the right having a
14 central angle of 09°46'53", a radius of 1500.00 feet, a length of
15 256.08 feet and a chord bearing and distance of S 61°27'59" E, 255.77
16 feet to a found 5/8" iron rod with cap stamped "E.H.R.A.
17 713-784-4500" for the end of this reverse curve.

18 THENCE S 56°34'32" E with the Southwesterly right-of-way line
19 of said Grand Circle Boulevard and the Easterly line of this tract
20 of land a distance of 187.17 feet to a found 5/8" iron rod with cap
21 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
22 right.

23 THENCE in a Southeasterly direction with the Southwesterly
24 right-of-way line of said Grand Circle Boulevard, the Easterly line
25 of this tract of land and said curve to the right having a central
26 angle of 13°05'36", a radius of 570.00 feet, a length of 130.26 feet
27 and a chord bearing and distance of S 50°01'44" E, 129.98 feet to a

1 found 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for
2 the beginning of a compound curve to the right.

3 THENCE in a Southeasterly direction with the Westerly
4 right-of-way line of said Grand Circle Boulevard, the Easterly line
5 of this tract of land and said compound curve to the right having a
6 central angle of $42^{\circ}11'03''$, a radius of 470.00 feet, a length of
7 346.04 feet and a chord bearing and distance of $S\ 22^{\circ}23'24''\ E$, 338.28
8 feet to a found 5/8" iron rod with cap stamped "E.H.R.A.
9 713-784-4500" for the end of this compound curve.

10 THENCE $S\ 01^{\circ}17'53''\ E$ with the Westerly right-of-way line of
11 said Grand Circle Boulevard and the Easterly line of this tract of
12 land a distance of 468.93 feet to a set 5/8" iron rod with cap
13 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
14 right.

15 THENCE in a Southerly direction with the common West
16 right-of-way line of said Grand Circle Boulevard, the East line of
17 this tract of land and said curve to the right having a central
18 angle of $06^{\circ}21'59''$, a radius of 220.00 feet, a length of 24.45 feet
19 and a chord bearing and distance of $S\ 01^{\circ}53'07''\ W$, 24.43 feet to a
20 found 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for
21 the beginning of a compound curve to the right.

22 THENCE in a Southwesterly direction with the common
23 Northwesterly right-of-way line of said Grand Circle Boulevard, the
24 Southeast line of this tract of land and said compound curve to the
25 right having a central angle of $34^{\circ}12'51''$, a radius of 520.00 feet, a
26 length of 310.52 feet and a chord bearing and distance of $S\ 22^{\circ}10'32''\ W$,
27 305.92 feet to a 5/8" iron rod with cap stamped "E.H.R.A.

1 713-784-4500" for the beginning of a compound curve to the right.

2 THENCE in a Southwesterly direction with the common
3 Northwesternly right-of-way line of said Grand Circle Boulevard, the
4 Southeast line of this tract of land and said compound curve to the
5 right having a central angle of $11^{\circ}59'44''$, a radius of 620.00 feet, a
6 length of 129.81 feet and a chord bearing and distance of $S\ 45^{\circ}16'49''$
7 W, 129.57 feet to a found $5/8''$ iron rod with cap stamped "E.H.R.A.
8 713-784-4500" for the end of this curve.

9 THENCE $S\ 51^{\circ}16'41''$ W with the Northwesternly right-of-way line
10 of said Grand Circle Boulevard and the Southwest line of this tract
11 of land a distance of 165.06 feet to a found $5/8''$ iron rod with cap
12 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
13 right.

14 THENCE in a Southwesterly direction with the common Northwest
15 right-of-way line of said Grand Circle Boulevard, the Southeast
16 line of this tract of land and said curve to the right having a
17 central angle of $11^{\circ}31'39''$, a radius of 525.00 feet, a length of
18 105.63 feet and a chord bearing and distance of $S\ 57^{\circ}02'31''$ W, 105.45
19 feet to a found $5/8''$ iron rod with cap stamped "E.H.R.A.
20 713-784-4500" for the end of this curve.

21 THENCE $S\ 62^{\circ}48'20''$ W with the common Northwesternly
22 right-of-way line of said Grand Circle Boulevard and the Southeast
23 line of this tract of land a distance of 122.10 feet to a found $5/8''$
24 iron rod with cap stamped "E.H.R.A. 713-784-4500" for the beginning
25 of a curve to the right.

26 THENCE in a Southwesterly direction with the common
27 Northwesternly right-of-way line of said Grand Circle Boulevard, the

1 Southeast line of this tract of land and said curve to the right
2 having a central angle of $21^{\circ}56'19''$, a radius of 720.00 feet, a
3 length of 275.69 feet and a chord bearing and distance of $S\ 73^{\circ}46'30''$
4 W , 274.01 feet to a found $5/8''$ iron rod with cap stamped "E.H.R.A.
5 713-784-4500" for the beginning of a compound curve to the right.

6 THENCE in a Southwesterly direction with the common
7 Northwesterly right-of-way line of said Grand Circle Boulevard, the
8 Southeast line of this tract of land and said compound curve to the
9 right having a central angle of $04^{\circ}27'02''$, a radius of 3949.99 feet,
10 a length of 306.83 feet and a chord bearing and distance of S
11 $86^{\circ}58'11''\ W$, 306.75 feet to a $5/8''$ iron rod with cap stamped
12 "E.H.R.A. 713-784-4500" found for the beginning of a compound curve
13 to the right.

14 THENCE in a Southwesterly direction with the common
15 Northeasterly right-of-way line of said Grand Circle Boulevard, the
16 Southwest line of this tract of land and said compound curve to the
17 right having a central angle of $11^{\circ}38'51''$, a radius of 2937.00 feet,
18 a length of 597.06 feet and a chord bearing and distance of N
19 $84^{\circ}58'53''\ W$, 596.03 feet to a found $5/8''$ iron rod with cap stamped
20 "E.H.R.A. 713-784-4500" for the beginning of a compound curve to
21 the right.

22 THENCE in a Northwesterly direction with the common
23 Northeasterly right-of-way line of said Grand Circle Boulevard, the
24 Southwest line of this tract of land and said compound curve to the
25 right having a central angle of $33^{\circ}55'34''$, a radius of 800.00 feet, a
26 length of 473.70 feet and a chord bearing and distance of $N\ 62^{\circ}11'40''$
27 W , 466.81 feet to a found $5/8''$ iron rod with cap stamped "E.H.R.A.

1 713-784-4500" for the end of this compound curve.

2 THENCE N 45°13'53" W with the Northeasterly right-of-way line
3 of said Grand Circle Boulevard and the Southwest line of this tract
4 of land a distance of 1.49 feet to a found 5/8" iron rod with cap
5 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
6 right.

7 THENCE in a Northwesterly direction with the Westerly line of
8 this tract of land, the Easterly right-of-way of said Grand Circle
9 Boulevard and said curve to the right having a central angle of
10 42°18'57", a radius of 790.00 feet, a length of 583.46 feet and a
11 chord bearing and distance of N 24°04'24" W, 570.29 feet to a found
12 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the end
13 of this curve.

14 THENCE N 02°54'56" W with the Westerly line of this tract of
15 land and the Easterly right-of-way of said Grand Circle Boulevard a
16 distance of 65.71 feet to a found 5/8" iron rod with cap stamped
17 "E.H.R.A. 713-784-4500" for the beginning of a curve to the right.

18 THENCE in a Northeasterly direction with the Westerly line of
19 this tract of land, the Easterly right-of-way of said Grand Circle
20 Boulevard and said curve to the right having a central angle of
21 19°44'56", a radius of 1260.00 feet, a length of 434.30 feet and a
22 chord bearing and distance of N 06°57'32" E, 432.15 feet to a found
23 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the
24 beginning of a compound curve to the right.

25 THENCE in a Northeasterly direction with the Northwesterly
26 line of this tract of land, the Southeasterly right-of-way of said
27 Grand Circle Boulevard and said compound curve to the right having a

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1 central angle of $30^{\circ}41'24''$, a radius of 940.00 feet, a length of
2 503.50 feet and a chord bearing and distance of $N 32^{\circ}10'42'' E$, 497.51
3 feet to a found $5/8''$ iron rod with cap stamped "E.H.R.A.
4 713-784-4500" for the end of this compound curve.

5 THENCE $N 47^{\circ}31'24'' E$ with the Northwesterly line of this tract
6 of land and the Southeasterly right-of-way of said Grand Circle
7 Boulevard a distance of 16.25 feet to a found $5/8''$ iron rod with cap
8 stamped "E.H.R.A. 713-784-4500" for the beginning of a curve to the
9 right.

10 THENCE in a Northeasterly direction with the Northwesterly
11 line of this tract of land, the Southeasterly right-of-way of said
12 Grand Circle Boulevard and said curve to the right having a central
13 angle of $11^{\circ}36'33''$, a radius of 1165.00 feet, a length of 236.05 feet
14 and a chord bearing and distance of $N 53^{\circ}19'41'' E$, 235.65 feet to the
15 PLACE OF BEGINNING; containing within said boundaries a calculated
16 area of 88.03 (3,834,413 sq.ft.) of an acre of land.

17 TRACT 2 - 15.59 ACRES

18 Being all of Restricted Reserve A of Westside Mall, Section
19 1, Partial Replat No. 1 according to the map or plat thereof as
20 recorded at Film Code No. 675479 of the Map Records of Harris
21 County, Texas.

22 TRACT 3 - 4.09 ACRES

23 FIELD NOTES of a 4.09 acre tract of land situated in the H.T.
24 & B. RR Co. Survey, Abstract No. 421, Harris County, Texas; said
25 4.09 acre tract of land being out of and a part of Restricted
26 Reserve A according to the map or plat thereof as recorded at Film
27 Code No. 462117 of the Map Records of Harris County, Texas; said

1 4.09 acre tract of land being more particularly described by metes
2 and bounds as follows:

3 NOTE: All bearings are Lambert grid bearings and all
4 coordinates refer to the Texas State Plane Coordinate System, South
5 Central Zone (#4202), as defined by article 21.071 of the Natural
6 Resources Code of the State of Texas, 1983 Datum (2001 adjustment).
7 All distance are actual distances. Scale factor = 0.99989325287.

8 BEGINNING at a found 1/2 inch iron rod with cap stamped "Bury
9 & Partners" for the Northwest corner of this tract of land, the same
10 being the Southwest corner of a called 7.0279 acre tract of land
11 conveyed to J.C. Penney Properties, Inc. as recorded at County
12 Clerk's File No. Y870027 of the Official Public Records of Real
13 Property of Harris County, Texas; said point being in the East
14 right-of-way line of State Highway 99 (aka Grand Parkway, R.O.W.
15 varies) as recorded at County Clerk's File No. M125086 of the
16 Official Public Records of Real Property of Harris County, Texas.

17 THENCE N 88°19'00" E with the North line of this tract of land
18 and the South line of J.C. Penney tract of land a distance of 271.10
19 feet to a found 5/8 inch iron rod with cap stamped "E.H.R.A.
20 713-784-4500", an angle point of said J.C. Penney tract of land.

21 THENCE S 01°40'57" E with the North line of this tract of land
22 and the South line of said J.C. Penney tract of land a distance of
23 8.00 feet to a found 5/8 inch iron rod with cap stamped "E.H.R.A.
24 713-784-4500", an angle point of said J.C. Penney tract of land.

25 THENCE N 88°19'03" E with the North line of this tract of land
26 and the South line of said J.C. Penney tract of land a distance of
27 76.25 feet to a found mag nail with shiner stamped "Bury & Partners"

1 for an angle point of this tract of land and an angle point of a
2 tract of land called 4.996 acres as conveyed to Parkside NEC Grand
3 Parkway as recorded at County Clerk's File No. 20140006523 of the
4 Official Public Records of Real Property of Harris County, Texas.

5 THENCE N 02°40'57" W with the North line of this tract of land
6 and an interior line of said Parkside NEC tract of land a distance
7 of 8.00 feet to a found 5/8 inch iron rod with cap stamped "E.H.R.A.
8 713-784-4500", an angle point of said Parkside NEC tract of land;
9 said point being in the South line of said J.C. Penney tract of
10 land.

11 THENCE N 88°19'03" E with the North line of this tract of land
12 and the South line of said J.C. Penney tract of land a distance of
13 73.89 feet to a found 5/8 inch iron rod with cap stamped "E.H.R.A.
14 713-784-4500", an angle point of said J.C. Penney tract of land.

15 THENCE S 01°40'57" E with an interior line of this tract of
16 land and the most Westerly East line of said J.C. Penney tract of
17 land a distance of 115.00 feet to a found mag nail with shiner
18 stamped "Bury & Partners" for an interior corner of this tract of
19 land and an angle point of said J.C. Penney tract of land.

20 THENCE N 88°19'03" E with the North line of this tract of land
21 and the South line of said J.C. Penney tract of land a distance of
22 305.86 feet to a found mag nail with shiner stamped "Bury &
23 Partners" for the most Easterly Northeast corner of this tract of
24 land and the Southeast corner of said J.C. Penney tract of land;
25 said point being in the West right-of-way line of Grand Circle
26 Boulevard (80' R.O.W.) as recorded at Film Code No. 446143 of the
27 Map Records of Harris County, Texas, and the beginning of a

1 non-tangent curve to the left, concave Easterly.

2 THENCE in a Southerly direction with the East line of this
3 tract of land, the West right-of-way line of said Grand Circle
4 Boulevard and said non-tangent curve to the left having a central
5 angle of $00^{\circ}41'26''$, a radius of 1340.00 feet, a length of 16.15 feet
6 and a chord bearing and distance of $S\ 06^{\circ}05'18''\ W$, 16.15 feet to a
7 found $3/4$ inch iron rod with cap stamped "E.H.R.A. 713-784-4500"
8 for the most Easterly Southeast corner of this tract of land and
9 also being the Northeast corner of a called 1.5000 acre tract of
10 land conveyed to Cowboy Red-Katy, Ltd. as recorded at County
11 Clerk's File No. 20090003573 of the Official Public Records of Real
12 Property of Harris County, Texas.

13 THENCE $S\ 88^{\circ}19'03''\ W$ with the most Easterly South line of this
14 tract of land and the North line of said Cowboy Red-Katy tract of
15 land a distance of 226.15 feet to a found 'X' for an angle point of
16 this tract of land and also being the Northwest corner of said
17 Cowboy Red-Katy tract of land.

18 THENCE $S\ 01^{\circ}40'57''\ E$ with the East line of this tract of land
19 and the West line of said Cowboy Red-Katy tract of land a distance
20 of 197.16 feet to a found $5/8$ inch iron rod with cap stamped
21 "E.H.R.A. 713-784-4500" for the Easterly Southeast corner of this
22 tract of land.

23 THENCE $S\ 88^{\circ}20'27''\ W$, a distance of 243.49 feet to a found $5/8$
24 inch iron rod with cap stamped "E.H.R.A. 713-784-4500" for an
25 internal corner of the herein described tract.

26 THENCE $S\ 01^{\circ}41'03''\ E$, a distance of 135.45 feet to a found $5/8$
27 inch iron rod with cap stamped "E.H.R.A. 713-784-4500" for the

1 point of curvature to the left.

2 THENCE in a southerly direction with said curve to the left
3 having a central angle of $21^{\circ}52'28''$, a radius of 212.00 feet, a
4 length of 80.94 feet and a chord bearing and distance of $S\ 12^{\circ}37'17''$
5 E, 80.45 feet to a found $5/8$ inch iron rod with cap stamped
6 "E.H.R.A. 713-784-4500", being the beginning of a non-tangent curve
7 to the left, concave Southeasterly; said point being in the South
8 line of said Reserve A and also being in the North right-of-way line
9 of Mercantile Parkway (R.O.W. varies) as recorded at Film Code
10 No. 446143 of the Map Records of Harris County, Texas.

11 THENCE in a Southwesterly with the South line of this tract of
12 land, the South line of said Reserve A, the North right-of-way line
13 of said Mercantile Parkway and said curve to the right having a
14 central angle of $09^{\circ}15'11''$, a radius of 500.00 feet, a length of
15 80.75 feet and a chord bearing and distance of $S\ 67^{\circ}14'17''\ W$, 80.66
16 feet to the most Southerly Southwest corner of this tract of land
17 and also being the Southeast corner of a called 1.459 acre tract of
18 land conveyed to Levine Investments Limited Partnership as recorded
19 at County Clerk's File No. 20080241652 of the Official Public
20 Records of Real Property of Harris County, Texas; from this point a
21 found $3/4$ inch iron rod with cap stamped "Pate Surveyors" bears S
22 $58^{\circ}23'35''\ W$ a distance of 0.21 feet.

23 THENCE $N\ 01^{\circ}41'03''\ W$ with an interior line of this tract of
24 land and the East line of said Levine Investments tract of land a
25 distance of 243.47 feet to a found "X" for an angle point of this
26 tract of land and also being the Northeast corner of said Levine
27 Investments tract of land.

1 THENCE S 88°20'27" W with the South line of this tract of and
2 the North line of said Levine Investments tract of land a distance
3 of 232.73 feet to a found 3/4 inch iron rod with cap stamped "Pate
4 Surveyors" for the most Westerly Southwest corner of this tract of
5 land, the Northwest corner of said Levine Investments tract of land
6 and also being in the East right-of-way line of said State Highway
7 99.

8 THENCE N 04°51'27" E with the West line of this tract of land
9 and the East right-of-way line of said State Highway 99 a distance
10 of 330.09 feet to the PLACE OF BEGINNING; containing within said
11 boundaries a calculated area of 4.09 acres (178,296 sq.ft.) of
12 land.

13 TRACT 4 - 1.78 ACRES

14 Being all of Unrestricted Reserve D in Block 3 of Westside
15 Mall, Section One according to the map or plat thereof as recorded
16 at Film Code No. 462117 of the Map Records of Harris County, Texas.

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, 2017.