

By: Huberty

H.B. No. 4344

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Harris County Improvement District No. 27; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3793 to read as follows:

CHAPTER 3793. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 27

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3793.001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Harris County.

(4) "Director" means a board member.

(5) "District" means the Harris County Improvement District No. 27.

Sec. 3793.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3793.003. 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. 3793.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
17 The district is created to serve a public use and benefit.

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

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

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

27 (2) eliminating unemployment and underemployment; and

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

3 (d) The district will:

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

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

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

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

17 (e) Pedestrian ways along or across a street, whether at
18 grade or above or below the surface, 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. 3793.005. 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. 3793.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
12 All or any part of the area of the district is eligible to be
13 included in:

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

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

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

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

22 (5) a public improvement district created under
23 Chapter 372, Local Government Code.

24 Sec. 3793.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
25 DISTRICTS LAW. Except as otherwise provided by this chapter,
26 Chapter 375, Local Government Code, applies to the district.

27 Sec. 3793.008. 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. 3793.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three 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 only if the board determines that the change is in the best interest of the district. The board may not consist of fewer than five or more than 15 voting directors.

(c) Section 49.052, Water Code, does not apply to the directors.

Sec. 3793.052. APPOINTMENT OF VOTING DIRECTORS. The Texas Commission on Environmental Quality shall appoint voting directors from persons recommended by the board.

Sec. 3793.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3793.054. 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. 3793.055. 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. 3793.056. INITIAL VOTING DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director:</u>
<u>1</u>	<u>Rob Burchfield</u>
<u>2</u>	<u>Jin Laxmidas</u>
<u>3</u>	<u>Sigita Burchfield</u>
<u>4</u>	<u>Nicole Eddy</u>
<u>5</u>	<u>Linda Warren</u>

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

(c) Section 3793.052 does not apply to this section.

(d) This section expires September 1, 2021.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3793.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3793.102. 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. 3793.103. 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. 3793.104. 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 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. 3793.105. PUBLIC FACILITY CORPORATIONS. As provided by Chapter 303, Local Government Code, the board by resolution may

1 authorize the creation of a public facility corporation in the
2 district to finance or to provide for the acquisition,
3 construction, rehabilitation, renovation, repair, equipping,
4 furnishing, or placement in service of public facilities in an
5 orderly, planned manner and at the lowest possible borrowing costs.

6 Sec. 3793.106. AGREEMENTS; GRANTS. (a) As provided by
7 Chapter 375, Local Government Code, the district may make an
8 agreement with or accept a gift, grant, or loan from any person.

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

12 Sec. 3793.107. LAW ENFORCEMENT SERVICES. To protect the
13 public interest, the district may contract with a qualified party,
14 including the county or the city, to provide law enforcement
15 services in the district for a fee.

16 Sec. 3793.108. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
17 district may join and pay dues to a charitable or nonprofit
18 organization that performs a service or provides an activity
19 consistent with the furtherance of a district purpose.

20 Sec. 3793.109. ECONOMIC DEVELOPMENT. (a) The district may
21 engage in activities that accomplish the economic development
22 purposes of the district.

23 (b) The district may establish and provide for the
24 administration of one or more programs to promote state or local
25 economic development and to stimulate business and commercial
26 activity in the district, including programs to:

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

1 (2) provide district personnel and services.

2 (c) The district may create economic development programs
3 and exercise the economic development powers provided to
4 municipalities by:

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

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

7 Sec. 3793.110. PARKING FACILITIES. (a) The district may
8 acquire, lease as lessor or lessee, construct, develop, own,
9 operate, and maintain parking facilities or a system of parking
10 facilities, including lots, garages, parking terminals, or other
11 structures or accommodations for parking motor vehicles off the
12 streets and related appurtenances.

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

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

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

22 Sec. 3793.111. ANNEXATION OR EXCLUSION OF LAND. (a) The
23 district may annex land as provided by Subchapter J, Chapter 49,
24 Water Code.

25 (b) The district may exclude land as provided by Subchapter
26 J, Chapter 49, Water Code. Section 375.044(b), Local Government
27 Code, does not apply to the district.

1 Sec. 3793.112. PUBLIC IMPROVEMENT DISTRICT POWERS. The
2 district has the powers provided by Chapter 372, Local Government
3 Code, to a municipality or county.

4 Sec. 3793.113. ROAD UTILITY DISTRICT POWERS. The district
5 has the powers provided by the general laws relating to road utility
6 districts created under Section 52(b), Article III, Texas
7 Constitution, including Chapter 441, Transportation Code.

8 Sec. 3793.114. CONDUIT FACILITIES. (a) The district may
9 finance, acquire, construct, improve, operate, maintain, or charge
10 a fee for the use of district conduits for:

- 11 (1) fiber-optic cable and supporting facilities;
12 (2) electronic transmission lines and supporting
13 facilities; or
14 (3) other types of transmission lines and supporting
15 facilities.

16 (b) The district may not require a person to use a district
17 conduit.

18 Sec. 3793.115. STRATEGIC PARTNERSHIP AGREEMENT. The
19 district may negotiate and enter into a written strategic
20 partnership agreement under Section 43.0751, Local Government
21 Code, with a municipality in whose extraterritorial jurisdiction
22 the district is located.

23 Sec. 3793.116. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

26 Sec. 3793.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
27 board by resolution shall establish the number of directors'

1 signatures and the procedure required for a disbursement or
2 transfer of district money.

3 Sec. 3793.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4 The district may acquire, construct, finance, operate, or maintain
5 any improvement or service authorized under this chapter or Chapter
6 375, Local Government Code, using any money available to the
7 district.

8 Sec. 3793.153. PETITION REQUIRED FOR FINANCING SERVICES AND
9 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
10 service or improvement project with assessments under this chapter
11 unless a written petition requesting that service or improvement
12 has been filed with the board.

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

17 Sec. 3793.154. METHOD OF NOTICE FOR HEARING. The district
18 may mail the notice required by Section 375.115(c), Local
19 Government Code, by certified or first class United States mail.
20 The board shall determine the method of notice.

21 Sec. 3793.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
22 The board by resolution may impose and collect an assessment for any
23 purpose authorized by this chapter in all or part of the district.

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

(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.

Sec. 3793.156. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3793.157. COMPETITIVE BIDDING. Subchapter I, Chapter 49, Water Code, applies to the district. Sections 375.221 and 375.223, Local Government Code, do not apply to the district.

Sec. 3793.158. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones in the manner provided by Chapter 312, Tax Code.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3793.201. 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 3793.203.

(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. 3793.202. OPERATION AND MAINTENANCE TAX. (a) If

authorized by a majority of the district voters voting at an election held in accordance with Section 3793.201, 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.

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

3 Sec. 3793.203. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 Sec. 3793.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
13 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
14 determined by the board. Section 375.205, Local Government Code,
15 does not apply to a loan, line of credit, or other borrowing from a
16 bank or financial institution secured by revenue other than ad
17 valorem taxes.

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

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

26 Sec. 3793.205. TAXES FOR BONDS. At the time the district
27 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.

SUBCHAPTER F. DEFINED AREAS

Sec. 3793.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 3793.252. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or in the designated property only.

(b) The board may submit the proposition to the voters on the same ballot to be used in another election.

Sec. 3793.253. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area and describe it by metes and bounds or designate the specific property.

(b) A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

1 Sec. 3793.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
2 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
3 approval and adoption of the order described by Section 3793.253,
4 the district may apply separately, differently, equitably, and
5 specifically its taxing power and lien authority to the defined
6 area or designated property to provide money to construct,
7 administer, maintain, and operate services, improvements, and
8 facilities that primarily benefit the defined area or designated
9 property.

10 Sec. 3793.255. ISSUANCE OF BONDS FOR DEFINED AREA OR
11 DESIGNATED PROPERTY. After the order under Section 3793.253 is
12 adopted, the district may issue bonds to provide for any land,
13 improvements, facilities, plants, equipment, and appliances for
14 the defined area or designated property.

15 SUBCHAPTER G. SALES AND USE TAX

16 Sec. 3793.301. MEANINGS OF WORDS AND PHRASES. A word or
17 phrase used in this subchapter that is defined by Chapters [151](#) and
18 [321](#), Tax Code, has the meaning assigned by Chapters [151](#) and [321](#), Tax
19 Code.

20 Sec. 3793.302. APPLICABILITY OF CERTAIN TAX CODE
21 PROVISIONS. (a) Except as otherwise provided by this subchapter,
22 Subtitles A and B, Title 2, Tax Code, and Chapter [151](#), Tax Code,
23 apply to taxes imposed under this subchapter and to the
24 administration and enforcement of those taxes in the same manner
25 that those laws apply to state taxes.

26 (b) Chapter [321](#), Tax Code, relating to municipal sales and
27 use taxes, applies to the application, collection, change, and

1 administration of a sales and use tax imposed under this subchapter
2 to the extent consistent with this chapter, as if references in
3 Chapter 321, Tax Code, to a municipality referred to the district
4 and references to a governing body referred to the board.

5 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
6 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
7 apply to a tax imposed under this subchapter.

8 Sec. 3793.303. AUTHORIZATION; ELECTION. (a) The district
9 may adopt a sales and use tax to serve the purposes of the district
10 after an election in which a majority of the voters of the district
11 voting in the election authorize the adoption of the tax.

12 (b) The board by order may call an election to authorize a
13 sales and use tax. The election may be held with any other district
14 election.

15 (c) The district shall provide notice of the election and
16 shall hold the election in the manner prescribed by Section
17 3793.201.

18 (d) The ballots shall be printed to provide for voting for
19 or against the proposition: "Authorization of a sales and use tax
20 in the Harris County Improvement District No. 27 at a rate not to
21 exceed ____ percent."

22 Sec. 3793.304. ABOLISHING SALES AND USE TAX. (a) Except as
23 provided by Subsection (b), the board may abolish the sales and use
24 tax without an election.

25 (b) The board may not abolish the sales and use tax if the
26 district has outstanding debt secured by the tax.

27 Sec. 3793.305. SALES AND USE TAX RATE. (a) On adoption of

the tax authorized by this subchapter, a tax is imposed on the receipts from the sale at retail of taxable items in the district and an excise tax is imposed on the use, storage, or other consumption in the district of taxable items purchased, leased, or rented from a retailer in the district during the period that the tax is in effect.

(b) The board shall determine the rate of the tax, which may be in one-eighth of one percent increments not to exceed the maximum rate authorized by the district voters at the election. The board may lower the tax rate to the extent the rate does not impair any outstanding debt or obligations payable from the tax.

(c) The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sales price of the taxable item.

SUBCHAPTER H. HOTEL OCCUPANCY TAXES

Sec. 3793.351. HOTEL OCCUPANCY TAX. (a) In this section, "hotel" has the meaning assigned by Section 156.001, Tax Code.

(b) For purposes of this section, a reference in Chapter 351, Tax Code, to a municipality is a reference to the district and a reference in Chapter 351, Tax Code, to the municipality's officers or governing body is a reference to the board.

(c) Except as inconsistent with this section, Subchapter A, Chapter 351, Tax Code, governs a hotel occupancy tax authorized by this section.

(d) The district may impose a hotel occupancy tax and use the revenue from the tax for any district purpose that is an authorized use of hotel occupancy tax revenue under Chapter 351,

1 Tax Code.

2 (e) The board by order may impose, repeal, increase, or
3 decrease the rate of a tax on a person who, under a lease,
4 concession, permit, right of access, license, contract, or
5 agreement, pays for the use or possession or for the right to the
6 use or possession of a room that:

7 (1) is in a hotel located in the district's boundaries;

8 (2) costs \$2 or more each day; and

9 (3) is ordinarily used for sleeping.

10 (f) The amount of the tax may not exceed seven percent of the
11 price paid for a room in a hotel.

12 (g) The district may examine and receive information
13 related to the imposition of hotel occupancy taxes to the same
14 extent as if the district were a municipality.

15 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

16 Sec. 3793.401. MUNICIPAL ANNEXATION; DISSOLUTION. (a) The
17 district is a "water or sewer district" under Section [43.071](#), Local
18 Government Code.

19 (b) Section [43.075](#), Local Government Code, applies to the
20 district.

21 (c) Section [375.264](#), Local Government Code, does not apply
22 to the dissolution of the district by a municipality.

23 SECTION 2. Harris County Improvement District No. 27
24 initially includes all territory contained in the following area:

25 TRACT ONE: Fieldnotes for 28.8778 acres of land out of the Amos
26 Barber Survey, Abstract No. 125 in Harris County, Texas, being out
27 of and a part of that certain 28.2586 acre tract of land conveyed to

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1 Craig Nelson, Trustee, as described in deed recorded under County
2 Clerk's File No. T275175 of the Real Property Records of Harris
3 County, and all of that certain 16.2039 acre tract of land conveyed
4 to Northwood North Venture, L.P ., and described as "Tract II" in
5 deed recorded under County Clerk's File No. T951125 of the said
6 Real Property Records, said 28.8778 acres of land being more
7 particularly described by metes and bounds as follows:

8 COMMENCING at a 1 1/4 inch steel pipe at the base of a 30 inch
9 Cypress tree found in the West line of the said Amos Barber Survey,
10 marking the Northeast corner of the Richard B. West Survey.
11 Abstract No. 860, and the Southeast corner of the H.T. & B.R.R.
12 Survey, Abstract No. 385, said point also being the Southeast
13 corner of the residue of that certain 69.3518 acre tract of land
14 conveyed to Westfield Properties, Inc., as described in deed
15 recorded under County Clerk's File No. M751039 of the said Real
16 Property Records, said point also being in the West line of that
17 certain 4.0000 acre tract of land conveyed to Ricardo F de
18 Ibarlucea, et al, as described in deed recorded under County
19 Clerk's File No. M383506 of the said Real Property Records;

20 Thence, North 33° 19' 42" West, 469.82 feet with the East line of the
21 said 69.3518 acre tract and the said H.T. & B.R.R. Survey, and with
22 the West line of the said 4.000 acre tract and the said Amos Barber
23 Survey, and generally along a barbed wire fence line to a 5/8 inch
24 steel rod found marking the Southwest corner and PLACE OF BEGINNING
25 for the herein described tract of land, said point being the most
26 Southerly or Southwest corner of the said 28.2586 acre tract, said
27 point also being the Northwest corner of the said 4.0000 acre tract;

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1 Thence, continuing with the East line of the said 69.3518 acre tract
2 and the said H.T.& B.R.R. Survey. And with the common West line of
3 the said 28.2586 acre tract and the said Amos Barber Survey, and
4 generally along a barbed wire fence line. North 33° 19' 42" West,
5 971.92 feet to a 5/8 inch steel rod with cap set for the most
6 Westerly or Northwest corner of the herein described tract, said
7 point being the most Southerly or Southwest corner of that certain
8 14.3 acre tract of land conveyed to Aldine Independent School
9 District, as described in deed recorded under Clerk's File
10 No. 20060195978 of Real Records;

11 Thence, North 57° 58' 17" East, 771.54 Feet with the Southeast line
12 of the said 14.3 acre tract to a 3/8 inch steel rod found at an angle
13 point for the herein described tract, said point being the most
14 Easterly or Southeast corner of the said 14.3 acre tract and the
15 Northwest corner of the said 16.2039 acre tract, Northwood North
16 Venture, L.P., as described in deed recorded under County Clerk's
17 File No. 20060015817 of the said Real Property Records;

18 Thence, North 79° 11' 19" East, 599.93 feet with the South line of
19 the said 0.8253 acre tract and the North line of the said 16.2039
20 acre tract to a 3/8 inch steel rod found in the West line of Rayford
21 Road, based on an 80 foot right-of-way-, marking the Northeast
22 corner of the said 16.2039 acre tract and the herein described
23 tract, said the Southeast corner of the said 0.8253 acre tract, said
24 point also being in a non-tangent curve to the right having a radius
25 of 20000.00 feet and a central angle of 00° 56' 33";

26 Thence, in a Southerly direction, with the West line of said Rayford
27 Road and the East line of the said 16.2039 acre tract, and with the

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1 said curve to the right having a radius of 2000.00 feet (chord
2 bearing South 11°18' 59" East, 32.90 feet an arc distance of 32.90
3 feet to a 5/8 inch steel rod set at a point of tangency;
4 Thence, continuing with the West line of said Rayford Road and the
5 East line of the said 16.2039 acre tract, South 10° 50' 43" East,
6 428.57 feet to a 5/8 inch steel rod set at a point of curve to the
7 right having a radius of 1120.00 feet and a central angle of 50°39'
8 42";
9 Thence, continuing with the West line of said Rayford Road and the
10 East line of the said 16.2039 acre tract, and with the said curve to
11 the right having a radius of 1120.00 feet (chord bearing South 14°
12 29 '08" West, 958.37 feet), an arc distance of 990.32 feet to a 5/8
13 inch steel rod set at a point of tangency;
14 Thence, continuing with the Northwesterly line of said Rayford Road
15 and the Southeasterly line of the said 16.2039 acre tract, South 39°
16 48' 59" West, 125.77 feet to a 5/8 inch steel rod set at a point of
17 curve to the left having a radius of 1180.00 feet and a central
18 angle of 5°45' 53";
19 Thence, continuing with the Northwesterly line of said Rayford Road
20 and the Southeasterly line of the said 16.2039 acre tract, and with
21 the said curve to the left having a radius of 1180.00 feet (chord
22 bearing South 36° 56' 02" West, 118.67 feet), an arc distance of
23 118.72 feet to a 5/8 inch steel rod set for the most Southerly
24 corner of the said 16.2039 acre tract and the herein described
25 tract. said point also the Southeast corner of the aforesaid
26 Ricardo F. de Ibarlucea, 4.0000 acre tract;
27 Thence, North 11° 50' 34" West, 453.44 feet with the East line of the

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1 said 4.0000 acre tract and the West line of the said 16.2039 acre
2 tract to a 5/8 inch steel rod found at an interior ell corner of the
3 herein described tract, said point also being the Northeast corner
4 of the said 4.0000 acre tract and the Southeast corner of the
5 aforesaid 28.2586 acre tract;

6 Thence, South 56°40' 34" West, 373.21 feet with the North line of the
7 said 4.0000 acre tract and the South line of the said 28.2586 acre
8 tract to the PLACE OF BEGINNING and containing 28.8778 acres or
9 1.257.915 square feet of land, more or less.

10 TRACT TWO: Fieldnotes for 0.1782 acre of land out of the Amos Barber
11 Survey, Abstract No. 125 and the Richard B. West Survey, Abstract
12 No. 860 in Harris County, Texas, being out of and a part of that
13 certain 0.65 acre tract of land described in instrument recorded in
14 Volume 3118, Page 422 of the Deed Records of Harris County, and
15 being that same 0.1782 acre tract of land conveyed to Northwood
16 North Venture, L.P., and described as "Tract III" in deed recorded
17 under County Clerk's File No. T951125 of the Real Property Records
18 of Harris County, said 0.1782 acre of land being more particularly
19 described by metes and bounds as follows:

20 COMMENCING at a 5/8 inch steel rod found in the called North line of
21 the Amos Barber Survey marking the Northwest corner of Forest
22 Shadows Subdivision, Section I, the map or plat of same being
23 recorded in Volume 58, Page 54 of the Map Records of Harris County,
24 said point also being the Northeast corner of that certain 83.156
25 acre tract of land described in instrument recorded in Volume 7263,
26 Page 325 of the said Deed Records, and that certain 20.000 acre
27 tract of land conveyed to the Aldine Independent School District

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1 and described as "Tract 2" in deed recorded under County Clerk's
2 File No. D456846 of the said Real Property Records;
3 Thence, South 32°05'03" East with the West line of Forest Shadows
4 Subdivision, Sections 1, 2 and 3 and with the East line of the said
5 83.156 acre tract and the said 20.000 acre tract, at 1501.54 feet
6 passing a 5/8 inch steel rod set at the Northeast corner of that
7 certain (called) 27.2585 acre tract of land conveyed to Northwood
8 North Venture. L.P., and described as 'Tract I' in deed recorded
9 under County Clerk's File No. T951125 of the said Real Property
10 Records, said point also being the Southeast corner of the said
11 20.000 acre tract, and continuing with the West line of said Forest
12 Shadows Subdivision, Section 3, the map or plat of same being
13 recorded in Volume 153, Page 123 of the said Map Records, the West
14 line of Forest Shadows, Section 4, the map or plat of same being
15 recorded in Volume 174, Page 115 of the said Map Records, and the
16 East line of the said called 27.2585 acre tract in all, a total
17 distance of 2327.58 feet to a 5/8 inch steel rod set for the
18 Southeast corner of the said called 27 .2585 acre tract, said point
19 also being the Northeast corner of that certain 7.549 acre tract of
20 land conveyed to the Harris County Flood Control District, as
21 described in deed recorded under County Clerk's File No. J175685 of
22 the said Real Property Records;
23 Thence, South 57° 26' 45" West 603.75 with the South line of the said
24 called 27.2585 acre tract and with the North line of said 7.549 acre
25 tract to a 5/8 inch steel rod set at an angle point;
26 Thence, continuing with the South line of the said called 27.2585
27 acre tract and the North of the said 7.549 acre tract, South 66° 43'

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1 00" West, 900.00 feet to a 5/8 inch steel rod set at a point of cure
2 to the left having a radius of 695.00 feet and a central angle of 37°
3 32' 04";
4 Thence continuing with Southerly line of said called 27.2585 acre
5 tract and the Northerly line of said 7.549 acre tract and with the
6 said curve to the left having a radius of 695.000 feet (chord
7 bearing South 47° 56' 58" West, 447.20 feet), an arc distance of
8 455.29 feet to a 5/8 inch steel rod set for the Southwest corner of
9 the said called 27.2585 acre tract, and an point of the said 7.549
10 acre tract;
11 Thence, South 12° 28' 19" East, 46.20 feet with a Westerly line of
12 the said 7.549 acre tract to an ell corner, said point also being
13 the most Northerly corner of the aforesaid 0.65 acre tract;
14 Thence, South 55° 47' 26" West. 54.87 feet with the Northwesterly
15 line of the said 0.65 acre tract and the Westerly line of the said
16 7.549 acre tract to a 5/8 inch steel rod set for the most Northerly
17 corner and PLACE OF BEGINNING for the herein described tract of
18 land, said point also being an angle point in the Westerly line of
19 the said 7.549 acre tract, said point also being in a non-tangent
20 curve to the left having a radius of 695.00 feet and a central angle
21 of 10° 41 '35";
22 Thence, in a Southwesterly direction with the Westerly line of the
23 said 7.549 acre tract and with the said curve to the left having a
24 radius of 695.00 feet (chord bearing South 17° 11' 02" West, 129.52
25 feet), an arc distance of 129.71 feet to a 5/8 inch steel rod set at
26 a point of tangency;
27 Thence, continuing with the Westerly line of the said 7.549 acre

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1 tract, South $11^{\circ} 50' 14''$ West, 32.84 feet to a 5/8 inch steel rod set
2 in the North line of FM. Highway No. 1960, based on a 170 foot
3 right-of-way, for the Southeast corner of the herein described
4 tract, said point also being the Southwest corner of the said 7.549
5 acre tract;

6 Thence, North $78^{\circ} 09' 14''$ West, 63.90 feet with the North line of
7 said FM. Highway No. 1960 to a 5/8 inch steel rod set at its
8 intersection with the East line of Rayford Road, based on an 80 foot
9 right-of-way, for the Southwest corner of the herein described
10 tract, said point also being in a non-tangent curve to the right
11 having a radius of 1100.00 feet and a central angle of $04^{\circ} 31' 15''$;

12 Thence, in a Northeasterly direction with the East line of said
13 Rayford Road and the said curve to the right having a radius of
14 1100.00 feet (chord bearing North $14^{\circ} 11' 49''$ East, 86.77 feet), an
15 arc distance of 86.79 feet to a 5/8 inch steel rod set in the North
16 line of the aforesaid 0.65 acre tract for the Northwest corner of
17 the herein described tract;

18 Thence, North $55^{\circ} 47' 26''$ East, 104.31 feet with the North line of
19 the said 0.65 acre tract to the PLACE OF BEGINNING and containing
20 0.1782 acre or 7,764 square feet of land, more or less.

21 TRACT THREE: Fieldnotes for 27.2273 acres of land out the Amos
22 Barber Survey Abstract No. 125 in Harris County, Texas, being out
23 of and part of the certain 83.156 acre tract of land described in
24 instrument recorded in Volume 7263, Page 325 of the Deed Records of
25 Harris County, and being the same (called) 27.2585 acre tract of
26 land conveyed to Northwood North Venture, L.P., and described as
27 "Tract I" in deed recorded under County Clerk's No.. T951125 of the

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1 Real Property Records of Harris County, said 27.2273 acres
2 described by metes and bounds as follows:
3 COMMENCING in a point in the called North line of the Amos Barber
4 Survey at the Northwest corner of Forest Shadows Subdivision,
5 Section I, the map or plat of same being recorded in Volume 58, Page
6 54 of the Map Records of Harris County, said point also the
7 Northeast corner of the said 83.156 acre tract and that certain
8 20.000 acre tract of land conveyed to the Aldine Independent School
9 District and described as "Tract 2" in deed recorded under Clerk's
10 File No. D456846 of the said Real Property Records;
11 Thence, South 32° 05' 03" East (called South 32° 08' 41" East in
12 vesting deed), 1501.54 feet with the West line of Forest Shadows
13 Subdivision, Sections 1, 2 and 3 and with the East line of the said
14 83.156 acre tract and the said 20.000 acre tract to a 5/8 inch steel
15 rod set for the Northeast corner and PLACE OF BEGINNING for the
16 herein described tract of land, said point being the Southeast
17 corner of the said 20.000 acre tract, said point also being in the
18 West line of said Forest Shadows Subdivision, Section 3, the map or
19 plat of same recorded in Volume 153, Page 123 of the said Map
20 Records;
21 Thence continuing with the West line of the said Forest Shadows
22 Subdivision, Section 3, and the East line of the said 83.156 acre
23 tract, South 32° 05' 03" East, at 260 feet passing the Southwest
24 corner of said Section 3 and the Northwest corner of Forest Shadows,
25 Section 4, the map or plat of same being recorded in Volume 174,
26 Page 115 of the said Map Records, and continuing with the West line
27 of said Section 4 in all, a total distance of 826.04 feet to a 5/8

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1 inch steel rod set for the Southeast corner of the herein described
2 tract, said point also being the Northeast corner of that certain
3 7.549 acre tract of land conveyed to the Harris Flood Control
4 District, as described in deed recorded under Clerk's File No.
5 J175685 of the said Real Records;

6 Thence, South 57° 26' 45" West, 603.75 feet with the North line of
7 the said 7,549 acre tract to a 5/8 inch steel rod set as an angle
8 point;

9 Thence, continuing with the North line of the said 7.549 acre tract,
10 South 66° 43' 00" West, 900.00 feet (called South 67° 21' 27" West in
11 7.549 acre deed) to a 5/8 inch steel rod set at a point of curve to
12 the left having a radius of 695.00 feet and a central angle of 37°
13 32' 04";

14 Thence, continuing Northwesterly line of the said 7.549 acre tract
15 and with the said curve to the left having a radius of 695.00 feet
16 and central angle of 47° 56' 58" West, 447.20 feet), an arc distance
17 of 455.29 feet to a 5/8 inch steel rod set or the Southwest corner of
18 the herein described tract;

19
20 Thence, North 11° 50' 34" West, 103.53 feet to a 5/8 inch steel rod
21 set in the Southeasterly line of Rayford Road, based on an 80 foot
22 right-of-way, said point being in a non-tangent curve to the right
23 having a radius of 1100.00 feet and a central angle of 9° 57' 21";

24 Thence, in a Northeasterly direction with the Southeasterly line of
25 said Rayford Road and with the said curve to the having a radius of
26 1100.00 feet (chord bearing North 34° 50' 18" East, 190.90 feet), an
27 arc distance of 191.14 feet to a 5/8 inch steel rod set at a point of

1 tangency;

2 Thence, continuing with the Southeasterly line of said Rayford
3 Road, North 39°48' 59" East, 125.77 feet to a 5/8 inch steel rod set
4 at a point of curve to the left having a radius of 1200.00 feet and a
5 central angle of 50° 39'42";

6 Thence, continuing with the Southeasterly line of said Rayford Road
7 and with the said curve to the left having a radius of 1200.00 feet
8 (chord bearing North 14° 29' 08" East, 1026.83 feet), an arc
9 distance of 1061.06 feet to a 5/8 inch steel rod set at a point of
10 tangency;

11 Thence, continuing with an Easterly line of said Rayford Road,
12 North 10°50'43" West, 174.19 to a 5/8 inch steel rod set for the
13 Northwest corner of the herein described tract, said point also
14 being the Southwest corner of the aforesaid Aldine Independence
15 School District 20.000 acre tract;

16 Thence, North 79°09'40" East. 851.68 feet with the South line of the
17 said 20.000 acre tract to the PLACE OF BEGINNING and containing
18 27.2273 acres or 1,186,023 square feet of land, more or less.

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

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

1 Environmental Quality.

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

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

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

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2017.