

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of River Ranch Improvement District of
3 Liberty County; providing authority to issue bonds; providing
4 authority to impose assessments, fees, or taxes.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws
7 Code, is amended by adding Chapter 3948 to read as follows:

8 CHAPTER 3948. RIVER RANCH IMPROVEMENT DISTRICT OF LIBERTY COUNTY

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3948.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Dayton.

13 (3) "County" means Liberty County.

14 (4) "Director" means a board member.

15 (5) "District" means the River Ranch Improvement
16 District of Liberty County.

17 Sec. 3948.002. NATURE OF DISTRICT. The district is a
18 special district created under Section 59, Article XVI, Texas
19 Constitution.

20 Sec. 3948.003. PURPOSE; DECLARATION OF INTENT. (a) The
21 creation of the district is essential to accomplish the purposes of
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
23 Texas Constitution, and other public purposes stated in this
24 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, and to accomplish the redevelopment of
10 land in the district.

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

17 Sec. 3948.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

18 (a) The district is created to serve a public use and benefit.

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

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

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

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

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

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

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

16 (4) provide for road, transportation, and
17 recreational facilities for the district.

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

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

26 Sec. 3948.005. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

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

6 (1) organization, existence, or validity;

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

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

11 (4) legality or operation.

12 Sec. 3948.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 All or any part of the area of the district is eligible to be
14 included in:

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

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

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

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

23 Sec. 3948.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
24 DISTRICTS LAW. Except as otherwise provided by this chapter,
25 Chapter 375, Local Government Code, applies to the district.

26 Sec. 3948.008. CONSTRUCTION OF CHAPTER. This chapter shall
27 be liberally construed in conformity with the findings and purposes

1 stated in this chapter.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 3948.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five voting directors who serve staggered
5 terms of four years, with two or three directors' terms expiring
6 June 1 of each odd-numbered year.

7 (b) The board by resolution may change the number of voting
8 directors on the board if the board determines that the change is in
9 the best interest of the district. The board may not consist of
10 fewer than 5 or more than 15 directors.

11 Sec. 3948.052. APPOINTMENT OF VOTING DIRECTORS. The Texas
12 Commission on Environmental Quality shall appoint voting directors
13 from persons recommended by the board.

14 Sec. 3948.053. NONVOTING DIRECTORS. The board may appoint
15 nonvoting directors to serve at the pleasure of the voting
16 directors.

17 Sec. 3948.054. QUORUM. For purposes of determining the
18 requirements for a quorum of the board, the following are not
19 counted:

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

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

24 (3) a nonvoting director.

25 Sec. 3948.055. COMPENSATION. A director is entitled to
26 receive fees of office and reimbursement for actual expenses as
27 provided by Section 49.060, Water Code. Sections 375.069 and

1 375.070, Local Government Code, do not apply to the board.

2 Sec. 3948.056. INITIAL VOTING DIRECTORS.

3 (a) Notwithstanding Section 3948.051(a), the initial board
4 consists of the following five directors:

| | <u>Pos. No.</u> | <u>Name of Director</u> |
|----|-----------------|----------------------------------|
| 6 | 1. | <u>Wayne Knox</u> |
| 7 | 2. | <u>Mary H. Cody</u> |
| 8 | 3. | <u>Gene Campbell</u> |
| 9 | 4. | <u>Bill Gammel</u> |
| 10 | 5. | <u>Christopher Brant Elliott</u> |

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

15 (c) Section 3948.052 does not apply to this section.

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

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3948.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 3948.102. IMPROVEMENT PROJECTS AND SERVICES. The
22 district may provide, design, construct, acquire, improve,
23 relocate, operate, maintain, or finance an improvement project or
24 service using any money available to the district, or contract with
25 a governmental or private entity to provide, design, construct,
26 acquire, improve, relocate, operate, maintain, or finance an
27 improvement project or service authorized under this chapter or

1 Chapter 375, Local Government Code.

2 Sec. 3948.103. DEVELOPMENT CORPORATION POWERS. The
3 district, using money available to the district, may exercise the
4 powers given to a development corporation under Chapter 505, Local
5 Government Code, including the power to own, operate, acquire,
6 construct, lease, improve, or maintain a project under that
7 chapter.

8 Sec. 3948.104. NONPROFIT CORPORATION. (a) The board by
9 resolution may authorize the creation of a nonprofit corporation to
10 assist and act for the district in implementing a project or
11 providing a service authorized by this chapter.

12 (b) The nonprofit corporation:

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

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

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

24 Sec. 3948.105. AGREEMENTS; GRANTS. (a) As provided by
25 Chapter 375, Local Government Code, the district may make an
26 agreement with or accept a gift, grant, or loan from any person.

27 (b) The implementation of a project is a governmental

1 function or service for the purposes of Chapter 791, Government
2 Code.

3 Sec. 3948.106. LAW ENFORCEMENT SERVICES. To protect the
4 public interest, the district may contract with a qualified party,
5 including the county or the city, to provide law enforcement
6 services in the district for a fee.

7 Sec. 3948.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
8 district may join and pay dues to a charitable or nonprofit
9 organization that performs a service or provides an activity
10 consistent with the furtherance of a district purpose.

11 Sec. 3948.108. ECONOMIC DEVELOPMENT. (a) The district may
12 engage in activities that accomplish the economic development
13 purposes of the district.

14 (b) The district may establish and provide for the
15 administration of one or more programs to promote state or local
16 economic development and to stimulate business and commercial
17 activity in the district, including programs to:

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

19 (2) provide district personnel and services.

20 (c) The district may create economic development programs
21 and exercise the economic development powers provided to
22 municipalities by:

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

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

25 Sec. 3948.109. PARKING FACILITIES. (a) The district may
26 acquire, lease as lessor or lessee, construct, develop, own,
27 operate, and maintain parking facilities or a system of parking

1 facilities, including lots, garages, parking terminals, or other
2 structures or accommodations for parking motor vehicles off the
3 streets and related appurtenances.

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

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

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

13 Sec. 3948.110. ROAD DISTRICT POWERS. The district has the
14 powers provided by the general laws relating to road districts and
15 road utility districts created under Section 52(b), Article III,
16 Texas Constitution, including Chapters 257 and 441, Transportation
17 Code.

18 Sec. 3948.111. ROAD STANDARDS AND REQUIREMENTS. (a) A
19 road project must meet all applicable construction standards,
20 zoning and subdivision requirements, and regulations of each
21 municipality in whose corporate limits or extraterritorial
22 jurisdiction the road project is located.

23 (b) If a road project is not located in the corporate limits
24 or extraterritorial jurisdiction of a municipality, the road
25 project must meet all applicable construction standards,
26 subdivision requirements, and regulations of each county in which
27 the road project is located.

1 (c) If the state will maintain and operate the road, the
2 Texas Transportation Commission must approve the plans and
3 specifications of the road project.

4 Sec. 3948.112. NO TOLL ROADS. The district may not
5 construct, acquire, maintain, or operate a toll road.

6 Sec. 3948.113. NAVIGATION DISTRICT POWERS. (a) The
7 district has the powers provided by the general law of this state
8 applicable to navigation districts created under Section 59,
9 Article XVI, Texas Constitution, including Chapters 60 and 62,
10 Water Code.

11 (b) The district may purchase, construct, acquire, own,
12 operate, maintain, improve, or extend, inside and outside the
13 district, a canal, waterway, bulkhead, dock, or other improvement
14 or facility necessary or convenient to accomplish the navigation
15 purposes of the district.

16 Sec. 3948.114. RAIL FACILITIES. The district may
17 construct, acquire, improve, maintain, and operate rail facilities
18 and improvements in aid of those facilities.

19 Sec. 3948.115. RURAL PUBLIC TRANSPORTATION POWERS.
20 (a) The district may provide and coordinate rural public
21 transportation in its territory in the manner provided by Sections
22 458.010 and 458.011, Transportation Code, for a rural transit
23 district.

24 (b) Section 458.012(a), Transportation Code, does not apply
25 to the operations of the district under Subsection (a).

26 Sec. 3948.116. ANNEXATION OR EXCLUSION OF LAND. (a) The
27 district may annex land as provided by Subchapter J, Chapter 49,

1 Water Code.

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

5 Sec. 3948.117. NO EMINENT DOMAIN POWER. The district may
6 not exercise the power of eminent domain.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

8 Sec. 3948.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
9 board by resolution shall establish the number of directors'
10 signatures and the procedure required for a disbursement or
11 transfer of district money.

12 Sec. 3948.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
13 The district may acquire, construct, finance, operate, or maintain
14 any improvement or service authorized under this chapter or Chapter
15 375, Local Government Code, using any money available to the
16 district.

17 Sec. 3948.153. PETITION REQUIRED FOR FINANCING SERVICES AND
18 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
19 service or improvement project with assessments under this chapter
20 unless a written petition requesting that service or improvement
21 has been filed with the board.

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

26 Sec. 3948.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

27 (a) The board by resolution may impose and collect an assessment

1 for any purpose authorized by this chapter in all or any part of the
2 district.

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

8 (1) are a first and prior lien against the property
9 assessed;

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

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

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

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

24 Sec. 3948.155. RESIDENTIAL PROPERTY NOT EXEMPT. Section
25 375.161, Local Government Code, does not apply to a tax authorized
26 or approved by the voters of the district or a required payment for
27 a service provided by the district, including water and sewer

1 services.

2 Sec. 3948.156. COMPETITIVE BIDDING. Subchapter I, Chapter
3 49, Water Code, applies to the district. Sections 375.221 and
4 375.223, Local Government Code, do not apply to the district.

5 Sec. 3948.157. TAX AND ASSESSMENT ABATEMENTS. The district
6 may designate reinvestment zones and may grant abatements of
7 district taxes or assessments on property in the zones.

8 SUBCHAPTER E. TAXES AND BONDS

9 Sec. 3948.201. ELECTIONS REGARDING TAXES AND BONDS.

10 (a) The district may issue, without an election, bonds, notes, and
11 other obligations secured by:

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

13 (2) contract payments described by Section 3948.203.

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

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

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

24 Sec. 3948.202. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized by a majority of the district voters voting at an
26 election held in accordance with Section 3948.201, the district may
27 impose an operation and maintenance tax on taxable property in the

1 district in accordance with Section 49.107, Water Code, for any
2 district purpose, including to:

3 (1) maintain and operate the district;

4 (2) construct or acquire improvements; or

5 (3) provide a service.

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

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

10 Sec. 3948.203. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

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

19 Sec. 3948.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
20 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
21 determined by the board. Section 375.205, Local Government Code,
22 does not apply to a loan, line of credit, or other borrowing from a
23 bank or financial institution secured by revenue other than ad
24 valorem taxes.

25 (b) The district may issue bonds, notes, or other
26 obligations payable wholly or partly from ad valorem taxes,
27 assessments, impact fees, revenue, contract payments, grants, or

1 other district money, or any combination of those sources of money,
2 to pay for any authorized district purpose.

3 Sec. 3948.205. TAXES FOR BONDS. At the time the district
4 issues bonds payable wholly or partly from ad valorem taxes, the
5 board shall provide for the annual imposition of a continuing
6 direct annual ad valorem tax, without limit as to rate or amount,
7 for each year that all or part of the bonds are outstanding as
8 required and in the manner provided by Sections 54.601 and 54.602,
9 Water Code.

10 Sec. 3948.206. BONDS FOR ROAD PROJECTS. At the time of
11 issuance, the total principal amount of bonds or other obligations
12 issued or incurred to finance road projects and payable from ad
13 valorem taxes may not exceed one-fourth of the assessed value of the
14 real property in the district.

15 SUBCHAPTER F. DEFINED AREAS

16 Sec. 3948.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR
17 DESIGNATED PROPERTY. The district may define areas or designate
18 certain property of the district to pay for improvements,
19 facilities, or services that primarily benefit that area or
20 property and do not generally and directly benefit the district as a
21 whole.

22 Sec. 3948.252. PROCEDURE FOR ELECTION. (a) Before the
23 district may impose an ad valorem tax or issue bonds payable from ad
24 valorem taxes of the defined area or designated property, the board
25 shall hold an election in the defined area or in the designated
26 property only.

27 (b) The board may submit the issues to the voters on the same

1 ballot to be used in another election.

2 Sec. 3948.253. DECLARING RESULT AND ISSUING ORDER. (a) If
3 a majority of the voters voting at the election approve the
4 proposition or propositions, the board shall declare the results
5 and, by order, shall establish the defined area and describe it by
6 metes and bounds or designate the specific property.

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

10 Sec. 3948.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
11 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
12 approval and adoption of the order described by Section 3948.253,
13 the district may apply separately, differently, equitably, and
14 specifically its taxing power and lien authority to the defined
15 area or designated property to provide money to construct,
16 administer, maintain, and operate services, improvements, and
17 facilities that primarily benefit the defined area or designated
18 property.

19 Sec. 3948.255. ISSUANCE OF BONDS FOR DEFINED AREA OR
20 DESIGNATED PROPERTY. After the order under Section 3948.253 is
21 adopted, the district may issue bonds to provide for any land,
22 improvements, facilities, plants, equipment, and appliances for
23 the defined area or designated property.

24 SECTION 2. The River Ranch Improvement District of Liberty
25 County initially includes all territory contained in the following
26 area:

27 TRACT ONE

1 Being 6980.02 acres of land situated in the William Bloodgood
2 Survey, Abstract 3, the William D. Smith Survey, Abstract 106, the
3 H. E. & W. RR. Number 1131 Survey, Abstract 515, the William E.
4 Kierstead Survey, Abstract 693, the George Pace Survey, Abstract
5 805, the Louis Davis Survey, Abstract 18, the A. P. Blackwell
6 Survey, Abstract 782, the Robert Wiseman Survey, Abstract 392, and
7 the T. & N. O. RR. Survey, Abstract 383, in Liberty County, Texas,
8 and being the residue of that called 7449.781 acres of land as
9 recorded in Liberty County Clerk's File Number 2009008952 and being
10 more particularly described by metes and bounds as follows;

11 BEGINNING, at a found five eighths inch iron rod, marking the most
12 northwesterly corner of said called 7450.588 acre tract, the
13 southwesterly corner of a called 17.56 acre tract as recorded in
14 Liberty County Clerk's File Number 2006012623 and in the east line
15 of State Highway 146 (width varies). Said BEGINNING point having a
16 Texas State Plane Coordinate System, Central Zone (4203) Value of
17 $Y = 9,997,553.25$ and $X = 4,013,812.92$ (GRID);

18 1. THENCE, North 58 degrees 04 minutes 55 seconds East, along the
19 most northerly line of said called 7450.588 acre tract and the south
20 line of said called 17.56 acre tract, for a distance of 2,611.49
21 feet (called 2,601.00 feet), to a found one half inch iron rod
22 (disturbed) for an angle point;

23 2. THENCE, North 87 degrees 23 minutes 42 seconds East, continuing
24 along the northerly line of said called 7450.588 acre tract and the
25 south line of said called 17.56 acre tract, for a distance of 74.68
26 feet (called 74.54 feet) to a found one half inch iron rod
27 (disturbed) for an interior corner;

- 1 3. THENCE, North 02 degrees 41 minutes 57 seconds West, along an
2 interior corner of said called 7450.588 acre tract, for a distance
3 of 139.09 feet (called 138.89 feet), to a found one half inch iron
4 rod, marking an exterior corner of said called 7450.58 acre tract;
- 5 4. THENCE, North 87 degrees 27 minutes 21 seconds East, along an
6 exterior line of said called 7450.588 acre tract, a distance of
7 1038.04 feet to a found two inch iron pipe (disturbed);
- 8 5. THENCE, North 87 degrees 20 minutes 53 seconds East continuing
9 along an exterior line of said called 7450.588 acre tract a distance
10 of 6578.98 feet to a found two inch iron pipe;
- 11 6. THENCE, South 02 degrees 39 minutes 21 seconds East continuing
12 along an exterior line of said called 7450.588 acre tract a distance
13 of 139.61 feet to a found two inch iron pipe;
- 14 7. THENCE, North 87 degrees 16 minutes 21 seconds East continuing
15 along an exterior line of said called 7450.588 acre tract a distance
16 of 7238.81 feet to a found two inch iron pipe in the westerly
17 right-of-way line of Liberty County Road Number 455;
- 18 8. THENCE, South 15 degrees 26 minutes 45 seconds East along said
19 westerly right-of-way line of Liberty County Road Number 455, a
20 distance of 1458.52 feet to a found two inch iron pipe;
- 21 9. THENCE, North 86 degrees 22 minutes 33 seconds East a distance
22 of 61.66 feet to a found one half inch iron rod with cap 'BHA'
23 marking the north west corner of a called 2.67 acres as recorded in
24 Liberty County Clerks (LCCFN) 2012007988;
- 25 10. THENCE, South 15 degrees 08 minutes 32 seconds East along the
26 west line of said called 2.67 acres, a distance of 770.50 feet to an
27 angle point;

- 1 11. THENCE, South 00 degrees 46 minutes 36 seconds West a distance
2 of 349.09 feet to a found one and one half inch iron pipe marking the
3 northeast corner of a called 4.113 acres LCCFN 20108323;
- 4 12. THENCE, North 89 degrees 38 minutes 50 seconds West along the
5 northerly line of said a called 4.113 acres, a distance of 631.10
6 feet to a found one half inch iron rod with cap '5068';
- 7 13. THENCE, South 03 degrees 14 minutes 43 seconds East along the
8 westerly line of said a called 4.113 acres, a distance of 238.21
9 feet to a found one and one half inch iron pipe;
- 10 14. THENCE, South 77 degrees 57 minutes 13 seconds East along the
11 southerly line of said a called 4.113 acres a distance of 100.90
12 feet to the northerly line of called Possible Conflict Area in LCCFN
13 20078486;
- 14 15. THENCE, South 87 degrees 10 minutes 33 seconds West along the
15 northerly line of called Possible Conflict Area, a distance of
16 1866.59 feet to a found one and one half inch iron pipe (destroyed);
- 17 16. THENCE, South 03 degrees 22 minutes 15 seconds East along the
18 westerly line of called Possible Conflict Area, a distance of
19 103.25 feet to a 'Boat Spike in Concrete' marking the fenced
20 northerly of Hilton tract as recorded at LCCFN 20078486;
- 21 17. THENCE, South 02 degrees 53 minutes 32 seconds East along the
22 said Hilton tract, a distance of 3361.75 feet to a found one and one
23 half inch rod being in the north line of 1454.19 acre tract
24 described in Volume 1307, Page 88 of the Deed Records of Liberty
25 County (DRLC);
- 26 18. THENCE, South 87 degrees 17 minutes 29 seconds West along the
27 north line of said 1454.19 acre tract a distance of 463.43 feet to a

1 found one and one half inch rod;

2 19. THENCE, South 03 degrees 53 minutes 48 seconds East along the
3 west line of said 1454.19 acre tract, and the west line of that
4 certain called 473.221 acre tract described in Volume 1933, Page
5 384 DRLC, a distance of 11,157.52 feet to found two inch iron pipe
6 marking the southwest corner of said 473.221 acre tract;

7 20. THENCE, North 85 degrees 18 minutes 55 seconds East along the
8 south line of said 473.221 acre tract, a distance of 1570.06 feet to
9 found two and one half inch iron pipe;

10 21. THENCE, North 85 degrees 03 minutes 56 seconds East continuing
11 along said south line of said 473.221 acre tract, a distance of
12 1730.86 feet to a found five eighths inch iron rod in northwesterly
13 right-of-way line of the Coastal Industrial Water Authority Canal;
14 THENCE along and with said Coastal Industrial Water Authority Canal
15 right-of-way, the following six (6) courses:

16 1) THENCE, along a curve to the right 232.37 feet along, said curve
17 having a radius of 727.99 feet said curve having a chord direction
18 of South 33 degrees 18 minutes 41 seconds West and a chord length of
19 231.39 feet;

20 2) THENCE, South 43 degrees 33 minutes 12 seconds West a distance
21 of 879.97 feet to a found five eighths inch iron rod;

22 3) THENCE, South 43 degrees 21 minutes 29 seconds West a distance
23 of 717.51 feet to a found five eighths inch iron rod;

24 4) THENCE, South 42 degrees 46 minutes 40 seconds West a distance
25 of 6748.15 feet to a found five eighths inch iron rod;

26 5) THENCE, South 68 degrees 32 minutes 55 seconds West a distance
27 of 388.20 feet to a found five eighths inch iron rod;

- 1 6) THENCE, South 01 degrees 29 minutes 02 seconds East a distance
2 of 117.76 feet to the centerline of Old River;
3 THENCE along and with said centerline of Old River, same being said
4 Wiseman Survey westerly line and said Welch Survey easterly line,
5 the following sixty-five (65) courses:
- 6 1) THENCE, South 58 degrees 09 minutes 08 seconds West a distance
7 of 15.75 feet to an angle point;
- 8 2) THENCE, North 64 degrees 44 minutes 18 seconds West a distance
9 of 91.26 feet to an angle point;
- 10 3) THENCE, North 32 degrees 00 minutes 26 seconds West a distance
11 of 136.24 feet to an angle point;
- 12 4) THENCE, South 66 degrees 19 minutes 52 seconds West a distance
13 of 64.65 feet to an angle point;
- 14 5) THENCE, North 43 degrees 26 minutes 23 seconds West a distance
15 of 46.30 feet to an angle point;
- 16 6) THENCE, North 29 degrees 49 minutes 53 seconds West a distance
17 of 59.08 feet to an angle point;
- 18 7) THENCE, North 06 degrees 18 minutes 15 seconds East a distance
19 of 37.01 feet to an angle point;
- 20 8) THENCE, North 23 degrees 39 minutes 11 seconds East a distance
21 of 52.62 feet to an angle point;
- 22 9) THENCE, North 31 degrees 33 minutes 27 seconds East a distance
23 of 77.59 feet to an angle point;
- 24 10) THENCE, North 13 degrees 09 minutes 50 seconds East a distance
25 of 87.73 feet to an angle point;
- 26 11) THENCE, North 20 degrees 07 minutes 22 seconds West a distance
27 of 11.17 feet to an angle point;

- 1 12) THENCE, North 59 degrees 01 minutes 35 seconds West a distance
2 of 62.45 feet to an angle point;
- 3 13) THENCE, North 46 degrees 03 minutes 11 seconds West a distance
4 of 30.31 feet to an angle point;
- 5 14) THENCE, North 14 degrees 26 minutes 18 seconds East a distance
6 of 104.09 feet to an angle point;
- 7 15) THENCE, North 27 degrees 55 minutes 38 seconds West a distance
8 of 38.19 feet to an angle point;
- 9 16) THENCE, North 36 degrees 17 minutes 37 seconds West a distance
10 of 60.70 feet to an angle point;
- 11 17) THENCE, North 35 degrees 26 minutes 18 seconds East a distance
12 of 23.80 feet to an angle point;
- 13 18) THENCE, North 69 degrees 01 minutes 02 seconds East a distance
14 of 165.04 feet to an angle point;
- 15 19) THENCE, North 43 degrees 19 minutes 31 seconds East a distance
16 of 21.99 feet to an angle point;
- 17 20) THENCE, North 16 degrees 10 minutes 24 seconds East a distance
18 of 46.70 feet to an angle point;
- 19 21) THENCE, North 17 degrees 01 minutes 36 seconds West a distance
20 of 86.60 feet to an angle point;
- 21 22) THENCE, North 08 degrees 32 minutes 02 seconds West a distance
22 of 87.59 feet to an angle point;
- 23 23) THENCE, North 10 degrees 49 minutes 06 seconds East a distance
24 of 19.61 feet to an angle point;
- 25 24) THENCE, North 69 degrees 03 minutes 33 seconds East a distance
26 of 16.49 feet to an angle point;
- 27 25) THENCE, South 63 degrees 21 minutes 41 seconds East a distance

- 1 of 123.98 feet to an angle point;
- 2 26) THENCE, North 84 degrees 00 minutes 08 seconds East a distance
3 of 46.55 feet to an angle point;
- 4 27) THENCE, North 25 degrees 09 minutes 01 seconds East a distance
5 of 20.14 feet to an angle point;
- 6 28) THENCE, North 15 degrees 23 minutes 39 seconds East a distance
7 of 22.11 feet to an angle point;
- 8 29) THENCE, North 66 degrees 13 minutes 45 seconds East a distance
9 of 41.01 feet to an angle point;
- 10 30) THENCE, North 84 degrees 10 minutes 10 seconds East a distance
11 of 43.69 feet to an angle point;
- 12 31) THENCE, South 68 degrees 10 minutes 57 seconds East a distance
13 of 121.53 feet to an angle point;
- 14 32) THENCE, North 84 degrees 58 minutes 51 seconds East a distance
15 of 22.29 feet to an angle point;
- 16 33) THENCE, North 63 degrees 25 minutes 30 seconds East a distance
17 of 23.15 feet to an angle point;
- 18 34) THENCE, North 07 degrees 58 minutes 23 seconds East a distance
19 of 38.31 feet to an angle point;
- 20 35) THENCE, North 02 degrees 03 minutes 41 seconds East a distance
21 of 53.18 feet to an angle point;
- 22 36) THENCE, North 32 degrees 30 minutes 05 seconds East a distance
23 of 130.71 feet to an angle point;
- 24 37) THENCE, North 47 degrees 36 minutes 35 seconds East a distance
25 of 110.53 feet to an angle point;
- 26 38) THENCE, North 04 degrees 43 minutes 59 seconds West a distance
27 of 30.78 feet to an angle point;

- 1 39) THENCE, North 33 degrees 31 minutes 55 seconds West a distance
2 of 26.08 feet to an angle point;
- 3 40) THENCE, North 39 degrees 08 minutes 01 seconds West a distance
4 of 66.79 feet to an angle point;
- 5 41) THENCE, North 22 degrees 19 minutes 44 seconds East a distance
6 of 38.56 feet to an angle point;
- 7 42) THENCE, North 54 degrees 43 minutes 58 seconds East a distance
8 of 38.32 feet to an angle point;
- 9 43) THENCE, South 65 degrees 09 minutes 17 seconds East a distance
10 of 103.31 feet to an angle point;
- 11 44) THENCE, North 28 degrees 04 minutes 20 seconds East a distance
12 of 37.48 feet to an angle point;
- 13 45) THENCE, North 08 degrees 48 minutes 54 seconds East a distance
14 of 114.60 feet to an angle point;
- 15 46) THENCE, North 21 degrees 43 minutes 04 seconds East a distance
16 of 107.20 feet to an angle point;
- 17 47) THENCE, North 55 degrees 52 minutes 47 seconds West a distance
18 of 19.09 feet to an angle point;
- 19 48) THENCE, North 80 degrees 47 minutes 51 seconds West a distance
20 of 84.42 feet to an angle point;
- 21 49) THENCE, South 70 degrees 45 minutes 49 seconds West a distance
22 of 98.65 feet to an angle point;
- 23 50) THENCE, North 08 degrees 27 minutes 34 seconds West a distance
24 of 74.91 feet to an angle point;
- 25 51) THENCE, North 42 degrees 34 minutes 37 seconds West a distance
26 of 55.08 feet to an angle point;
- 27 52) THENCE, North 03 degrees 20 minutes 32 seconds West a distance

- 1 of 134.32 feet to an angle point;
- 2 53) THENCE, North 10 degrees 41 minutes 17 seconds West a distance
3 of 227.57 feet to an angle point;
- 4 54) THENCE, North 60 degrees 20 minutes 56 seconds East a distance
5 of 77.08 feet to an angle point;
- 6 55) THENCE, North 44 degrees 11 minutes 48 seconds East a distance
7 of 40.40 feet to an angle point;
- 8 56) THENCE, North 26 degrees 03 minutes 04 seconds West a distance
9 of 73.67 feet to an angle point;
- 10 57) THENCE, North 24 degrees 08 minutes 47 seconds East a distance
11 of 73.80 feet to an angle point;
- 12 58) THENCE, North 36 degrees 57 minutes 07 seconds East a distance
13 of 178.12 feet to an angle point;
- 14 59) THENCE, North 16 degrees 05 minutes 57 seconds West a distance
15 of 84.97 feet to an angle point;
- 16 60) THENCE, North 01 degrees 11 minutes 32 seconds East a distance
17 of 125.69 feet to an angle point;
- 18 61) THENCE, North 83 degrees 06 minutes 00 seconds East a distance
19 of 28.45 feet to an angle point;
- 20 62) THENCE, North 04 degrees 15 minutes 12 seconds West a distance
21 of 338.20 feet to an angle point;
- 22 63) THENCE, North 16 degrees 11 minutes 51 seconds West a distance
23 of 34.92 feet to an angle point;
- 24 64) THENCE, North 73 degrees 51 minutes 47 seconds West a distance
25 of 50.61 feet to an angle point;
- 26 65) THENCE, South 87 degrees 32 minutes 41 seconds West a distance
27 of 68.54 feet to the most southerly corner of that certain called

1 22.50 acre tract described in Volume 1619, page 569 of the DRLC;
2 22. THENCE, North 57 degrees 02 minutes 30 seconds East along and
3 with the southeast line of said 22.50 acre tract, same being the
4 northwest line of said 77.50 acre tract, a distance of 2451.67 feet
5 to east corner of said 22.50 acre tract;
6 23. THENCE, North 32 degrees 57 minutes 30 seconds West along and
7 with said 22.50 acre tract, a distance of 419.64 feet to a found
8 five eighths inch iron rod marking the north corner of said 22.50
9 tract;
10 24. THENCE, South 57 degrees 03 minutes 57 seconds West a distance
11 of 5846.98 feet to a found five eighths inch iron rod with cap 'BHA
12 INC' the southeast corner of a called 68.1917 acre tract recorded at
13 LCCFN 2012016189;
14 25. THENCE, North 07 degrees 59 minutes 42 seconds West along the
15 east line of said called 68.1917 acre tract, a distance of 2943.33
16 feet to the most northerly corner of said called 68.1917 acre tract;
17 26. THENCE, South 19 degrees 28 minutes 28 seconds West along the
18 westerly line of said called 68.1917 acre tract, 4375.56 feet to a
19 found five eighths inch iron rod with cap 'BHA INC' the original
20 southerly line of said called 7449.781 acre tract;
21 27. THENCE, South 57 degrees 03 minutes 46 seconds West along said
22 original southerly line of said called 7449.781 acre tract a
23 distance of 751.74 feet to a found five eighths inch iron rod with
24 cap 'BHA INC' the southeast corner of a called 326.1099 acre tract
25 recorded at LCCFN 2012016189;
26 28. THENCE, North 19 degrees 32 minutes 27 seconds East along the
27 easterly line of said called 326.1099 acre tract, a distance of

1 5769.72 feet to a found five eighths inch iron rod with cap 'BHA INC'
2 the most northeasterly corner of said called 326.1099 acre tract;
3 29. THENCE, South 56 degrees 18 minutes 04 seconds West along the
4 northerly line of said called 326.1099 acre tract, a distance of
5 620.59 feet to a found five eighths inch iron rod with cap 'BHA INC';
6 30. THENCE, South 57 degrees 47 minutes 30 seconds West continuing
7 along the northerly line of said called 326.1099 acre tract, a
8 distance of 877.17 feet to a found five eighths inch iron rod with
9 cap 'BHA INC';
10 31. THENCE, South 58 degrees 39 minutes 47 seconds West continuing
11 along the northerly line of said called 326.1099 acre tract, a
12 distance of 161.98 feet to a found five eighths inch iron rod with
13 cap 'BHA INC';
14 32. THENCE, South 68 degrees 31 minutes 35 seconds West continuing
15 along the northerly line of said called 326.1099 acre tract, a
16 distance of 151.08 feet to a found five eighths inch iron rod with
17 cap 'BHA INC';
18 33. THENCE, South 59 degrees 23 minutes 14 seconds West continuing
19 along the northerly line of said called 326.1099 acre tract, a
20 distance of 156.34 feet to a found five eighths inch iron rod with
21 cap 'BHA INC';
22 34. THENCE, South 56 degrees 31 minutes 46 seconds West continuing
23 along the northerly line of said called 326.1099 acre tract, a
24 distance of 661.76 feet to a found five eighths inch iron rod with
25 cap 'BHA INC';
26 35. THENCE, South 57 degrees 20 minutes 26 seconds West continuing
27 along the northerly line of said called 326.1099 acre tract, a

1 distance of 811.33 feet to a found five eighths inch iron rod with
2 cap 'BHA INC';

3 36. THENCE, South 57 degrees 06 minutes 17 seconds West continuing
4 along the northerly line of said called 326.1099 acre tract, a
5 distance of 1865.29 feet to a found five eighths inch iron rod with
6 cap 'BHA INC' the most westerly northwest corner of said called
7 326.1099 acre tract;

8 37. THENCE, South 56 degrees 57 minutes 24 seconds West a distance
9 of 1137.99 feet a found one half inch iron rod for the most westerly
10 northwest corner of said called 326.1099 acre tract;

11 38. THENCE, South 33 degrees 26 minutes 26 seconds East a distance
12 of 448.39 feet to a found five eighths inch iron rod with cap 'BHA
13 INC';

14 39. THENCE, South 56 degrees 53 minutes 12 seconds West a distance
15 of 1150.30 feet to a found five eighths inch iron rod with cap 'BHA
16 INC' in east right-of-way line of State Highway Number 146;

17 THENCE, along and with said east right-of-way line of State Highway
18 Number 146, the following nine (9) courses:

19 1) THENCE, North 11 degrees 11 minutes 04 seconds West a distance
20 of 10062.63 feet to a TXDoT type 11 monument for the point of
21 curvature of a curve to the right;

22 2) THENCE, an arc distance of 1298.55 feet along a curve to the
23 right, said curve having a radius of 22803.27 feet and a chord
24 direction and distance of North 09 degrees 32 minutes 08 seconds
25 West 1298.37 feet to a TXDoT type 11 monument (disturbed);

26 3) THENCE, North 07 degrees 55 minutes 26 seconds West a distance
27 of 2291.62 feet to a TXDoT type 11 monument for the point of

1 curvature of a curve to the left;

2 4) THENCE, an arc distance of along a curve to the left 537.71 feet
3 along a curve to the left, said curve having a radius of 10845.00
4 feet said and a chord direction and distance of North 09 degrees 30
5 minutes 54 seconds West 537.66 feet;

6 5) THENCE, North 08 degrees 17 minutes 04 seconds West a distance
7 of 284.82 feet to a TXDoT type 11 monument for the point of
8 curvature of a curve to the left;

9 6) THENCE, an arc distance of along a curve to the left 119.30 feet
10 along a curve to the left, said curve having a radius of 4399.00
11 feet said and a chord direction and distance of North 09 degrees 56
12 minutes 28 seconds West and a chord length of 119.29 feet to a TXDoT
13 type 11 monument;

14 7) THENCE, North 10 degrees 04 minutes 16 seconds West a distance
15 of 376.86 feet to an angle point to a TXDoT type 11 monument;

16 8) THENCE, South 82 degrees 05 minutes 03 seconds West a distance
17 of 18.68 feet to an angle point;

18 9) THENCE, North 07 degrees 54 minutes 46 seconds West, a distance
19 of 5746.34 feet to a set five eighths inch iron rod with cap stamped
20 "CCI", being the beginning of a curve to the right;

21 10) THENCE, an arc distance of 361.93 feet along said curve to the
22 right, said curve having a radius of 7630.00 feet and a chord
23 direction and distance of North 06 degrees 33 minutes 13 seconds
24 West 361.90 feet, to the POINT OF BEGINNING;

25 Bearings shown hereon are based on the Texas State Plane Coordinate
26 System, South Central Zone 4204, NAD 83.

27 SECTION 3. (a) The legal notice of the intention to

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

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

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

14 (d) The general law relating to consent by political
15 subdivisions to the creation of districts with conservation,
16 reclamation, and road powers and the inclusion of land in those
17 districts has been complied with.

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

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