

Amend CSHB 4638 (senate committee printing) as follows:

(1) Strike SECTION 3 of the bill (page 12, lines 46 through 63) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) The legal notice of the intention to file bills creating each district described by this Act has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a copy of a bill to create each district described by this Act to the Texas Commission on Environmental Quality.

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

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of each bill to create each district described by this Act are fulfilled and accomplished.

(2) Add the following appropriately numbered SECTION to the bill and renumber accordingly the SECTIONS of the bill and cross-references within added Section 3992.0105, Special District Local Laws Code:

SECTION \_\_\_\_\_. (a) Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3992 to read as follows:

CHAPTER 3992. NEW WAVERLY MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3992.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of New Waverly, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the New Waverly Municipal Management District No. 1.

Sec. 3992.0102. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3992.0103. PURPOSE; LEGISLATIVE FINDINGS. (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 and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

Sec. 3992.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest

and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment;

(3) develop or expand transportation and commerce; and

(4) provide quality residential housing.

(e) The district will:

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

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

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

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

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

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

Sec. 3992.0105. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section \_\_\_(b) of the Act enacting this chapter, as that territory may have been modified under other law.

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

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3992.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3992.0107. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3992.0108. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3992.0109. CONSENT OF MUNICIPALITY REQUIRED. The board may not hold an election to authorize the issuance of bonds until the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district. The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3992.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year.

(b) The governing body of the city, by a majority vote, shall appoint one member of the board.

(c) The commission shall appoint four members of the board in the manner provided by Section 3992.0202.

Sec. 3992.0202. APPOINTMENT BY COMMISSION. (a) Before the term of a director appointed by the commission expires, the board shall recommend to the commission a person to serve as a successor director. The commission shall appoint as director the person

recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

(1) at least 18 years of age;

(2) an owner of property in the district;

(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;

(4) an owner of a beneficial interest in a trust that owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 3992.0203. VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

(b) If a vacancy occurs in the position of the board member appointed by the city, the city shall appoint a director for the remainder of the unexpired term.

Sec. 3992.0204. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation a director may receive each year may not exceed \$7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3992.0205. INITIAL DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors four persons named in the petition. The commission shall appoint as initial directors the persons named in the petition.

(b) The initial directors, including the initial city-appointed director, shall determine by lot which three positions expire June 1, 2024, and which two positions expire June 1, 2022.

(c) This section expires September 1, 2025.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3992.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3992.0302. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district for the purpose, 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. 3992.0303. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3992.0304. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3992.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3992.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district for that purpose.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3992.0501. OPERATION AND MAINTENANCE TAX. The district may impose an operation and maintenance tax on taxable property in the district for any district purpose in the manner provided by Section 49.107, Water Code, if authorized by a majority of the district voters voting at an election held in accordance with the Water Code, the Election Code, and any other applicable law, including for:

- (1) maintaining and operating the district;

(2) constructing or acquiring improvements; or

(3) providing a service.

Sec. 3992.0502. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the board annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

(b) The New Waverly Municipal Management District No. 1 initially includes all the territory contained in the following area:

Tract 1 - 101.605 Acres:

FIELDNOTES TO 101.605 ACRES OF LAND AS SITUATED IN THE CITY OF NEW WAVERLY, IN THE C. A. SLEIGHT SURVEY, A-496, WALKER COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN CALLED 132.629 ACRE TRACT CONVEYED BY JOE T. HODDE, TRUSTEE, TO HHM-WALKER 140 LIMITED BY DEED RECORDED IN VOLUME 255, PAGE 1 OF THE DEED RECORDS OF SAID COUNTY. SAID 101.605 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod set for the north corner of this and of said 132.629 acres on the southwest right-of-way of State Highway 150, same being the east corner of the Emma Reese 1.0 acre tract described in Volume 265, Page 625 of said deed records;

THENCE: S 59° 58' E 647.74 Ft., with said southwest right-of-way, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 4;

THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line said Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 300.00 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: N 30° 02' E 600,00 Ft., continuing within said 132.629 acres and with the southeast line of said Lot 4 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of said 132.629 acres, same being on the southwest right-of-way of said State Highway 150;

THENCE: S 59° 58' E 669.60 Ft., with said southwest right-of-way and 132.629 acre northeast line, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 1;

THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line of said Lot 1 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 836.94 Ft., continuing within said 132.629 acres and with the southwest lines of said Lot 1, of New Waverly Ridge Commercial Lot 2 as shown on plat recorded in Volume 3, Page 130 of the plat records of said county and of New Waverly Ridge Commercial Lot 3, as shown on plat recorded in Volume 3, Page 154 of said plat records to a 1/2 inch iron rod set for an interior corner of this tract, same being the south corner of said New Waverly Ridge Lot.3;

THENCE: N 30° 02' E 591.12 Ft., continuing on said 132.629 acres and with the southeast lines of said New Waverly Ridge Lot 3 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the southwest right-of-way of said State Highway 150, same being on the northeast line of said 132.629 acres;

THENCE: S 58° 03° E 80.04 Ft., with said southwest right-of-way and being 132.629 acre northeast line, to a 1/2 inch iron rod set for the upper east corner of this tract, same being the north corner of the proposed New Waverly Ridge Commercial Lot 4;

THENCE: N 30° 02' W 588.44 Ft., on a line within said 132.629 acres and with the northwest line of said New Waverly Ridge Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 286.28 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2



inch iron rod set for the east corner of this tract on the northwest line of New Waverly Ridge Commercial Lot 1 as shown on plat recorded in Vole 3, Page 130 of said plat records;

THENCE: S 16° 03' W 516.29 Ft., continuing within said 132.629 acres and with said Lot 1 northwest line to its west corner, a 1/2 inch iron rod set for the lower east corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-a-way of Longstreet Road;

THENCE: With said 132.629 acre southeast line and Longstreet Road northwest right-of-way as follows:

S 81° 03' W 45.11 Ft.

S 80° 05' W 216.95 Ft.

S 77° 48' W 222.57 Ft.

S 75° 05' W 122.55 Ft.

to a 1/2 inch iron rod set for an exterior corner of this tract, same being the east corner of the Southwestern Bell Telephone Company 0.057 acre tract described in Volume 423, Page 556 of said deed records;

THENCE: N 10° 43' W 50.00 Ft., on a line within said 132.629 acres and with the northeast line of said 0.057 acre to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 75° 05' W 50.00 Ft., continuing within said 132.629 acres and with the northwest line of said 0.057 acre to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 10° 43' E 50.00 Ft., continuing within said 132.629 acres and with the southwest line of said 0.057 acre to its south corner, a concrete monument found for exterior corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-of-way of said Longstreet Road;

THENCE: S 74° 19' W 472.13 Ft. and S 68° 33' W 147.67 Ft., with said 132.629 acre southeast line and Longstreet Road northwest right-of-way, to a 3 inch iron pipe found for the south corner of this and of said 132.629 acres, same being the east corner of the Western Grove Missionary Baptist Church tract which no deed of record was located;

THENCE: N 24° 49' W 170.48 Ft, with the northeast line of said church tract to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 53° 09' W 157.03 Ft., with the northwest line of said

church tract to its west corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of Fritz Kelly 2.0 acre tract described in Volume 123, Page 716 of said deed records;

THENCE: N 60° 07' W 1003.34 Ft., with the southwest line of said 132.629 acres and the northeast lines of said 2.0 acres, of the Jimmie Cain Jr. 5.89 acre tract described in Volume 252, Page 75 of the official records of said county, of the Jourdon Sanders 1.0 acre tract described in Volume 395, Page 899 of said deed records and of the Mildred Harris 1.07 acre tract described in Volume 227, Page 285 of said deed records, to a 1 inch iron pipe found for an exterior corner of this tract, same being the south corner of the City of New Waverly 2.8708 acre tract described in Volume 425, Page 874 of said deed records;

THENCE: N 29° 55' E 304.96 Ft., with the southeast line of said 2.8708 acres to its east corner, a 1 inch iron pipe found for an interior corner of this tract;

THENCE: N 60° 07' W 409.90 Ft., with the northeast line of said 2.8708 acres to its north corner, a 1 inch iron pipe found for an interior corner of this tract;

THENCE: S 29° 51' W 304.96 Ft., with the northwest line of said 2.8708 acres to its west corner, a 1 inch iron pipe found for an exterior corner of this tract on the southwest line of said 132.629 acres, same being on the northeast line of the Roy Clark 2.44 acre tract described in Volume 311, Page 569 of said deed records;

THENCE: N 60° 07' W 389.41 Ft., with said 132.629 acre southwest line and the northeast lines of said 2.44 acres and of the Patricia L. Crowley 0.771 acre described as Tract One in Volume 248, Page 497 of said official records, to a 1/2 inch iron rod set for an exterior corner of this and of said 132.629 acres on the northeast right-of-way of Interstate Highway 45, same being the north corner of said 0.771 acre;

THENCE: N 11° 12' W 46.73 Ft., with said northeast right-of-way, to a 1/2 inch iron pipe found for the west corner of this and of said 132.629 acres, same being the south corner of the Patricia L. Crowley 2.559 acres described as Tract Two in Volume 248, Page 497 of said official records;

THENCE: N 30° 27' E 507.40 Ft., with the southeast line of *said* 2.559 acres to its east corner, a 1/2 inch iron rod found for an interior corner of this and of *said* 132.629 acres, same being the south corner of the Artie L. Moses, et. al., residue of a 15 acre tract described in Volume 272, Page 667 of *said* official records;

THENCE: N 29° 57' E 542.03 Ft., with the southeast line of *said* residue of 15 acres to its east corner, a 5/8 inch iron rod found for an interior corner of this and of *said* 132.629 acres, same being the south corner of the Ned Jourdan 3.842 acre tract described in Volume 390, Page 640 of *said* deed records;

THENCE: N 29° 47' E 960.15 Ft., with the southeast lines of *said* 3.842 acres, of the Frances Gillaspie 1.50 acre tract described in Volume 162, Page 85 of *said* deed records and of *said* Reese 1.0 acre, to the PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 101.605 ACRES OF LAND.

TRACT 2:

Being 1.07 acres of land, situated in the C.A. SLEIGHT Survey, Abstract No. 496, Walker County, Texas, and being out of and a part of the residue of a called 15.00 acre tract of land described in a Deed Deed from Isom Mickle, et ux. to Lucretia Moses dated 17 Nov. 1925 and recorded in Volume 56, Page 147, Deed Records, Walker County, Texas, *said* 1.07 acres being more definitely described by metes and bounds as follows:

BEGINNING at the most westerly corner of the *said* 15 acre tract, same being a northern corner of a called 523.55 acre tract described in a Deed from John Henry Hall et al to Judy C. Campbell recorded in Volume 0861, Page 140, Official Records and being a point in the southeastern line of a called 3.76 acre tract described in a Deed from Joan Lee, Trustee to Ralph A. Cadwallader, recorded in Volume 0787, Page 501, Official Records, Walker County, Texas, found a 3" iron pipe (set a 5/8" iron rod w/cap in center of pipe) for corner;

THENCE S 59°36'04" E along the common boundary line of *said* 523.55 acre Campbell tract and the *said* 15 acre Moses tract, a distance of 286.28 feet to a 5/8" iron rod set in the west right-of-way line of Interstate 45, *said* iron rod being the most southern corner of the herein described 1.07 acre and the southwest corner of a called 7.43 acre tract described in a Deed from Lucretia Moses to the State

Highway Commission, dated 5 Aug. 1958 and recorded in Volume 161, Page 111, Deed Records, Walker County, Texas;

THENCE N 11°07'21" W along the said west right-of-way line of Interstate 45, a distance of 435.60 feet to the most northern corner of the herein described 1.07 acre tract, same being a southeast corner of the said 3.76 acre Cadwallader tract, set a 5/8" iron rod w/cap, from which a 1/2" iron rod bears S 29°57'48" W a distance of 1.62 feet, and a 5/8" iron rod w/cap brs. N 11°46'38" W a distance of 79.19 feet;

THENCE S 29°57'48" W along the common boundary line of the said 3.76 acre Cadwallader tract and the said 15 acre Moses tract, a distance of 326.15 feet to the POINT OF BEGINNING.

Containing 1.07 acres of land.

TRACT 3:

Being 6.56 acres of land, situated in the C.A. SLEIGHT Survey, Abstract No. 496, Walker County, Texas, and being out of and a part of the residue of a called 15.00 acre tract of land described in a Deed from Isom Mickle, et ux. to Lucretia Moses dated 17 Nov. 1925 and recorded in Volume 56, Page 147, Deed Records, Walker County, Texas, said 6.56 acres being more definitely described by metes and bounds as follows:

BEGINNING at the most southern corner of the said 15 acre tract, same being the most eastern corner of a called 2.559 acre tract described as Tract 2 in a deed dated 29 March 1995 from Martin J. Ross III, et al to Patricia L. Crowley, recorded in Volume 0248, Page 497, Official Records, and a point in the west line of a called 101.65 acre tract described in a Deed dated 26 April 2006 from HMM-Walker 140 Limited to Thornberry Family Partnership, recorded in Volume 0745, Page 678, Official Records, found a 1/2" iron rod for corner;

THENCE N 30°01'04" W along an old barbed wire fence and with the common line of said 101.65 acre Thornberry and the 15 acre Moses tracts, a distance of 398.88 feet to a 5/8" iron rod set for the most easterly corner of the said Moses tract, said iron rod also being the south corner of called 1 acre tract described in a deed to Emma Reece and recorded in Volume 273, Page 702, Deed Records and from which a iron stake found (disturbed) brs S 60°38'04" E distance of

1.89 feet and a found 5/8" iron rod w/cap brs. N 30°01'04"E a distance of 143.36 feet;

THENCE N 60°38'04 W along the common line of said 1 acre Reece and 15 acre Moses tracts, at a calculated distance of 285 feet pass the southwest corner of said 1 acre Reece tract, same being the southeast corner of a called 1 acre tract described in a deed to Carolyn Anderson and recorded in Volume 389, Page 642, Deed Records, and continuing on a total distance of 570 feet to a found 3/8"x2" flat iron stake (set a 5/8" iron rod w/cap beside) for a reentrant corner of the said 15 acre Moses tract and the most westerly corner of said 1 acre Anderson tract;

THENCE N 29°21'56" E with the common boundary line of the 1 acre Anderson tract and the 15 acre Moses tract, a distance of 142.33 to a 5/8" iron rod set for corner, said iron rod being the northwest corner of said 1 acre Anderson tract and a point in the south line of a 2 acre tract described in a deed to Lula Rogers, et al, and recorded in Volume 83, Page 596, Deed Records, Walker County, Texas;

THENCE N 60°44'12" W along common line of said 2 acre Rogers and 15 acre Moses tracts, at a distance of 97.32 feet pass a found 5"x 3.5" wagon axle housing for the west corner of said 2 acre Rogers tract and the south corner of the residue a called 7 acre tract described in a deed to Harrison Hector and recorded in Volume 83, Page 595, Deed Records, and continuing on for a total distance of 338.96 to a set 5/8" iron rod for the most north corner of the herein described tract, said iron rod being in the east right-of-way of said Interstate 45 and being the southern corner of a called 2.67 acre tract described in a deed to the State Highway Commission and recorded in Volume 161, Page 161, Deed Records, Walker County, Texas;

THENCE S 11°09'E with the said east right-of-way line of Interstate 45 a distance of 716.09 feet to a point for corner, said point being in the southwest line of the said 15 acre tract and being the most northern corner of the said Crowley 2.559 acre tract and from which the center of a 3" galvanized fence post brs S 63°43'36"E a distance of 0.42 feet, a 1/2" iron pipe (disturbed) brs S58°20'05"W a distance of 1.06 feet and a 5/8" iron rod with cap (set for

reference) brs N 72° W a distance of 0.21 feet;

THENCE S 61°07'56" W with the common line of said 2.559 acre P. Crowley and 15 acre Moses tracts, a distance of 439.22 feet to the PLACE OF' BEGINNING.

Containing 6.56 acres of land.

Tract 4 - 4.846 ACRES:

A tract or parcel of land containing 4.846 acres (211,071 square feet) out of the C.A. Sleight 1/3 League, Abstract No. 496, Walker County, Texas, being all of the called 3.842 acre tract and all of the called 1.000 acre tract conveyed to Ned Jordan, Jr., as recorded in Volume 390, Page 640 of the Walker County Deed Records (W.C.D.R.), said 4.846 acres being more particularly described by metes and bounds as follows: (The basis of bearing for this description is the monumented north line of the subject tract called SOUTH 61 degrees 05 minutes 45 seconds EAST, as recorded in said Volume 390, Page 640)

BEGINNING at a 1/2-inch iron rod found at the northwest corner of said 1.000 acre tract and the northwest corner of the herein described tract, being the northeast corner of the 2 acre tract conveyed to Edward Crawford, as recorded in Volume 83, Page 596 of the W.C.D.R., and the southwest corner of the 1.50 acre tract conveyed to Frances Gillaspie, as recorded in Volume 162, Page 85 of the W.C.D.R., lying at the terminus of Colony Road;

THENCE SOUTH 61 degrees 05 minutes 45 seconds EAST along the south line of said 1.50 acre tract, at 264.05 feet passing a 5/8-inch iron rod found at the northeast corner of said 1.000 acre tract and continuing for a total distance of 473.50 feet to a 5/8-inch iron rod found at the northeast corner of the herein described tract;

THENCE SOUTH 29 degrees 32 minutes 14 seconds WEST, 444.11 feet (called S 29 Deg. 37'03" W, 444.12') along the west line of the 101.605 acre tract conveyed to the Thornberry Family Partnership, Ltd., as recorded in Volume 776, Page 655 of the Official Public Records of Walker County (O.P.R.W.C.), to a 5/8-inch iron rod found at the southeast corner of the herein described tract;

THENCE NORTH 61 degrees 05 minutes 45 seconds WEST, 477.09 feet (called 476.47') along the north lines of a 1 acre tract, described as a save & except tract to Emma Reese and another 1 acre tract

conveyed to Carolyn Anderson, as recorded in Volume 389, Page 642 of the W.C.D.R., to a 5/8-inch iron rod found at the southwest corner of the herein described tract;

THENCE NORTH 30 degrees 00 minutes 00 seconds EAST along the east line of said 2 acre Crawford tract, at 279.16 feet passing the southwest corner of said 1.000 acre Jordan tract, and continuing for a total distance of 444.17 feet to the POINT OF BEGINNING of the herein described tract, containing 4.846 acres (211,071 square feet) of land. Drawing No. B-502 was prepared to accompany this description, and is on file in the office of C&R Surveying, Inc.

Tract 5:

Field Notes to 3.285 acres of land situated in the City of New Waverly, in the C.A. Sleight Survey, A-496, Walker County, Texas, and being out of the 124.818 acres residue of that certain called 132.629 acres tract conveyed by Joe. T. Hode, Trustee, to HMW-I40 Walker Limited by deed recorded in volume 253, page 1 of the deed records of said Walker County, Texas, said 3.285 acres being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8 inch iron rod found for the northeast corner of this and of said 124.818 acre residue tract, same being the northwest corner of the Earl Biscamp 3.00 acre tract described in Volume 338, Page 735 of the official records of said County and being on the south right of way of State Highway 150;

THENCE: S 26°58' W 429.09 ft., with the west line of said 3.00 acres to its southwest corner, a 5/8 inch iron rod found for an interior corner of this tract, same being the northwest corner of commercial lot 1 of New Waverly Ridge Subdivision as shown on plat recorded in Volume 3, Page 130 of the plat records of said County;

THENCE: S 16°03' W 157.08 ft., with the west line of said Lot 1, to a 1/2 inch iron rod set for the southeast corner of this tract;

THENCE: N 59°58' W 286.28 ft., on a line within said 132.629 acres, to a 1/2 inch iron rod set for the southwest corner of this tract;

THENCE: N 30°02' W 588.44 ft., continuing within said 132.629 acres, to a 1/2 inch iron rod set for the northwest corner of this tract on the south right of way of State Highway 150, same being the north line of said 132.629 acres;

THENCE: S 58°03' E 225.49 ft., with said north line and south right

of way, to the place of beginning and containing within these bounds  
3.285 acres of land.