SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 144, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 587

S.B. No. 2467

AN ACT

relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

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 3877 to read as follows:

CHAPTER 3877. WALLER TOWN CENTER MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3877.001. DEFINITIONS. In this chapter:
(1) "Board" means the district’s board of directors.
(2) "Director" means a board member.
(3) "District" means the Waller Town Center Management District.

Sec. 3877.002. NATURE OF DISTRICT. The Waller Town Center Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3877.003. 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 of Waller, Harris County, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

Sec. 3877.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is in the public interest and is essential to:
(1) further the public purposes of developing and diversifying the economy of the state;
(2) eliminate unemployment and underemployment; and
(3) develop or expand transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;
(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and
(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

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

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

Sec. 3877.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

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

Sec. 3877.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;
(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or
(3) an enterprise zone created under Chapter 2303, Government Code.

Sec. 3877.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3877.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3877.009-3877.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3877.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3877.052, directors serve staggered four-year terms, with two or three directors elected in even-numbered years on the uniform election date in May prescribed by the Election Code.

(c) Section 54.102, Water Code, applies to directors. Section 375.068, Local Government Code, does not apply to directors.

Sec. 3877.052. TEMPORARY DIRECTORS. (a) The initial temporary board consists of:
(b) The temporary directors shall hold an election to elect five permanent directors.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(d) If permanent directors have not been elected under Subsection (b) and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Sec. 3877.053. 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.

[Sections 3877.054-3877.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3877.101. DEVELOPMENT CORPORATION POWERS. 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 described by that chapter.

Sec. 3877.102. 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 for purposes of this chapter to be a local government corporation created under 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 Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3877.103. AGREEMENTS; GRANTS. (a) The district may make an agreement with or accept a gift, grant, or loan from any person.

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

Sec. 3877.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT. To protect the public interest, the district may contract with a qualified party, including Harris County or the City of Waller, for the provision of law enforcement services in the district for a fee.
Sec. 3877.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3877.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

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

(2) provide district personnel and services.

(b) The district has all of the powers of a municipality under Chapter 380, Local Government Code.

Sec. 3877.107. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership with the City of Waller under Section 43.0751, Local Government Code.

Sec. 3877.108. LIMITED EMINENT DOMAIN. (a) Section 375.094, Local Government Code, does not apply to the district.

(b) The district may exercise the power of eminent domain in accordance with Section 49.222, Water Code.

(c) The district may not exercise the power of eminent domain outside the district boundaries to acquire:

(1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant;

(2) a recreational facility as defined by Section 49.462, Water Code; or

(3) a site for a road project.

Sec. 3877.109. ANNEXATION OR EXCLUSION OF LAND. (a) The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

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

[Sections 3877.110-3877.150 reserved for expansion]

SUBCHAPTER D. PUBLIC PARKING FACILITIES

Sec. 3877.151. PARKING FACILITIES AUTHORIZED; OPERATION BY PRIVATE ENTITY. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including:

(1) lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets; and

(2) equipment, entrances, exits, fencing, and other accessories necessary for safety and convenience in parking vehicles.

(b) A parking facility of the district may be leased to, or operated for the district by, an entity other than the district.

(c) The district's parking facilities are a program authorized by the legislature under Section 32-a, Article III, Texas Constitution.

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

Sec. 3877.152. RULES. The district may adopt rules covering its public parking system.

Sec. 3877.153. FINANCING OF PARKING FACILITIES. (a) The district may use any of its resources, including revenue, assessments, taxes, or grant or contract proceeds, to pay the cost of acquiring or operating public parking facilities.

(b) The district may:
set, charge, impose, and collect fees, charges, or tolls for the use of the public parking facilities; and

issue bonds or notes to finance the cost of these facilities.

[Sections 3877.154–3877.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 3877.201. 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. 3877.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3877.203. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

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

Sec. 3877.204. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3877.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

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

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

(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. 3877.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4) a person who provides to the public cable television or advanced telecommunications services.
Sec. 3877.207. RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to a tax imposed by the district or a requirement for payment for a service provided by the district, including water and sewer services.

Sec. 3877.208. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 3877.212, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

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

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

Sec. 3877.209. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

Sec. 3877.210. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS. (a) The district may borrow money on terms and conditions as determined by the board. Section 375.205, Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

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

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.1645, Water Code, does not apply to the district.

Sec. 3877.211. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3877.212. 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 3877.209.

(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 sales and use tax or issue bonds payable from ad valorem taxes.

(c) Section 375.213, 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 district bonds may be included in one single proposition to be voted on at the election or the bonds may be submitted in several propositions.

Sec. 3877.213. 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. 3877.214. TAX AND ASSESSMENT ABATEMENTS. The district may grant in the manner authorized by Chapter 312, Tax Code, an abatement for a tax or assessment owed to the district.
SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED PROPERTY

Sec. 3877.251. 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. 3877.252. 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 within the boundaries of the designated property only.

(b) The election shall be conducted as provided by Section 3877.212.

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

Sec. 3877.253. 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) The board's order is not subject to judicial review except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 3877.254. TAXES FOR IMPROVEMENTS AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of the order described in Section 3877.253, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Sec. 3877.255. ISSUANCE OF BONDS AND LEVY OF TAXES FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section 3877.253 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

SUBCHAPTER G. SALES AND USE TAX

Sec. 3877.301. MEANINGS OF WORDS AND PHRASES. Words and phrases used in this subchapter that are defined by Chapters 151 and 321, Tax Code, have the meanings assigned by Chapters 151 and 321, Tax Code.

Sec. 3877.302. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Except as otherwise provided by this subchapter, Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code, apply to taxes imposed under this subchapter and to the administration and enforcement of those taxes in the same manner that those laws apply to state taxes.

(b) Chapter 321, Tax Code, relating to municipal sales and use taxes, applies to the application, collection, change, and administration of a sales and use tax imposed under this subchapter to the extent consistent with this chapter, as if references in Chapter 321, Tax Code, to a municipality referred to the district and references to a governing body referred to the board.


Sec. 3877.303. AUTHORIZATION; ELECTION. (a) The district may adopt a sales and use tax to serve the purposes of the district after an election in which a majority of the voters of the district voting in the election authorize the adoption of the tax.
(b) The board by order may call an election to authorize a sales and use tax. The election may be held with any other district election.

(c) The district shall provide notice of the election and shall hold the election in the manner prescribed by Section 3877.212.

(d) The ballots shall be printed to provide for voting for or against the proposition: “Authorization of a sales and use tax in the Waller Town Center Management District at a rate not to exceed ___ percent.”

Sec. 3877.304. ABOLISHING SALES AND USE TAX. (a) Except as provided by Subsection (b), the board may abolish the sales and use tax without an election.

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

Sec. 3877.305. SALES AND USE TAX RATE. (a) On adoption of the tax authorized by this subchapter, there is imposed a tax on the receipts from the sale at retail of taxable items within the district and an excise tax 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 it 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.

[Sections 3877.306–3877.350 reserved for expansion]

SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

Sec. 3877.351. MUNICIPAL ANNEXATION; DISSOLUTION. (a) Section 43.071, Local Government Code, applies to the district and the district is a “water or sewer district” for purposes of that section.

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

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

SECTION 2. The Waller Town Center Management District initially includes all territory contained in the following area:

TRACT 1:

Fieldnotes for 166.7194 acres of land out of Lots 1, 2, 3, 4, 7, and 8, Section 9 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, being comprised of that certain 38.7594 acre tract, that certain 31.6519 acre tract, and that certain 96.1081 acre tract of land conveyed to Peter S. Terpstra, Trustee, as described in deeds recorded under County Clerk’s File No(s). 20060189400, 20060246634, and 20060246637, respectively, of the Real Property Records of Harris County, said 166.7194 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod set in the South line of F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the West line of Binford Road, based on a 66 foot right-of-way, said point being the Northeast corner of the said 96.1081 acre tract and the herein described tract, from which point, the Northeast corner of that certain 190.39 acre tract of land conveyed to Doud Jordan Wible, et ux, as described in deed recorded in Volume 1572, Page 375 of the Deed Records of Harris County bears North 02° 42' 53" West, 17.80 feet;

Thence, South 02° 42' 53" East, 193.20 feet with the West line of said Binford Road and the common East line of the said 96.1081 acre tract to a 5/8 inch steel rod set for an exterior ell corner of the herein described tract, said point being the Northeast corner of that certain
0.9922 acre tract of land conveyed to Delta Troy Interests, LTD., and described as Tract 5 in deed recorded under County Clerk's File No. W201253 of the said Real Property Records;

Thence, South 89°38'51" West, 208.00 feet with the North line of the said 0.9922 acre tract and the common line of the said 96.1081 acre tract to a 5/8 inch steel rod set for the Northwest corner of the said 0.9922 acre tract and an interior ell corner of the herein described tract;

Thence, South 02°42'53" East, 208.00 feet with the West line of the said 0.9922 acre tract and the common line of the said 96.1081 acre tract to a 5/8 inch steel rod set in the West line of said Binford Road for the Southeast corner of the said 0.9922 acre tract and a second interior ell corner of the herein described tract;

Thence, North 89°38'51" East, 208.00 feet with the South line of the said 0.9922 acre tract and the common East line of the said 96.1081 acre tract to a 5/8 inch steel rod set at an angle point, said point being the Southeast corner of the said 96.1081 acre tract and the Northeast corner of the aforesaid 31.8519 acre tract;

Thence, with the West line of said Binford Road and the common East line of the said 31.8519 acre tract, South 03'59'32" West, 370.87 feet to a 5/8 inch steel rod set at the North end of a cut-back line for U.S. Highway No. 290 (right-of-way varies at this point), for the most Easterly Southeast corner of the said 31.8519 acre tract and the herein described tract, said point being the Northeast corner of that certain 1.690 acre tract of land conveyed to the State of Texas (for highway widening purposes), as described in deed recorded under County Clerk's File No. R244269 of the said Real Property Records;

Thence, South 56'26'00" West, 96.58 feet with the said cut-back line and the Northerly line of the said 1.690 acre tract and said U.S. Highway No. 290 to a 5/8 inch steel rod with aluminum (TxDOT) disk found at the Southerly end of the said cut-back line marking the most Southerly Southeast corner of the said 31.8519 acre tract and the herein described tract;

Thence, North 70°39'12" West (basis bearing), 307.31 feet with the Northeasterly line of the said 1.690 acre tract and said U.S. Highway No. 290, and the Southwesterly line of the said 31.8519 acre tract to a 5/8 inch steel rod set at a point of curve to the left, having a radius of 1963.86 feet and a central angle of 12°31'54";

Thence, continuing with the Northeasterly line of the said 1.690 acre tract and said U.S. Highway No. 290, and the Southwesterly line of the said 31.8519 acre tract, and with the said curve to the right having a radius of 1855.86 feet (chord bearing North 78°01'7" West, 317.00 feet), an arc distance of 317.39 feet to a 5/8 inch steel rod set at a point of tangency;

Thence, continuing with the Northeasterly line of said U.S. Highway No. 290, and the Southwesterly line of the said 31.8519 acre tract, and with the said curve to the right having a radius of 1855.86 feet (chord bearing North 78°17'08" West, 317.00 feet), an arc distance of 317.39 feet to a 5/8 inch steel rod set at a point of tangency;
Thence, South 88°11'08" West with the North line of the said 4.453 acre tract and the South line of the said 38.7594 acre tract, at 667.84 feet passing the Northwest corner of the said 4.453 acre tract and the Northeast corner of that certain 11.15 acre (residue) tract of land conveyed to Leerie J. Hakemack, as described in deed recorded in Volume 5204, Page 604 of the said Deed Records, and continuing with the North line of the said 11.15 acre tract in all, a total distance of 1081.99 feet to a 1 inch galvanized steel pipe set in the Northeast line of U.S. Highway No. 290 (320.0 feet wide at this point) for and angle point, said point being the most Easterly corner of that certain 0.083 acre tract of land conveyed to the State of Texas, as described in deed recorded in Volume 7313, Page 528 of the said Deed Records;

Thence, North 70°39'12" West, 156.99 feet with the Northeasterly line of said U.S. Highway No 290 and the Southwesterly line of the said 38.7594 acre tract to a 1 1/4 inch galvanized steel pipe found marking the most Southerly Southwest corner of the said 38.7594 acre tract and the herein described tract, said point being the Northwest corner of the said 0.083 acre tract, said point also being in the East line of that certain 8.015 acre (residue) tract of land conveyed to Anita Miller as described in Probate Cause No. 89374 of the Probate Records of Harris County;

Thence, North 02°30'45" West, 591.33 feet with the East line of the said 8.015 acre tract and the West line of the said 38.7594 acre tract to a 1 1/4 galvanized steel pipe found marking an interior ell corner of the said 38.7594 acre tract and the herein described tract, said point being the Northeast corner of the said 8.015 acre tract;

Thence, South 88°12'09" West with the North line of the said 8.015 acre tract and Southerly line of the said 38.7594 acre tract, at 192.5 feet passing a found 1 1/4 galvanized steel pipe, and continuing in all, a total distance of 201.10 feet passing a found 1 1/4 galvanized steel pipe found marking the most Southerly Southwest corner of the said 38.7594 acre tract and the herein described tract, said point also being in the Southeast corner of that certain (called) 9.216 acre tract of land conveyed to Love's Country Stores, Inc., as described in deed recorded under County Clerk's File No. U693047 of the said Real Property Records;

Thence, North 01°41'39" West with the East line of the said 9.216 acre tract and the West line of the said 38.7594 acre tract, at 614.92 feet passing a found 1 1/4 galvanized steel pipe, at 616.72 feet passing a found 3/8 inch steel rod with cap (described by deed as the Northeast corner of the said 9.216 acre tract), and continuing in all, a total distance of 626.42 feet to a 5/8 inch steel rod set in the South line of said F.M. Highway No. 2920 for the Northwest corner of the said 38.7594 acre tract and the herein described tract, said point also being in a non-tangent curve to the right, having a radius of 1109.86 feet and a central angle of 03°29'08";

Thence, in an Easterly direction, with the South line of said F.M. Highway No. 2920 and the said 0.580 acre tract, and with the said curve to the right having a radius of 1909.86 feet (chord bearing North 86°29'17" East, 116.17 feet), an arc distance of 116.19 feet to a 5/8 inch steel rod set at a point of tangency, from which point, a 4 inch square concrete monument (found in the North line of F.M. Highway No. 2920) bears North 01°46'09" West, 100.0 feet;

Thence, continuing with the South line of said F.M. Highway No. 2920 and the said 0.580 acre tract, and the North line of the said 38.7594 acre tract, and with the said curve to the right having a radius of 1909.86 feet (chord bearing North 86°29'17" East, 282.10 feet), an arc distance of 282.10 feet to a 5/8 inch steel rod found at a point of tangency;

Thence, continuing with the South line of said F.M. Highway No. 2920 and the common North line of the said 96.1081 acre tract, North 89°38'51" East, 2048.75 feet to a 5/8 inch steel
rod set at a point of curve to the left, having a radius of 11509.30 feet and a central angle of 00°47'59";

Thence, continuing with the South line of said F.M. Highway No. 2920 and the common North line of the said 96.1081 acre tract, and with the said curve to the left having a radius of 11509.30 feet (chord bearing North 89°14'52" East, 160.64 feet), an arc distance of 160.64 feet to the PLACE OF BEGINNING and containing 166.7194 acres or 7,262,296 square feet of land, more or less.

TRACT 2:

Fieldnotes for 12.4147 acres of land out of Lot 7 and Lot 8, Section 9 of the Harris County School Lands Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, being out of and a part of that certain 160.33 acre tract of land conveyed to Doud Jordan Wible, et ux, as described in deed recorded in Volume 1572, Page 378 of the said Deed Records, and being further out of and a part of that certain 12.4518 acre tract of land conveyed to E.F. Davidson, et al, and described as Tract No. 2 in deed recorded under County Clerk’s File No. J170095 of the Real Property Records of Harris County, said 12.4147 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch galvanized steel pipe, found in a hog-wire fence line, marking the Southwest corner of said Lot 7, the said 160.33 acre tract, the said 12.4518 acre tract, and the herein described tract, said point being in the East line of that certain 11.15 acre tract of land conveyed to L.J. Hakemack, et ux, as described in deed recorded under County Clerk’s File No. P056681 of the said Real Property Records, said point also being the Northwest corner of adjacent Lot 10 of said Section 9 and that certain 257.2309 acre tract of land conveyed to Delta Troy Interests, LTD., and described as Tract 1 in deed recorded under County Clerk’s File No. W201253 of the said Real Property Records;

Thence, North 02°36’20" West (called North 00°11’21" West in 11.15 acre deed) with the East line of the said 11.15 acre tract and the West line of said Lot 7, the said 160.33 acre tract, and the said 12.4518 acre tract, and generally along a hog-wire fence line, at 642.3 feet passing the Northeast corner of the said 11.15 acre tract and the Southeast corner of a 60 foot wide roadway (private), described as an easement for ingress and egress in partition deed recorded in Volume 3300, Page 484 of the said Deed Records, and continuing with the East line of said 60 foot wide roadway in all, a total distance of 663.44 feet to a 3/4 inch steel rod set in the Southwesterly line of U.S. Highway No. 290, based on a 320 foot right-of-way, for the Northwest corner of the said 12.4518 acre tract and the herein described tract, from which point, a found 5/8 inch steel rod bears North 01°29’ West, 1.17 feet;

Thence, South 70°39’12" East, 1631.76 feet with the Southwesterly line of said U.S. Highway No. 290 and the Northeasterly line of the said 12.4518 acre tract to a 5/8 inch steel rod with aluminum (TxDOT) disk found at a point of curve to the right, having a radius of 1855.86 feet and a central angle of 03°20’06", said point being the most Easterly or Southeast corner of the herein described tract, that certain 458 square foot tract of land conveyed to the State of Texas (for highway widening purposes), as described in deed recorded under County Clerk’s File No. R244268 of the said Real Property Records;

Thence, in a Southeasterly direction, with the Southwesterly line of said U.S. Highway No. 290 and the Northeasterly line of the said 12.4518 acre tract to a 5/8 inch steel rod with aluminum (TxDOT) disk found at a point of curve to the right, having a radius of 1855.86 feet (chord bearing South 66°25’40" East, 108.01 feet), an arc distance of 108.02 feet to a 5/8 inch steel rod set in the South line of aforesaid Lot 8, the said 160.33 acre tract and the said 12.4518 acre tract for the most Easterly or Southeast corner of the herein described tract, said point being the Southwest corner of the said 458 square foot tract and the most Westerly corner of that certain 1.672 acre tract of land conveyed to the State of Texas (for highway widening purposes), as described in deed recorded under County Clerk’s File No. R276494 of the said Real Property Records, said point also being in the North line of adjacent Lot 9 of said Section 9 and the aforesaid 257.2309 acre tract;

Thence, South 87°11’26" West (called South 87°32’13" West in 257.2309 acre deed), 1610.36 feet with the North line of the said 257.2309 acre tract and the common South line of the said 12.4518 acre tract, and generally along the line of an old down barbed-wire fence to the PLACE OF BEGINNING and containing 12.4147 acres or 540,786 square feet of land, more or less.
TRACT 3:

Fieldnotes for 107.6370 acres of land out of Lots 3, 4, 5, 6, 11, 12, and 14, Section 10 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, being out of and a part of that certain tract of land conveyed to Boris & Margaret Payan Family Partnership, and described as the residue of 109.9186 acres of land in correction deed recorded under County Clerk's File No. T324010 of the Real Property Records of Harris County, said 107.6370 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch steel rod found in the South line of F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the West line of Kickapoo Road, based on a 66 foot right-of-way, said point being the Northeast corner of that certain tract of land conveyed to Delta Troy Interests, Ltd., and described as the residue of 393.3575 acres of land in deed recorded under County Clerk's File No. W201253 of the said Real Property Records, from which point, a found 4" x 4" concrete monument bears South 89°35' West, 3.9 feet;

Thence, South 87°41'31" West, 3335.39 feet with the South line of said F.M. Highway No. 2920 and the common North line of the said 393.3575 acre tract to a 5/8 inch steel rod set for the Northeast corner and PLACE OF BEGINNING of the said 109.9186 acre tract and the herein described tract;

Thence, South 02°18'29" East, 3638.43 feet (called South 02°17'36" East, 3639.80 feet in vesting deed) with the South line of said F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the West line of Kickapoo Road, based on a 66 foot right-of-way, said point being the Northeast corner of that certain tract of land conveyed to Delta Troy Interests, Ltd., and described as the residue of 393.3575 acres of land in deed recorded under County Clerk's File No. W201253 of the said Real Property Records, from which point, a found 4" x 4" concrete monument bears South 89°35' West, 3.9 feet;

Thence, in a Northwesterly direction, with the Northeast line of said U.S. Highway No. 290 and the common Southwesterly line of the said 109.9186 acre tract, and with the said curve to the left having a radius of 7799.44 feet and a central angle of 08°35'22";

Thence, continuing with the Northeast line of said U.S. Highway No. 290 and the said 1.0459 acre tract, and with the said curve to the left having a radius of 7799.44 feet (chord bearing North 63°00'09" West, 1168.15 feet), an arc distance of 1169.24 feet to a 5/8 inch steel rod set at a point of non-tangent curve to the left, having a radius of 2013.86 feet and a central angle of 22°16'29", said point also being the most Easterly corner of that certain 1.0459 acre tract of land conveyed to the State of Texas (for highway widening purposes) as described in deed recorded under County Clerk's File No. T324011 of the said Real Property Records;

Thence, continuing with the Northeast line of said U.S. Highway No. 290 and the said 1.0459 acre tract, and with the said curve to the left having a radius of 7799.44 feet (chord bearing North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet to a 5/8 inch steel rod set at a point of tangency;

Thence, continuing with the Northeast line of said U.S. Highway No. 290 and the said 1.0459 acre tract, and with the said curve to the left having a radius of 7799.44 feet (chord bearing North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet to a 5/8 inch steel rod set at a point of tangency;

Thence, continuing with the Northeast line of said U.S. Highway No. 290 and the said 1.0459 acre tract, and with the said curve to the left having a radius of 7799.44 feet (chord bearing North 59°30'58" West, 778.00 feet), an arc distance of 782.92 feet to a 5/8 inch steel rod set at a point of tangency;

Thence, North 09°02'53" West (called North 09°02'34" West in vesting deed), 452.64 feet with the East line of said Binford Road and the common West line of the said 109.9186 acre tract to a 5/8 inch steel rod found for an angle point (right-of-way 66 feet wide at this point), from which point, a 5/8 inch steel rod found in concrete bears South 81°00' East, 0.53 feet;

Thence, North 02°42'53" West, 731.61 feet (called North 02°41'16" West, 731.85 feet in vesting deed) with the East line of said Binford Road and the common West line of the said 109.9186 acre tract to a 5/8 inch steel rod found for the most Westerly Northwest corner of the...
herein described tract, said point being the Southwest corner of that certain 29.6849 acre tract of land conveyed to Jesse B. Heath, Jr., Trustee, as described in deed recorded under County Clerk's File No. J741028 of the said Real Property Records;

Thence, North 87°41'31" East, 990.77 feet (called North 87°42'24" East, 991.05 feet in vesting deed and 29.6849 acre deed) with the South line of the said 29.6849 acre tract and the common line of the said 109.9186 acre tract to a 5/8 inch steel rod set for an interior ell corner of the herein described tract, said point being the Southeast corner of the said 29.6849 acre tract;

Thence, North 02°18'29" West (called North 02°17'36" West in vesting deed and 29.6849 acre deed), 1298.83 feet to a 5/8 inch steel rod set in the South line of said F.M. Highway No. 2920 for the most Northerly Northwest corner of the said 109.9186 acre tract and the herein described tract, said point being the Northeast corner of the said 29.6849 acre tract;

Thence, North 87°41'31" East (called North 87°42'24" East in vesting deed), 970.20 feet with the South line of said F.M. Highway No. 2920 and the common North line of the said 109.9186 acre tract to the PLACE OF BEGINNING and containing 107.6370 acres or 4,688,669 square feet of land, more or less.

TRACT 4:
Fieldnotes for 8.9032 acres of land out of Lot 4 and Lot 5, Section 10 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, being out of and a part of that certain 29.6849 acre tract of land conveyed to Jesse B. Heath, Jr., Trustee, as described in general warranty deed recorded under County Clerk's File No. J741028 of the Real Property Records of Harris County, and being that same (called) 8.906 acre tract of land conveyed to Paul Wilkerson and Eva Grant, as described in deed recorded under County Clerk's File No. X407844 of the said Real Property Records, said 8.9032 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1 inch steel rod set in the South line of F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the East line of Binford Road, based on a 66 foot right-of-way, said point being the Northwest corner of the said 29.6849 acre tract, said point also being in the arc of a curve to the left, having a radius of 11509.30 and a central angle of 00°48'18", from which point, a found 4" x 4" concrete monument bears South 57°41' East, 1.25 feet and a found 5/8 inch steel rod bears South 59° East, 1.79 feet;

Thence, South 02°42'53" East, 909.10 feet with the East line of said Binford Road and the West line of the said 29.6849 acre tract to a 3/4 inch steel rod set for the Northwest corner and PLACE OF BEGINNING of the said 8.906 acre tract and the herein described tract, said point also being the Southwest corner of a 20.7774 acre tract of land previously conveyed, from which point, a found 5/8 inch steel rod bears South 08°52' East, 2.1 feet;

Thence, North 87°41'31" East, 993.55 feet with the South line of the said 20.7774 acre tract to a 3/4 inch steel rod set in the East line of the said 29.6849 acre tract for the Northeast corner of the herein described tract, said point being in the Westerly line of a 107.6370 acre tract of land previously conveyed, from which point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

Thence, South 02°18'29" East, 390.89 feet with the East line of the said 29.6849 acre tract and the common line of the said 107.6370 acre tract to a 5/8 inch steel rod set for the Southeast corner of the said 29.6849 acre tract and the herein described tract, said point being an interior ell corner of the said 107.6370 acre tract;

Thence, South 87°41'31" West, 990.77 feet with the South line of the said 29.6849 acre tract and the common line of the said 107.6370 acre tract to a 5/8 inch steel rod set in the East line of said Binford Road for the Southwest corner of the said 29.6849 acre tract and the herein described tract, said point being the most Westerly Northwest corner of the said 107.6370 acre tract;

Thence, North 02°18'29" West, 390.90 feet with the East line of said Binford Road and the common West line of the said 29.6849 acre tract to the PLACE OF BEGINNING and containing 8.9032 acres or 387,825 square feet of land, more or less.

TRACT 5:
Fieldnotes for 20.7774 acres of land out of Lot 4, Section 10 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, being out of and a part of that certain 29.6849 acre tract of land conveyed to Jesse B. Heath, Jr., Trustee, as described in general warranty deed recorded under County Clerk's File No. J741028 of the Real Property Records of Harris County, said 20.7774 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch steel rod set in the South line of F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the East line of Binford Road, based on a 66 foot right-of-way, said point being the Northwest corner of the said 29.6849 acre tract and the herein described tract, said point being in the arc of a curve to the left, having a radius of 11509.30 and a central angle of 00°48'18", from which point, a found 4" x 4" concrete monument bears South 57° East, 1.25 feet and a found 5/8 inch steel rod bears South 59° East, 1.79 feet;

Thence, in an Easterly direction, with the South line of said F.M. Highway No. 2920 and the common North line of the said 29.6849 acre tract, and with the said curve to the left having a radius of 11509.30 feet (chord bearing North 88°05'40" East, 161.70 feet), an arc distance of 161.70 feet to a 5/8 inch steel rod set at a point of tangency, from which point, a broken 4" x 4" concrete monument bears North 59° East, 0.53 feet;

Thence, continuing with the South line of said F.M. Highway No. 2920 and the common North line of said 29.6849 acre tract, and the herein described tract, said point also being the most Northerly Northwest corner of a 107.6370 acre tract of land, the residue of a 109.9186 acre tract of land conveyed to Boris & Margaret Payen Family Limited Partnership, as described in deed recorded under County Clerk's File No. T324010 of the said Real Property Records;

Thence, South 02°18'29" East, 907.94 feet with the East line of the said 29.6849 acre tract and the common line of the said 107.6370 acre tract to a 5/8 inch steel rod set for the Southeast corner of the herein described tract, from which point, a found 5/8 inch steel rod bears South 18°41' East, 1.9 feet;

Thence, North 00'18'09" West, 2694.07 feet (called North 00°19'09" West, 2694.07 feet in 1.1057 acre deed), with the East line of said Binford Road and the common West line of the 1360 acre tract for the Southwest corner of the herein described tract, from which point, a found 5/8 inch steel rod bears South 08°05'22" East, 2.1 feet;

Thence, North 02°42'53" West, 909.10 feet with the West line of the said 29.6849 acre tract and the common East line of said Binford Road to the PLACE OF BEGINNING and containing 20.7774 acres or 905,065 square feet of land, more or less.

TRACT 6:

Fieldnotes for 164.3702 acres of land, being all of Lot 11 and 12 and a part of Lots 13 and 14, Section 7 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, and being all of that certain (called) 164.401 acre tract of land conveyed to Chang–Hsine Cheng, et ux, as described in deed recorded under County Clerk's File No. M314811 of the Real Property Records of Harris County, said 164.3702 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod found in the North line of F.M. Highway No. 2920, based on a 100.00 foot right-of-way, at its intersection with the East line of Binford Road, based on a 66.00 foot right-of-way, in the West line of said Lot 18, said point being the Southwest corner of the said 164.401 acre tract and that certain 1.1057 acre Right Of Way Easement conveyed to the County of Harris (for the widening of Binford Road) as described in instrument recorded under County Clerk's File No. M747112 of the said Real Property Records, said point also being the Northwest corner of that certain 2.070 acre tract of land conveyed to the State of Texas (for the widening of F.M. Highway No. 2920) as described in deed recorded under County Clerk's File No. C684810 of the said Real Property Records;

Thence, North 00°18'09" West, 2694.07 feet (called North 00°19'09" West, 2694.07 feet in 1.1057 acre deed), with the East line of said Binford Road and the common West line of the
said 164.401 acre tract and the said 1.1057 acre tract to a 5/8 inch steel rod found marking the Northwest corner of said Lot 12, the said 164.401 acre tract and the herein described tract, said point being the Northwest corner of the said 1.1057 acre tract, said point also being the Southwest corner of adjacent Lot 5 of said Section 7 and that certain 9.862 acre tract of land conveyed to Domenico Calarco, et ux, as described in deed recorded under County Clerk's File No. D254432 of the said Real Property Records;

Thence, North 89°57'10" East with the South line of said Lot 5 and the said 9.862 acre tract, and the common North line of said Lot 12 and the said 164.401 acre tract, at 663 feet passing the Southeast corner of the said 9.862 acre tract and the Southwest corner of that certain 72.8588 acre tract of land conveyed to Glen Harris, Jr., Trustee as described in instrument recorded under County Clerk's File No. E052129 of the said Real Property Records, and continuing with the South line of the said 72.8588 acre tract in all, a total distance of 2653.44 feet to a 5/8 inch steel rod found marking the Northeast corner of aforesaid Lot 11, the said 164.401 acre tract, and the herein described tract, said point being the Southeast corner of adjacent Lot 6 of said Section 7 and the said 72.8588 acre tract, said point also being in the West line of that certain 4.000 acre tract of land conveyed to Deanne Prusak as described in deed recorded under County Clerk's File No. R808468 of the said Real Property Records, and being the Southwest corner of adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said Section 7;

Thence, South 00°18'08" East (called South 00°51'56" East in 4.000 acre deed, South 00°18'09" East in vesting deed, and South 00°18'08" East in that certain boundary line agreement recorded in Volume 7167, Page 187 of the said Deed Records), with the West line of said Lot 10 and the said 4.000 acre tract, and the common East line of said Lot 11 and the said 164.401 acre tract, at 160.49 feet passing the Northwest corner of the said 4.000 acre tract and the Northwest corner of the residue of that certain 3.7325 acre tract of land conveyed to Robert V. Davidson, et ux, as described in deed recorded under County Clerk's File No. P512170 of the said Real Property Records, and continuing with the West line of the said 6.3725 acre tract (called South 00°51'56" East in 6.3725 acre deed, at 397.10 feet passing the Southwest corner of the said 6.3725 acre tract and the Northwest corner of that certain 52.934 acre tract of land conveyed to David A. Sellars, et ux, as described in deed recorded under County Clerk's File No. S911654 of the said Real Property Records, and continuing with the West line of the said 52.934 acre tract (called South 00°53'57" East in 52.934 acre deed), at 1360.23 feet passing the Southwest corner of the said 52.934 acre tract (a 5/8 inch steel rod found 0.96' West) and the Northwest corner of the residue of that certain tract of land conveyed to Clara Harrison, et al, and Alma Bullock and described as Tract III in partition deed recorded under County Clerk's File No. C695611 of the said Real Property Records, and continuing with the West line of said Tract III in all, a total distance of 2701.69 feet (called 2701.84 feet in vesting deed) to a 5/8 inch steel rod set in the North line of said F.M. Highway No. 2920 for the Southeast corner of the said 164.401 acre tract and the herein described tract, said point bears North 00°18’08” West, 17 ft. from the Southeast corner of aforesaid Lot 14 and the common Southwest corner of said Tract III and adjacent Lot 15 of said Section 7, and North 30°46’ East, 1.0 foot from a found 1/2 inch steel rod;

Thence, North 89°54’23” West, 2495.18 feet (called North 89°55’25” West, 2494.58 feet in vesting deed) with the North line of said F.M. Highway No. 2920 and the South line of the said 164.401 acre tract to a 5/8 inch steel rod set at a point of curve to the right, having a radius of 11409.80 feet and a central angle of 00°47’42”;

Thence, continuing with the North line of said F.M. Highway No. 2920 and the South line of the said 164.401 acre tract, and with the said curve to the right having a radius of 11409.80 feet (chord bearing North 89°30’32” West, 158.31 feet), an arc distance of 158.31 feet to the PLACE OF BEGINNING and containing 164.3702 acres or 7,159,967 square feet of land, more or less.

SAVE AND EXCEPT:

Fieldnotes for 37.6450 acres of land, being out of and a part of Lot 11 and Lot 12, Section 7 of the Harris County School Land Survey, Abstract No. 332, in Harris County, Texas, the map or plat thereof recorded in Volume 17, Page 222 of the Deed Records of Harris County, and being out of and a part of that certain 164.3702 acre tract of land conveyed to R.K. McGaughy, Trustee, as described in deed recorded under County Clerk's File No. Z519743 of 1361
the Real Property Records of Harris County, said 37.6450 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch steel rod found in the North line of F.M. Highway No. 2920, based on a 100 foot right-of-way, at its intersection with the East line of Binford Road, based on a 66 foot right-of-way, in the West line of Lot 13 of said Section 7, said point being the Southwest corner of the said 164.3702 acre tract and that certain 1.1057 acre Right of Way Easement conveyed to the County of Harris (for the widening of Binford Road) as described in instrument recorded under County Clerk's File No. M747112 of the said Real Property Records, said point also being the Northwest corner of that certain 2.070 acre tract of land conveyed to the State of Texas (for the widening of F.M. Highway No. 2920) as described in deed recorded under County Clerk's File No. C684810 of the said Real Property Records;

Thence, North 00°18'09" West, 2070.20 feet with the East line of said Binford Road and the common West line of the said 164.3702 acre tract and the said 1.1057 acre tract to a 5/8 inch steel rod set for the Southwest corner and PLACE OF BEGINNING for the herein described tract;

Thence, continuing with the East line of said Binford Road and the common West line of the said 164.3702 acre tract and the said 1.1057 acre tract, North 00°18'09" West, 623.87 feet to a 5/8 inch steel rod found marking the Northwest corner of said Lot 12, the said 164.3702 acre tract, the said 1.1057 acre tract, and the herein described tract, said point also being the Southwest corner of adjacent Lot 5 of said Section 7 and that certain 9.862 acre tract of land conveyed to Domenico Calarco, et ux, as described in deed recorded under County Clerk's File No. D254432 of the said Real Property Records;

Thence, North 89°57'10" East with the South line of said Lot 5 and the said 9.862 acre tract, and the common North line of said Lot 12 and the said 164.3702 acre tract, at 663.0 feet passing the Southeast corner of the said 9.862 acre tract and the Southwest corner of that certain 72.8588 acre tract of land conveyed to Glen Harris, Jr., Trustee as described in instrument recorded under County Clerk's File No. E052129 of the said Real Property Records, and continuing with the South line of the said 72.8588 acre tract in all, a total distance of 2653.44 feet to a 5/8 inch steel rod found marking the Northeast corner of aforesaid Lot 11, the said 164.3702 acre tract, and the herein described tract, said point being the Southeast corner of adjacent Lot 10 of said Section 7, said point also being in the West line of that certain 4.000 acre tract of land conveyed to Deanne Prusak as described in deed recorded under County Clerk's File No. R804668 of the said Real Property Records, and being the Southwest corner of adjacent Lot 7 and the Northwest corner of adjacent Lot 10 of said Section 7;

Thence, South 00°18'08" East with the West line of said Lot 10 and the said 4.000 acre tract, and the common East line of said Lot 11 and the said 164.3702 acre tract, at 160.49 feet passing the Southwest corner of the said 4.000 acre tract and the Northwest corner of the residue of that certain 6.3725 acre tract of land conveyed to Robert V. Davidson, et ux, as described in deed recorded under County Clerk's File No. P512170 of the said Real Property Records, and continuing with the West line of the said 6.3725 acre tract, at 397.10 feet passing the Southwest corner of the said 6.3725 acre tract and the Northwest corner of that certain 52.934 acre tract of land conveyed to David A. Sellars, et ux, as described in deed recorded under County Clerk's File No. S911654 of the said Real Property Records, and continuing with the West line of the said 52.934 acre tract in all, a total distance of 612.13 feet to a 5/8 inch steel rod set for the Southeast corner of the herein described tract;

Thence, South 89°41'58" West, 2653.41 feet to the PLACE OF BEGINNING and containing 37.6450 acres or 1,639,817 square feet of land, more or less.

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

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on May 11, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 140, Nays 1, one present not voting.

Approved June 19, 2009.


CHAPTER 588

S.B. No. 2479

AN ACT

relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3875 to read as follows:

CHAPTER 3875. COUNTRY PLACE MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3875.001. DEFINITIONS. In this chapter:

(1) “Board” means the district’s board of directors.

(2) “Director” means a board member.

(3) “District” means the Country Place Management District.

Sec. 3875.002. NATURE OF DISTRICT. The Country Place Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3875.003. 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 of Pearland, Brazoria County, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) This chapter and the creation of the district may not be interpreted to relieve the City of Pearland and Brazoria County from providing the level of services provided, as of the effective date of the Act enacting this chapter, to the area in the district. The district is