

1-1 By: Reynolds (Senate Sponsor - Ellis) H.B. No. 4147
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 22, 2015, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 4,
 1-6 Nays 0; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11			X	
1-12	X			
1-13	X			
1-14			X	
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 4147 By: Bettencourt

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of Missouri City Management District
 1-20 No. 1; providing authority to issue bonds; providing authority to
 1-21 impose assessments, fees, or taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subtitle C, Title 4, Special District Local Laws
 1-24 Code, is amended by adding Chapter 3931 to read as follows:

1-25 CHAPTER 3931. MISSOURI CITY MANAGEMENT DISTRICT NO. 1

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 3931.001. DEFINITIONS. In this chapter:

- 1-28 (1) "Board" means the district's board of directors.
- 1-29 (2) "City" means the City of Missouri City.
- 1-30 (3) "County" means Fort Bend County.
- 1-31 (4) "Director" means a board member.
- 1-32 (5) "District" means the Missouri City Management

1-33 District No. 1.

1-34 Sec. 3931.002. NATURE OF DISTRICT. The Missouri City
 1-35 Management District No. 1 is a special district created under
 1-36 Section 59, Article XVI, Texas Constitution.

1-37 Sec. 3931.003. PURPOSE; DECLARATION OF INTENT. (a) The
 1-38 creation of the district is essential to accomplish the purposes of
 1-39 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-40 Texas Constitution, and other public purposes stated in this
 1-41 chapter. By creating the district and in authorizing the city, the
 1-42 county, and other political subdivisions to contract with the
 1-43 district, the legislature has established a program to accomplish
 1-44 the public purposes set out in Section 52-a, Article III, Texas
 1-45 Constitution.

1-46 (b) The creation of the district is necessary to promote,
 1-47 develop, encourage, and maintain employment, commerce,
 1-48 transportation, housing, tourism, recreation, the arts,
 1-49 entertainment, economic development, safety, and the public
 1-50 welfare in the district.

1-51 (c) This chapter and the creation of the district may not be
 1-52 interpreted to relieve the city or the county from providing the
 1-53 level of services provided as of the effective date of the Act
 1-54 enacting this chapter to the area in the district. The district is
 1-55 created to supplement and not to supplant city or county services
 1-56 provided in the district.

1-57 Sec. 3931.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-58 (a) The district is created to serve a public use and benefit.

1-59 (b) All land and other property included in the district
 1-60 will benefit from the improvements and services to be provided by

2-1 the district under powers conferred by Sections 52 and 52-a,
2-2 Article III, and Section 59, Article XVI, Texas Constitution, and
2-3 other powers granted under this chapter.

2-4 (c) The creation of the district is in the public interest
2-5 and is essential to further the public purposes of:

2-6 (1) developing and diversifying the economy of the
2-7 state;

2-8 (2) eliminating unemployment and underemployment; and

2-9 (3) developing or expanding transportation and
2-10 commerce.

2-11 (d) The district will:

2-12 (1) promote the health, safety, and general welfare of
2-13 residents, employers, potential employees, employees, visitors,
2-14 and consumers in the district, and of the public;

2-15 (2) provide needed funding for the district to
2-16 preserve, maintain, and enhance the economic health and vitality of
2-17 the district territory as a community and business center;

2-18 (3) promote the health, safety, welfare, and enjoyment
2-19 of the public by providing pedestrian ways and by landscaping and
2-20 developing certain areas in the district, which are necessary for
2-21 the restoration, preservation, and enhancement of scenic beauty;
2-22 and

2-23 (4) provide for water, wastewater, drainage, road, and
2-24 recreational facilities for the district.

2-25 (e) Pedestrian ways along or across a street, whether at
2-26 grade or above or below the surface, and street lighting, street
2-27 landscaping, parking, and street art objects are parts of and
2-28 necessary components of a street and are considered to be a street
2-29 or road improvement.

2-30 (f) The district will not act as the agent or
2-31 instrumentality of any private interest even though the district
2-32 will benefit many private interests as well as the public.

2-33 Sec. 3931.005. INITIAL DISTRICT TERRITORY. (a) The
2-34 district is initially composed of the territory described by
2-35 Section 2 of the Act enacting this chapter.

2-36 (b) The boundaries and field notes contained in Section 2 of
2-37 the Act enacting this chapter form a closure. A mistake in the
2-38 field notes or in copying the field notes in the legislative process
2-39 does not affect the district's:

2-40 (1) organization, existence, or validity;

2-41 (2) right to issue any type of bonds for the purposes
2-42 for which the district is created or to pay the principal of and
2-43 interest on the bonds;

2-44 (3) right to impose or collect an assessment or tax; or

2-45 (4) legality or operation.

2-46 Sec. 3931.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-47 All or any part of the area of the district is eligible to be
2-48 included in:

2-49 (1) a tax increment reinvestment zone created under
2-50 Chapter 311, Tax Code;

2-51 (2) a tax abatement reinvestment zone created under
2-52 Chapter 312, Tax Code;

2-53 (3) an enterprise zone created under Chapter 2303,
2-54 Government Code; or

2-55 (4) an industrial district created under Chapter 42,
2-56 Local Government Code.

2-57 Sec. 3931.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-58 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-59 Chapter 375, Local Government Code, applies to the district.

2-60 Sec. 3931.008. CONSTRUCTION OF CHAPTER. This chapter shall
2-61 be liberally construed in conformity with the findings and purposes
2-62 stated in this chapter.

2-63 SUBCHAPTER B. BOARD OF DIRECTORS

2-64 Sec. 3931.051. GOVERNING BODY; TERMS. (a) The district is
2-65 governed by a board of seven voting directors who serve staggered
2-66 terms of four years, with three or four directors' terms expiring
2-67 June 1 of each odd-numbered year.

2-68 (b) The board by resolution may change the number of voting
2-69 directors on the board if the board determines that the change is in

3-1 the best interest of the district. The board may not consist of
3-2 fewer than 5 or more than 11 voting directors.

3-3 Sec. 3931.052. APPOINTMENT OF VOTING DIRECTORS. The mayor
3-4 and members of the governing body of the city shall appoint voting
3-5 directors from persons recommended by the board. A person is
3-6 appointed if a majority of the members of the governing body,
3-7 including the mayor, vote to appoint that person.

3-8 Sec. 3931.053. NONVOTING DIRECTORS. The board may appoint
3-9 nonvoting directors to serve at the pleasure of the voting
3-10 directors.

3-11 Sec. 3931.054. QUORUM. For purposes of determining the
3-12 requirements for a quorum of the board, the following are not
3-13 counted:

3-14 (1) a board position vacant for any reason, including
3-15 death, resignation, or disqualification;

3-16 (2) a director who is abstaining from participation in
3-17 a vote because of a conflict of interest; or

3-18 (3) a nonvoting director.

3-19 Sec. 3931.055. COMPENSATION. A director is entitled to
3-20 receive fees of office and reimbursement for actual expenses as
3-21 provided by Section 49.060, Water Code. Sections 375.069 and
3-22 375.070, Local Government Code, do not apply to the board.

3-23 Sec. 3931.056. INITIAL VOTING DIRECTORS. (a) The initial
3-24 board consists of the following voting directors:

3-25	<u>Pos. No.</u>	<u>Name of Director</u>
3-26	<u>1</u>	<u>Scott Frasier</u>
3-27	<u>2</u>	<u>Todd Burrer</u>
3-28	<u>3</u>	<u>Anthony C. Francis</u>
3-29	<u>4</u>	<u>Jaime Virkus</u>
3-30	<u>5</u>	<u>Loveless Mitchel</u>
3-31	<u>6</u>	<u>Wilfred Green</u>
3-32	<u>7</u>	<u>Curtis Williams</u>

3-33 (b) Of the initial directors, the terms of directors
3-34 appointed for positions one through four expire June 1, 2019, and
3-35 the terms of directors appointed for positions five through seven
3-36 expire June 1, 2017.

3-37 (c) Section 3931.052 does not apply to this section.

3-38 SUBCHAPTER C. POWERS AND DUTIES

3-39 Sec. 3931.101. GENERAL POWERS AND DUTIES. The district has
3-40 the powers and duties necessary to accomplish the purposes for
3-41 which the district is created.

3-42 Sec. 3931.102. IMPROVEMENT PROJECTS AND SERVICES. The
3-43 district may provide, design, construct, acquire, improve,
3-44 relocate, operate, maintain, or finance an improvement project or
3-45 service using any money available to the district, or contract with
3-46 a governmental or private entity to provide, design, construct,
3-47 acquire, improve, relocate, operate, maintain, or finance an
3-48 improvement project or service authorized under this chapter or
3-49 Chapter 375, Local Government Code.

3-50 Sec. 3931.103. DEVELOPMENT CORPORATION POWERS. The
3-51 district, using money available to the district, may exercise the
3-52 powers given to a development corporation under Chapter 505, Local
3-53 Government Code, including the power to own, operate, acquire,
3-54 construct, lease, improve, or maintain a project under that
3-55 chapter.

3-56 Sec. 3931.104. NONPROFIT CORPORATION. (a) The board by
3-57 resolution may authorize the creation of a nonprofit corporation to
3-58 assist and act for the district in implementing a project or
3-59 providing a service authorized by this chapter.

3-60 (b) The nonprofit corporation:

3-61 (1) has each power of and is considered to be a local
3-62 government corporation created under Subchapter D, Chapter 431,
3-63 Transportation Code; and

3-64 (2) may implement any project and provide any service
3-65 authorized by this chapter.

3-66 (c) The board shall appoint the board of directors of the
3-67 nonprofit corporation. The board of directors of the nonprofit
3-68 corporation shall serve in the same manner as the board of directors
3-69 of a local government corporation created under Subchapter D,

4-1 Chapter 431, Transportation Code, except that a board member is not
4-2 required to reside in the district.

4-3 Sec. 3931.105. AGREEMENTS; GRANTS. (a) As provided by
4-4 Chapter 375, Local Government Code, the district may make an
4-5 agreement with or accept a gift or grant from any person. The
4-6 district shall promptly notify the city of any gift or grant
4-7 accepted by the district.

4-8 (b) The implementation of a project is a governmental
4-9 function or service for the purposes of Chapter 791, Government
4-10 Code.

4-11 Sec. 3931.106. LAW ENFORCEMENT SERVICES. To protect the
4-12 public interest, the district may contract with a qualified party,
4-13 including the county or the city, to provide law enforcement
4-14 services in the district for a fee.

4-15 Sec. 3931.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
4-16 district may join and pay dues to a charitable or nonprofit
4-17 organization that performs a service or provides an activity
4-18 consistent with the furtherance of a district purpose.

4-19 Sec. 3931.108. PARKING FACILITIES. (a) The district may
4-20 acquire, lease as lessor or lessee, construct, develop, own,
4-21 operate, and maintain parking facilities or a system of parking
4-22 facilities, including lots, garages, parking terminals, or other
4-23 structures or accommodations for parking motor vehicles off the
4-24 streets and related appurtenances.

4-25 (b) The district's parking facilities serve the public
4-26 purposes of the district and are owned, used, and held for a public
4-27 purpose even if leased or operated by a private entity for a term of
4-28 years.

4-29 (c) The district's parking facilities are parts of and
4-30 necessary components of a street and are considered to be a street
4-31 or road improvement.

4-32 (d) The development and operation of the district's parking
4-33 facilities may be considered an economic development program.

4-34 Sec. 3931.109. ANNEXATION OF LAND. The district may annex
4-35 land as provided by Subchapter J, Chapter 49, Water Code.

4-36 Sec. 3931.110. APPROVAL BY CITY. (a) Except as provided
4-37 by Subsection (c), the district must obtain the approval of the city
4-38 for:

4-39 (1) the issuance of bonds;
4-40 (2) the plans and specifications of an improvement
4-41 project financed by bonds; and

4-42 (3) the plans and specifications of an improvement
4-43 project related to the use of land owned by the city, an easement
4-44 granted to or by the city, or a right-of-way of a street, road, or
4-45 highway.

4-46 (b) The district may not issue bonds until the governing
4-47 body of the city adopts a resolution or ordinance authorizing the
4-48 issuance of the bonds.

4-49 (c) If the district obtains the approval of the city's
4-50 governing body of a capital improvements budget for a period not to
4-51 exceed five years, the district may finance the capital
4-52 improvements and issue bonds specified in the budget without
4-53 further approval from the city.

4-54 (d) The governing body of the city:
4-55 (1) is not required to adopt a resolution or ordinance
4-56 to approve plans and specifications described by Subsection (a);
4-57 and

4-58 (2) may establish an administrative process to approve
4-59 plans and specifications described by Subsection (a) without the
4-60 involvement of the governing body.

4-61 Sec. 3931.111. CONSENT OF CITY REQUIRED. The district may
4-62 not take any of the following actions until the city has consented
4-63 by ordinance or resolution to the creation of the district and to
4-64 the inclusion of land in the district:

4-65 (1) hold an election under Subchapter L, Chapter 375,
4-66 Local Government Code;

4-67 (2) impose an ad valorem tax;

4-68 (3) impose an assessment;

4-69 (4) issue bonds; or

5-1 (5) enter into an agreement to reimburse the costs of
5-2 facilities.

5-3 Sec. 3931.112. NO EMINENT DOMAIN POWER. The district may
5-4 not exercise the power of eminent domain.

5-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

5-6 Sec. 3931.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
5-7 board by resolution shall establish the number of directors'
5-8 signatures and the procedure required for a disbursement or
5-9 transfer of district money.

5-10 Sec. 3931.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
5-11 The district may acquire, construct, finance, operate, or maintain
5-12 any improvement or service authorized under this chapter or Chapter
5-13 375, Local Government Code, using any money available to the
5-14 district.

5-15 Sec. 3931.153. PETITION REQUIRED FOR FINANCING SERVICES AND
5-16 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
5-17 service or improvement project with assessments under this chapter
5-18 unless a written petition requesting that service or improvement
5-19 has been filed with the board.

5-20 (b) A petition filed under Subsection (a) must be signed by
5-21 the owners of a majority of the assessed value of real property in
5-22 the district subject to assessment according to the most recent
5-23 certified tax appraisal roll for the county.

5-24 Sec. 3931.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

5-25 (a) The board by resolution may impose and collect an assessment
5-26 for any purpose authorized by this chapter in all or any part of the
5-27 district.

5-28 (b) An assessment, a reassessment, or an assessment
5-29 resulting from an addition to or correction of the assessment roll
5-30 by the district, penalties and interest on an assessment or
5-31 reassessment, an expense of collection, and reasonable attorney's
5-32 fees incurred by the district:

5-33 (1) are a first and prior lien against the property
5-34 assessed;

5-35 (2) are superior to any other lien or claim other than
5-36 a lien or claim for county, school district, or municipal ad valorem
5-37 taxes; and

5-38 (3) are the personal liability of and a charge against
5-39 the owners of the property even if the owners are not named in the
5-40 assessment proceedings.

5-41 (c) The lien is effective from the date of the board's
5-42 resolution imposing the assessment until the date the assessment is
5-43 paid. The board may enforce the lien in the same manner that the
5-44 board may enforce an ad valorem tax lien against real property.

5-45 (d) The board may make a correction to or deletion from the
5-46 assessment roll that does not increase the amount of assessment of
5-47 any parcel of land without providing notice and holding a hearing in
5-48 the manner required for additional assessments.

5-49 SUBCHAPTER E. TAXES AND BONDS

5-50 Sec. 3931.201. ELECTIONS REGARDING TAXES AND BONDS.

5-51 (a) The district may issue, without an election, bonds, notes, and
5-52 other obligations secured by:

5-53 (1) revenue other than ad valorem taxes; or

5-54 (2) contract payments described by Section 3931.203.

5-55 (b) The district must hold an election in the manner
5-56 provided by Subchapter L, Chapter 375, Local Government Code, to
5-57 obtain voter approval before the district may impose an ad valorem
5-58 tax or issue bonds payable from ad valorem taxes.

5-59 (c) Section 375.243, Local Government Code, does not apply
5-60 to the district.

5-61 (d) All or any part of any facilities or improvements that
5-62 may be acquired by a district by the issuance of its bonds may be
5-63 submitted as a single proposition or as several propositions to be
5-64 voted on at the election.

5-65 Sec. 3931.202. OPERATION AND MAINTENANCE TAX. (a) If

5-66 authorized by a majority of the district voters voting at an
5-67 election held in accordance with Section 3931.201, the district may
5-68 impose an operation and maintenance tax on taxable property in the
5-69 district in accordance with Section 49.107, Water Code, for any

6-1 district purpose, including to:

- 6-2 (1) maintain and operate the district;
- 6-3 (2) construct or acquire improvements; or
- 6-4 (3) provide a service.

6-5 (b) The board shall determine the tax rate. The rate may not
6-6 exceed the rate approved at the election.

6-7 (c) Section 49.107(h), Water Code, does not apply to the
6-8 district.

6-9 Sec. 3931.203. CONTRACT TAXES. (a) In accordance with
6-10 Section 49.108, Water Code, the district may impose a tax other than
6-11 an operation and maintenance tax and use the revenue derived from
6-12 the tax to make payments under a contract after the provisions of
6-13 the contract have been approved by a majority of the district voters
6-14 voting at an election held for that purpose.

6-15 (b) A contract approved by the district voters may contain a
6-16 provision stating that the contract may be modified or amended by
6-17 the board without further voter approval.

6-18 Sec. 3931.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
6-19 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
6-20 determined by the board. Section 375.205, Local Government Code,
6-21 does not apply to a loan, line of credit, or other borrowing from a
6-22 bank or financial institution secured by revenue other than ad
6-23 valorem taxes.

6-24 (b) The district may issue bonds, notes, or other
6-25 obligations payable wholly or partly from ad valorem taxes,
6-26 assessments, impact fees, revenue, contract payments, grants, or
6-27 other district money, or any combination of those sources of money,
6-28 to pay for any authorized district purpose.

6-29 (c) The limitation on the outstanding principal amount of
6-30 bonds, notes, and other obligations provided by Section 49.4645,
6-31 Water Code, does not apply to the district.

6-32 Sec. 3931.205. TAXES FOR BONDS. At the time the district
6-33 issues bonds payable wholly or partly from ad valorem taxes, the
6-34 board shall provide for the annual imposition of a continuing
6-35 direct annual ad valorem tax, without limit as to rate or amount,
6-36 for each year that all or part of the bonds are outstanding as
6-37 required and in the manner provided by Sections 54.601 and 54.602,
6-38 Water Code.

6-39 Sec. 3931.206. CITY NOT REQUIRED TO PAY DISTRICT
6-40 OBLIGATIONS. Except as provided by Section 375.263, Local
6-41 Government Code, the city is not required to pay a bond, note, or
6-42 other obligation of the district.

6-43 SECTION 2. The Missouri City Management District No. 1
6-44 initially includes all territory contained in the following area:

6-45 TRACT 1

6-46 A METES & BOUNDS description of a certain 41.72 acre tract of
6-47 land situated in the H. Shropshire Survey 1/3 League, Abstract
6-48 No. 313 in Fort Bend County, Texas, being out of a called 565.1305
6-49 acre tract of land conveyed to Marhaba Partners Limited Partnership
6-50 by Special Warranty Deed recorded in Clerk's File No. 2001122130 of
6-51 the Fort Bend County Official Public Records of Real Property; said
6-52 41.72 acre tract being more particularly described as follows with
6-53 all bearings being based on the Texas Coordinate System, South
6-54 Central Zone, NAD 83;

6-55 COMMENCING at a found 3/4-inch iron rod (with cap stamped
6-56 "Cotton Surveying") in the southwest line of a called 82.741 acre
6-57 tract, Reserve A, Block 1 of Senior Road Tall Tower, plat of which
6-58 is recorded in Slide No. 1840B of the Fort Bend County Map Records,
6-59 from said iron rod a found 5/8-inch rod bears North 62°52'52" West,
6-60 412.26 feet;

6-61 THENCE, South 62°52'52" East, along the southwest line of said
6-62 Reserve A, at 0.16 feet passing a found 5/8-inch iron rod
6-63 (disturbed), continuing in all a total distance of 2225.38 feet
6-64 found 5/8-inch iron rod (with cap stamped "VTSM") being in the west
6-65 line of Fort Bend County Toll Road (right-of-way varies) recorded
6-66 in Clerk's File No. 2002112837 of the Fort Bend County Official
6-67 Public Records of Real Property, from said iron rod a found a found
6-68 5/8-inch iron rod bears North 02°49'05" West, 627.24 feet;

6-69 THENCE, along the west line of said Fort Bend County Toll

7-1 Road, the following seven (7) courses and distances:

7-2 1. South 02°49'05" East, 121.16 feet to a point at the
7-3 beginning of a curve to the left, from said point a found 5/8-inch
7-4 iron rod bears South 84°36'50" East, 0.4 feet;

7-5 2. Along the arc of said curve to the left having a
7-6 radius of 5879.60 feet, a central angle of 01°37'34", an arc length
7-7 of 166.87 feet, and a long chord bearing South 03°37'51" East,
7-8 166.86 feet to the POINT OF BEGINNING of the herein described tract;

7-9 3. Continuing along said curve to the left having a
7-10 radius of 5879.60 feet, a central angle of 09°51'34", an arc length
7-11 of 1011.77 feet, and a long chord bearing South 09°22'26" East,
7-12 1010.53 feet to a found 3/4-inch iron rod (with cap stamped "Cotton
7-13 Surveying");

7-14 4. South 02°50'47" East, 43.93 feet to a found 5/8-inch
7-15 iron rod at the beginning of a curve to the left;

7-16 5. Along the arc of said curve to the left having a
7-17 radius of 1453.39 feet, a central angle of 15°42'27", an arc length
7-18 of 398.45 feet, and a long chord bearing South 10°42'01" East,
7-19 397.20 feet to a found 5/8-inch iron rod at the beginning of
7-20 compound curve to the left;

7-21 6. Along the arc of said compound curve to the left
7-22 having a radius of 5929.60 feet, a central angle of 03°38'22", an arc
7-23 length of 376.65 feet, and a long chord bearing South 20°22'26"
7-24 East, 376.59 feet to a found 3/4-inch iron rod (with cap stamped
7-25 "Cotton Surveying"), from which a found 5/8-inch iron rod bears
7-26 North 03°52'05" East, 0.25 feet;

7-27 7. South 32°26'09" West, 63.40 feet to a found 3/4-inch
7-28 iron rod (with cap stamped "Cotton Surveying") in the north line of
7-29 Lake Olympia Parkway (called 100-foot wide) dedication of which is
7-30 described in Warranty Deed with Vendor's Lien recorded in Clerk's
7-31 File No. 200411056 of the Fort Bend County Official Public Records
7-32 of Real Property at the beginning of a non-tangent curve to the
7-33 right;

7-34 THENCE, along the north line of said Lake Olympia Parkway,
7-35 the following five (5) courses and distances:

7-36 1. Along the arc of said non-tangent curve to the right
7-37 having a radius of 1950.00 feet, a central angle of 03°14'44", an arc
7-38 length of 110.46 feet, and a long chord bearing South 88°46'43"
7-39 West, 110.44 feet to a found 3/4-inch iron rod (with cap stamped
7-40 "Cotton Surveying");

7-41 2. North 89°35'55" West, 120.00 feet to a found
7-42 5/8-inch iron rod at the beginning of a curve to the right;

7-43 3. Along the arc of said curve to the right having a
7-44 radius of 1150.00 feet, a central angle of 52°58'40", an arc length
7-45 of 1063.33 feet, and a long chord bearing North 63°06'34" West,
7-46 1025.86 feet to a found 3/4-inch iron rod;

7-47 4. North 36°37'19" West, 120.01 feet to a found
7-48 3/4-inch iron rod at the beginning of a curve to the left;

7-49 5. Along the arc of said curve to the left having a
7-50 radius of 2050.00 feet, a central angle of 24°46'42", an arc length
7-51 of 886.55 feet, and a long chord bearing North 49°00'36" West,
7-52 879.66 feet to a point for corner;

7-53 THENCE, North 65°32'32" East, 1695.44 feet to the POINT OF
7-54 BEGINNING, CONTAINING 41.72 acres of land in Fort Bend County,
7-55 Texas.

7-56 TRACT 2

7-57 A METES & BOUNDS description of a certain 25.35 acre tract of
7-58 land situated in the D. Bright League Survey, Abstract No. 13 in
7-59 Fort Bend County, Texas, being out of a called 40.787 acre tract of
7-60 land conveyed to Teahouse Beverage, Inc. by Deed without Warranties
7-61 recorded in Clerk's File No. 2013030020 of the Fort Bend County
7-62 Official Public Records of Real Property; said 25.35 acre tract
7-63 being more particularly described as follows with all bearings
7-64 being based on the Texas Coordinate System, South Central Zone, NAD
7-65 83;

7-66 BEGINNING at a set 5/8-inch iron rod (with cap stamped
7-67 "Cotton Surveying") at the southeast corner of said 40.787 acre
7-68 tract, common with the northeast corner of the remainder of a called
7-69 640 acre tract of land conveyed to Edward A. Palmer by Deed recorded

8-1 in Volume F, Page 219 and Volume 343, Page 483, both of the Fort Bend
 8-2 County Deed Records, being in a west line of a called 280.740 acre
 8-3 tract of land (Tract 1) conveyed to Memorial Herman Hospital System
 8-4 by Substitute Trustee's Deed and Bill of Sale recorded in Clerk's
 8-5 File No. 2011108901 of the Fort Bend County Official Public Records
 8-6 of Real Property, from which a found 5/8-inch iron rod (with cap
 8-7 stamped "Gary Bowes") bears South 87°25'38" West, 5.38 feet and a
 8-8 found 3/4-inch iron rod (with cap stamped "Cotton Surveying") bears
 8-9 South 02°31'08" East, 843.16 feet;

8-10 THENCE, South 87°25'38" West, along the south line of said
 8-11 40.787 acre tract, common with the north line of the remainder of
 8-12 said 640 acre tract, passing the northwest corner of the remainder
 8-13 of said 640 acre tract, common with the northeast corner of Crescent
 8-14 Oak Village at Lake Olympia Sec. 7, plat of which is recorded in
 8-15 Slide No. 2334B of the Fort Bend County Plat Records, now along the
 8-16 north line of said Crescent Oak Village at Lake Olympia Sec. 7,
 8-17 981.63 feet to a point for corner in the center of Mustang Bayou,
 8-18 from which a found 5/8-inch iron rod (with cap stamped "Gary Bowes")
 8-19 bears South 87°25'38" West, 1697.00 feet;

8-20 THENCE, North 17°21'32" West, along the center of said Mustang
 8-21 Bayou, 206.70 feet to a point for corner;

8-22 THENCE, North 14°24'28" West, continuing along the center of
 8-23 said Mustang Bayou, 608.44 feet to a point for corner in the north
 8-24 line of said 40.787 acre tract and the center of said Mustang Bayou,
 8-25 at a southwest corner of the aforementioned 280.740 acre tract,
 8-26 common with the southeast corner of a called 12.620 acre tract of
 8-27 land conveyed to City of Missouri City by Warranty Deed recorded in
 8-28 Volume 1943, Page 2541 of the Fort Bend County Deed Records, from
 8-29 which a found 5/8-inch iron rod (with cap stamped "JT Jalibuk")
 8-30 bears South 67°07'13" West, 987.26 feet;

8-31 THENCE, North 67°05'52" East, along the north line of said
 8-32 40.787 acre tract, common with a south line of said 280.740 acre
 8-33 tract, 1237.40 feet to a set 5/8-inch iron rod (with cap stamped
 8-34 "Cotton Surveying") at the northeast corner of said 40.787 acre
 8-35 tract, common with an interior corner of said 280.740 acre tract;

8-36 THENCE, South 02°31'08" East, along the east line of said
 8-37 40.787 acre tract, common with a west line of said 280.740 acre
 8-38 tract, 1225.26 feet to the POINT OF BEGINNING, CONTAINING 25.35
 8-39 acres of land in Fort Bend County, Texas, as shown on Drawing
 8-40 No. 8879 in the office of Cotton Surveying Company in Houston,
 8-41 Texas.

8-42 TRACT 3

8-43 A METES & BOUNDS description of a certain 280.70 acre tract of
 8-44 land situated in the H. Shropshire Survey, Abstract No. 313 and the
 8-45 David Bright League Survey, Abstract No. 13 in Fort Bend County,
 8-46 Texas, being all of a called 280.740 acre tract of land conveyed to
 8-47 Memorial Herman Hospital System by Substitute Trustee's Deed and
 8-48 Bill of Sale recorded in Clerk's File No. 2011108901 of the Fort
 8-49 Bend County Official Public Records of Real Property; said 280.7
 8-50 acre tract being more particularly described as follows with all
 8-51 bearings being based on the Texas Coordinate System, South Central
 8-52 Zone, NAD 83;

8-53 BEGINNING at a set 3/4-inch iron rod (with cap stamped
 8-54 "Cotton Surveying") for the northeast corner of said 280.740 acre
 8-55 tract, common with the northwest corner of a called 128.626 acre
 8-56 tract of land conveyed to Richland Houston Tower, LLC by Special
 8-57 Warranty Deed recorded in Clerk's File No. 2000025485 of the Fort
 8-58 Bend County Official Public Records of Real Property, in the south
 8-59 line of Quail Glen, plat of which is recorded in Slide No.'s 405B,
 8-60 406A and 406B, all of the Fort Bend County Plat Records, from which
 8-61 a found 1/2-inch iron rod bears South 67°41'59" East, 0.38 feet;

8-62 THENCE, South 40°04'17" East, along the east line of said
 8-63 280.740 acre tract, common with the west line of said 128.626 acre
 8-64 tract, 2128.84 feet to a set 3/4-inch iron rod (with cap stamped
 8-65 "Cotton Surveying");

8-66 THENCE, South 41°56'11" East, continuing along said common
 8-67 line, 3.85 feet to a found 5/8-inch iron rod at the southwest corner
 8-68 of said 128.686 acre tract, common with the northwest corner of a
 8-69 called 85.991 acre tract of land conveyed to American Tower, LP by

9-1 Special Warranty Deed recorded in Clerk's File No. 1999012142 of
9-2 the Fort Bend County Official Public Records of Real Property;
9-3 THENCE, South 47°19'50" East, along the east line of said
9-4 280.740 acre tract, common with a west line of said 85.991 acre
9-5 tract, 787.14 feet to a found 5/8-inch iron rod;
9-6 THENCE, South 40°09'26" West, along a south line of said
9-7 280.740 acre tract, common with a north line of said 85.991 acre
9-8 tract, 1715.36 feet to a found 5/8-inch iron rod;
9-9 THENCE, South 62°50'07" East, continuing along said common
9-10 line, 412.16 feet to a found 5/8-inch iron rod at the southeast
9-11 corner of said 280.740 acre tract, common with the north corner of a
9-12 called 110.884 acre tract of land conveyed to M.V. McCarthy by
9-13 Substitute Trustee's Deed recorded in Clerk's File No. 2011054594
9-14 of the Fort Bend County Official Public Records of Real Property;
9-15 THENCE, South 63°20'09" West, along the south line of said
9-16 280.740 acre tract, common with the north line of said 110.884 acre
9-17 tract, 2304.15 feet to a found 3/4-inch iron rod (with cap stamped
9-18 "Cotton Surveying") at the northwest corner of said 110.884 acre
9-19 tract, common with the southeast corner of Crescent Oak Village at
9-20 Lake Olympic Sec. 7, plat of which is recorded in Slide No. 2334B of
9-21 the Fort Bend County Plat Records;
9-22 THENCE, North 02°31'08" West, along the west line of said
9-23 280.740 acre tract, common with the east line of said Crescent Oak
9-24 Village at Lake Olympia Sec. 7, a remainder of a called 640 acre
9-25 tract of land conveyed to Edward A. Palmer recorded in Volume F,
9-26 Page 219 and Volume 343, Page 483, both of the Harris County Map
9-27 Records, passing a found 5/8-inch iron rod at a distance of 843.15
9-28 feet, 5.30 feet left, and along a called 40.787 acre tract of land
9-29 conveyed to Teahouse Beverage, Inc. by Deed without Warranties
9-30 recorded in Clerk's File No. 2013030020 of the Fort Bend County
9-31 Official Public Records of Real Property, 2068.42 feet to a set
9-32 3/4-inch iron rod (with cap stamped "Cotton Surveying") at an
9-33 interior corner of said 280.740 acre tract, common with the
9-34 northwest corner of said 40.787 acre tract;
9-35 THENCE, South 67°05'52" West, along a south line of said
9-36 280.740 acre tract, common with the north line of said 40.787 acre
9-37 tract, 1237.40 feet to the southeast corner of a called 12.620 acre
9-38 tract of land conveyed to City of Missouri City by Warranty Deed
9-39 recorded in Volume 1943, Page 2541 of the Fort Bend County Deed
9-40 Records;
9-41 THENCE, North 21°48'08" West, along a west line of said
9-42 280.740 acre tract, common with the east line of said 12.620 acre
9-43 tract, 226.10 feet to a point for corner;
9-44 THENCE, North 26°10'50" West, continuing along said common
9-45 line and then along the east line of Glen Lakes Lane (80 feet
9-46 right-of-way) no dedication found, 183.34 feet to a point for
9-47 corner;
9-48 THENCE, North 15°11'03" West, along the west line of said
9-49 280.740 acre tract, common with the east line of said Glen Lakes
9-50 Lane and then along the east line of a called 36.599 acre tract of
9-51 land conveyed to the City of Missouri City by Warranty Deed recorded
9-52 in Volume 1943, Page 2541 of the Fort Bend County Official Public
9-53 Records of Real Property, 759.72 feet to a point at the beginning of
9-54 a curve to the right;
9-55 THENCE, along the west line of said 280.740 acre tract,
9-56 common with the east line of said 36.599 acre tract and then along
9-57 the east line of a called 47.884 acre tract of land conveyed to the
9-58 City of Missouri City by Warranty Deed recorded in Volume 1929, Page
9-59 1217 of the Fort Bend County Deed Records, and along the arc of said
9-60 curve to the right having a radius of 650.00 feet, a central angle
9-61 of 34°22'27", an arc length of 389.96 feet, and a long chord bearing
9-62 North 02°00'10" East, 384.14 feet to a point for corner;
9-63 THENCE, along the west line of said 280.740 acre tract,
9-64 common with the east line of said 47.884 acre tract, the following
9-65 seven (7) courses and distances:
9-66 1. North 19°11'24" East, 260.36 feet to a point at the
9-67 beginning of a curve to the left;
9-68 2. Along the arc of said curve to the left having a
9-69 radius of 650.00 feet, a central angle of 16°55'17", an arc length of

10-1 191.97 feet, and a long chord bearing North 10°43'45" East, 191.27
10-2 feet to a point for corner;

10-3 3. North 02°16'07" East, 376.57 feet to a point at the
10-4 beginning of a curve to the right;

10-5 4. Along the arc of said curve to the right having a
10-6 radius of 480.00 feet, a central angle of 65°39'52", an arc length of
10-7 550.11 feet, and a long chord bearing North 35°06'03" East, 520.49
10-8 feet to a point for corner;

10-9 5. North 67°55'59" East, 138.16 feet to a point at the
10-10 beginning of a curve to the left;

10-11 6. Along the arc of said curve to the left having a
10-12 radius of 320.00 feet, a central angle of 36°02'18", an arc length of
10-13 201.28 feet, and a long chord bearing North 49°54'50" East, 197.97
10-14 feet to a point for corner;

10-15 7. North 31°53'41" East, 134.19 feet to a point in the
10-16 north line of said 280.740 acre tract, common with the south line of
10-17 Thunderbird North, plat of which is recorded in Slides 187A, 187B
10-18 and 188A, all of the Fort Bend County Plat Records;

10-19 THENCE, North 86°45'39" East, along said common line, and then
10-20 along the south line of the aforementioned Quail Glen, in all a
10-21 total distance of, 1644.89 feet to the POINT OF BEGINNING,
10-22 CONTAINING 280.7 acres of land in Fort Bend County, Texas, as shown
10-23 on Drawing No. 8878 in the office of Cotton Surveying Company in
10-24 Houston, Texas.

10-25 SECTION 3. (a) The legal notice of the intention to
10-26 introduce this Act, setting forth the general substance of this
10-27 Act, has been published as provided by law, and the notice and a
10-28 copy of this Act have been furnished to all persons, agencies,
10-29 officials, or entities to which they are required to be furnished
10-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10-31 Government Code.

10-32 (b) The governor, one of the required recipients, has
10-33 submitted the notice and Act to the Texas Commission on
10-34 Environmental Quality.

10-35 (c) The Texas Commission on Environmental Quality has filed
10-36 its recommendations relating to this Act with the governor,
10-37 lieutenant governor, and speaker of the house of representatives
10-38 within the required time.

10-39 (d) All requirements of the constitution and laws of this
10-40 state and the rules and procedures of the legislature with respect
10-41 to the notice, introduction, and passage of this Act have been
10-42 fulfilled and accomplished.

10-43 SECTION 4. This Act takes effect immediately if it receives
10-44 a vote of two-thirds of all the members elected to each house, as
10-45 provided by Section 39, Article III, Texas Constitution. If this
10-46 Act does not receive the vote necessary for immediate effect, this
10-47 Act takes effect September 1, 2015.

10-48

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