

1-1 By: Reynolds (Senate Sponsor - Ellis) H.B. No. 4156
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 24, 2015, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 4,
 1-6 Nays 0; May 24, 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. 4156 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. 2; 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 3932 to read as follows:

1-25 CHAPTER 3932. MISSOURI CITY MANAGEMENT DISTRICT NO. 2

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 3932.001. 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. 2.

1-34 Sec. 3932.002. NATURE OF DISTRICT. The Missouri City
 1-35 Management District No. 2 is a special district created under
 1-36 Section 59, Article XVI, Texas Constitution.

1-37 Sec. 3932.003. 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. 3932.004. 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. 3932.005. 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. 3932.006. 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. 3932.007. 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. 3932.008. 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. 3932.051. 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. 3932.052. 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. 3932.053. NONVOTING DIRECTORS. The board may appoint
3-9 nonvoting directors to serve at the pleasure of the voting
3-10 directors.

3-11 Sec. 3932.054. 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. 3932.055. 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. 3932.056. INITIAL VOTING DIRECTORS. (a) The initial
3-24 board consists of the following voting directors:

Pos. No.	Name of Director
1	John A. Van De Wiele
2	Jim Brown
3	Jack McDonald
4	Charles L. Howell, Jr.
5	Dawn Hurd
6	Ivy Levingston
7	Bobby Merchant

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 3932.052 does not apply to this section.

3-38 SUBCHAPTER C. POWERS AND DUTIES

3-39 Sec. 3932.101. 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. 3932.102. 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. 3932.103. 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. 3932.104. 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. 3932.105. 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. 3932.106. 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. 3932.107. 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. 3932.108. 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. 3932.109. ANNEXATION OF LAND. The district may annex
4-35 land as provided by Subchapter J, Chapter 49, Water Code.

4-36 Sec. 3932.110. 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. 3932.111. 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. 3932.112. 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. 3932.151. 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. 3932.152. 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. 3932.153. 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. 3932.154. 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. 3932.201. 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 3932.203.

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. 3932.202. 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 3932.201, 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. 3932.203. 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. 3932.204. 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. 3932.205. 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. 3932.206. 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. 2
6-44 initially includes all territory contained in the following area:

6-45 TRACT 1

6-46 BEING a 152.586 acre tract situated in the Elijah Roark
6-47 League Survey, Abstract 77, Fort Bend County, Texas same being
6-48 Tract 11A of Olympia Estates. Said 152.586 acre tract being more
6-49 particularly described by metes and bounds as follows (all bearings
6-50 are referenced to the Texas Coordinate System, South Central Zone
6-51 (nad83):

6-52 BEGINNING at a 5/8-inch iron rod with cap stamped "COTTON"
6-53 found for the intersection of the northwest line of a 80-foot wide H
6-54 L & P Fee Strip recorded in Volume 495, Page 659, Fort Bend County
6-55 Deed Records (FBCDR) and the east boundary line of Olympia Estates;

6-56 THENCE, South 19'38'12", West, 2339.12 feet along said
6-57 northwest line of the 80-foot wide H L & P Fee Strip to the
6-58 centerline of a Proposed 80-foot wide Collector Road;

6-59 THENCE, along the centerline of said Collector Road, THE
6-60 FOLLOWING:

6-61 273.94 feet along the arc of the curve to the left
6-62 having a radius of 800.00 feet, a central angle of 19'37'11"
6-63 and chord which bears North 23°17'47" West, 272.61 feet to a
6-64 point of tangency,

6-65 North 33°06'22" West, 519.69 feet to a point of
6-66 curvature;

6-67 1008.22 feet along the arc of a curve to the right
6-68 having a radius of 2010.00 fee, a central angle of 28°44'23"
6-69 and a chord which bears North 18°44'11" West, 997.68 feet to a

7-1 point of tangency;
 7-2 North 04'21'59" West, 330.66 feet to a point of
 7-3 curvature;
 7-4 708.67 feet along the arc of a curve to the right,
 7-5 having a radius of 2010.00 feet a central angle of 20'12'03"
 7-6 and a chord which bears North 05'44'02" East, 705.00 feet to a
 7-7 point of tangency;
 7-8 North 15'50'03" East, 178.96 feet to a point of
 7-9 curvature;
 7-10 687.32 feet along the arc of a curve to left, having a
 7-11 radius of 1190.00 feet, a central angle of 33'05'34", and a
 7-12 chord which bears North 00'42'43" West, 677.80 feet to a point
 7-13 of tangency;
 7-14 North 17'15'30" West, 130.28 feet to a point of
 7-15 curvature;
 7-16 890.16 feet along the arc of a curve to the right having
 7-17 a radius of 3010.00 feet a central angle of 16'56'39" and a
 7-18 chord which bears North 08'47'10" West, 886.92 feet to a point
 7-19 of tangency;
 7-20 North 00'18'51" West, 793.93 feet to a point for corner
 7-21 in the north line of Senior Road (variable width Roadway
 7-22 Easement) as recorded in Volume 446, page 42 and Volume 446,
 7-23 page 49 FBCDR;
 7-24 THENCE, South 89'54'41" East, 1606.62 feet to the east
 7-25 boundary line of Olympia Estates;
 7-26 THENCE, South 00'17'18" West, 3100.93 feet to the POINT OF
 7-27 BEGINNING and containing a computed area of 152.586 acres
 7-28 (6,646,629 square feet) of land.
 7-29 TRACT 2
 7-30 BEING a 116.302 acre tract situated in the Cochran and
 7-31 McCluer Survey, Abstract 191, Fort Bend County, Texas. Said
 7-32 116.302 acre tract being more particularly described by metes and
 7-33 bounds as follows, (all bearings are referenced to the Texas
 7-34 Coordinate System, South Central Zone (NAD83):
 7-35 BEGINNING at a 1/2-inch iron rod set for the southwest corner
 7-36 of said 116.302 acre tract, same also being east R.O.W. corner of a
 7-37 Proposed Fort Bend County Toll Road with a variable R. O. W. width;
 7-38 THENCE, Northwesterly along west property line, same also
 7-39 being the east R.O.W. line of said Proposed Fort Bend County Toll
 7-40 Road, with a curve to the left, having a radius of 5,879,60 feet on
 7-41 arc length of 4,992.03' a chord bearing of N00'20'03"W, and a chord
 7-42 length of 4752.91' to a point of tangency;
 7-43 THENCE, N 24'10'28" W, continuing along west property line, a
 7-44 distance of 807.08 feet to an angle point;
 7-45 THENCE, N 11'34'52" W, continuing along west property line, a
 7-46 distance of 68'96 feet to a point of curvature;
 7-47 THENCE Northwesterly, continuing along west property line,
 7-48 with a curve to the left, having a radius of 1,453.39 feet, an arc
 7-49 length of 319.45', a chord bearing of N 17'52'40"W, a chord length of
 7-50 318.81 feet to a point of tangency;
 7-51 THENCE, N 24'10'28" W, continuing along west property line, a
 7-52 distance of 289.05 feet to an angle point;
 7-53 THENCE, N 23'37'13" W, continuing along west property line, a
 7-54 distance of 106.91 feet to an angle point;
 7-55 THENCE, N 38'55'39" E, continuing along west property line, a
 7-56 distance of 61.27 feet to an angle point;
 7-57 THENCE, N 00'04'56" E, continuing along west property line, a
 7-58 distance of 98.12 feet to an angle point;
 7-59 THENCE, N 89'55'04" W, continuing along west property line, a
 7-60 distance of 15.22 feet to an angle point;
 7-61 THENCE, N 53'23'49" W, continuing along west property line, a
 7-62 distance of 9/98 feet to a point marking the northwest corner and
 7-63 the north property line of said 116.302 acre tract;
 7-64 THENCE, S, 89'54'41" E, along north property line, a distance
 7-65 of 1,300.91 feet to an angle point marking the northeast corner of
 7-66 said 116.302 acre tract;
 7-67 THENCE, S. 00'18'51" E, along east property line, a distance
 7-68 of 793.93 feet to a point of curvature;
 7-69 THENCE, Southeasterly, continuing along east property line,

8-1 with a curve to the left, having a radius of 3,010.00 feet an arc
8-2 length of 890.16', a chord bearing of S 08'47'10" E and a chord
8-3 length of 886.92 feet to a point of tangency;
8-4 THENCE, S 17'15'30" E, continuing along east property line, a
8-5 distance of 130.28 feet to a point of curvature;
8-6 THENCE, Southeasterly, continuing along east property line,
8-7 with a curve to the right, having a radius of 1,190.00 feet, an arch
8-8 length of 687.32, a chord bearing of S 00'42'43" E, and a chord
8-9 length of 677.80 feet to a point of tangency;
8-10 THENCE, S 15'50'03" W, continuing along east property line, a
8-11 distance of 178.96 feet to a point of curvature;
8-12 THENCE, Southwesterly, continuing along east property line,
8-13 with a curve to the right, having a radius of 2010.00 feet, and an
8-14 arc length of 708.66 feet, a chord bearing of S 05'44'02" W, a chord
8-15 length of 705.00 feet to a point of tangency;
8-16 THENCE, S 04'21'59" E, continuing along east property line, a
8-17 distance of 330.66 feet to appoint of curvature;
8-18 THENCE, Southeasterly, continuing along the east property
8-19 line, with a curve to the left, having a radius of 2010.00 feet and
8-20 an arc length of 1008.22 feet a chord bearing of S 18'44'11" E, a
8-21 chord length of 997.68 feet to a point of tangency;
8-22 THENCE, S 33'06'22" E, continuing along east property line, a
8-23 distance of 519.69 feet to a point of curvature;
8-24 THENCE, Southeasterly, continuing along eh east property
8-25 line, with a curve to the right, having a radius of 800.00 feet, and
8-26 an arc length of 273.94 feet, a chord bearing of S 23'17'47" E, a
8-27 chord length of 272.71 feet to an angle point;
8-28 THENCE, S 19'38'12" W, along the east property line, a
8-29 distance of 1188.58 feet to an angle point marking the southeast
8-30 corner of said 116.302 acre tract;
8-31 THENCE, S 89'06'43" W, along the south property line, a
8-32 distance of 257.43 feet to a point of curvature;
8-33 THENCE, Westerly, continuing along the south property line,
8-34 with a curve to the left, having a radius of 117130.73 feet, and an
8-35 arc length of 118.10 feet, a chord bearing of S 89'18'33" W, a chord
8-36 length of 118.10 feet to a point of tangency;
8-37 THENCE, S 89'30'22" W, continuing along south property line,
8-38 a distance of 40.75 feet to an angle point;
8-39 THENCE, N 86'20'48" W, continuing along south property line,
8-40 a distance of 401.05 feet to an angle point;
8-41 THENCE, N 82'48'17" W, continuing along south property line,
8-42 a distance of 276.38 feet to the POINT OF BEGINNING and containing
8-43 116.302 acres and 5,066,122.07 square feet;
8-44 TRACT 3
8-45 OF 38.4163 acres or 1,678.415 Square Feet of land being part
8-46 of the remainder of that certain 80 acres tract of land, conveyed to
8-47 HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's
8-48 File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.)
8-49 lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort
8-50 Bend County, Texas, said 38.4163 Acre tract is more particularly
8-51 described by metes and bounds as follows:
8-52 BEGINNING at the North Right-of-Way of Trammel-Fresno Road,
8-53 (A variable Width Right-of Way as monument and occupied), at the
8-54 Southwest corner of that certain 961.03 acre tract of land conveyed
8-55 to TEAL RUN, LTD & TEAL RUN No. 2, LTD BY A DEED RECORDED UNDER
8-56 Volume 1923, Page 968, F.B.C.D.R., from which a 5/8 inch iron rod
8-57 with a Cotton Cap found North, 1.98 feet and west, 0.39 feet;
8-58 THENCE South 84 deg. 17 min. 58 sec. West , along the North
8-59 Right-of-Way of said Trammel-Fresno Road, a distance of 380.11 feet
8-60 to a point for corner, from which a 5/8 inch iron rod was found North
8-61 0.15 feet and East 0.14 feet;
8-62 THENCE South 89 deg. 08 min. 32 sec. West along the North
8-63 Right-of-Way of said Trammel- Fresno Road, a distance of 711.97
8-64 feet to a 5/8 inch iron rod found at a point for corner at the
8-65 Southeast corner of that certain 6.269 acre tract of land conveyed
8-66 to HOUSTON LIGHTING AND POWER Co. by a deed reordered under Volume
8-67 495, Page 659, F.B.C.D.R.;
8-68 THENCE North 19 deg. 38 min. 12 sec. East along the Southeast
8-69 line of said 6.269 acre tract of land, a distance of 3289.59 feet to

9-1 a point for corner, from which a 5/8 inch iron rod with a Cotton Cap
9-2 was found North, 0.08 feet;

9-3 THENCE South 00 deg. 17 min. 18 sec. West along the West line
9-4 of said 961.03 acre tract of land a distance of 3049.90 feet to the
9-5 POINT OF BEGINNING, containing within these calls 38.4163 acres or
9-6 1,673,415 Square Feet of land as depicted on sheet 4 of 4 of a plat
9-7 prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20,
9-8 2000, revised February 13, 2001, and June 28, 2001.

9-9 SECTION 3. (a) The legal notice of the intention to
9-10 introduce this Act, setting forth the general substance of this
9-11 Act, has been published as provided by law, and the notice and a
9-12 copy of this Act have been furnished to all persons, agencies,
9-13 officials, or entities to which they are required to be furnished
9-14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-15 Government Code.

9-16 (b) The governor, one of the required recipients, has
9-17 submitted the notice and Act to the Texas Commission on
9-18 Environmental Quality.

9-19 (c) The Texas Commission on Environmental Quality has filed
9-20 its recommendations relating to this Act with the governor,
9-21 lieutenant governor, and speaker of the house of representatives
9-22 within the required time.

9-23 (d) All requirements of the constitution and laws of this
9-24 state and the rules and procedures of the legislature with respect
9-25 to the notice, introduction, and passage of this Act have been
9-26 fulfilled and accomplished.

9-27 SECTION 4. This Act takes effect immediately if it receives
9-28 a vote of two-thirds of all the members elected to each house, as
9-29 provided by Section 39, Article III, Texas Constitution. If this
9-30 Act does not receive the vote necessary for immediate effect, this
9-31 Act takes effect September 1, 2015.

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