

By: Kolkhorst

S.B. No. 2050

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Simonton Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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 3934 to read as follows:

CHAPTER 3934. SIMONTON MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3934.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Simonton.

(3) "County" means Fort Bend County.

(4) "Director" means a board member.

(5) "District" means the Simonton Management District No. 1.

Sec. 3934.002. NATURE OF DISTRICT. The Simonton Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3934.003. 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, the

1 county, and other political subdivisions to contract with the
2 district, the legislature has established a program to accomplish
3 the public purposes set out in Section 52-a, Article III, Texas
4 Constitution.

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

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

16 Sec. 3934.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

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

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

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

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

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

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

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

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

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

25 Sec. 3934.005. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

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

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

10 (4) legality or operation.

11 Sec. 3934.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
12 All or any part of the area of the district is eligible to be
13 included in:

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

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

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

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

22 Sec. 3934.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
23 DISTRICTS LAW. Except as otherwise provided by this chapter,
24 Chapter 375, Local Government Code, applies to the district.

25 Sec. 3934.008. CONSTRUCTION OF CHAPTER. This chapter shall
26 be liberally construed in conformity with the findings and purposes
27 stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3934.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year.

(b) The board by resolution may change the number of voting directors on the board if the board determines that the change is in the best interest of the district. The board may not consist of fewer than five or more than nine voting directors.

Sec. 3934.052. APPOINTMENT OF VOTING DIRECTORS. The mayor and members of the governing body of the city shall appoint voting directors from persons recommended by the board. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint that person.

Sec. 3934.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3934.054. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

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

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

(3) a nonvoting director.

Sec. 3934.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as

3 Sec. 3934.056. INITIAL VOTING DIRECTORS. (a) The initial
4 board consists of the following voting directors:

	<u>Pos. No.</u>	<u>Name of Director</u>
5		
6	<u>1</u>	_____
7	<u>2</u>	_____
8	<u>3</u>	_____
9	<u>4</u>	_____
10	5	_____

11 (b) Of the initial directors, the terms of directors
12 appointed for positions one through three expire June 1, 2017, and
13 the terms of directors appointed for positions four and five expire
14 June 1, 2019.

15 (c) Section 3934.052 does not apply to this section.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3934.101. GENERAL POWERS AND DUTIES. The district has
18 the powers and duties necessary to accomplish the purposes for
19 which the district is created.

20 Sec. 3934.102. IMPROVEMENT PROJECTS AND SERVICES. The
21 district may provide, design, construct, acquire, improve,
22 relocate, operate, maintain, or finance an improvement project or
23 service using any money available to the district, or contract with
24 a governmental or private entity to provide, design, construct,
25 acquire, improve, relocate, operate, maintain, or finance an
26 improvement project or service authorized under this chapter or
27 Chapter 375, Local Government Code.

1 Sec. 3934.103. DEVELOPMENT CORPORATION POWERS. The
2 district, using money available to the district, may exercise the
3 powers given to a development corporation under Chapter 505, Local
4 Government Code, including the power to own, operate, acquire,
5 construct, lease, improve, or maintain a project under that
6 chapter.

7 Sec. 3934.104. NONPROFIT CORPORATION. (a) The board by
8 resolution may authorize the creation of a nonprofit corporation to
9 assist and act for the district in implementing a project or
10 providing a service authorized by this chapter.

11 (b) The nonprofit corporation:

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

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

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

23 Sec. 3934.105. AGREEMENTS; GRANTS. (a) As provided by
24 Chapter 375, Local Government Code, the district may make an
25 agreement with or accept a gift, grant, or loan from any person.

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

1 Code.

2 Sec. 3934.106. LAW ENFORCEMENT SERVICES. To protect the
3 public interest, the district may contract with a qualified party,
4 including the county or the city, to provide law enforcement
5 services in the district for a fee.

6 Sec. 3934.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
7 district may join and pay dues to a charitable or nonprofit
8 organization that performs a service or provides an activity
9 consistent with the furtherance of a district purpose.

10 Sec. 3934.108. ECONOMIC DEVELOPMENT. (a) The district may
11 engage in activities that accomplish the economic development
12 purposes of the district.

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

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

18 (2) provide district personnel and services.

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

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

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

24 Sec. 3934.109. PARKING FACILITIES. (a) The district may
25 acquire, lease as lessor or lessee, construct, develop, own,
26 operate, and maintain parking facilities or a system of parking
27 facilities, including lots, garages, parking terminals, or other

structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) 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.

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

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

Sec. 3934.110. ANNEXATION OF LAND. The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

Sec. 3934.111. APPROVAL BY CITY NOT REQUIRED. Section 375.207, Local Government Code, does not apply to the district.

Sec. 3934.112. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3934.151. 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 district money.

Sec. 3934.152. 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.

1 Sec. 3934.153. PETITION REQUIRED FOR FINANCING SERVICES AND
2 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
3 service or improvement project with assessments under this chapter
4 unless a written petition requesting that service or improvement
5 has been filed with the board.

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

10 Sec. 3934.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.
11 (a) The board by resolution may impose and collect an assessment
12 for any purpose authorized by this chapter in all or any part of the
13 district.

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

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

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

24 (3) are the personal liability of and a charge against
25 the owners of the property even if the owners are not named in the
26 assessment proceedings.

27 (c) The lien is effective from the date of the board's

1 resolution imposing the assessment until the date the assessment is
2 paid. The board may enforce the lien in the same manner that the
3 board may enforce an ad valorem tax lien against real property.

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

8 Sec. 3934.155. TAX AND ASSESSMENT ABATEMENTS. The district
9 may designate reinvestment zones and may grant abatements of
10 district taxes or assessments on property in the zones.

11 SUBCHAPTER E. TAXES AND BONDS

12 Sec. 3934.201. ELECTIONS REGARDING TAXES AND BONDS.

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

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

16 (2) contract payments described by Section 3934.203.

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

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

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

27 Sec. 3934.202. OPERATION AND MAINTENANCE TAX. (a) If

authorized by a majority of the district voters voting at an election held in accordance with Section 3934.201, 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. 3934.203. 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. 3934.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms 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.

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

6 (c) The limitation on the outstanding principal amount of
7 bonds, notes, and other obligations provided by Section [49.4645](#),
8 Water Code, does not apply to the district.

9 Sec. 3934.205. TAXES FOR BONDS. At the time the district
10 issues bonds payable wholly or partly from ad valorem taxes, the
11 board shall provide for the annual imposition of a continuing
12 direct annual ad valorem tax, without limit as to rate or amount,
13 for each year that all or part of the bonds are outstanding as
14 required and in the manner provided by Sections [54.601](#) and [54.602](#),
15 Water Code.

16 Sec. 3934.206. CITY NOT REQUIRED TO PAY DISTRICT
17 OBLIGATIONS. Except as provided by Section [375.263](#), Local
18 Government Code, the city is not required to pay a bond, note, or
19 other obligation of the district.

20 SECTION 2. The Simonton Management District No. 1 initially
21 includes all territory contained in the following area:

22 TRACT 1

23 Being 33.2 acres, more or less, of land situated in the Thomas
24 Westall League, Abstract 92, Fort Bend County, Texas, more
25 particularly being that certain called 0.681 acre tract (described
26 as Tract No. 1), that certain 1.630 acre tract (described as Tract
27 No. 2), and that certain 1.019 acre tract (described as Tract No. 3

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1 & 4), all conveyed to CBDS Investments, Inc. by instrument of record
2 in File No. 2006104265 of the Official Public Records of said Fort
3 Bend County, Texas (F.B.C.O.P.R.), that certain called 1.012 acre
4 tract of land conveyed to CBDS Investments, Inc., by instrument of
5 record in File No. 2006110957, F.B.C.O.P.R., that certain called
6 1.19 acre tract of land conveyed to FM 1489 Farms, Inc., by
7 instrument of record in File No. 2006076342, F.B.C.O.P.R., now
8 owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483,
9 F.B.C.O.P.R., and a portion of that certain called 42.35 acre tract
10 conveyed to FM 1489 Farms, Inc., by instrument of record in File
11 No. 2006076344, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as
12 conveyed in File No. 2012121483, F.B.C.O.P.R., said 33.2 acre tract
13 being more particularly described by metes and bounds as follows:

14 BEGINNING at the southwesterly corner of the aforementioned
15 42.35 acre tract, said point being on the northerly line of F.M.
16 1093;

17 Thence, Northerly, along the westerly line of said 42.35 acre
18 tract, 871 feet, more or less, to a point for corner, said point
19 being at the approximate City Limits Line of Simonton;

20 Thence, Easterly, along the approximate City Limits Line of
21 Simonton, 1,704 feet, more or less, to a point for corner, said
22 point being on the easterly line of said 42.35 acre tract and the
23 westerly right-of-way line of said F.M. 1489, the beginning of a
24 curve;

25 Thence, Southerly along the westerly line of said 42.35 acre
26 tract, the westerly line of the aforementioned 1.19 acre tract and
27 the easterly right-of-way line of said F.M. 1489, 336 feet, more or

1 less, along the arc of a non-tangent curve to the right, having a
2 radius of 5,679.65 feet, to a westerly corner of said 42.35 acre
3 tract;

4 Thence, Southerly, along the easterly lines of said 42.35
5 acre tract and the aforementioned 0.681 acre tract and the westerly
6 right-of-way line of said F.M. 1489, 580 feet, more or less, to a
7 point for corner, said point being on the southerly line of the
8 aforementioned 1.630 acre;

9 Thence, Westerly, along the southerly line of said 1.630 acre
10 tract, 162 feet, more or less, to the southwesterly corner of said
11 1.630 acre tract;

12 Thence, Northerly, along a westerly line of said 1.630 acre
13 tract, 95 feet, more or less, to the southeasterly corner of the
14 aforementioned 1.012 acre tract, said point being in the northerly
15 right-of-way line of said F.M. 1093;

16 Thence, Westerly, along the northerly right-of-way line of
17 said F.M. 1093 and the southerly line of said 1.012 acre tract, 198
18 feet, more or less, to the southwesterly corner of said 1.012 acre
19 tract, said point being on the easterly line of the aforementioned
20 1.019 acre tract;

21 Thence, Southerly, along the easterly line of said 1.019 acre
22 tract, 5 feet, more or less, to the southeasterly corner of said
23 1.019 acre tract, said point being on the northerly right-of-way
24 line of said F.M. 1093;

25 Thence, Westerly, along a southerly line of said 1.019 acre
26 tract and the northerly right-of-way line of said F.M. 1093, 118
27 feet, more or less, to a southerly corner of said 1.019 acre tract;

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1 Thence, Southerly, along a southerly line of said 1.019 acre
2 tract and a northerly right-of-way line of said F.M. 1093, 5 feet,
3 more or less, to a southerly corner of said 1.019 acre tract;

4 Thence, Westerly, along a southerly line of said 1.019 acre
5 tract and the northerly right-of-way line of said F.M. 1093, 51
6 feet, more or less, to the southwesterly corner of said 1.019 acre
7 tract;

8 Thence, Northerly, departing the northerly right-of-way line
9 of said F.M. 1093, along the westerly line of said 1.019 acre tract,
10 159 feet, more or less, to a southerly corner of the aforementioned
11 42.35 acre tract;

12 Thence, Westerly, along a southerly line of said 42.35 acre
13 tract, 168 feet, more or less, to a southerly interior corner of
14 said 42.35 acre tract;

15 Thence, Southerly, along a southerly interior line of said
16 42.35 acre tract, 156 feet, more or less, to a southerly corner of
17 said 42.35 acre tract, said point being on the northerly
18 right-of-way line of said F.M. 1093;

19 Thence, Westerly, along a southerly line of said 42.35 acre
20 tract and the northerly right-of-way line of said F.M. 1093, 1,070
21 feet, more or less, to the POINT OF BEGINNING and containing 33.2
22 acres of land, more or less.

23 TRACT 2

24 Being 102 acres, more or less, of land situated in the Thomas
25 Westall League, Abstract 92, Fort Bend County, Texas, more
26 particularly being a portion of that certain called 42.35 acre
27 tract of land conveyed to FM 1489 Farms, Inc., by instrument of

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1 record in File No. 2006076344, in the Official Public Records of
2 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
3 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., a
4 portion of that certain called 69.1455 acre tract conveyed to FM
5 1489 Farms, Inc. by instrument of record in File No. 2008055874,
6 now owned by Twinwood (U.S.), Inc. as conveyed in File
7 No. 2012121483, F.B.C.O.P.R., and that certain called 63.46 acre
8 tract conveyed to FM 1489 Farms, Inc. by instrument of record in
9 File No. 2006076347, F.B.C.O.P.R., now owned by Twinwood (U.S.),
10 Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 102
11 acre tract being more particularly described by metes and bounds as
12 follows:

13 BEGINNING at the most westerly southwest corner of said
14 69.1455 acre tract;

15 Thence, Northerly, along an easterly line of said 69.1455
16 acre tract, 190 feet, more or less, to a point for corner, said
17 point being at the approximate ETJ Line of Simonton;

18 Thence, Easterly, along the approximate ETJ Line of Simonton,
19 2,169 feet, more or less, to a point for corner, said point being on
20 a northeasterly line of said 69.1455 acre tract;

21 Thence, Southeasterly, along the northeasterly line of said
22 69.1455 acre tract, 402 feet to an easterly corner of said 69.1455
23 acre tract, said point being on the westerly right-of-way line of
24 F.M. 1489;

25 Thence, Southerly, along the easterly line of said 69.1455
26 acre tract, the easterly line of the aforementioned 63.46 acre
27 tract, and the westerly right-of-way line of said F.M. 1489, 1,507

1 feet, more or less, to an easterly corner of said 63.46 acre tract,
2 the beginning of a curve;

3 Thence, Southerly, along the westerly line of said 63.46 acre
4 tract and the westerly right-of-way line of said F.M. 1489, 437
5 feet, more or less, along the arc of a tangent curve to the left,
6 having a radius of 5,779.65 feet to an easterly corner of said 63.46
7 acre tract;

8 Thence, Southerly along the easterly line of said 63.46 acre
9 tract, an easterly line of the aforementioned 42.35 acre tract, and
10 the westerly right-of-way line of said F.M. 1489, 365 feet, more or
11 less, to an easterly corner of said 42.35 acre tract, the beginning
12 of a curve;

13 Thence, Southerly, along the an easterly line of said 42.35
14 acre tract and the westerly right-of-way line of said F.M. 1489, 94
15 feet, more or less, along the arc of a tangent curve to the right,
16 having a radius of 5,679.65 feet, to a point for corner, said point
17 being at the approximate City Limits Line of Simonton;

18 Thence, Westerly, along the approximate City Limits Line of
19 Simonton, 1,704 feet, more or less, to a point for corner, said
20 point being on the westerly line of said 42.35 acre tract;

21 Thence, Northerly, along the westerly lines of said 42.35
22 acre tract, said 63.46 acre tract, and said 69.1455 acre tract,
23 2,443 feet, more or less, to a southwesterly interior corner of said
24 69.1455 acre tract;

25 Thence Westerly, along a southerly line of said 69.1455 acre
26 tract, 943 feet, more or less, to the POINT OF BEGINNING and
27 containing 102 acres of land, more or less.

1 TRACT 3

2 Being 138 acres, more or less, of land situated in the Thomas
3 Westall League, Abstract 92, Fort Bend County, Texas, more
4 particularly being a portion of that certain called 200.15 acre
5 tract of land conveyed to Hady Creek Ranch, Inc. by instrument of
6 record in File No. 2006084768 of the Official Public Records of
7 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
8 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., and
9 that certain 1.6858 acre tract of land conveyed to Hady Creek Ranch,
10 Inc. by instrument of record in File No. 2006084767, F.B.C.O.P.R.,
11 now owned by Twinwood (U.S.), Inc. as conveyed in File
12 No. 2012121483, F.B.C.O.P.R., said 138 acre tract being more
13 particularly described by metes and bounds as follows:

14 BEGINNING at the southeasterly corner of said 200.15 acre
15 tract;

16 Thence, Westerly, along a southerly line of said 200.15 acre
17 tract, 1,414 feet, more or less, to a southwesterly corner of said
18 200.15 acre tract;

19 Thence, Northerly, along a southerly line of said 200.15 acre
20 tract, 50 feet, more or less, to a southwesterly corner of said
21 200.15 acre tract;

22 Thence, Westerly, along a southerly line of said 200.15 acre
23 tract, 258 feet, more or less, to a southwesterly corner of said
24 200.15 acre tract, said point being on the easterly right-of-way
25 line of F.M. 1489;

26 Thence, Northerly, along a westerly line of said 200.15 acre
27 tract and the easterly line of said F.M. 1489, 570 feet, more or

1 less, to a westerly corner of said 200.15 acre tract, the beginning
2 of a curve;

3 Thence, Northerly, along a westerly line of said 200.15 acre
4 tract and the easterly line of said F.M. 1489, 437 feet, more or
5 less, along the arc of a tangent curve to the left, having a radius
6 of 5,779.65 feet, to a westerly corner of said 200.15 acre tract;

7 Thence, Northerly, along a westerly line of said 200.15 acre
8 tract and the easterly line of said F.M. 1489, 365 feet, more or
9 less to a westerly corner of said 200.15 acre tract, the beginning
10 of a curve;

11 Thence, Northerly, along a westerly line of said 200.15 acre
12 tract and the easterly line of said F.M. 1489, 430 feet, more or
13 less, along the arc of a tangent curve to the right, having a radius
14 of 5,679.65 feet, to a westerly corner of said 200.15 acre tract;

15 Thence, Northerly, along a westerly line of said 200.15 acre
16 tract and the easterly right-of-way line of said F.M. 1489, 1,801
17 feet, more or less, to a point for corner, said point being at the
18 approximate ETJ Line of Simonton, the beginning of a curve;

19 Thence, Southeasterly, along the approximate ETJ Line of
20 Simonton, 2,115 feet, more or less, along the arc of a non-tangent
21 curve to the right, having a radius of 2,640.00 feet, to a point for
22 corner, said point being on an easterly line of said 200.15 acre
23 tract;

24 Thence, Southerly, along an easterly line of said 200.15 acre
25 tract and the easterly line of the aforementioned 1.6858 acre
26 tract, 2,741 feet, more or less, to the POINT OF BEGINNING and
27 containing 138 acres of land, more or less.

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

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

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

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

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

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