

By: Reynolds

H.B. No. 4156

Substitute the following for H.B. No. 4156:

By: Fallon

C.S.H.B. No. 4156

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Missouri City Management District No. 2; 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 3932 to read as follows:

CHAPTER 3932. MISSOURI CITY MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3932.001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Fort Bend County.

(4) "Director" means a board member.

(5) "District" means the Missouri City Management District No. 2.

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

Sec. 3932.003. 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. 3932.004. 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. 3932.005. 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. 3932.006. 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. 3932.007. 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. 3932.008. 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. 3932.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven voting directors who serve staggered terms of four years, with three or four 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 5 or more than 11 voting directors.

Sec. 3932.052. 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. 3932.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3932.054. 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. 3932.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as

provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3932.056. INITIAL VOTING DIRECTORS. (a) The initial board consists of the following voting directors:

| <u>Pos. No.</u> | <u>Name of Director</u>       |
|-----------------|-------------------------------|
| <u>1</u>        | <u>John A. Van De Wiele</u>   |
| <u>2</u>        | <u>Jim Brown</u>              |
| <u>3</u>        | <u>Jack McDonald</u>          |
| <u>4</u>        | <u>Charles L. Howell, Jr.</u> |
| <u>5</u>        | <u>Larry Pullen</u>           |
| <u>6</u>        | <u>Steven Perez</u>           |
| <u>7</u>        | <u>Rodney Griffin</u>         |

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

(c) Section 3932.052 does not apply to this section.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3932.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3932.102. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an

1 improvement project or service authorized under this chapter or  
2 Chapter 375, Local Government Code.

3 Sec. 3932.103. DEVELOPMENT CORPORATION POWERS. The  
4 district, using money available to the district, may exercise the  
5 powers given to a development corporation under Chapter 505, Local  
6 Government Code, including the power to own, operate, acquire,  
7 construct, lease, improve, or maintain a project under that  
8 chapter.

9 Sec. 3932.104. NONPROFIT CORPORATION. (a) The board by  
10 resolution may authorize the creation of a nonprofit corporation to  
11 assist and act for the district in implementing a project or  
12 providing a service authorized by this chapter.

13 (b) The nonprofit corporation:

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

17 (2) may implement any project and provide any service  
18 authorized by this chapter.

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

25 Sec. 3932.105. AGREEMENTS; GRANTS. (a) As provided by  
26 Chapter 375, Local Government Code, the district may make an  
27 agreement with or accept a gift or grant from any person. The

1 district shall promptly notify the city of any gift or grant  
2 accepted by the district.

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

6 Sec. 3932.106. LAW ENFORCEMENT SERVICES. To protect the  
7 public interest, the district may contract with a qualified party,  
8 including the county or the city, to provide law enforcement  
9 services in the district for a fee.

10 Sec. 3932.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
11 district may join and pay dues to a charitable or nonprofit  
12 organization that performs a service or provides an activity  
13 consistent with the furtherance of a district purpose.

14 Sec. 3932.108. PARKING FACILITIES. (a) The district may  
15 acquire, lease as lessor or lessee, construct, develop, own,  
16 operate, and maintain parking facilities or a system of parking  
17 facilities, including lots, garages, parking terminals, or other  
18 structures or accommodations for parking motor vehicles off the  
19 streets and related appurtenances.

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

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

27 (d) The development and operation of the district's parking



1 facilities may be considered an economic development program.

2 Sec. 3932.109. ANNEXATION OF LAND. The district may annex  
3 land as provided by Subchapter J, Chapter 49, Water Code.

4 Sec. 3932.110. APPROVAL BY CITY. (a) Except as provided  
5 by Subsection (c), the district must obtain the approval of the city  
6 for:

7 (1) the issuance of bonds;

8 (2) the plans and specifications of an improvement  
9 project financed by bonds; and

10 (3) the plans and specifications of an improvement  
11 project related to the use of land owned by the city, an easement  
12 granted to or by the city, or a right-of-way of a street, road, or  
13 highway.

14 (b) The district may not issue bonds until the governing  
15 body of the city adopts a resolution or ordinance authorizing the  
16 issuance of the bonds.

17 (c) If the district obtains the approval of the city's  
18 governing body of a capital improvements budget for a period not to  
19 exceed five years, the district may finance the capital  
20 improvements and issue bonds specified in the budget without  
21 further approval from the city.

22 (d) The governing body of the city:

23 (1) is not required to adopt a resolution or ordinance  
24 to approve plans and specifications described by Subsection (a);  
25 and

26 (2) may establish an administrative process to approve  
27 plans and specifications described by Subsection (a) without the

1 involvement of the governing body.

2 Sec. 3932.111. CONSENT OF CITY REQUIRED. The district may  
3 not take any of the following actions until the city has consented  
4 by ordinance or resolution to the creation of the district and to  
5 the inclusion of land in the district:

6 (1) hold an election under Subchapter L, Chapter 375,  
7 Local Government Code;

8 (2) impose an ad valorem tax;

9 (3) impose an assessment;

10 (4) issue bonds; or

11 (5) enter into an agreement to reimburse the costs of  
12 facilities.

13 Sec. 3932.112. NO EMINENT DOMAIN POWER. The district may  
14 not exercise the power of eminent domain.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

16 Sec. 3932.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
17 board by resolution shall establish the number of directors'  
18 signatures and the procedure required for a disbursement or  
19 transfer of district money.

20 Sec. 3932.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
21 The district may acquire, construct, finance, operate, or maintain  
22 any improvement or service authorized under this chapter or Chapter  
23 375, Local Government Code, using any money available to the  
24 district.

25 Sec. 3932.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
26 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
27 service or improvement project with assessments under this chapter

1 unless a written petition requesting that service or improvement  
2 has been filed with the board.

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

7 Sec. 3932.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

8 (a) The board by resolution may impose and collect an assessment  
9 for any purpose authorized by this chapter in all or any part of the  
10 district.

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

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

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

21 (3) are the personal liability of and a charge against  
22 the owners of the property even if the owners are not named in the  
23 assessment proceedings.

24 (c) The lien is effective from the date of the board's  
25 resolution imposing the assessment until the date the assessment is  
26 paid. The board may enforce the lien in the same manner that the  
27 board may enforce an ad valorem tax lien against real property.

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

5                   SUBCHAPTER E. TAXES AND BONDS

6       Sec. 3932.201. ELECTIONS REGARDING TAXES AND BONDS.

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

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

10              (2) contract payments described by Section 3932.203.

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

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

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

21       Sec. 3932.202. OPERATION AND MAINTENANCE TAX. (a) If  
22 authorized by a majority of the district voters voting at an  
23 election held in accordance with Section 3932.201, the district may  
24 impose an operation and maintenance tax on taxable property in the  
25 district in accordance with Section 49.107, Water Code, for any  
26 district purpose, including to:

27              (1) maintain and operate the district;

1           (2) construct or acquire improvements; or

2           (3) provide a service.

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

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

7           Sec. 3932.203. CONTRACT TAXES. (a) In accordance with  
8 Section 49.108, Water Code, the district may impose a tax other than  
9 an operation and maintenance tax and use the revenue derived from  
10 the tax to make payments under a contract after the provisions of  
11 the contract have been approved by a majority of the district voters  
12 voting at an election held for that purpose.

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

16           Sec. 3932.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS  
17 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms  
18 determined by the board. Section 375.205, Local Government Code,  
19 does not apply to a loan, line of credit, or other borrowing from a  
20 bank or financial institution secured by revenue other than ad  
21 valorem taxes.

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

27           (c) The limitation on the outstanding principal amount of

bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3932.205. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3932.206. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the city is not required to pay a bond, note, or other obligation of the district.

SECTION 2. The Missouri City Management District No. 2 initially includes all territory contained in the following area:

TRACT 1

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

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

THENCE, South 19'38'12", West, 2339.12 feet along said

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1 northwest line of the 80-foot wide H L & P Fee Strip to the  
2 centerline of a Proposed 80-foot wide Collector Road;

3       THENCE, along the centerline of said Collector Road, THE  
4 FOLLOWING:

5           273.94 feet along the arc of the curve to the left  
6       having a radius of 800.00 feet, a central angle of 19'37'11"  
7       and chord which bears North 23°17'47" West, 272.61 feet to a  
8       point of tangency,

9           North 33°06'22" West, 519.69 feet to a point of  
10       curvature;

11          1008.22 feet along the arc of a curve to the right  
12       having a radius of 2010.00 feet, a central angle of 28°44'23"  
13       and a chord which bears North 18°44'11" West, 997.68 feet to a  
14       point of tangency;

15          North 04°21'59" West, 330.66 feet to a point of  
16       curvature;

17          708.67 feet along the arc of a curve to the right,  
18       having a radius of 2010.00 feet a central angle of 20°12'03"  
19       and a chord which bears North 05°44'02" East, 705.00 feet to a  
20       point of tangency;

21          North 15°50'03" East, 178.96 feet to a point of  
22       curvature;

23          687.32 feet along the arc of a curve to left, having a  
24       radius of 1190.00 feet, a central angle of 33°05'34", and a  
25       chord which bears North 00°42'43" West, 677.80 feet to a point  
26       of tangency;

27          North 17°15'30" West, 130.28 feet to a point of

1 curvature;

2 890.16 feet along the arc of a curve to the right having  
3 a radius of 3010.00 feet a central angle of 16'56'39" and a  
4 chord which bears North 08'47'10" West, 886.92 feet to a point  
5 of tangency;

6 North 00'18'51" West, 793.93 feet to a point for corner  
7 in the north line of Senior Road (variable width Roadway  
8 Easement) as recorded in Volume 446, page 42 and Volume 446,  
9 page 49 FBCDR;

10 THENCE, South 89'54'41" East, 1606.62 feet to the east  
11 boundary line of Olympia Estates;

12 THENCE, South 00'17'18" West, 3100.93 feet to the POINT OF  
13 BEGINNING and containing a computed area of 152.586 acres  
14 (6,646,629 square feet) of land.

15 TRACT 2

16 BEING a 116.302 acre tract situated in the Cochran and  
17 McCluer Survey, Abstract 191, Fort Bend County, Texas. Said  
18 116.302 acre tract being more particularly described by metes and  
19 bounds as follows, (all bearings are referenced to the Texas  
20 Coordinate System, South Central Zone (NAD83):

21 BEGINNING at a 1/2-inch iron rod set for the southwest corner  
22 of said 116.302 acre tract, same also being east R.O.W. corner of a  
23 Proposed Fort Bend County Toll Road with a variable R. O. W. width;

24 THENCE, Northwesterly along west property line, same also  
25 being the east R.O.W. line of said Proposed Fort Bend County Toll  
26 Road, with a curve to the left, having a radius of 5,879,60 feet on  
27 arc length of 4,992.03' a chord bearing of N00'20'03"W, and a chord



1 length of 4752.91' to a point of tangency;  
2       THENCE, N 24'10'28" W, continuing along west property line, a  
3 distance of 807.08 feet to an angle point;  
4       THENCE, N 11'34'52" W, continuing along west property line, a  
5 distance of 68'96 feet to a point of curvature;  
6       THENCE Northwesterly, continuing along west property line,  
7 with a curve to the left, having a radius of 1,453.39 feet, an arc  
8 length of 319.45', a chord bearing of N 17'52'40"W, a chord length of  
9 318.81 feet to a point of tangency;  
10       THENCE, N 24'10'28" W, continuing along west property line, a  
11 distance of 289.05 feet to an angle point;  
12       THENCE, N 23'37'13" W, continuing along west property line, a  
13 distance of 106.91 feet to an angle point;  
14       THENCE, N 38'55'39" E, continuing along west property line, a  
15 distance of 61.27 feet to an angle point;  
16       THENCE, N 00'04'56" E, continuing along west property line, a  
17 distance of 98.12 feet to an angle point;  
18       THENCE, N 89'55'04" W, continuing along west property line, a  
19 distance of 15.22 feet to an angle point;  
20       THENCE, N 53'23'49" W, continuing along west property line, a  
21 distance of 9/98 feet to a point marking the northwest corner and  
22 the north property line of said 116.302 acre tract;  
23       THENCE, S, 89'54'41" E, along north property line, a distance  
24 of 1,300.91 feet to an angle point marking the northeast corner of  
25 said 116.302 acre tract;  
26       THENCE, S. 00'18'51" E, along east property line, a distance  
27 of 793.93 feet to a point of curvature;

1       THENCE, Southeasterly, continuing along east property line,  
2 with a curve to the left, having a radius of 3,010.00 feet an arc  
3 length of 890.16', a chord bearing of S 08'47'10" E and a chord  
4 length of 886.92 feet to a point of tangency;

5       THENCE, S 17'15'30" E, continuing along east property line, a  
6 distance of 130.28 feet to a point of curvature;

7       THENCE, Southeasterly, continuing along east property line,  
8 with a curve to the right, having a radius of 1,190.00 feet, an arch  
9 length of 687.32, a chord bearing of S 00'42'43" E, and a chord  
10 length of 677.80 feet to a point of tangency;

11       THENCE, S 15'50'03" W, continuing along east property line, a  
12 distance of 178.96 feet to a point of curvature;

13       THENCE, Southwesterly, continuing along east property line,  
14 with a curve to the right, having a radius of 2010.00 feet, and an  
15 arc length of 708.66 feet, a chord bearing of S 05'44'02" W, a chord  
16 length of 705.00 feet to a point of tangency;

17       THENCE, S 04'21'59" E, continuing along east property line, a  
18 distance of 330.66 feet to appoint of curvature;

19       THENCE, Southeasterly, continuing along the east property  
20 line, with a curve to the left, having a radius of 2010.00 feet and  
21 an arc length of 1008.22 feet a chord bearing of S 18'44'11" E, a  
22 chord length of 997.68 feet to a point of tangency;

23       THENCE, S 33'06'22" E, continuing along east property line, a  
24 distance of 519.69 feet to a point of curvature;

25       THENCE, Southeasterly, continuing along eh east property  
26 line, with a curve to the right, having a radius of 800.00 feet, and  
27 an arc length of 273.94 feet, a chord bearing of S 23'17'47" E, a

1 chord length of 272.71 feet to an angle point;

2       THENCE, S 19'38'12" W, along the east property line, a  
3 distance of 1188.58 feet to an angle point marking the southeast  
4 corner of said 116.302 acre tract;

5       THENCE, S 89'06'43" W, along the south property line, a  
6 distance of 257.43 feet to a point of curvature;

7       THENCE, Westerly, continuing along the south property line,  
8 with a curve to the left, having a radius of 117130.73 feet, and an  
9 arc length of 118.10 feet, a chord bearing of S 89'18'33" W, a chord  
10 length of 118.10 feet to a point of tangency;

11       THENCE, S 89'30'22" W, continuing along south property line,  
12 a distance of 40.75 feet to an angle point;

13       THENCE, N 86'20'48" W, continuing along south property line,  
14 a distance of 401.05 feet to an angle point;

15       THENCE, N 82'48'17" W, continuing along south property line,  
16 a distance of 276.38 feet to the POINT OF BEGINNING and containing  
17 116.302 acres and 5,066,122.07 square feet;

18       TRACT 3

19       OF 38.4163 acres or 1,678.415 Square Feet of land being part  
20 of the remainder of that certain 80 acres tract of land, conveyed to  
21 HERMANN HEALTH CARE SYSTEM, Inc. by a deed recorded under Clerk's  
22 File No. 9774265, of the Fort Bend County Deed Records (F.B.C.D.R.)  
23 lying in the ELIJAH ROARK LEAGUE Survey, Abstract No. 77, in Fort  
24 Bend County, Texas, said 38.4163 Acre tract is more particularly  
25 described by metes and bounds as follows:

26       BEGINNING at the North Right-of-Way of Trammel-Fresno Road,  
27 (A variable Width Right-of Way as monument and occupied), at the

C.S.H.B. No. 4156

1 Southwest corner of that certain 961.03 acre tract of land conveyed  
2 to TEAL RUN, LTD & TEAL RUN No. 2, LTD BY A DEED RECORDED UNDER  
3 Volume 1923, Page 968, F.B.C.D.R., from which a 5/8 inch iron rod  
4 with a Cotton Cap found North, 1.98 feet and west, 0.39 feet;

5       THENCE South 84 deg. 17 min. 58 sec. West , along the North  
6 Right-of-Way of said Trammel-Fresno Road, a distance of 380.11 feet  
7 to a point for corner, from which a 5/8 inch iron rod was found North  
8 0.15 feet and East 0.14 feet;

9       THENCE South 89 deg. 08 min. 32 sec. West along the North  
10 Right-of-Way of said Trammel- Fresno Road, a distance of 711.97  
11 feet to a 5/8 inch iron rod found at a point for corner at the  
12 Southeast corner of that certain 6.269 acre tract of land conveyed  
13 to HOUSTON LIGHTING AND POWER Co. by a deed reordered under Volume  
14 495, Page 659, F.B.C.D.R.;

15       THENCE North 19 deg. 38 min. 12 sec. East along the Southeast  
16 line of said 6.269 acre tract of land, a distance of 3289.59 feet to  
17 a point for corner, from which a 5/8 inch iron rod with a Cotton Cap  
18 was found North, 0.08 feet;

19       THENCE South 00 deg. 17 min. 18 sec. West along the West line  
20 of said 961.03 acre tract of land a distance of 3049.90 feet to the  
21 POINT OF BEGINNING, containing within these calls 38.4163 acres or  
22 1,673,415 Square Feet of land as depicted on sheet 4 of 4 of a plat  
23 prepared by Donald K. Hall, R.P.L.S. No. 4070, dated November 20,  
24 2000, revised February 13, 2001, and June 28, 2001.

25       SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

5 (b) The governor, one of the required recipients, has  
6 submitted the notice and Act to the Texas Commission on  
7 Environmental Quality.

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

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

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