

Chapter 668

S.B. No. 2277

1 AN ACT

2 relating to the creation of the Lakewood Municipal Utility District  
3 No. 3; granting a limited power of eminent domain; providing  
4 authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 8005 to read as follows:

9 CHAPTER 8005. LAKEWOOD MUNICIPAL UTILITY DISTRICT NO. 3

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8005.001. DEFINITIONS. In this chapter:

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

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

15 (3) "Director" means a board member.

16 (4) "District" means the Lakewood Municipal Utility  
17 District No. 3.

18 Sec. 8005.002. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 8005.003. CONFIRMATION AND DIRECTORS' ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 8005.004. CONSENT OF MUNICIPALITY REQUIRED.     The  
2 temporary directors may not hold an election under Section 8005.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 8005.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8     (a) The district is created to serve a public purpose and benefit.

9       (b) The district is created to accomplish the purposes of:

10           (1) a municipal utility district as provided by  
11 general law and Section 59, Article XVI, Texas Constitution; and

12           (2) Section 52, Article III, Texas Constitution, that  
13 relate to the construction, acquisition, improvement, operation,  
14 or maintenance of macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16       Sec. 8005.006. INITIAL DISTRICT TERRITORY.     (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23           (1) organization, existence, or validity;

24           (2) right to issue any type of bond for the purposes  
25 for which the district is created or to pay the principal of and  
26 interest on a bond;

27           (3) right to impose a tax; or

1           (4) legality or operation.

2                           SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 8005.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8005.052, directors serve  
6 staggered four-year terms.

7           Sec. 8005.052. TEMPORARY DIRECTORS. (a) On or after  
8 September 1, 2017, the owner or owners of a majority of the assessed  
9 value of the real property in the district may submit a petition to  
10 the commission requesting that the commission appoint as temporary  
11 directors the five persons named in the petition. The commission  
12 shall appoint as temporary directors the five persons named in the  
13 petition.

14           (b) Temporary directors serve until the earlier of:

15                   (1) the date permanent directors are elected under  
16 Section 8005.003; or

17                   (2) September 1, 2021.

18           (c) If permanent directors have not been elected under  
19 Section 8005.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23                   (1) the date permanent directors are elected under  
24 Section 8005.003; or

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

27           (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district  
2 may submit a petition to the commission requesting that the  
3 commission appoint as successor temporary directors the five  
4 persons named in the petition. The commission shall appoint as  
5 successor temporary directors the five persons named in the  
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8005.101. GENERAL POWERS AND DUTIES. The district has  
9 the powers and duties necessary to accomplish the purposes for  
10 which the district is created.

11 Sec. 8005.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 Sec. 8005.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain, and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8005.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
23 road project must meet all applicable construction standards,  
24 zoning and subdivision requirements, and regulations of each  
25 municipality in whose corporate limits or extraterritorial  
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road  
2 project must meet all applicable construction standards,  
3 subdivision requirements, and regulations of each county in which  
4 the road project is located.

5 (c) If the state will maintain and operate the road, the  
6 Texas Transportation Commission must approve the plans and  
7 specifications of the road project.

8 Sec. 8005.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
9 OR RESOLUTION. The district shall comply with all applicable  
10 requirements of any ordinance or resolution that is adopted under  
11 Section 54.016 or 54.0165, Water Code, and that consents to the  
12 creation of the district or to the inclusion of land in the  
13 district.

14 Sec. 8005.106. DIVISION OF DISTRICT. (a) The district may  
15 be divided into two or more districts only if:

- 16 (1) the district has no outstanding bonded debt;  
17 (2) the district is not imposing ad valorem taxes; and  
18 (3) the requirements of Subsection (i), as applicable,  
19 are satisfied.

20 (b) This chapter applies to any new district created by the  
21 division of the district, and a new district has all the powers and  
22 duties of the district.

23 (c) A new district created by the division of the district  
24 may not, at the time the new district is created, contain any land  
25 outside the area described by Section 2 of the Act enacting this  
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

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1 signed by the owner or owners of a majority of the assessed value of  
2 the real property in the district, may adopt an order dividing the  
3 district.

4 (e) The board may adopt an order dividing the district  
5 before or after the date the board holds an election under Section  
6 8005.003 to confirm the district's creation.

7 (f) An order dividing the district shall:

- 8 (1) name the new district;
- 9 (2) include the metes and bounds of each new district;
- 10 (3) appoint temporary directors for each new district;

11 and

12 (4) provide for the division of assets and liabilities  
13 between the district and each new district.

14 (g) On or before the 30th day after the date of adoption of  
15 an order dividing the district, the district shall file the order  
16 with the commission and record the order in the real property  
17 records of each county in which the district is located.

18 (h) A new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 8005.003.

21 (i) If the district is located wholly or partly in the  
22 corporate limits or the extraterritorial jurisdiction of a  
23 municipality, the district may not divide under this section unless  
24 the municipality by resolution or ordinance consents to the  
25 division of the district. If the district is not located wholly or  
26 partly in the corporate limits or extraterritorial jurisdiction of  
27 a municipality, the district may not divide under this section

1 unless the commissioners court of each county in which the district  
2 is wholly or partly located first adopts a resolution or order in  
3 support of the division of the district.

4 (j) Any new district created by the division of the district  
5 must hold an election as required by this chapter to obtain voter  
6 approval before the district may impose a maintenance tax or issue  
7 bonds payable wholly or partly from ad valorem taxes.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 8005.151. ELECTIONS REGARDING TAXES OR BONDS.

10 (a) The district may issue, without an election, bonds and other  
11 obligations secured by revenue other than ad valorem taxes.

12 (b) The district must hold an election in the manner  
13 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
14 before the district may impose an ad valorem tax or issue bonds  
15 payable from ad valorem taxes.

16 (c) The district may not issue bonds payable from ad valorem  
17 taxes to finance a road project unless the issuance is approved by a  
18 vote of a two-thirds majority of the district voters voting at an  
19 election held for that purpose.

20 Sec. 8005.152. OPERATION AND MAINTENANCE TAX. (a) If  
21 authorized at an election held under Section 8005.151, the district  
22 may impose an operation and maintenance tax on taxable property in  
23 the district in accordance with Section 49.107, Water Code.

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

26 Sec. 8005.153. WATER AND SEWER RATES. Notwithstanding any  
27 other law, the district shall establish the same rates for

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1 residential and commercial classes of customers for the provision  
2 of water and sewer services. For purposes of this section, the  
3 commercial class may not include apartment complexes or other  
4 multifamily dwellings.

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8005.201. AUTHORITY TO ISSUE BONDS AND OTHER  
7 OBLIGATIONS. The district may issue bonds or other obligations  
8 payable wholly or partly from ad valorem taxes, impact fees,  
9 revenue, contract payments, grants, or other district money, or any  
10 combination of those sources, to pay for any authorized district  
11 purpose.

12 Sec. 8005.202. TAXES FOR BONDS. At the time the district  
13 issues bonds payable wholly or partly from ad valorem taxes, the  
14 board shall provide for the annual imposition of a continuing  
15 direct ad valorem tax, without limit as to rate or amount, while all  
16 or part of the bonds are outstanding as required and in the manner  
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 8005.203. BONDS FOR ROAD PROJECTS. At the time of  
19 issuance, the total principal amount of bonds or other obligations  
20 issued or incurred to finance road projects and payable from ad  
21 valorem taxes may not exceed one-fourth of the assessed value of the  
22 real property in the district.

23 SECTION 2. The Lakewood Municipal Utility District No. 3  
24 initially includes all the territory contained in the following  
25 area:

26 All bearings, distance and acreages are grid and are  
27 referenced to the State Plane Coordinate System, Texas South



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1 Central Zone, NAD83, U. S. survey feet. Mapping angle is +01°54'04"  
2 and the scale factor is 0.999915022.

3 TRACT I

4 BEGINNING at an iron rod with cap marked 'CENTERPOINT ENERGY' found  
5 at the northeast corner of a called 102.152 acre tract recorded in  
6 Document No. C683627, Deed Records of Harris County, Texas and in  
7 the west line of the T.& N.O. Rail Road right of way (variable  
8 width). Said iron rod has a State Plane coordinate value of N:  
9 13895997.02 and E: 3210310.99.

10 THENCE S 47° 04'28" W with the west line of said Rail Road right of  
11 way a distance of 926.77 feet to a point for corner.

12 THENCE continuing with the west line of said Rail Road right of way  
13 with the arc of a curve to the left having a chord direction of S 35°  
14 23' 19 W, and a radius of 2451.30, a distance of 1101.40 feet to a  
15 point for corner.

16 THENCE S 23° 06' 25" W with the west line of said Rail Road right of  
17 way a distance of 47.01 feet to a 1/2 inch iron rod with cap  
18 marked '5502' set from which a 26" pine marked 'X' bears North 6.5  
19 feet.

20 THENCE S 88°03'39" W with the north line of a called 304.5696 acre  
21 tract recorded in Document No. 20130230098 a distance of 2407.13  
22 feet to an iron rod found with cap marked 'RPLS 4615'.

23 THENCE S 87°58'14" W with the north line of the said called 304.5696  
24 acre tract and the south line of the herein described tract a  
25 distance of 4489.98 feet to a 1/2 inch iron pipe found from which a  
26 28" sweet gum marked 'X' bears N58°W 3 feet.

27 THENCE S 88°10'16" W with the north line of the said 304.5696 acre

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1 tract a distance of 3159.89 feet to the left bank of the San Jacinto  
2 River on the line of mean higher high water.  
3 THENCE up the river with its meanders on the line of mean higher  
4 high water:  
5 N 31°25'35" W 84.67 feet;  
6 N 15°33'56" W 191.85 feet;  
7 N 04°38'06" W 258.15 feet;  
8 N 14°00'39" W 87.13 feet;  
9 N 20°54'29" W 155.32 feet;  
10 N 26°38'13" W 215.05 feet;  
11 N 39°38'48" W 353.07 feet;  
12 N 50°07'18" W 307.76 feet;  
13 N 54°25'26" W a distance of 278.56 feet to a point for corner at the  
14 southwest corner of said called 102.152 acre tract.  
15 THENCE N 88°23'12" E with the south line of the said called 102.152  
16 acre tract and the north line of the herein described tract 9551.32  
17 feet to an iron rod found with blue cap.  
18 THENCE N87°53'38"E with the south line said called 102.152 acre  
19 tract a distance of 2593.16 feet to 1/2 inch iron rod set with cap  
20 marked '5502'.  
21 THENCE S 85°24'11" E with the south line of the said called 102.152  
22 acre tract and the north line of the herein described tract a  
23 distance of 225.32 feet to the PLACE OF BEGINNING, containing  
24 394.12 acres of land.

25 TRACT II

26 BEGINNING at a 1" iron pipe found at the most easterly corner of a  
27 called 56.50 acre tract recorded in Volume 1458, Page 1, Deed

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1 Records of Harris County, Texas, in the south line of the San  
2 Jacinto River Authority East Canal right of way, recorded in Volume  
3 1294, Page 256, Deed Records of Harris County, Texas, and at the  
4 most northerly northwest corner of this tract, and having a Texas  
5 State Plane coordinate value of N: 13902035.22 and E: 3197556.06.  
6 THENCE S 58° 23' 02" E with the south line of said San Jacinto River  
7 Authority East Canal right of way, and a north line of this tract, a  
8 distance of 1,097.21 feet to a 1/2 inch iron rod set with cap marked  
9 "SHINE 5502".  
10 THENCE continuing with the south line of said San Jacinto River  
11 Authority East Canal right of way, and a north line of this tract,  
12 with the arc of a curve to the left having a chord direction of S 84°  
13 10' 00" E, a radius of 317.72, a distance of 298.83 feet to a 1/2  
14 inch iron rod set with cap marked "SHINE 5502".  
15 THENCE N 68° 53' 20" E continuing with the south line of said San  
16 Jacinto River Authority East Canal right of way, and a north line of  
17 this tract a distance of 1,833.89 feet to a point.  
18 THENCE N 72° 25' 46" E continuing with the south line of said San  
19 Jacinto River Authority East Canal, and a north line of this tract a  
20 distance of 567.07 feet to a 1/2 inch iron rod with cap marked  
21 "SHINE 5502" set at the northwest corner of a called 2.866 acre  
22 tract recorded in Harris County Clerk's File E018138.  
23 THENCE S 01° 15' 13" E with the west line of said called 2.866 acre  
24 tract a distance of 329.82' to a 1/2 inch iron rod with cap marked  
25 "SHINE 5502" set at the southwest corner of said called 2.866 acre  
26 tract.  
27 THENCE N 88° 44' 57" E with the south line of said called 2.866 acre

1 tract, a distance of 330.05 feet to a 1/2 inch iron rod with cap  
2 marked "SHINE 5502" set at the southeast corner of said called 2.866  
3 acre tract.

4 THENCE N 01° 15' 14" W with the east line of said called 2.866 acre  
5 tract a distance of 426.18 feet to a 1/2 inch iron rod with cap  
6 marked "SHINE 5502" set at the northeast corner of said called 2.866  
7 acre tract, in the south line of said San Jacinto River Authority  
8 East Canal right of way.

9 THENCE N 72° 28' 26" E continuing with the south line of said San  
10 Jacinto River Authority East Canal right of way, and a north line of  
11 this tract a distance of 312.52 feet to a 1/2 inch iron rod with cap  
12 marked "SHINE 5502" set at a northerly corner of this tract and the  
13 northwest corner of Newport Subdivision, Section 4, a subdivision  
14 recorded in Volume 206, Page 145, Map Records of Harris County,  
15 Texas, from which an iron rod found with cap marked "RUSS AND PARK  
16 SURVEYING" bears N 72° 29' 29" E a distance of 167.92 feet.

17 THENCE S 00° 36' 34" E with a west line of said Newport Subdivision,  
18 Section 4, and a northerly east line of this tract a distance of  
19 1,261.04 feet to a 1/2 inch iron rod found at the most westerly  
20 southwest corner of said Newport Subdivision, Section 4.

21 THENCE N 89° 29' 03" E with a south line of said Newport Subdivision,  
22 Section 4 and a north line of this tract a distance of 71.96 feet to  
23 a 1/2 inch iron rod found at the most southerly northwest corner of  
24 a called 9.29 acre tract (Called Tract 6), recorded in Harris County  
25 Clerk's File Z432808.

26 THENCE S 18° 57' 14" W with the west line of said called 9.29 acre  
27 tract, passing the southwest corner of said called 9.29 acre tract

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1 and the northwest corner of a called 4.29 acre tract recorded in  
2 File No. T528516, Deed Records of Harris County, Texas, and  
3 continuing a total distance of 512.10 feet to 1/2 inch iron rod with  
4 cap marked "SHINE 5502" set at the southwest corner of said called  
5 4.29 acre tract.

6 THENCE S 48° 47' 48" E with the southwest line of said called 4.29  
7 acre tract a distance of 660.77 feet to a 1/2 inch iron rod found at  
8 the southeast corner of said called 4.29 acre tract in the west line  
9 of Newport Subdivision, Section 2, a subdivision recorded in Volume  
10 195, Page 35, Map Records of Harris County, Texas.

11 THENCE S 04° 57' 10" W with the west line of said Newport  
12 Subdivision, Section 2, a distance of 1,073.79 feet to a 1/2 inch  
13 iron rod with cap marked "SHINE 5502" set in the south right of way  
14 line of Diamondhead Boulevard (100 feet wide right of way) and at an  
15 interior corner of this tract.

16 THENCE with the south right of way line of said Diamondhead  
17 Boulevard with the arc of a curve to the left having a chord  
18 direction of N 89° 25' 20" E, a radius of 2,049.25, a distance of  
19 560.15 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set  
20 at the northwest corner of a called 175.61 acre tract recorded in  
21 T528516, Deed Records of Harris County, Texas.

22 THENCE S 01° 23' 48" E with the west line of said called 175.61 acre  
23 tract a distance of 2,298.34 feet to a 60D nail set at the southwest  
24 corner of said called 175.61 acre tract and an interior corner of  
25 this tract.

26 THENCE N 88° 30' 12" E with the south line of said called 175.61 acre  
27 tract a distance of 2,983.90 feet to a 1/2 inch iron rod with cap

1 marked "SHINE 5502" set at the southeast corner of said called  
2 175.61 acre tract.

3 THENCE with the east line of said called 175.61 acre tract with the  
4 arc of a curve to the right having a chord direction of N 15° 16' 49"  
5 E, a radius of 2,100.00 feet, a distance of 366.97 feet to a 1/2 inch  
6 iron rod set with cap marked "SHINE 5502".

7 THENCE N 20° 17' 11" E continuing with the east line of said called  
8 175.61 acre tract a distance of 509.92 feet to a 1/2 inch iron rod  
9 set with cap marked "SHINE 5502".

10 THENCE continuing with the east line of said called 175.61 acre  
11 tract with the arc of a curve to the right having a chord direction  
12 of N 26° 19' 31" E, a radius of 2,100.00 feet, a distance of 440.98  
13 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".

14 THENCE N 32° 20' 27" E continuing with the east line of said called  
15 175.61 acre tract a distance of 140.56 feet to a 1/2 inch iron rod  
16 set with cap marked "SHINE 5502".

17 THENCE continuing with the east line of said called 175.61 acre  
18 tract with the arc of a curve to the left having a chord direction of  
19 N 06° 59' 15" E, a radius of 1,200.04 feet, a distance of 949.49 feet  
20 to a 1/2 inch iron rod with cap marked "SHINE 5502" set at the  
21 northeast corner of said called 175.61 acre tract, in the south  
22 right of way of said Diamondhead Boulevard.

23 THENCE N 75° 17' 09" E with the south right of way line of said  
24 Diamondhead Boulevard, and a north line of this tract, a distance of  
25 769.43 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".

26 THENCE continuing with the south right of way line of said  
27 Diamondhead Boulevard with the arc of a curve to the right having a

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1 chord direction of N 77° 44' 32" E, a radius of 1,951.36 feet, a  
2 distance of 167.12 feet to a 1/2 inch iron rod with cap marked  
3 "SHINE 5502" set at the northwest corner of Newport Subdivision,  
4 Section 8, a subdivision recorded in Volume 288, Page 21, Map  
5 Records of Harris County, Texas, and a northeast corner of this  
6 tract.

7 THENCE S 08° 03' 08" W with a west line of said Newport Subdivision,  
8 Section 8, a distance of 515.74 feet to a 1/2 inch iron rod found.

9 THENCE S 62° 25' 36" E continuing with the west line of said Newport  
10 Subdivision, Section 8, a distance of 177.89 feet to a 1/2 inch iron  
11 rod found.

12 THENCE S 36° 39' 06" E continuing with the west line of said Newport  
13 Subdivision, Section 8, a distance of 59.96 feet to a 1/2 inch iron  
14 rod found.

15 THENCE S 58° 36' 12" E continuing with the west line of said Newport  
16 Subdivision, Section 8, a distance of 96.09 feet to a 1/2 inch iron  
17 rod found at a northerly southwest corner of said Newport  
18 Subdivision, Section 8.

19 THENCE N 88° 23' 50" E with a northerly south line of said Newport  
20 Subdivision, Section 8, a distance of 51.27 feet to a 1/2 inch iron  
21 rod found at the northwest corner of a called 14.1645 acre tract  
22 recorded in File No. S031457, Deed Records of Harris County, Texas.

23 THENCE S 02° 21' 10" E with the west line of said called 14.1645 acre  
24 tract a distance of 1,333.31 feet to a 1/2 inch iron rod found at the  
25 southwest corner of said called 14.1645 acre tract, from which a 42"  
26 Sycamore bears N 44° E a distance of 36.60 feet, a 12" corner post  
27 with old barbed wire bears N 04° W a distance of 12.50 feet, and the

1 north bank of Gum Gully bears South, 26.70 feet.  
2 THENCE N 87° 37' 51" E with the south line of said called 14.1645  
3 acre tract, passing the  
4 southeast corner of said called 14.1645 acre tract and the  
5 southwest corner of a called 15.1515 acre tract recorded in File  
6 No. 20070632536, Deed Records of Harris County, Texas, a total  
7 distance of 1, 545.45 feet to a 60D Nail found in fence post at the  
8 southeast corner of said called 15.1515 acre tract.  
9 THENCE N 02° 49' 23" W with the west line of said called 15.1515 acre  
10 tract a distance of 326.36 feet to a 1/2 inch iron rod with cap  
11 marked "SHINE 5502" set at a southwest corner of said Newport  
12 Subdivision, Section 8.  
13 THENCE N 88° 16' 59" E with a south line of said Newport Subdivision,  
14 Section 8, and a north line of this tract a distance of 125.02 feet  
15 to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
16 THENCE S 75° 51' 35" E continuing with a south line of said Newport  
17 Subdivision, Section 8 and a north line of this tract a distance of  
18 83.64 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
19 THENCE with a west line of said Newport Subdivision, Section 8, and  
20 an east line of this tract with the arc of a curve to the right  
21 having a chord direction of S 10° 15' 26" W, a radius of 250.00 feet,  
22 a distance of 162.32 feet to a 1/2 inch iron rod set with cap marked  
23 "SHINE 5502".  
24 THENCE continuing with a west line of said Newport Subdivision,  
25 Section 8, and an east line of this tract with the arc of a curve to  
26 the left having a chord direction of S 13° 34' 14" W, a radius of  
27 150.00 feet, a distance of 80.05 feet to a 1/2 inch iron rod set with



1 cap marked "SHINE 5502".  
2 THENCE S 01° 43' 01" E continuing with an east line of said Harris  
3 County Flood Control District drainage easement, a west line of  
4 said Newport Subdivision, Section 8, and an east line of this tract  
5 a distance of 120.00 feet to a 1/2 inch iron rod set with cap marked  
6 "SHINE 5502".  
7 THENCE S 09° 20' 38" W continuing with a west line of said Newport  
8 Subdivision, Section 8, and an east line of this tract a distance of  
9 57.36 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
10 THENCE S 20° 21' 57" W continuing a west line of said Newport  
11 Subdivision, Section 8, and an east line of this tract a distance of  
12 165.00 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
13 THENCE S 20° 24' 23" E continuing with a west line of said Newport  
14 Subdivision, Section 8, and an east line of this tract a distance of  
15 381.48 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
16 THENCE S 32° 47' 17" E continuing with a west line of said Newport  
17 Subdivision, Section 8, and an east line of this tract a distance of  
18 244.44 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set  
19 at a southwest corner of said Newport Subdivision, Section 8 and an  
20 interior corner of this tract.  
21 THENCE S 81° 16' 59" E with a south line of said Newport Subdivision,  
22 Section 8 and a north line of this tract a distance of 195.69 feet to  
23 a 1/2 inch iron rod set with cap marked "SHINE 5502".  
24 THENCE S 04° 41' 04" W continuing with a south line of said Newport  
25 Subdivision, Section 8 and a north line of this tract a distance of  
26 30.71 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
27 THENCE S 85° 27' 13" E continuing with a south line of said Newport

1 Subdivision, Section 8 and a north line of this tract a distance of  
2 27.39 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
3 THENCE N 04° 01' 49" E continuing with a south line of said Newport  
4 Subdivision, Section 8 and a north line of this tract a distance of  
5 30.29 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
6 THENCE N 08° 43' 00" E continuing with a south line of said Newport  
7 Subdivision, Section 8 and a north line of this tract a distance of  
8 207.55 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
9 THENCE S 81° 16' 59" E continuing with a south line of said Newport  
10 Subdivision, Section 8 and a north line of this tract a distance of  
11 100.00 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
12 THENCE S 08° 13' 08" W continuing with a south line of said Newport  
13 Subdivision, Section 8 and a north line of this tract a distance of  
14 282.01 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set  
15 at a southerly corner of said Newport Subdivision, Section 8.  
16 THENCE continuing with a south line of said Newport Subdivision,  
17 Section 8, a north line of this tract, with the arc of a curve to the  
18 left having a chord direction of N 60° 58' 25" E, a radius of 400.00  
19 feet, a distance of 195.69 feet to a 1/2 inch iron rod set with cap  
20 marked "SHINE 5502".  
21 THENCE N 46° 57' 29" E continuing with a south line of said Newport  
22 Subdivision, Section 8, and a north line of this tract a distance of  
23 202.17 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
24 THENCE continuing with a south line of said Newport Subdivision,  
25 Section 8 and a north line of this tract, with the arc of a curve to  
26 the right having a chord direction of N 53° 03' 29" E, a radius of  
27 450.00 feet, a distance of 95.82 feet to a point.

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1 THENCE continuing with a south line of said Newport Subdivision,  
2 Section 8 and a north line of this tract with the arc of a curve to  
3 the left having a chord direction of N 45° 33' 29" E, a radius of  
4 400.00 feet, a distance of 189.89 feet to a point.  
5 THENCE N 31° 57' 29" E continuing with a south line of said Newport  
6 Subdivision, Section 8 and a north line of this tract a distance of  
7 228.06 feet to a point.  
8 THENCE continuing with a south line of said Newport Subdivision,  
9 Section 8 and a north line of this tract, with the arc of a curve to  
10 the right having a chord direction of N 45° 27' 29" E, a radius of  
11 500.00 feet, a distance of 235.62 feet to a 1/2 inch iron rod set  
12 with cap marked "SHINE 5502".  
13 THENCE continuing with a south line of said Newport Subdivision,  
14 Section 8 and a north line of this tract, with the arc of a curve to  
15 the left having a chord direction of N 32° 42' 29" E, a radius of  
16 300.00 feet, a distance of 274.89 feet to a 1/2 inch iron rod set  
17 with cap marked "SHINE 5502".  
18 THENCE continuing with a south line of said Newport Subdivision,  
19 Section 8 and a north line of this tract with the arc of a curve to  
20 the right having a chord direction of N 14° 31' 50" E, a radius of  
21 500.00 feet, a distance of 140.89 feet to a 1/2 inch iron rod set  
22 with cap marked "SHINE 5502".  
23 THENCE N 57° 42' 31" W continuing with a south line of said Newport  
24 Subdivision, Section 8, and a north line of this tract a distance of  
25 92.28 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
26 THENCE N 32° 17' 29" E continuing with a south line of said Newport  
27 Subdivision, Section 8, and a north line of this tract a distance of

1 60.00 feet to a 1/2 inch iron rod set with cap marked "SHINE 5502".  
2 THENCE S 57° 42' 31" E continuing with a south line of said Newport  
3 Subdivision, Section 8, and a north line of this tract a distance of  
4 85.49 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set.  
5 THENCE continuing with a south line of said Newport Subdivision,  
6 Section 8 and a north line of this tract with the arc of a curve to  
7 the right having a chord direction of N 36° 29' 38" E, a radius of  
8 500.00 feet, a distance of 118.64 feet to a 1/2 inch iron rod set  
9 with cap marked "SHINE 5502".  
10 THENCE N 43° 17' 29" E continuing with a south line of said Newport  
11 Subdivision, Section 8 and a north line of this tract a distance of  
12 374.07 feet to a point.  
13 THENCE continuing with a south line of said Newport Subdivision,  
14 Section 8 and a north line of this tract with the arc of a curve to  
15 the right having a chord direction of N 52° 47' 29" E, a radius of  
16 600.00 feet, a distance of 198.97 feet to a 1/2 inch iron rod set  
17 with cap marked "SHINE 5502".  
18 THENCE N 62° 17' 29" E continuing with a south line of said Newport  
19 Subdivision, Section 8 and a north line of this tract a distance of  
20 68.45 feet to a point.  
21 THENCE continuing with a south line of said Newport Subdivision,  
22 Section 8 and a north line of this tract with the arc of a curve to  
23 the left having a chord direction of N 33° 14' 01" E, a radius of  
24 139.25 feet, a distance of 141.24 feet to a 1/2 inch iron rod set  
25 with cap marked "SHINE 5502".  
26 THENCE continuing with a south line of said Newport Subdivision,  
27 Section 8 and a north line of this tract with the arc of a curve to

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1 the left having a chord direction of N 00° 55' 12" E, a radius of  
2 300.00 feet, a distance of 34.09 feet to a 1/2 inch iron rod with cap  
3 marked "SHINE 5502" set at the southerly southeast corner of said  
4 Newport Subdivision, Section 8 and in the west line of The City of  
5 Crosby Town Site, recorded in Volume 7, Page 26, Deed Records of  
6 Harris County, Texas, also being the west line of a tract of land  
7 referenced as "Tract 1" and "Tract 2" recorded in File No. W314743,  
8 Deed Records of Harris County, Texas.

9 THENCE S 02° 45' 41" E with a west line of said City of Crosby Town  
10 Site, the west line of said called "Tract 1" and "Tract 2", and an  
11 east line of this tract a distance of 229.20 feet to a point in the  
12 centerline of Jackson Bayou.

13 THENCE with a south line of said City of Crosby Town Site, a south  
14 line of said called "Tract 1" and "Tract 2", a north line of this  
15 tract, along the centerline of said Jackson Bayou the following  
16 bearings and distances:

17	N 65° 32' 07" E	30.32 feet
18	N 76° 12' 19" E	10.85 feet
19	N 19° 33' 49" E	41.24 feet
20	N 40° 05' 08" W	34.88 feet
21	N 09° 21' 28" W	46.05 feet
22	N 26° 11' 16" E	45.20 feet
23	N 60° 33' 12" E	80.04 feet
24	N 48° 22' 25" E	110.85 feet
25	N 50° 01' 28" E	64.58 feet
26	N 78° 38' 48" E	76.53 feet
27	N 62° 45' 53" E	42.10 feet

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1                   N 26° 13' 09" E           43.70 feet

2                   S 17° 27' 48" E           44.35 feet

3 THENCE S 04° 37' 07" E continuing with a south line of said City of  
4 Crosby Town Site, a south line of said called "Tract 1" and "Tract  
5 2", a north line of this tract, along the centerline of said Jackson  
6 Bayou, passing the southerly southeast corner of said called "Tract  
7 1" and "Tract 2", and continuing a total distance of 90.52 feet to a  
8 point.

9 THENCE continuing with a south line of said City of Crosby Town  
10 Site, a north line of this tract, along the centerline of said  
11 Jackson Bayou the following bearings and distances:

12                   S 31° 33' 28"E           19.00 feet

13                   S 89° 42' 03" E           32.70 feet

14                   S 65° 08' 41" E           86.19 feet

15 THENCE S 82° 49' 14" E continuing with a south line of said City of  
16 Crosby Town Site, a north line of this tract, along the centerline  
17 of said Jackson Bayou a distance of 54.91 feet to a point at the most  
18 easterly northeast corner of this tract and the northwest corner of  
19 a called 7.6429 acre tract recorded in File No. E429933, Deed  
20 Records of Harris County, Texas.

21 THENCE S 16° 01' 51" E with the west line of said called 7.6429 acre  
22 tract and the most easterly east line of this tract, at a distance  
23 of 56.24 feet pass a 1/2 inch iron rod with cap marked "SHINE 5502"  
24 set for reference, from which an iron rod with cap marked "PRECISION  
25 SURVEYORS" found at the northeast corner of Lot 1, Block 3, said  
26 City of Crosby Town Site bears N 19° 38' 01" E a distance of 409.41  
27 feet, an iron rod with cap marked "PRECISION SURVEYORS found in the

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1 east line of said Lot 1, Block 3, City of Crosby Town Site bears N  
2 85° 43' 47" E a distance of 471.48 feet, and continuing a total  
3 distance of 781.81 feet to a 1/2 inch iron rod with cap marked  
4 "SHINE 5502" set at the southwest corner of said called 7.6429 acre  
5 tract, in the north right of way of T. & N. O. Railroad, a variable  
6 width right of way, and at the most easterly southeast corner of  
7 this tract.

8 THENCE S 46° 52' 02" W with the most easterly east line of this tract  
9 and the west right of way line of said T. & N. O. Railroad, a  
10 distance of 1,876.95 feet to a 1" iron pipe found in the north line  
11 of a called 102.152 acre tract (Tract 2), recorded in File  
12 No. C683627, Deed Records of Harris County, Texas, and at the  
13 southeast corner of this tract, from which an iron rod found with  
14 cap marked "CENTERPOINT ENERGY" found at the northeast corner of  
15 herein described Tract I bears S 46° 45' 17" W, a distance of 556.58  
16 feet.

17 THENCE S 87° 53' 52" W with the north line of said called 102.152  
18 acre tract and the south line of this tract a distance of 2,233.36  
19 feet to a 1/4 inch iron rod found at the southeast corner of a called  
20 21.234 acre tract recorded in File No. G553519, Deed Records of  
21 Harris County, Texas, and a southwest corner of this tract from  
22 which a found 1" iron pipe bears S 87° 53' 43" W, a distance of 999.06  
23 feet.

24 THENCE N 01° 06' 07" W with the east line of said called 21.234 acre  
25 tract and a west line of this tract, passing the southeast corner of  
26 a called 0.116 acre tract recorded in File No. P220412, Deed  
27 Records of Harris County, Texas, a total distance of 308.90 feet to

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1 a 1/2 inch iron rod with cap marked "SHINE 5502" set at the  
2 northeast corner of said called 0.116 acre tract recorded in File  
3 No. P220412, and an interior corner of this tract.  
4 THENCE N 81° 29' 07" W with the north line of said called 0.116 acre  
5 tract recorded in File No. P220412, and a south line of this tract,  
6 at a distance of 100.00 feet pass the northwest corner of said  
7 called 0.116 acre tract and the northeast corner of a called 0.116  
8 acre tract recorded in File No. R256220, Deed Records of Harris  
9 County, Texas, at a distance of 200.00 feet pass the northwest  
10 corner of said called 0.116 acre tract recorded in File No. R256220  
11 and the northeast corner of a called 0.1164 acre tract recorded in  
12 File No. S300312, Deed Records of Harris County, Texas, at a  
13 distance of 300.00 feet pass the northwest corner of said called  
14 0.1164 acre tract recorded in File No. S300312 and the northeast  
15 corner of a called 0.116 acre tract recorded in File No. R304758,  
16 Deed Records of Harris County, Texas, at a distance of 400.00 feet,  
17 pass the northwest corner of said called 0.116 acre tract recorded  
18 in File No. R304758 and the northeast corner of a called 0.116 acre  
19 tract recorded in File No. P254365, Deed Records of Harris County,  
20 Texas, at a distance of 500.00 feet pass the northwest corner of  
21 said called 0.116 acre tract recorded in File No. P254365 and a  
22 northeast corner of said called 21.234 acre tract, continuing along  
23 a north line of said called 21.234 acre tract and a south line of  
24 this tract a total distance of 529.21 feet to a 1/2 inch iron rod set  
25 with cap marked "SHINE 5502".  
26 THENCE N 51° 33' 28" W a distance of 799.95 feet to a 1/2 inch iron  
27 rod with cap marked "SHINE 5502" set at the northwest corner of said



1 called 21.234 acre tract and at an interior corner of this tract.  
2 THENCE S 25° 27' 04" W with the west line of said called 21.234 acre  
3 tract and an east line of this tract, a distance of 528.15 feet to a  
4 1/2 inch iron rod with cap marked "SHINE 5502" set at the northwest  
5 corner of a called 2.1614 acre tract recorded in File No. K076581,  
6 Deed Records of Harris County, Texas.  
7 THENCE N 65° 59' 23" W with a north line of said called 2.1614 acre  
8 tract and a northerly south line of this tract, a distance of 929.77  
9 feet to a found iron rod with cap marked "RPLS 4615".  
10 THENCE continuing with the north line of said called 2.1614 acre  
11 tract and a northerly south line of this tract with the arc of a  
12 curve to the left having a chord direction of N 85° 42' 42" W, a  
13 radius of 509.50 feet, a distance of 238.49 feet to a found iron rod  
14 with cap marked "RPLS 4615".  
15 THENCE S 74° 30' 20" W continuing with the north line of said called  
16 2.1614 acre tract and a northerly south line of this tract a  
17 distance of 417.76 feet to a 1/2 inch iron rod with cap marked  
18 "SHINE 5502" set at the northwest corner of said called 2.1614 acre  
19 tract and an interior corner of this tract.  
20 THENCE S 15° 29' 23" E with the west line of said called 2.1614 tract  
21 and an east line of this tract a distance of 60.00 feet to an iron  
22 rod with cap marked "RPLS 4615" found at the southwest corner of  
23 said called 2.1614 acre tract.  
24 THENCE N 74° 30' 26" E with the south line of said called 2.1614 acre  
25 tract and a southerly north line of this tract a distance of 418.00  
26 feet to a found iron rod with cap marked "RPLS 4615".  
27 THENCE continuing with the south line of said called 2.1614 acre

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1 tract and a southerly north line of this tract with the arc of a  
2 curve to the right having a chord direction of S 83° 40' 53" E, a  
3 radius of 595.34 feet, a distance of 196.44 feet to a 1/2 inch iron  
4 rod set with cap marked "SHINE 5502".

5 THENCE S 65° 59' 23" E continuing with the south line of said called  
6 2.164 acre tract and a southerly north line of this tract a distance  
7 of 927.30 feet to a 1/2 inch iron rod with cap marked "SHINE 5502"  
8 set at the southeast corner of said called 2.1614 acre tract in the  
9 west line of said called 21.234 acre tract.

10 THENCE S 25° 16' 50" W with the west line of said called 21.234 acre  
11 tract and an east line of this tract, a distance of 441.83 feet to an  
12 iron rod with cap marked "RPLS 4615" found at the southwest corner  
13 of said called 21.234 acre tract, in the north line of said called  
14 102.152 acre tract and at a southeast corner of this tract, from  
15 which a found 1" iron pipe bears N 88° 29' 40" E, a distance of 600.63  
16 feet.

17 THENCE S 88° 21' 40" W with a south line of this tract and the north  
18 line of said called 102.152 acre tract, at a distance of 7,048.87  
19 feet, pass a found 3/4" iron rod and continue a total distance of  
20 7,133.88 feet to a 1/2 inch iron rod with cap marked "SHINE 5502"  
21 set at the southeast corner of a called 1 acre tract recorded in  
22 File No. H076771, Deed Records of Harris County, Texas.

23 THENCE N 01° 38' 26" W with a west line of this tract and the east  
24 line of said called 1 acre tract, a distance of 208.71 feet to a 1/2  
25 inch iron rod with cap marked "SHINE 5502" set at the northeast  
26 corner of said called 1 acre tract.

27 THENCE S 88° 21' 40" W with a south line of this tract and the north

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1 line of said called 1 acre tract, a distance of 208.71 feet to a 1/2  
2 inch iron rod with cap marked "SHINE 5502" set at the northwest  
3 corner of said called 1 acre tract.

4 THENCE S 01° 38' 26" E with an east line of this tract and the west  
5 line of said called 1 acre tract, a distance of 208.71 feet to a 1/2  
6 inch iron rod with cap marked "SHINE 5502" set at the southwest  
7 corner of said called 1 acre tract, in the north line of said called  
8 102.152 acre tract.

9 THENCE S 88° 21' 40" W with a south line of this tract and the north  
10 line of said called 102.152 acre tract, a distance of 2,021.97 feet  
11 to the line of mean higher high water on the San Jacinto River.

12 THENCE meandering the line of mean higher high water along the left  
13 bank of the San Jacinto River, the following bearings and  
14 distances:

15	N 53° 39' 19" W	446.94 feet
16	N 59° 28' 06" W	369.78 feet
17	N 32° 15' 28" W	88.34 feet
18	N 50° 54' 05" W	129.34 feet
19	N 43° 04' 40" W	188.13 feet
20	N 45° 19' 17" W	78.88 feet
21	N 27° 03' 34" W	250.17 feet
22	N 13° 49' 11" W	192.54 feet
23	N 13° 56' 26" W	103.14 feet
24	N 00° 46' 29" E	503.45 feet
25	N 03° 28' 48" E	224.28 feet
26	N 03° 58' 09" E	246.51 feet
27	N 01° 50' 57" E	180.18 feet

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1	N 04° 57' 15" E	202.55 feet
2	N 07° 14' 24" E	177.80 feet
3	N 12° 57' 35" E	166.40 feet
4	N 07° 38' 19" E	108.67 feet
5	N 08° 55' 16" E	130.31 feet
6	N 04° 27' 32" E	158.34 feet
7	N 20° 09' 17" E	102.98 feet
8	N 15° 38' 50" E	168.56 feet
9	N 08° 04' 25" W	320.01 feet
10	N 24° 35' 18" W	119.21 feet
11	N 25° 33' 04" W	239.12 feet

12 THENCE N 32° 33' 43" W continuing along the line of mean higher high  
 13 water on the left bank of the San Jacinto River, a distance of  
 14 117.10 feet to a point at the southwest corner of said called 56.50  
 15 acre tract and a southerly northwest corner of this tract.

16 THENCE N 59° 33' 11" E with the south line of said called 56.50 acre  
 17 tract and a north line of this tract, a distance of 834.87 feet to a  
 18 1" iron pipe found at the southeast corner of said called 56.50 acre  
 19 tract and an interior corner of this tract.

20 THENCE N 22° 44' 35" E with the southerly east line of said called  
 21 56.50 acre tract and a northerly west line of this tract, a distance  
 22 of 1,342.07 feet to the PLACE OF BEGINNING, containing 991.55  
 23 acres.

24 TRACT III

25 BEGINNING at a 1" iron pipe found in the south line of the Absalom  
 26 Reeves Survey, Abstract 60, and the north line of said Abstract 838,  
 27 in the west line of a called 167.305 acre tract recorded in File

2810  
8.8  
ee

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1 No. 2010010605, Deed Records of Harris County, Texas, at the  
2 southeast corner of a called 60.0765 acre tract recorded in File  
3 No. U922164, Deed Records of Harris County, Texas, and at the  
4 northeast corner of this tract. Said 1" iron pipe has a Texas State  
5 Plane coordinate value of N: 13910927.97 and E: 3206944.66.  
6 THENCE S 02° 37' 23" E (Called S 02° 37' 21" E) with the west line of  
7 said called 167.305 acre tract and the east line of this tract, a  
8 distance of 1,434.17 feet to a 1/2 inch iron rod with cap marked  
9 "SHINE 5502" set at the southwest corner of said 167.305 acre tract.  
10 THENCE S 87° 47' 10" E with the south line of said called 167.305  
11 acre tract and a north line of this tract, a distance of 51.63 feet  
12 to a 1/2 inch iron rod with cap marked "SHINE 5502" set in the north  
13 right of way of Diamondhead Boulevard North, (100 feet wide  
14 R.O.W.), at the northwest corner of Newport Subdivision, Section  
15 10, a subdivision recorded in Volume 220, Page 76, Map Records of  
16 Harris County, Texas.  
17 THENCE S 02° 12' 50" W with a west line of said Section 10 and an east  
18 line of this tract, a distance of 100.00 feet to a 1/2 inch iron rod  
19 with cap marked "SHINE 5502" set in the south right of way line of  
20 said Diamondhead Boulevard North, at a northerly southwest corner  
21 of said Section 10.  
22 THENCE S 87° 47' 10" E with the south right of way line of said  
23 Diamondhead Boulevard North, a northerly south line of said Section  
24 10, and a north line of this tract, a distance of 37.06 feet to a 1/2  
25 inch iron rod with cap marked "SHINE 5502" set at the intersection  
26 of the south right of way line of said Diamondhead Boulevard North,  
27 and the west right of way line of Golf Club Drive (100 feet wide

1 R.O.W.) in a west line of said Section 10.  
2 THENCE S 42° 47' 10" E with the west right of way of said Golf Club  
3 Drive, the west line of said Section 10 and the east line of this  
4 tract, a distance of 14.14 feet to a 1/2 inch iron rod with cap set  
5 marked "SHINE 5502".  
6 THENCE S 01° 07' 10" E continuing with the west right of way of said  
7 Golf Club Drive, the west line of said Section 10 and the east line  
8 of this tract, a distance of 183.64 feet to a 1/2 inch iron rod with  
9 cap set marked "SHINE 5502".  
10 THENCE continuing with the west right of way of said Golf Club  
11 Drive, the west line of said Section 10 and the east line of this  
12 tract, with the arc of a curve to the right having a radius of  
13 1,950.00 feet and a central angle of 20° 00' 00", a distance of  
14 680.68 feet to a 1/2 inch iron rod with cap set marked "SHINE 5502".  
15 THENCE S 22° 12' 50" W continuing with the west right of way of said  
16 Golf Club Drive, the west line of said Section 10 and the east line  
17 of this tract, a distance of 660.85 feet to a 1/2 inch iron rod with  
18 cap set marked "SHINE 5502".  
19 THENCE continuing with the west right of way of said Golf Club  
20 Drive, the west line of said Section 10 and the east line of this  
21 tract, with the arc of a curve to the left having a radius of  
22 3,050.00 feet and a central angle of 45° 06' 00", a distance of  
23 2,400.79 feet to a 1/2 inch iron rod with cap set marked "SHINE  
24 5502".  
25 THENCE S 22° 57' 10" E continuing with the west right of way of said  
26 Golf Club Drive, the west line of said Section 10 and the east line  
27 of this tract, a distance of 714.81 feet to a 1/2 inch iron rod with

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1 cap marked "SHINE 5502" set at the northeast corner of a called  
2 3.3685 acre tract recorded in File No. N409807, Deed Records of  
3 Harris County, Texas, and the most easterly southeast corner of  
4 this tract.  
5 THENCE S 74° 57' 26" W with the north line of said called 3.3685 acre  
6 tract and a south line of this tract, a distance of 170.16 feet to a  
7 1/2 inch iron rod with cap set marked "SHINE 5502".  
8 THENCE S 38° 21' 36" W continuing with the north line of said called  
9 3.3685 acre tract and a south line of this tract, a distance of  
10 375.28 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set  
11 at the southerly northeast corner of a called 53.17 acre tract  
12 recorded in File No. U652009, Deed Records of Harris County, Texas,  
13 and a southeast corner of this tract, from which a 1/2 inch iron rod  
14 found at the southeast corner of said called 53.17 acre tract and  
15 the southwest corner of said called 3.3685 acre tract bears S 38° 21'  
16 38" W, a distance of 10.86 feet.  
17 THENCE N 75° 29' 31" W with a southerly north line of said called  
18 53.17 acre tract and a south line of this tract, a distance of  
19 577.95 feet to an iron rod with cap marked "TERRA SURVEYING" found  
20 at a southerly northeast corner of said called 53.17 acre tract, and  
21 an interior corner of this tract.  
22 THENCE N 05° 37' 30" E with the east line of said called 53.17 acre  
23 tract and a west line of this tract, a distance of 480.74 feet to an  
24 iron rod found with cap marked "TERRA SURVEYING".  
25 THENCE N 08° 08' 01" E continuing with the east line of said called  
26 53.17 acre tract and a west line of this tract, a distance of 825.65  
27 feet to an iron rod found with cap marked "TERRA SURVEYING".

1 THENCE continuing with the east line of said called 53.17 acre tract  
2 and a west line of this tract, with the arc of a curve to the left  
3 having a radius of 250.61 feet and a central angle of 98° 17' 48", a  
4 distance of 429.95 feet to an iron rod with cap marked "TERRA  
5 SURVEYING" found at the northeast corner of said called 53.17 acre  
6 tract.

7 THENCE N 89° 04' 41" W with the north line of said called 53.17 acre  
8 tract and a south line of this tract, a distance of 407.72 feet to an  
9 iron rod found with cap marked "TERRA SURVEYING".

10 THENCE S 74° 12' 35" W continuing with the north line of said called  
11 53.17 acre tract and a south line of this tract, a distance of  
12 412.92 feet to an iron rod found with cap marked "TERRA SURVEYING".

13 THENCE S 71° 17' 47" W continuing with the north line of said called  
14 53.17 acre tract and a south line of this tract, a distance of  
15 313.23 feet to an iron rod found with cap marked "TERRA SURVEYING".

16 THENCE S 64° 30' 39" W continuing with the north line of said called  
17 53.17 acre tract and a south line of this tract, a distance of  
18 250.16 feet to an iron rod with cap marked "TERRA SURVEYING" found  
19 at the northwest corner of said called 53.17 acre tract and an  
20 interior corner of this tract.

21 THENCE S 30° 45' 58" W with the west line of said called 53.17 acre  
22 tract and an east line of this tract, a distance of 938.35 feet to an  
23 iron rod found with cap marked "TERRA SURVEYING" from which a 1 1/4  
24 inch iron pipe found in the south line of said called 53.17 acre  
25 tract and the north line of The San Jacinto River Authority East  
26 Canal tract, recorded in Volume 1294, Page 256, Deed Records of  
27 Harris County, Texas bears S 76° 55' 49" E a distance of 700.71 feet.



1 THENCE S 38° 36' 07" E continuing with the west line of said called  
2 53.17 acre tract and an east line of this tract, a distance of  
3 330.48 feet to an iron rod found with cap marked "TERRA SURVEYING".  
4 THENCE S 50° 28' 00" W continuing with the west line of said called  
5 53.17 acre tract and an east line of this tract, a distance of  
6 392.70 feet to an iron rod found with cap marked "TERRA SURVEYING".  
7 THENCE S 34° 53' 53" E continuing with the west line of said called  
8 53.17 acre tract and an east line of this tract, a distance of 54.47  
9 feet to an iron rod with cap marked "TERRA SURVEYING" found at the  
10 southwest corner of said called 53.17 acre tract, in a north line of  
11 Horizon Drive, a dedicated public road in Newport Subdivision,  
12 Section 4, a subdivision recorded in Volume 198, Page 53, Map  
13 Records of Harris County, Texas, and at a southeast corner of this  
14 tract, from which a 1 1/4 inch iron pipe found in the south line of  
15 said called 53.17 acre tract and the north line of said East Canal  
16 tract bears N 51° 21' 56" E a distance of 512.15'.  
17 THENCE S 51° 21' 08" W along a north line of said Section 4, a north  
18 line of said San Jacinto River Authority East Canal Tract, and a  
19 south line of this tract, at a distance of 51.71 feet pass a  
20 northwest corner of said Horizon Drive and Section 4 and continuing  
21 a total distance of 605.52 feet to a 1" iron pipe found.  
22 THENCE continuing along a north line of said San Jacinto River  
23 Authority East Canal and a south line of this tract, with the arc of  
24 a curve to the left having a radius of 415.36 feet and a central  
25 angle of 17° 54' 23", a distance of 129.81 feet to a 1 1/2 inch iron  
26 pipe found.  
27 THENCE S 32° 37' 00 W continuing along a north line of said San

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1 Jacinto River Authority East Canal and a south line of this tract a  
2 distance of 1,291.52 feet to a 1 1/4 inch iron pipe found.  
3 THENCE continuing along a north line of said San Jacinto River  
4 Authority East Canal and a south line of this tract, with the arc of  
5 a curve to the right having a radius of 174.95 feet and a central  
6 angle of 39° 20' 42", a distance of 174.95 feet to a 1 inch iron pipe  
7 found.  
8 THENCE S 72° 28' 08" W continuing along a north line of said San  
9 Jacinto River Authority East Canal and a south line of this tract, a  
10 distance of 2,448.06 feet to a 1 1/4 inch iron pipe found.  
11 THENCE continuing along a north line of said San Jacinto River  
12 Authority East Canal and a south line of this tract, with the arc of  
13 a curve to the left having a radius of 333.37 feet and a central  
14 angle of 04° 24' 34", a distance of 25.66 feet to a 1 1/4 inch iron  
15 pipe found.  
16 THENCE S 68° 53' 17" W continuing along a north line of said San  
17 Jacinto River Authority East Canal and a south line of this tract, a  
18 distance of 1,832.09 feet to a 1 1/4 inch iron pipe found.  
19 THENCE continuing along a north line of said San Jacinto River  
20 Authority East Canal and a south line of this tract, with the arc of  
21 a curve to the right having a radius of 144.47 feet and a central  
22 angle of 53° 20' 45", a distance of 134.51 feet to a 1 1/4" iron pipe  
23 found.  
24 THENCE N 57° 13' 44" W continuing along a north line of said San  
25 Jacinto River Authority East Canal and a south line of this tract, a  
26 distance of 1,587.58 feet to a 1/2 inch iron rod set with cap marked  
27 "SHINE 5502".

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1 THENCE continuing along a north line of said San Jacinto River  
2 Authority East Canal and a south line of this tract, with the arc of  
3 a curve to the left having a radius of 402.67 feet and a central  
4 angle of 30° 10' 09", a distance of 212.03 feet to a 1/2 inch iron rod  
5 set with cap marked "SHINE 5502".

6 THENCE N 87° 29' 31" W continuing along a north line of said San  
7 Jacinto River Authority East Canal and a south line of this tract, a  
8 distance of 224.45 feet to a 1/2 inch iron rod found at an interior  
9 corner of said San Jacinto River Authority East Canal and an  
10 interior corner of this tract.

11 THENCE along an east line of said San Jacinto River Authority East  
12 Canal and a west line of this tract, with the arc of a curve to the  
13 right having a radius of 133.99 feet and a central angle of 63° 17'  
14 53", a distance of 148.03 feet to a 1/2 inch iron rod found in the  
15 north line of said Humphrey Jackson Survey, Abstract 37 and the  
16 south line of said William Wilson Survey, Abstract 838.

17 THENCE N 24° 23' 35" W along an east line of said San Jacinto River  
18 Authority East Canal and a west line of this tract, a distance of  
19 375.95 feet to a 1" iron pipe found.

20 THENCE continuing along an east line of said San Jacinto River  
21 Authority East Canal and a west line of this tract, with the arc of a  
22 curve to the right having a radius of 174.87 feet and a central  
23 angle of 37° 53' 54", a distance of 115.67 feet to a 1 1/4" iron pipe  
24 found.

25 THENCE N 14° 24' 42" E continuing along an east line of said San  
26 Jacinto River Authority East Canal and a west line of this tract, a  
27 distance of 74.82 feet to a 1 1/4" iron pipe found.

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1 THENCE continuing along an east line of said San Jacinto River  
2 Authority East Canal and a west line of this tract, with the arc of a  
3 curve to the right having a radius of 661.43 feet and a central  
4 angle of 07° 01' 58", a distance of 81.19 feet to a 1 1/4" iron pipe  
5 found.

6 THENCE N 12°17' 19" E continuing along the east line of said San  
7 Jacinto River Authority East Canal and a west line of this tract, a  
8 distance of 436.82 feet to a 5/8" iron rod found at a northeast  
9 corner of said San Jacinto River Authority East Canal, in the south  
10 line of a called 39.88 acre tract recorded in File No. T525349, Deed  
11 Records of Harris County, Texas and at an interior corner of this  
12 tract, from which a 1 1/4" iron pipe found in a north line of said  
13 San Jacinto River Authority East Canal tract and the south line of  
14 said called 39.88 acre tract bears N 77° 36' 49" W, a distance of  
15 621.39 feet.

16 THENCE S 77° 42' 29" E with the south line of said called 39.88 acre  
17 tract and a north line of this tract, a distance of 294.05 feet to a  
18 5/8" iron rod found at the southeast corner of said called 39.88  
19 acre tract.

20 THENCE N 09° 46' 40" E with the east line of said called 39.88 acre  
21 tract and a west line of this tract, a distance of 950.00 feet to a  
22 1/2" iron rod found.

23 THENCE N 10° 53' 20" W continuing with the east line of said called  
24 39.88 acre tract, and the west line of this tract, a distance of  
25 394.97 feet to a 1/2" iron rod found at the northeast corner of said  
26 called 39.88 acre tract.

27 THENCE N 80° 21' 03" W with the north line of said called 39.88 acre

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1 tract and a south line of this tract, a distance of 1,359.57 feet to  
2 a point in an east line of called 589.27 acre tract (Lake Houston)  
3 recorded in Volume 1458, Page 1, and a west line of this tract.  
4 Volume 1458, Page 1 describes this point as being the waterline of  
5 the proposed reservoir when at normal pool level at elevation 44.5  
6 feet above mean sea level.

7 THENCE with the west line of this tract and an east line of said  
8 called 589.27 acre tract (Lake Houston), the following bearings and  
9 distances:

10	N 30° 53' 29" E	376.74 feet
11	N 21° 32' 39" E	300.00 feet
12	N 06° 45' 39" E	864.00 feet
13	N 19° 56' 19" W	882.88 feet
14	N 07° 44' 21" W	184.00 feet

15 THENCE N 52° 28' 21" W continuing with the west line of this tract  
16 and the east line of said called 589.27 acre tract (Lake Houston), a  
17 distance of 508.00 feet to a point from which a 12"x12" concrete  
18 monument found with Aluminum Disc marked "Corp of Engineers U.S.  
19 Boundary Mark SL-1 Y1977" bears N 25° 14' 05" W a distance of 59.32  
20 feet. Said concrete monument has a State Plane coordinate value of  
21 N: 13907978.68 and E: 3195354.41

22 THENCE continuing with the west line of this tract and an east line  
23 of said called 589.27 acre tract (Lake Houston), the following  
24 bearings and distances:

25	N 65° 40' 21" W	422.00 feet
26	N 80° 22' 21" W	300.00 feet
27	N 62° 47' 53" W	641.05 feet

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1	N 60° 37' 21" W	600.00 feet
2	N 88° 15' 21" W	540.00 feet
3	S 84 ° 47' 39" W	568.00 feet
4	S 69° 42' 54" W	633.02 feet
5	S 83° 28' 39" W	332.00 feet
6	N 77° 42' 21" W	270.00 feet
7	N 13° 14' 21" W	739.00 feet
8	N 28° 22' 21" W	402.00 feet

9 THENCE N 21° 29' 39" E continuing with the west line of this tract  
10 and an east line of said called 589.27 acre tract (Lake Houston), a  
11 distance of 394.76 feet to a point in the south line of Lake Shadows  
12 Section Four, a subdivision recorded in File No. D620201, Map  
13 Records of Harris County, Texas, and at the northwest corner of this  
14 tract.

15 THENCE N 86° 32' 15" E with the south line of said Lake Shadows  
16 Section Four and the north line of this tract, at a distance of  
17 204.97 feet pass a 1/2" iron rod found, and continuing a total  
18 distance of 689.12 feet to a point in a concrete slab at the  
19 southeast corner of said Lake Shadows Section Four, the southwest  
20 corner of a called 447.0498 acre tract recorded in File  
21 No. D759681, Deed Records of Harris County, Texas, and an interior  
22 corner of this tract from which a 1/2 " iron rod with cap marked  
23 "SHINE 5502" set for reference bears S 04° 44' 22" W a distance of  
24 1.88 feet, a 1" iron pipe found bears N 79° 27' 48" E a distance of  
25 101.22 feet, and a 1/2" iron rod found in the east line of said Lake  
26 Shadows Section Four bears N 33° 33' 38" E a distance of 254.84 feet.

27 THENCE N 86° 43' 31" E with the south line of said called 447.0498

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1 acre tract and a north line of this tract, a distance of 10,942.13  
2 feet to a 1/2 inch iron rod next to a 4"x6" fence post found at the  
3 southeast corner of said called 447.0498 acre tract and an interior  
4 corner of this tract.

5 THENCE N 02° 07' 50" W with the east line of said called 447.0498  
6 acre tract and a northerly west line of this tract a distance of  
7 26.79 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set at  
8 the southwest corner of a called 0.1148 acre tract recorded in File  
9 No. T653706, Deed Records of Harris County, Texas and a northwest  
10 corner of this tract.

11 THENCE N 87° 22' 21" E with the south line of said called 0.1148 acre  
12 tract and a north line of this tract, at a distance of 50.02 feet  
13 pass the southeast corner of said called 0.1148 acre tract recorded  
14 in File No. T653706 and the southwest corner of a called 0.1148 acre  
15 tract recorded in File No. T702499, Deed Records of Harris County,  
16 Texas, at a distance of 100.02 feet, pass the southeast corner of  
17 said called 0.1148 acre tract recorded in File No. T702499 and the  
18 southwest corner of a called 0.1148 acre tract recorded in File  
19 No. T643967, at a distance of 150.02 feet pass the southeast corner  
20 of said called 0.1148 acre tract recorded in File No. T643967 and  
21 the southwest corner of a called 0.1148 acre tract recorded in File  
22 No. T491404, Deed Records of Harris County, Texas, at a distance of  
23 200.02 feet pass the southeast corner of said called 0.1148 acre  
24 tract recorded in File No. T491404 and the southwest corner of a  
25 called 0.1148 acre tract recorded in File No. T526225, Deed Records  
26 of Harris County, Texas, and continuing a total distance of 250.02  
27 feet to a 1/2 inch iron rod with cap marked "SHINE 5502" set at the

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1 southeast corner of said called 0.1148 acre tract recorded in File  
2 No. T526225 and an interior corner of this tract.

3 THENCE N 02° 37' 39" W with the east line of said called 0.1148 acre  
4 tract recorded in File No. T526225 and a west line of this tract, a  
5 distance of 100.00 feet to a 1/2 inch iron rod with cap marked  
6 "SHINE 5502" set at the northeast corner of said called 0.1148 acre  
7 tract recorded in File No. T526225, in the south line of a called  
8 5.00 acre tract recorded in File No. T684273, Deed Records of  
9 Harris County, Texas, in the South line of the Hannah Nash Survey,  
10 Abstract 599, in the north line of said Abstract 838, and at a  
11 northwest corner of this tract.

12 THENCE N 87° 02' 53" E with the south line of said Abstract 599, the  
13 north line of said Abstract 838, the south line of said called 5.00  
14 acre tract and the north line of this tract a distance of 316.67  
15 feet to a 1/2 inch iron rod found at the southeast corner of said  
16 Abstract 599, the southwest corner of said Abstract 60, the  
17 southeast corner of said called 5.00 acre tract and the southwest  
18 corner of a called 45 acre tract recorded in File No. 20080119197,  
19 Deed Records of Harris County, Texas.

20 THENCE N 87° 24' 37" E with the south line of said called 45 acre  
21 tract, the south line of said Abstract 60, the north line of said  
22 Abstract 838 and the north line of this tract, a distance of 986.97  
23 feet to a 1/2 inch iron rod found at the southeast corner of said  
24 called 45 acre tract, the southwest corner of a called 8.39 acre  
25 tract recorded in File No. 20070675831, Deed Records of Harris  
26 County, Texas, and a northerly corner of this tract.

27 THENCE N 87° 48' 26" E with the south line of said 8.339 acre tract,



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1 the south line of said Abstract 60, the north line of said Abstract  
2 838 and the north line of this tract, at a distance of 150.00 feet  
3 pass the southeast corner of said called 8.39 acre tract and the  
4 southwest corner of a called 11.675 acre tract recorded in File  
5 No. 20070675831, Deed Records of Harris County, Texas, and  
6 continuing a total distance of 359.69 feet to a 1/2 inch iron rod  
7 found at the southeast corner of said called 11.675 acre tract and  
8 the southwest corner of a called 155.76 acre tract recorded in  
9 Volume 438, Page 236, Deed Records of Harris County, Texas.

10 THENCE N 87° 20' 09" E with the south line of said Abstract 60, the  
11 north line of said Abstract 838, the south line of said called  
12 155.76 acre tract and the north line of this tract, a distance of  
13 682.33 feet to a 1/2 inch iron rod found next to a 8"x8" square fence  
14 post at the southeast corner of said called 155.76 acre tract and  
15 the southwest corner of a called 29.15 acre tract recorded in File  
16 No. R106573, Deed Records of Harris County, Texas.

17 THENCE N 87° 24' 00" E with the south line of said Abstract 60, the  
18 north line of said Abstract 838, the south line of said called 29.15  
19 acre tract and the north line of this tract, and at a distance of  
20 525.51 feet pass the southeast corner of said called 29.15 acre  
21 tract and the southwest corner of said called 60.0765 acre tract,  
22 and continuing with the south line of said Abstract 60, the north  
23 line of said Abstract 838, the south line of said called 60.0765  
24 acre tract and the north line of this tract, a total distance of  
25 1648.87 feet to the PLACE OF BEGINNING, containing 1942.08 acres of  
26 land.

27 SECTION 3. (a) The legal notice of the intention to

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

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

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

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

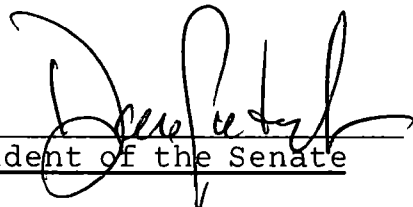
18 SECTION 4. (a) If this Act does not receive a two-thirds  
19 vote of all the members elected to each house, Subchapter C, Chapter  
20 8005, Special District Local Laws Code, as added by Section 1 of  
21 this Act, is amended by adding Section 8005.107 to read as follows:

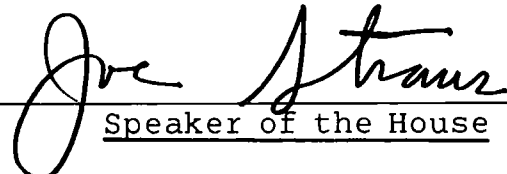
22 Sec. 8005.107. NO EMINENT DOMAIN POWER. The district may  
23 not exercise the power of eminent domain.

24 (b) This section is not intended to be an expression of a  
25 legislative interpretation of the requirements of Section 17(c),  
26 Article I, Texas Constitution.


27 SECTION 5. This Act takes effect September 1, 2017.

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President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 2277 passed the Senate on May 11, 2017, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

  
Secretary of the Senate

I hereby certify that S.B. No. 2277 passed the House on May 24, 2017, by the following vote: Yeas 137, Nays 9, two present not voting. \_\_\_\_\_


  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:30 PM O'CLOCK

JUN 12 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 15, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB2277 by Creighton (Relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend the Special District Local Laws Code establishing the Lakewood Municipal Utility District No. 3. The district would have the authority for road projects. The district would have authority to issue bonds and other obligations, without an election. The district would have authority to impose an operation and maintenance tax.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 2, 2017**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB2277 by Creighton ( Relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Special District Local Laws Code establishing the Lakewood Municipal Utility District No. 3. The district would have the authority for road projects. The district would have authority to issue bonds and other obligations, without an election. The district would have authority to impose an operation and maintenance tax.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 28, 2017**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB2277** by Creighton (Relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Special District Local Laws Code establishing the Lakewood Municipal Utility District No. 3. The district would have the authority for road projects. The district would have authority to issue bonds and other obligations, without an election. The district would have authority to impose an operation and maintenance tax.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**May 16, 2017**

**TO:** Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB2277** by Creighton (Relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill amends the Special District Local Laws Code by adding Chapter 8004 which creates the Lakewood Municipal Utility District No. 2 (District) with the powers and duties of a standard water control and improvement district under Water Code Chapters 49 and 54.

**Population** - The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in SB 2277, staff is unable to determine a population estimate.

**Population growth** in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Harris County served by small systems or private wells (County-Other) is 204,630. The Harris County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 245,944 in 2020, 291,438 in 2030 and 311,968 in 2040.

**Location** - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Harris County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 5.75 square miles in northeastern Harris County, located east of the City of Houston and the San Jacinto River. The proposed district does not appear to overlap any existing Certificate of Convenience and Necessity (CCN) boundary.

**Comments on Powers/Duties Different from Similar Types of Districts:** The Senate Engrossed version removes language that prohibited use of eminent domain outside the district boundaries to acquire a site or easement for a recreational facility or a road project; the engrossed version also removes language that specifies that Special District Local Laws Code as added by Section 1 of this Act only takes effect if this Act receives a two-thirds vote of members elected to each house; the engrossed version also revises the metes and bounds description to contain 1,942.08 acres instead of 1,339.42 acres.

This bill amends the Special District Local Laws Code by adding Chapter 8005 which creates the Lakewood Municipal Utility District No. 3 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54, with the following exceptions; the bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the District; this bill grants the District authority for road projects; the bill allows the District to divide; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

**Water Use - SB 2277** specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Harris County, 26 percent of the total water use was groundwater (Gulf Coast and other Aquifers) in 2014. Eighty two percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

**Source Agencies:** 582 Commission on Environmental Quality, 580 Water Development Board

**LBB Staff:** UP, SZ





AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

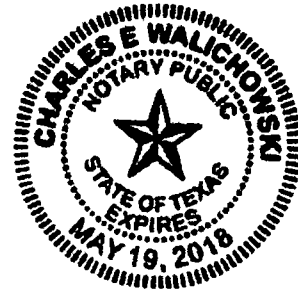
GARDERE, WYNNE, SEWELL LLP  
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Houston Chronicle

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Date Class Page  
Mar 01 2017 Legal Notices B 6

*Victoria Bond AIR Clerk*  
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 1st Day of March A.D. 2017



*Charles E. Walichowski*  
Notary Public in and for the State of Texas

**PUBLIC NOTICE  
NOTICE OF INTENT TO  
INTRODUCE A BILL**

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intent to apply to the 85th Legislature of the State of Texas at its regular session in Austin, Texas, for the introduction of a bill, the substance of the contemplated law being as follows:

An Act relating to the creation of the Lakewood Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The Act proposes to create an Improvement District to be known as Lakewood Municipal Utility District No. 3 containing approximately 3,327.75 acres located east of Lake Houston and partially within the corporate limits of the City of Houston and partially within the extraterritorial jurisdiction of the City of Houston.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the contemplated law as required by the Constitution and laws of the State of Texas.