

AN ACT

relating to the creation of the Somerset Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8204 to read as follows:

CHAPTER 8204. SOMERSET MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8204.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Somerset Municipal Utility District No. 2.

Sec. 8204.002. NATURE OF DISTRICT. The district is a municipal utility district in San Jacinto County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8204.003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. 8204.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8204.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009,

1 except that the district shall:

- 2                   (A) pay any debts incurred;
- 3                   (B) transfer to San Jacinto County any assets
- 4 that remain after the payment of debts; and
- 5                   (C) maintain the organization of the district
- 6 until all debts are paid and remaining assets are transferred; and

7                   (2) this chapter expires September 1, 2012.

8           Sec. 8204.005. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

11           (b) The boundaries and field notes contained in Section 2 of  
12 the Act creating this chapter form a closure. A mistake made in the  
13 field notes or in copying the field notes in the legislative process  
14 does not affect:

- 15                   (1) the organization, existence, or validity of the
- 16 district;
- 17                   (2) the right of the district to impose taxes; or
- 18                   (3) the legality or operation of the board.

19           [Sections 8204.006-8204.020 reserved for expansion]

20                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

21           Sec. 8204.021. TEMPORARY DIRECTORS. (a) The temporary  
22 board consists of:

- 23                   (1) Aaron Corey;
- 24                   (2) Eric Lopez;
- 25                   (3) Greg Attaway;
- 26                   (4) Marty Grisham; and
- 27                   (5) Eric Jones.

1        (b) If a temporary director fails to qualify for office, the  
2 temporary directors who have qualified shall appoint a person to  
3 fill the vacancy. If at any time there are fewer than three  
4 qualified temporary directors, the Texas Commission on  
5 Environmental Quality shall appoint the necessary number of persons  
6 to fill all vacancies on the board.

7        (c) Temporary directors serve until the earlier of:

8            (1) the date directors are elected under Section  
9 8204.023; or

10           (2) the date this chapter expires under Section  
11 8204.004.

12        Sec. 8204.022. ORGANIZATIONAL MEETING OF TEMPORARY  
13 DIRECTORS. As soon as practicable after all the temporary  
14 directors have qualified under Section 49.055, Water Code, the  
15 temporary directors shall convene the organizational meeting of the  
16 district at a location in the district agreeable to a majority of  
17 the directors. If a location cannot be agreed upon, the  
18 organizational meeting shall be at the San Jacinto County  
19 Courthouse.

20        Sec. 8204.023. CONFIRMATION AND INITIAL DIRECTORS'  
21 ELECTION. The temporary directors shall hold an election to  
22 confirm the creation of the district and to elect five directors as  
23 provided by Section 49.102, Water Code.

24        Sec. 8204.024. INITIAL ELECTED DIRECTORS; TERMS. The  
25 directors elected under Section 8204.023 shall draw lots to  
26 determine which two shall serve until the first regularly scheduled  
27 election of directors and which three shall serve until the second

1 regularly scheduled election of directors.

2 Sec. 8204.025. EXPIRATION OF SUBCHAPTER. This subchapter  
3 expires September 1, 2012.

4 [Sections 8204.026-8204.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8204.051. GOVERNING BODY; TERMS. (a) The district is  
7 governed by a board of five directors.

8 (b) Directors serve staggered four-year terms.

9 [Sections 8204.052-8204.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8204.101. 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. 8204.102. ROAD PROJECTS; LIMIT ON EMINENT DOMAIN  
17 POWER. (a) The district may construct, acquire, improve,  
18 maintain, or operate macadamized, graveled, or paved roads, or  
19 improvements in aid of those roads.

20 (b) A road project must meet all applicable construction  
21 standards, zoning and subdivision requirements, and regulations of  
22 each municipality in whose corporate limits or extraterritorial  
23 jurisdiction the district is located. If the district is not  
24 located in the corporate limits or extraterritorial jurisdiction of  
25 a municipality, a road project must meet all applicable  
26 construction standards, zoning and subdivision requirements, and  
27 regulations of each county in which the district is located.

1       (c) The district may not undertake a road project unless  
2 each municipality in whose corporate limits or extraterritorial  
3 jurisdiction the district is located consents by resolution. If  
4 the district is not located in the corporate limits or  
5 extraterritorial jurisdiction of a municipality, the district may  
6 not undertake a road project unless each county in which the  
7 district is located consents by resolution.

8       (d) The district may not exercise the power of eminent  
9 domain outside the district for a road project.

10       Sec. 8204.103. ROAD CONTRACTS. The district may contract  
11 for a road project in the manner provided by Subchapter I, Chapter  
12 49, Water Code.

13       Sec. 8204.104. RECREATIONAL FACILITIES; LIMIT ON EMINENT  
14 DOMAIN POWER. (a) In this section, "recreational facilities" has  
15 the meaning assigned by Section 49.462, Water Code.

16       (b) The district may develop and maintain recreational  
17 facilities.

18       (c) The district may not, for the development or maintenance  
19 of a recreational facility, acquire by condemnation land, an  
20 easement, or other property inside or outside the district.

21       [Sections 8204.105-8204.150 reserved for expansion]

22       SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23       Sec. 8204.151. OPERATION AND MAINTENANCE TAX. The district  
24 may impose a tax for any district operation and maintenance purpose  
25 in the manner provided by Section 49.107, Water Code.

26       Sec. 8204.152. TAX TO REPAY BONDS. The district may impose  
27 a tax to pay the principal of and interest on bonds issued under

1 Section 8204.201.

2 Sec. 8204.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
3 ASSESSMENTS. The district may not impose an impact fee or  
4 assessment on the property, including the equipment,  
5 rights-of-way, facilities, or improvements, of:

6 (1) an electric utility or a power generation company  
7 as defined by Section 31.002, Utilities Code;

8 (2) a gas utility as defined by Section 101.003 or  
9 121.001, Utilities Code;

10 (3) a telecommunications provider as defined by  
11 Section 51.002, Utilities Code;

12 (4) a cable operator as defined by 47 U.S.C. Section  
13 522; or

14 (5) a person who provides to the public advanced  
15 telecommunications services.

16 [Sections 8204.154-8204.200 reserved for expansion]

17 SUBCHAPTER E. BONDS

18 Sec. 8204.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. (a) The district may issue bonds or other  
20 obligations as provided by Chapters 49 and 54, Water Code, and to  
21 finance the construction, maintenance, or operation of projects  
22 under Section 8204.102.

23 (b) The district may issue bonds or other obligations  
24 payable wholly or partly from ad valorem taxes, impact fees,  
25 revenue, grants, or other district money.

26 (c) The district may not issue bonds or other obligations  
27 secured wholly or partly by ad valorem taxation to finance projects

1 authorized by Section 8204.102 unless the issuance is approved by a  
2 vote of a two-thirds majority of district voters voting at an  
3 election called for that purpose.

4 (d) Bonds or other obligations issued or incurred to finance  
5 projects authorized by Section 8204.102 may not exceed one-fourth  
6 of the assessed value of the real property in the district.

7 [Sections 8204.202-8204.250 reserved for expansion]

8 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

9 Sec. 8204.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At  
10 any time before the district issues indebtedness secured by taxes  
11 or net revenue, the district may be divided into two or more new  
12 districts.

13 (b) A new district created by division of the district must  
14 be at least 100 acres.

15 (c) Any new district created by the division of the district  
16 may not, at the time the new district is created, contain any land  
17 outside the area described by Section 2 of the Act creating this  
18 chapter.

19 (d) The board may consider a proposal to divide the district  
20 on:

21 (1) a petition of a landowner in the district; or

22 (2) a motion by the board.

23 (e) If the board decides to divide the district, the board  
24 shall:

25 (1) set the terms of the division, including names for  
26 the new districts and a plan for the payment or performance of any  
27 outstanding district obligations; and

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1           (2) prepare a metes and bounds description for each  
2 proposed district.

3           Sec. 8204.252. ELECTION FOR DIVISION OF DISTRICT.

4           (a) After the board has complied with Section 8204.251(e), the  
5 board shall hold an election in the district to determine whether  
6 the district should be divided as proposed.

7           (b) The board shall give notice of the election not later  
8 than the 35th day before the date of the election. The notice must  
9 state:

10                   (1) the date and location of the election; and

11                   (2) the proposition to be voted on.

12           (c) If a majority of the votes cast are in favor of the  
13 division:

14                   (1) the district is divided; and

15                   (2) not later than the 30th day after the date of the  
16 election, the district shall provide written notice of the division  
17 to:

18                           (A) the Texas Commission on Environmental  
19 Quality;

20                           (B) the attorney general;

21                           (C) the commissioners court of each county in  
22 which a new district is located; and

23                           (D) any municipality having extraterritorial  
24 jurisdiction over territory in each new district.

25           (d) If a majority of the votes cast are not in favor of the  
26 division, the district may not be divided.

27           Sec. 8204.253. ELECTION OF DIRECTORS OF NEW DISTRICTS.



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1 (a) Not later than the 90th day after the date of an election in  
2 favor of the division of the district, the board shall:

3 (1) appoint itself as the board of one of the new  
4 districts; and

5 (2) appoint five directors for each of the other new  
6 districts.

7 (b) Directors appointed under Subsection (a)(1) serve the  
8 staggered terms to which they were elected in the original  
9 district. Directors appointed under Subsection (a)(2) serve until  
10 the election for directors under Subsection (c).

11 (c) On the uniform election date in May of the first  
12 even-numbered year after the year in which the directors are  
13 appointed, the appointed board shall hold an election to elect five  
14 directors in each district for which directors were appointed under  
15 Subsection (a)(2). The directors shall draw lots to determine  
16 which two shall serve until the next regularly scheduled election  
17 of directors and which three shall serve until the second regularly  
18 scheduled election of directors.

19 Sec. 8204.254. CONTINUING POWERS AND OBLIGATIONS OF NEW  
20 DISTRICTS. (a) Each new district may incur and pay debts and has  
21 all powers of the original district created by this chapter.

22 (b) If the district is divided as provided by this  
23 subchapter, the current obligations and any bond authorizations of  
24 the district are not impaired. Debts shall be paid by revenue or by  
25 taxes or assessments imposed on real property in the district as if  
26 the district had not been divided or by contributions from each new  
27 district as stated in the terms set by the board under Section

1 8204.251(e).

2 (c) Any other district obligation is divided pro rata among  
3 the new districts on an acreage basis or on other terms that are  
4 satisfactory to the new districts.

5 Sec. 8204.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The  
6 new districts may contract with each other for:

7 (1) water and wastewater services; or

8 (2) any other matter the boards of the new districts  
9 consider appropriate.

10 SECTION 2. The Somerset Municipal Utility District No. 2  
11 initially includes all the territory contained in the following  
12 described area:

13 Being 494.607 acres of land situated in the State of Texas,  
14 County of San Jacinto, 465.349 acres being a part of the John Foster  
15 Survey, A-115, and the Francis Kennedy Survey, A-194, and being the  
16 same land described as "Tract No. 1" (called 465.192 acres), 9.492  
17 acres being a part of said John Foster Survey, and being the same  
18 land described as "Tract No. 2" (called 9.774 acres) in deed to  
19 Livingston Development, Ltd. recorded in Volume 173, Page 749 of  
20 the San Jacinto County Official Public Records, and 19.766 acres  
21 being a part of the John Colvin Survey, A-10, and the Michael B.  
22 Menard Survey, A-36, and being the same land called 19.771 acres in  
23 deed to Livingston Development, Ltd. recorded in Volume 251, Page  
24 17 of said Official Public Records, and this 494.607 acres being  
25 more particularly described by metes and bounds in three parcels as  
26 follows:

27 Parcel One : 465.349 Acres

S.B. No. 1092

1           Beginning at the intersection of the centerline of Palmetto  
2 Creek with the northeast right of way line of F. M. Highway No. 980,  
3 said point being the west common corner between said called 465.192  
4 acres and the called 221.47 acres (218.176 acres by resurvey)  
5 described in deed to Kevin G. Steely recorded in Volume 202, Page  
6 739 of said Official Public Records, located on the northeast line  
7 of the called 14.509 acres described as "Part XIII" in deed to the  
8 State of Texas recorded in Volume 120, Page 82 of the San Jacinto  
9 County Deed Records;

10           Thence down said Palmetto Creek with its centerline meanders,  
11 same being the common line between said Livingston Development,  
12 Ltd. called 465.192 acres and said Steely 218.176 acres, as  
13 follows:

- 14           N 21° 09' 12" E 187.59 ft.,
- 15           N 36° 05' 49" E 114.92 ft.,
- 16           N 45° 36' 02" E 327.00 ft.,
- 17           N 52° 26' 21" E 167.01 ft.,
- 18           N 55° 46' 53" E 339.10 ft.,
- 19           N 65° 44' 26" E 465.47 ft.,
- 20           N 72° 42' 05" E 735.94 ft.,
- 21           N 54° 23' 34" E 724.93 ft.,
- 22           N 82° 55' 42" E 138.59 ft.,
- 23           N 89° 03' 15" E 113.76 ft.,
- 24           S 79° 06' 51" E 93.79 ft.,
- 25           S 72° 05' 20" E 80.98 ft.,
- 26           S 47° 32' 05" E 45.70 ft.,
- 27           S 01° 43' 59" E 110.91 ft.,

S.B. No. 1092

1           S 47° 35' 38" E 435.88 ft.,  
2           S 23° 34' 29" E 75.51 ft.,  
3           S 68° 51' 38" E 308.71 ft.,  
4           N 76° 08' 19" E 169.42 ft.,  
5           N 05° 00' 06" E 218.71 ft.,  
6           N 08° 36' 40" W 222.06 ft.,  
7           N 12° 20' 46" W 130.94 ft.,  
8           N 15° 31' 42" E 245.80 ft.,  
9           N 38° 47' 29" E 104.03 ft.,  
10          N 64° 54' 01" E 121.72 ft. and  
11          N 51° 24' 19" E 627.43 ft. to the

12 intersection of the centerline of said Palmetto Creek with the  
13 Trinity River Authority Lake Livingston Fee Take Line, said point  
14 being the west common corner between the called 16.53 acres  
15 described as Fee Tract F-15 in deed to the Trinity River Authority  
16 of Texas recorded in Volume 108, Page 161 of the San Jacinto County  
17 Deed Records and the called 0.29 acre condemned by the Trinity River  
18 Authority of Texas and being save and excepted in deed recorded in  
19 Volume 129, Page 466 of said Deed Records;

20           Thence along the north line of said Livingston Development,  
21 Ltd. called 465.1192 acres, common in part with the south lines of  
22 said Trinity River Authority called 0.29 acre tract and said  
23 Trinity River Authority called 16.53 acres as follows:

24           S 25° 56' 00" E 75.00 ft. to a 1/2" iron rod set for corner;  
25           N 60° 29' 51" E 391.05 ft. to a 5/8" iron rod found for corner;  
26           S 83° 34' 52" E 343.22 ft. to a 1/2" iron rod set for corner;  
27           S 13° 22' 00" W 291.74 ft. to a 5/8" iron rod found for corner;

S.B. No. 1092

1 S 12° 52' 49" W 257.26 ft. to a 5/8" iron rod found for corner;  
2 S 07° 59' 00" E 185.44 ft. to a 5/8" iron rod found for corner;  
3 S 41° 45' 58" E 198.24 ft. to a calculated point for corner on  
4 a bluff bank;  
5 S 54° 05' 58" E 169.98 ft. to a calculated point for corner on  
6 a bluff bank;  
7 N 81° 08' 02" E 150.95 ft. to a 5/8" iron rod found for corner;  
8 N 86° 52' 27" E 217.14 ft. to a 5/8" iron rod found for corner;  
9 N 82° 20' 10" E 177.63 ft. to a 5/8" iron rod found for corner;  
10 N 76° 35' 10" E 213.52 ft. to a 5/8" iron rod found for corner;  
11 N 81° 11' 18" E 151.61 ft. to a 5/8" iron rod found for corner;  
12 N 76° 37' 18" E 179.68 ft. to a 5/8" iron rod found for corner;  
13 N 63° 59' 23" E 143.31 ft. to a 5/8" iron rod found for corner;  
14 N 83° 27' 58" E 180.64 ft. to a 1/2" iron rod set for corner;  
15 S 13° 27' 58" W 95.68 ft. to a 5/8" iron rod found for corner;  
16 S 07° 12' 02" E 159.45 ft. to a 5/8" iron rod found for corner;  
17 S 40° 47' 34" E 95.13 ft. to a 5/8" iron rod found for corner;  
18 N 70° 37' 43" E 88.74 ft. to a 5/8" iron rod found for corner;  
19 N 55° 24' 41" W 116.66 ft. to a 5/8" iron rod found for corner;  
20 N 12° 40' 39" E 144.08 ft. to a 5/8" iron rod found for corner;  
21 N 09° 54' 12" W 76.56 ft. to a 5/8" iron rod found for corner;  
22 N 83° 12' 13" E 172.73 ft. to a 1/2" iron rod set for corner;  
23 N 79° 45' 13" E 299.28 ft. to a 5/8" iron rod found for corner  
24 and  
25 N 72° 25' 51" E 7.80 ft. to a concrete monument found for the  
26 north common corner between said Livingston Development, Ltd.  
27 called 465.192 acres and said Livingston Development, Ltd. called

S.B. No. 1092

1 19.771 acres, same being the south common corner between said  
2 Trinity River Authority called 16.53 acres and the called 193.64  
3 acres described in deed to said Trinity River Authority of Texas  
4 recorded in Volume 107, Page 336 of said Deed Records, said point  
5 being located on the common survey line between said Francis  
6 Kennedy Survey and said John Colvin Survey;

7       Thence S 23° 28' 18" E 494.42 ft. (deed call - S 23° 31' 00" E  
8 494.23 ft.) along the common survey line between said Kennedy and  
9 Colvin Surveys, same being the common line between said called  
10 465.192 acres and said called 19.771 acres, to a concrete monument  
11 found for the west common corner between said called 19.771 acres  
12 and the residue of the Thomas S. Foster Estate called 512 acres  
13 described in deed recorded in Volume 6, Page 378 of said Deed  
14 Records;

15       Thence S 22° 50' 57" E 286.62 ft. (deed call - S 22° 39' 12" E  
16 286.83 ft.) along the common survey line between said Kennedy and  
17 Colvin Surveys, same being the common line between said Livingston  
18 Development, Ltd. called 465.192 acres and said Foster Estate  
19 residue tract, to a concrete monument found for a common survey  
20 corner between said Kennedy Survey, said Colvin Survey, and the  
21 Michael B. Menard Survey, A-36, said point also being the most  
22 northern corner of the 54.515 acres described in deed to Barbara D.  
23 Graves recorded in Volume 227, Page 375 of said Official Public  
24 Records;

25       Thence S 18° 41' 06" W (deed call - S 18° 40' 36" W) along the  
26 common survey line between said Kennedy and Menard Surveys, same  
27 being the common line between said called 465.192 acres and said

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S.B. No. 1092

1 Graves called 54.515 acres, at 5.41 ft. pass a concrete monument  
2 found on line, and continuing along said common line, a total  
3 distance of 2,794.57 ft. to a concrete monument found for the east  
4 common corner between said Kennedy Survey and the W. B. Clint  
5 Survey, A-424, said point being the east common corner between said  
6 Livingston Development, Ltd. lands and the called 20.33 acres  
7 titled to the Thomas S. Foster Estate and described as "Tract 28" in  
8 deed recorded in Volume 6, Page 378 of said Deed Records;

9       Thence S 87° 31' 40" W 633.25 ft. (deed call - S 87° 34' 26" W  
10 637.29 ft.) along the common survey line between said Kennedy and  
11 Clint Surveys, same being the common line between said Livingston  
12 Development, Ltd. tract and said Foster Estate called 20.33 acres,  
13 to a 1/2" iron rod set at the intersection of said line with the  
14 north right of way line of said F. M. Highway No. 980, same being the  
15 north line of the called 11.117 acres described as "Part XIV" in  
16 said deed to the State of Texas recorded in Volume 120, Page 82 of  
17 said Deed Records;

18       Thence 782.21 ft. in a westerly direction along the north  
19 right of way line of said F. M. Highway No. 980, same being the  
20 common line between said Livingston Development, Ltd. tract and  
21 said State of Texas called 11.117 acre tract, in a curve to the left  
22 having a central angle of 15° 16' 16", the radius being 2,934.79 ft.,  
23 and the chord bears N 83° 21' 52" W 779.89 ft. to a 1/2" iron rod set  
24 marking a point of transition in said right of way line, from said  
25 point a concrete right-of-way monument found bears N 88° 09' 42" W  
26 3.88 ft.;

27       Thence N 82° 16' 35" W 329.66 ft. along the north right of way

S.B. No. 1092

1 line of said F. M. Highway No. 980, same being the common line  
2 between said Livingston Development, Ltd. tract and said State of  
3 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an  
4 angle point in said right of way line;

5 Thence S 86° 27' 19" W 900.89 ft. along the north right of way  
6 line of said F. M. Highway No. 980, same being the common line  
7 between said Livingston Development, Ltd. tract and said State of  
8 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an  
9 angle point in said right of way line;

10 Thence S 89° 00' 00" W 500.00 ft. along the north right of way  
11 line of said F. M. Highway No. 980, same being the common line  
12 between said Livingston Development, Ltd. tract and said State of  
13 Texas called 11.117 acre tract, to a 1/2" iron rod set marking an  
14 angle point in said right of way line, from said point a concrete  
15 right-of-way monument found bears S 83° 34' 59" W 13.51 ft.;

16 Thence S 88° 32' 59" W 1,272.43 ft. along the north right of  
17 way line of said F. M. Highway No. 980, same being the south line of  
18 said Livingston Development, Ltd. tract, common in part with said  
19 State of Texas called 11.117 acre tract and said State of Texas  
20 called 14.509 acre tract, crossing the common survey line between  
21 said Kennedy Survey and said Foster Survey, to a 1/2" iron rod set  
22 marking an angle point in said right of way line, from said point a  
23 concrete right-of-way monument found bears S 05° 17' 10" W 0.88 ft.;

24 Thence N 86° 05' 06" W 315.22 ft. along the north right of way  
25 line of said F. M. Highway No. 980, same being the common line  
26 between said Livingston Development, Ltd. tract and said State of  
27 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an



S.B. No. 1092

1 angle point in said right of way line, from said point a concrete  
2 right-of-way monument found bears S 85° 05' 33" E 4.97 ft.;

3 Thence N 81° 08' 00" W 193.36 ft. along the north right of way  
4 line of said F. M. Highway No. 980, same being the common line  
5 between said Livingston Development, Ltd. tract and said State of  
6 Texas called 14.509 acre tract, to a 1/2" iron rod set marking the  
7 P.C. of a curve in said right of way line, from said point a concrete  
8 right-of-way monument found bears S 79° 01' 44" E 5.11 ft.;

9 Thence 1,038.16 ft. in a northwesterly direction along the  
10 north right of way line of said F. M. Highway No. 980, same being the  
11 common line between said Livingston Development, Ltd. tract and  
12 said State of Texas called 14.509 acre tract, in a curve to the  
13 right having a central angle of 32° 09' 18", the radius being  
14 1,849.86 ft., and the chord bears N 59° 05' 39" W 1,024.59 ft. to a  
15 1/2" iron rod found marking the P. T. of said curve;

16 Thence N 43° 01' 00" W 928.17 ft. along the northeast right of  
17 way line of said F. M. Highway No. 980, same being the common line  
18 between said Livingston Development, Ltd. tract and said State of  
19 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an  
20 angle point in said right of way line, from said point a concrete  
21 right-of-way monument found bears N 21° 10' 38" W 1.74 ft.;

22 Thence N 34° 25' 00" W 200.03 ft. along the northeast right of  
23 way line of said F. M. Highway No. 980, same being the common line  
24 between said Livingston Development, Ltd. tract and said State of  
25 Texas called 14.509 acre tract, to a 1/2" iron rod set marking an  
26 angle point in said right of way line, from said point a concrete  
27 right-of-way monument found bears S 73° 58' 55" W 0.96 ft.;

S.B. No. 1092

1           Thence N 43° 01' 00" W 195.67 ft. along the northeast right of  
2 way line of said F. M. Highway No. 980, same being the common line  
3 between said Livingston Development, Ltd. tract and said State of  
4 Texas called 14.509 acre tract, to the place of beginning and  
5 containing within these bounds 465.349 acres of land.

6 Parcel Two: 9.492 Acres

7           Beginning at a 1/2" iron rod found for the north common corner  
8 between said Livingston Development, Ltd. called 9.774 acres  
9 described as "Tract No. 2" in deed recorded in Volume 173, Page 749  
10 of the San Jacinto County Official Public Records and the called  
11 0.389 acre tract described as "Second Tract" in deed to Woodrow H.  
12 Archer, Sr. and wife, Fredrica A. Archer, recorded in Volume 216,  
13 Page 876 of said Official Public Records, located on the common  
14 survey line between the John Foster Survey, A-115, and the Francis  
15 Kennedy Survey, A-194, and also being located on the southwest  
16 right of way line of F. M. Highway No. 980, said point being the  
17 south common corner between the called 14.509 acres described as  
18 "Part XIII" and the called 11.117 acres described as "Part XIV" in  
19 deed to the State of Texas recorded in Volume 120, Page 82 of said  
20 Deed Records;

21           Thence S 00° 49' 01" E, along the common survey line between  
22 said Foster and Kennedy Surveys, same being the common line between  
23 said Livingston Development, Ltd. tract and said Archer called  
24 0.389 acre tract, at 51.10 ft. pass the west common corner between  
25 said Kennedy Survey and the O. C. Wakefield Survey, A-471, same  
26 being the west common corner between said Archer called 0.389 acre  
27 tract and the called 2 acre tract described as "First Tract" in said

S.B. No. 1092

1 Archer deed, and continuing S 00° 49' 01" E, along the common survey  
2 line between said Foster and Wakefield Surveys, same being the  
3 common line between said Livingston Development, Ltd. and said  
4 Archer called 2 acre tract, in all a total distance of 178.93 to a  
5 concrete monument found for the northeast corner of the called  
6 13.96 acre tract described in deed to Gordon Bryant Chamness  
7 recorded under Clerk's File No. 02-3693 of said Official Public  
8 Records, from said point a 1/2" iron rod found bears S 07° 29' 11" W  
9 14.80 ft.;

10 Thence S 86° 24' 56" W 631.78 ft. along the north line of said  
11 Chamness called 13.96 acre tract to a 1" iron pipe found for the  
12 north common corner between said Chamness tract and the called 3.01  
13 acre tract described in deed to George H. Carter recorded in Volume  
14 119, Page 405 of said Deed Records;

15 Thence S 85° 17' 16" W 331.92 ft. along the north line of said  
16 Carter called 3.01 acre tract to a concrete monument found for west  
17 common corner between said Carter tract and said Livingston  
18 Development, Ltd. tract, located within the rights-of-way of Ryans  
19 Ferry Road [a 60 ft. wide county maintained public roadway], from  
20 said point a 6" cylinder found bears N 05° 45' 24" W 3.91 ft.;

21 Thence N 71° 52' 13" W 18.20 ft. along the south line of said  
22 Livingston Development, Ltd. tract, with the rights-of-way of said  
23 Ryans Ferry Road, to a rail road spike set for the south common  
24 corner between said Livingston Development, Ltd. tract and the  
25 called 0.62 acre tract described as "Tract Two" in deed to Troy L.  
26 Morgan and wife, Sheryl L. Morgan, recorded in Volume 241, Page 2 of  
27 said Official Public Records;

S.B. No. 1092

1           Thence N 42° 58' 13" W 286.92 ft. along the common line between  
2 said Livingston Development, Ltd. tract and said Morgan called 0.62  
3 acre, within the rights-of-way of said Ryans Ferry Road, to a 5/8"  
4 iron rod found marking an angle point in said line located in the  
5 centerline of said road;

6           Thence N 53° 25' 00" W 304.89 ft. along the common line between  
7 said Livingston Development, Ltd. tract and said Morgan called 0.62  
8 acre, same being the centerline of said Ryans Ferry Road, to a rail  
9 road spike set marking an angle point in said line;

10           Thence N 46° 05' 01" W 241.16 ft. along the common line between  
11 said Livingston Development, Ltd. tract and said Morgan called 0.62  
12 acre, same being the centerline of said Ryans Ferry Road, to a rail  
13 road spike set marking an angle point in said line;

14           Thence S 88° 18' 01" W 77.58 ft. along the common line between  
15 said Livingston Development, Ltd. tract and said Morgan called 0.62  
16 acre, crossing the southwest right-of-way line of said Ryans Ferry  
17 Road, to a concrete monument found marking the common corner  
18 between said Livingston Development, Ltd. tract, said Morgan called  
19 0.62 acre, the called 21.25 acre tract described as "Tract One" in  
20 said Morgan deed, and the called 6.64 acre tract described in deed  
21 to Frank O'Connor and wife, Wallie O'Connor, recorded in Volume 198,  
22 Page 816 of said Deed Records;

23           Thence N 51° 18' 00" W 161.95 ft. along the common line between  
24 said Livingston Development, Ltd. tract and said O'Connor called  
25 6.64 acre tract to a concrete monument found for corner;

26           Thence N 33° 36' 54" W 261.13 ft. along the common line between  
27 said Livingston Development, Ltd. tract and said O'Connor called

S.B. No. 1092

1 6.64 acre tract to a 1/2" iron rod found for corner located in the  
2 centerline of Ryans Ferry Road;

3 Thence N 50° 18' 38" W 504.13 ft. along the southwest line of  
4 said Livingston Development, Ltd. tract, common in part with the  
5 northeast line of said O'Connor called 6.64 acre tract and the  
6 called 3.3 acres described in deed to Marine Williams Brown  
7 recorded in Volume 84, Page 531 of said Official Public Records, to  
8 a 1/2" iron rod found for corner, located within the rights-of-way  
9 of said Ryans Ferry Road;

10 Thence N 16° 16' 00" W 252.29 ft. along the common line between  
11 said Livingston Development, Ltd. tract and said Brown called 3.3  
12 acre tract, crossing the northeast right of way line of said Ryans  
13 Ferry Road, to a 1/2" iron rod found for corner, located on the  
14 southwest right of way line of said F. M. Highway No. 980, same  
15 being the southwest line of said State of Texas called 14.509 acres;

16 Thence S 43° 01' 00" E 781.50 ft. along the common line between  
17 said Livingston Development, Ltd. tract and said State of Texas  
18 called 14.509 acre tract, same being the southwest right of way line  
19 of said F. M. Highway No. 980, to a 1/2" iron rod set marking the  
20 P.C. of a curve in said right of way line, from said point a concrete  
21 right-of-way monument found bears S 44° 12' 03" E 0.49 ft.;

22 Thence 1,649.69 ft. in a southeasterly direction along the  
23 common line between said Livingston Development, Ltd. tract and  
24 said State of Texas called 14.509 acre tract, same being the  
25 southwest right of way line of said F. M. Highway No. 980, in a curve  
26 to the left having a central angle of 47° 59' 00", the radius being  
27 1,969.86 ft. and the chord bears S 67° 00' 30" E 1,601.91 to a 1/2"

date  
file

S.B. No. 1092

1 iron rod found marking the P.T. of said curve;

2 Thence S 89° 39' 00" E 389.52 ft. along common line between  
3 said Livingston Development, Ltd. tract and said State of Texas  
4 called 14.509 acre tract, same being the south right of way line of  
5 said F. M. Highway No. 980 to the place of beginning and containing  
6 within these bounds 9.492 acres of land.

7 Parcel Three: 19.766 Acres

8 Beginning at a concrete monument found marking the west  
9 common corner between said Livingston Development, Ltd. called  
10 19.771 acres described in deed recorded in Volume 251, Page 17 of  
11 the San Jacinto County Official Public Records and the residue of  
12 the Thomas S. Foster Estate called 512 acres described in deed  
13 recorded in Volume 6, Page 378 of the San Jacinto County Deed  
14 Records, located on the common survey line between the John Colvin  
15 Survey, A-10, and the Francis Kennedy Survey, A-194, said point  
16 being an angle point in the northeast line of the called 465.192  
17 acres (465.349 acres by re-survey) described as "Tract No. 1" in  
18 deed to Livingston Development, Ltd. recorded in Volume 173, Page  
19 749 of said Official Public Records;

20 Thence N 23° 28' 18" W 494.42 ft. (called N 23° 31' 00" E 494.23  
21 ft. in said called 465.192 acre deed) along common line between said  
22 Livingston Development, Ltd. called 19.771 acre tract and said  
23 Livingston Development, Ltd. 465.349 acre tract to a concrete  
24 monument found for the north common corner between said tracts,  
25 same being the south common corner between the called 193.64 acres  
26 described as Fee Tract F-5 in deed to the Trinity River Authority of  
27 Texas recorded in Volume 107, Page 336 of said Deed Records and the

S.B. No. 1092

1 called 16.53 acres described as Fee Tract F-15 in deed to said  
2 Trinity River Authority of Texas recorded in Volume 108, Page 161 of  
3 said Deed Records;

4 Thence along the common line between said Livingston  
5 Development, Ltd. called 19.771 acres and said Trinity River  
6 Authority called 193.64 acres as follows:

7 N 72° 25' 51" E 134.07 ft. to a 5/8" iron rod found for corner;  
8 N 36° 20' 36" E 171.32 ft. to a calculated point for corner on  
9 a bluff bank;

10 N 30° 58' 36" E 246.88 ft. to a calculated point for corner on  
11 a bluff bank;

12 N 42° 48' 36" E 136.19 ft. to a 5/8" iron rod found for corner;  
13 N 78° 01' 43" E 160.46 ft. to a 5/8" iron rod found for corner;  
14 S 86° 17' 35" E 140.42 ft. to a 5/8" iron rod found for corner;  
15 S 45° 05' 45" E 121.07 ft. to a 5/8" iron rod found for corner;  
16 S 25° 16' 35" W 141.35 ft. to a 5/8" iron rod found for corner;  
17 S 20° 22' 07" W 161.28 ft. to a 5/8" iron rod found for corner;  
18 N 52° 34' 00" E 247.87 ft. to a 5/8" iron rod found for corner;  
19 N 15° 01' 29" W 157.48 ft. to a 5/8" iron rod found for corner;  
20 N 83° 01' 46" E 120.34 ft. to a 5/8" iron rod found for corner;  
21 S 85° 47' 26" E 155.87 ft. to a 5/8" iron rod found for corner;  
22 N 49° 39' 35" E 173.19 ft. to a 5/8" iron rod found for corner;  
23 N 65° 36' 49" E 119.65 ft. to a calculated point for corner;  
24 N 76° 12' 49" E 107.67 ft. to a calculated point for corner;  
25 S 07° 31' 49" W 305.54 ft. to a 5/8" iron rod found for corner;  
26 S 37° 13' 51" W 209.79 ft. to a 5/8" iron rod found for corner;  
27 N 57° 23' 45" E 97.30 ft. to a 5/8" iron rod found for corner;

S.B. No. 1092

1           S 55° 59' 18" E 90.80 ft. to a 5/8" iron rod found for corner;  
 2           S 31° 39' 00" W 144.07 ft. to a 5/8" iron rod found for corner;  
 3           S 08° 35' 00" E 1.20 ft. to a 5/8" iron rod found for the east  
 4 common corner between said Livingston Development, Ltd. called  
 5 19.771 acres and said Foster Estate residue tract;

6           Thence S 67° 22' 17" W 1,310.57 ft. along the common line  
 7 between said Livingston Development, Ltd. called 19.771 acre tract  
 8 and said Foster Estate residue tract to the place of beginning and  
 9 containing within these bounds 19.766 acres of land.

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

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

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

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



S.B. No. 1092

1 SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007. \_\_\_\_\_

David Dewhurst  
President of the Senate

Tom Craddick  
Speaker of the House

I hereby certify that S.B. No. 1092 passed the Senate on April 26, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2007, by the following vote: Yeas 30, Nays 0. \_\_\_\_\_

Patsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 1092 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting. \_\_\_\_\_

Robert Haney  
Chief Clerk of the House

Approved:

15 JUN 07

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6 PM O'CLOCK

JUN 15 2007

Roger Williams  
Secretary of State