

City of Houston, Texas, Ordinance No. _____

AN ORDINANCE ANNEXING TO THE CITY OF HOUSTON, TEXAS FOR LIMITED PURPOSES A CERTAIN AREA LOCATED WITHIN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118 (THE "DISTRICT"), IN HARRIS AND MONTGOMERY COUNTIES, TEXAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; IMPOSING THE SALES AND USE TAX OF THE CITY OF HOUSTON IN THE AREA WITHIN THE DISTRICT ANNEXED FOR LIMITED PURPOSES; ASSIGNING ANNEXED AREAS TO ADJACENT DISTRICT FROM WHICH DISTRICT COUNCIL MEMBER IS ELECTED UNTIL SUCH TIME AS DISTRICT BOUNDARIES MAY BE CHANGED PURSUANT TO THE CITY OF HOUSTON CHARTER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Developer entered into an agreement approved by Ordinance 2012-1056 countersigned on December 12, 2012 which approved a restrictive covenant and contemplated a disannexation, creation of municipal utility districts, consent by the City to create such districts and strategic partnership agreements in substantially similar terms with the Related Districts; and

WHEREAS the Developer desires (i) the disannexation of the portion of the Property within the City's corporate limits together with the Additional Property from the general purpose boundaries of the City, and (ii) the City's consent to the creation of District 118 and the inclusion of the Additional Property into District 118; and

WHEREAS conditions precedent to the City's consideration of such annexation matters the Developer delivered to the City the Restrictive Covenants in accordance with Section 3.03 of this Agreement, and (ii) provided a Resolution of the Board of Directors of District 118 in support of executing a strategic partnership agreement by District 118, providing for the limited purpose and subsequent full purpose annexation of the Districts and consenting to and joining in the Developer's petitions described in the recitals of this Agreement; and

WHEREAS, the City filed the Declaration of Restriction made on June 10, 2014, which includes a restriction against the construction of a flood protection levee on the property with District 118 and Related Districts in the Real Property records of Montgomery County on September 26, 2014; and

WHEREAS the City will disannex the District 118 Property and the Additional Property immediately followed by the consenting to the creation of District 118 and to the inclusion of the Additional Property into District 118; and

WHEREAS, the City is interested in entering into such Strategic Partnership Agreement with the District and annexing the area for limited purposes subsequent to

its consent to the creation and organization of District 118 and the organization of the other Districts; and

WHEREAS, the City of Houston, Texas is authorized to annex territory for limited purposes in compliance with the procedures established by the Texas Local Government Code; and

WHEREAS, the City Council, by Ordinance No. 2014-919 adopted on October 8, 2014, called certain public hearings relating to the proposed annexation for limited purposes of a certain area located within Montgomery County Municipal Utility District No. 118, in Harris and Montgomery Counties, Texas; and

WHEREAS, in compliance with pertinent sections of the Texas Local Government Code, on November 5 and November 12, 2014 the City Council held the required public hearings regarding the proposed limited purpose annexation of said areas; and

WHEREAS, Article V, Section 3 of the Houston City Charter provides that promptly following the addition of territory to the City by a boundary change, the City Council shall, by ordinance, add such territory to an adjacent district or districts; and

WHEREAS, Section 42.005(a)(6) of the Texas Election Code prohibits county election precincts from containing territory from more than one city council district; and

WHEREAS, the City Council, having received the best available data and expert assistance from the Department of Planning and Development, has determined that the newly annexed tracts should be assigned to adjacent districts so as to preserve existing precinct assignments, to avoid splitting a precinct between council districts, and, where possible, to create district boundaries based on identifiable geographic features; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The findings set forth in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

Section 2. Subject to all sections of this Ordinance, the City of Houston hereby annexes for limited purposes certain territory located within Montgomery County Municipal Utility District No. 118, in Harris and Montgomery Counties, Texas. The boundaries of the annexed areas are set out in written form in "Exhibit A," attached hereto, incorporated herein by this reference, and made a part hereof for all purposes. A visual map of the annexed area is represented in "Exhibit B."

Section 3. In accordance with the authority granted by Section 43.0751(k) of the Texas Local Government Code, the City of Houston hereby imposes a retail sales and use tax within the boundaries of the area in Montgomery County Municipal Utility District No. 118 annexed for limited purposes. Such sales and use tax will be administered and governed by the pertinent provisions of the Texas Tax Code.

Section 4. City Council, acting pursuant to the provisions of Article V, Section 3 of the City Charter, assigns the areas annexed by this Ordinance to the adjacent district below as recommended by the Department of Planning and Development as follows:

COUNCIL DISTRICT	LOCATED IN HARRIS AND MONTGOMERY COUNTIES PRECINCT NOS.	AREAS ANNEXED
E	0599 0088	Within Montgomery County Municipal Utility District No. 118

Section 5. This Ordinance shall not repeal, impair, modify, or otherwise affect any other ordinance annexing territory to the City of Houston or any other ordinance heretofore passed on one or more readings and not yet passed on final reading, annexing any territory to the City of Houston, but such other ordinance or ordinances shall remain and continue to be effective as to their intent and purpose as therein stated, wholly unaffected in any way or manner by the passage of this Ordinance. This

Ordinance shall be effective as to its intent and purpose as hereinabove stated, wholly unaffected by any other annexation ordinance introduced and passed or hereafter introduced and passed on any reading, whether final or not.

Section 6. It is the intention of the City of Houston and its City Council to comply with the Constitutions and laws of the United States of America and the State of Texas and with all applicable provisions of the Charter of the City of Houston, and this Ordinance shall be interpreted and construed in harmony therewith.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose. Should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Houston, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the

effectiveness of this Ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Houston for limited purposes every part of the area described in Exhibit A of this Ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the description of territory set out in Exhibit A of this Ordinance to be hereby annexed for limited purposes to the City of Houston any area or lands which are presently part of and included within the general limits of the City of Houston, or which are presently part of and included within the limits of any other municipality, or which are not within the jurisdiction or power of the City of Houston to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

Section 9. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this _____ day of _____.

APPROVED this _____ day of _____.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. Sumen K. Mahender)
Senior Assistant City Attorney *cmg*

Requested by Patrick Walsh, Director, Department of Planning and Development
L.D. File No. 0611400118001

G:\GeneralAnnexation\Fall 2014\MC118\MC 118 LPA Ord.doc

EXHIBIT "A"

EXHIBIT "A"

**METES AND BOUNDS DESCRIPTION
PROPOSED MONTGOMERY COUNTY MUNICIPAL
UTILITY DISTRICT NUMBER 118
875.426 ACRES
38,133,574 SQUARE FEET
MONTGOMERY COUNTY, TEXAS
October 20, 2006**

All that certain 875.426 acre (38,133,574 square feet) parcel of land situated in the Joseph A. Parker Survey, Abstract Number 418, in Montgomery County, Texas, and being a portion of that certain call 2,086.441 acre tract described in a Warranty Deed to Pacific Indio Properties, Inc. recorded in Clerk's File Number 2005-116973 of the Official Public Records of Real Property at Montgomery County, Texas (O.P.R.R.P.M.C.T.), and being all of that certain call 347.750 net acres described in a Warranty Deed to Pacific Indio Properties in Clerk's File Number 2006-026099 of the O.P.R.R.P.M.C.T., said 875.426 acre tract being more particularly described by metes and bounds as follows: (All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone)

COMMENCING at a 90d nail found for an interior corner of said 2,086.441 acre tract and the northwest corner of said 347.750 acre tract;

THENCE, generally along a barbed wire fence line marking the occupied southerly line of said 2,086.441 acre tract and the occupied northerly line of said 347.750 acre tract, the following three (3) courses:

- 1) North 76 Degrees 42 Minutes 28 Seconds East, a distance of 1,639.86 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found for an angle point;
- 2) North 77 Degrees 50 Minutes 35 Seconds East, a distance of 1,494.90 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found for an angle point;
- 3) North 73 Degrees 20 Minutes 40 Seconds East, a distance of 896.00 feet to the intersection of the north line of said 347.570 acre tract and the west bank of the West Fork of the San Jacinto River for the **POINT OF BEGINNING** of the herein described tract;

THENCE, southerly, with the meanders of the west bank of the West Fork of the San Jacinto River, the following fifty-five (55) courses:

- 1) South 13 Degrees 34 Minutes 14 Seconds West, a distance of 16.30 feet;
- 2) South 09 Degrees 53 Minutes 26 Seconds East, a distance of 133.74 feet;
- 3) South 16 Degrees 38 Minutes 15 Seconds East, a distance of 73.61 feet;
- 4) South 19 Degrees 31 Minutes 13 Seconds East, a distance of 116.98 feet;
- 5) South 32 Degrees 54 Minutes 28 Seconds East, a distance of 145.16 feet;
- 6) South 38 Degrees 38 Minutes 20 Seconds East, a distance of 103.32 feet;
- 7) South 41 Degrees 57 Minutes 28 Seconds East, a distance of 118.10 feet;

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 8) South 54 Degrees 00 Minutes 34 Seconds East, a distance of 129.83 feet;
- 9) South 55 Degrees 39 Minutes 23 Seconds East, a distance of 110.71 feet
- 10) South 66 Degrees 53 Minutes 44 Seconds East, a distance of 73.22 feet;
- 11) South 72 Degrees 25 Minutes 29 Seconds East, a distance of 88.16 feet;
- 12) South 65 Degrees 50 Minutes 00 Seconds East, a distance of 65.94 feet;
- 13) South 79 Degrees 17 Minutes 56 Seconds East, a distance of 92.74 feet;
- 14) South 78 Degrees 35 Minutes 31 Seconds East, a distance of 79.11 feet;
- 15) South 58 Degrees 09 Minutes 49 Seconds East, a distance of 56.76 feet;
- 16) South 88 Degrees 59 Minutes 24 Seconds East, a distance of 70.62 feet;
- 17) South 54 Degrees 16 Minutes 32 Seconds East, a distance of 41.79 feet;
- 18) South 78 Degrees 54 Minutes 47 Seconds East, a distance of 69.93 feet;
- 19) North 59 Degrees 26 Minutes 39 Seconds East, a distance of 59.52 feet;
- 20) South 71 Degrees 42 Minutes 48 Seconds East, a distance of 70.58 feet;
- 21) South 70 Degrees 36 Minutes 57 Seconds East, a distance of 57.20 feet;
- 22) South 82 Degrees 34 Minutes 32 Seconds East, a distance of 43.73 feet;
- 23) North 85 Degrees 40 Minutes 02 Seconds East, a distance of 75.16 feet;
- 24) North 67 Degrees 42 Minutes 24 Seconds East, a distance of 47.81 feet;
- 25) South 85 Degrees 01 Minute 45 Seconds East, a distance of 20.48 feet;
- 26) South 73 Degrees 26 Minutes 33 Seconds East, a distance of 28.81 feet;
- 27) South 68 Degrees 02 Minutes 14 Seconds East, a distance of 158.38 feet;
- 28) South 63 Degrees 08 Minutes 39 Seconds East, a distance of 88.71 feet;
- 29) South 56 Degrees 06 Minutes 22 Seconds East, a distance of 123.11 feet;
- 30) South 49 Degrees 42 Minutes 41 Seconds East, a distance of 102.06 feet;
- 31) South 48 Degrees 16 Minutes 29 Seconds East, a distance of 116.52 feet

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 32) South 43 Degrees 01 Minutes 51 Seconds East, a distance of 119.92 feet;
- 33) South 12 Degrees 48 Minutes 47 Seconds East, a distance of 104.77 feet;
- 34) South 31 Degrees 16 Minutes 58 Seconds East, a distance of 116.13 feet;
- 35) South 18 Degrees 57 Minutes 55 Seconds East, a distance of 108.66 feet;
- 36) South 14 Degrees 02 Minutes 37 Seconds East, a distance of 112.14 feet;
- 37) South 20 Degrees 36 Minutes 57 Seconds East, a distance of 99.63 feet;
- 38) South 17 Degrees 52 Minutes 48 Seconds East, a distance of 121.18 feet;
- 39) South 17 Degrees 33 Minutes 50 Seconds East, a distance of 140.50 feet;
- 40) South 11 Degrees 20 Minutes 12 Seconds East, a distance of 78.23 feet;
- 41) South 08 Degrees 46 Minutes 43 Seconds East, a distance of 70.75 feet;
- 42) South 09 Degrees 28 Minutes 02 Seconds East, a distance of 74.18 feet;
- 43) South 08 Degrees 38 Minutes 18 Seconds East, a distance of 116.59 feet;
- 44) South 14 Degrees 33 Minutes 32 Seconds East, a distance of 100.26 feet;
- 45) South 12 Degrees 02 Minutes 45 Seconds East, a distance of 102.47 feet;
- 46) South 12 Degrees 22 Minutes 20 Seconds East, a distance of 92.49 feet;
- 47) South 00 Degrees 03 Minutes 09 Seconds East, a distance of 72.45 feet;
- 48) South 10 Degrees 50 Minutes 22 Seconds East, a distance of 37.82 feet;
- 49) South 08 Degrees 02 Minutes 58 Seconds East, a distance of 102.61 feet;
- 50) South 00 Degrees 09 Minutes 26 Seconds East, a distance of 143.92 feet;
- 51) South 04 Degrees 42 Minutes 52 Seconds East, a distance of 150.23 feet;
- 52) South 09 Degrees 19 Minutes 25 Seconds East, a distance of 115.79 feet;
- 53) South 08 Degrees 57 Minutes 42 Seconds East, a distance of 70.29 feet;
- 54) South 24 Degrees 11 Minutes 10 Seconds East, a distance of 53.99 feet;

375.426 Acres
Proposed MCMUD 118
October 20, 2006

- 55) South 16 Degrees 29 Minutes 30 Seconds East, a distance of 9.15 feet to the point of intersection of the west bank of the west fork of the San Jacinto River with the north bank of Spring Creek;

THENCE, westerly, with the meanders of the north bank of Spring Creek, the following one hundred eleven (111) courses:

- 1) South 84 Degrees 10 Minutes 17 Seconds West, a distance of 12.16 feet;
- 2) North 82 Degrees 05 Minutes 24 Seconds West, a distance of 52.61 feet;
- 3) South 87 Degrees 30 Minutes 52 Seconds West, a distance of 53.69 feet;
- 4) North 85 Degrees 13 Minutes 30 Seconds West, a distance of 55.97 feet;
- 5) North 89 Degrees 58 Minutes 05 Seconds West, a distance of 63.43 feet;
- 6) South 83 Degrees 59 Minutes 32 Seconds West, a distance of 56.18 feet;
- 7) South 83 Degrees 08 Minutes 53 Seconds West, a distance of 57.94 feet;
- 8) South 87 Degrees 05 Minutes 35 Seconds West, a distance of 54.78 feet;
- 9) South 79 Degrees 12 Minutes 39 Seconds West, a distance of 57.57 feet;
- 10) North 87 Degrees 18 Minutes 08 Seconds West, a distance of 53.43 feet;
- 11) South 78 Degrees 02 Minutes 27 Seconds West, a distance of 66.74 feet;
- 12) South 81 Degrees 04 Minutes 10 Seconds West, a distance of 59.60 feet;
- 13) South 80 Degrees 01 Minutes 09 Seconds West, a distance of 65.19 feet;
- 14) South 83 Degrees 14 Minutes 43 Seconds West, a distance of 56.92 feet;
- 15) North 86 Degrees 02 Minutes 02 Seconds West, a distance of 70.98 feet;
- 16) South 80 Degrees 01 Minute 36 Seconds West, a distance of 30.04 feet;
- 17) South 79 Degrees 51 Minutes 57 Seconds West, a distance of 45.86 feet;
- 18) South 82 Degrees 10 Minutes 15 Seconds West, a distance of 51.35 feet;
- 19) South 88 Degrees 49 Minutes 36 Seconds West, a distance of 112.54 feet;
- 20) South 86 Degrees 30 Minutes 18 Seconds West, a distance of 72.53 feet;
- 21) North 88 Degrees 51 Minutes 59 Seconds West, a distance of 68.44 feet;

875.426 Acres
October 20, 2006.

- 22) North 64 Degrees 05 Minutes 26 Seconds West, a distance of 114.39 feet;
- 23) North 71 Degrees 33 Minutes 04 Seconds West, a distance of 103.48 feet;
- 24) North 76 Degrees 15 Minutes 50 Seconds West, a distance of 103.87 feet;
- 25) North 73 Degrees 28 Minutes 22 Seconds West, a distance of 104.56 feet;
- 26) North 81 Degrees 02 Minutes 43 Seconds West, a distance of 90.53 feet;
- 27) North 83 Degrees 54 Minutes 04 Seconds West, a distance of 58.82 feet;
- 28) North 78 Degrees 20 Minutes 21 Seconds West, a distance of 58.65 feet;
- 29) North 76 Degrees 33 Minutes 35 Seconds West, a distance of 145.88 feet;
- 30) North 68 Degrees 50 Minutes 05 Seconds West, a distance of 103.05 feet;
- 31) South 84 Degrees 44 Minutes 17 Seconds West, a distance of 105.88 feet;
- 32) South 88 Degrees 03 Minutes 24 Seconds West, a distance of 183.85 feet;
- 33) South 88 Degrees 18 Minutes 37 Seconds West, a distance of 67.90 feet;
- 34) South 83 Degrees 52 Minutes 15 Seconds West, a distance of 94.33 feet;
- 35) South 78 Degrees 45 Minutes 34 Seconds West, a distance of 185.77 feet;
- 36) South 68 Degrees 52 Minutes 14 Seconds West, a distance of 96.12 feet;
- 37) South 89 Degrees 42 Minutes 53 Seconds West, a distance of 114.36 feet;
- 38) South 69 Degrees 18 Minutes 57 Seconds West, a distance of 182.63 feet;
- 39) South 65 Degrees 05 Minutes 47 Seconds West, a distance of 131.79 feet;
- 40) South 67 Degrees 49 Minutes 48 Seconds West, a distance of 118.11 feet;
- 41) South 67 Degrees 30 Minutes 43 Seconds West, a distance of 78.96 feet;
- 42) South 65 Degrees 36 Minutes 02 Seconds West, a distance of 107.52 feet;
- 43) South 63 Degrees 46 Minutes 55 Seconds West, a distance of 95.81 feet;
- 44) South 66 Degrees 23 Minutes 06 Seconds West, a distance of 90.69 feet;
- 45) South 65 Degrees 35 Minutes 24 Seconds West, a distance of 154.98 feet;
- 46) South 70 Degrees 11 Minutes 48 Seconds West, a distance of 137.88 feet;

Page 5 of 11
L:\0052\minutes\minutes\minutes and bounds\minutes\minutes 118.doc

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 47) South 68 Degrees 16 Minutes 20 Seconds West, a distance of 134.82 feet;
- 48) South 73 Degrees 02 Minutes 10 Seconds West, a distance of 58.11 feet;
- 49) South 87 Degrees 44 Minutes 52 Seconds West, a distance of 67.81 feet;
- 50) South 64 Degrees 43 Minutes 04 Seconds West, a distance of 177.66 feet;
- 51) South 72 Degrees 04 Minutes 22 Seconds West, at 69.77 feet pass the southeast corner of said 2086.441 acre tract and the southwest corner of said 347.750 acre tract, and continue, a distance of 83.18 feet;
- 52) South 73 Degrees 00 Minutes 42 Seconds West, a distance of 117.01 feet;
- 53) South 72 Degrees 17 Minutes 35 Seconds West, a distance of 92.37 feet;
- 54) South 74 Degrees 11 Minutes 33 Seconds West, a distance of 108.18 feet;
- 55) South 79 Degrees 35 Minutes 08 Seconds West, a distance of 78.91 feet;
- 56) South 75 Degrees 45 Minutes 12 Seconds West, a distance of 102.58 feet;
- 57) South 77 Degrees 55 Minutes 50 Seconds West, a distance of 80.73 feet;
- 58) South 82 Degrees 28 Minutes 28 Seconds West, a distance of 71.66 feet;
- 59) South 81 Degrees 17 Minutes 42 Seconds West, a distance of 109.60 feet;
- 60) North 83 Degrees 14 Minutes 34 Seconds West, a distance of 106.79 feet;
- 61) North 86 Degrees 49 Minutes 24 Seconds West, a distance of 410.41 feet;
- 62) South 79 Degrees 58 Minutes 36 Seconds West, a distance of 109.74 feet;
- 63) South 68 Degrees 32 Minutes 22 Seconds West, a distance of 95.21 feet;
- 64) South 71 Degrees 53 Minutes 23 Seconds West, a distance of 129.93 feet;
- 65) South 68 Degrees 57 Minutes 45 Seconds West, a distance of 82.76 feet;
- 66) South 72 Degrees 17 Minutes 01 Second West, a distance of 97.06 feet;
- 67) South 69 Degrees 59 Minutes 14 Seconds West, a distance of 102.77 feet;
- 68) South 64 Degrees 30 Minutes 13 Seconds West, a distance of 57.73 feet;
- 69) South 69 Degrees 58 Minutes 22 Seconds West, a distance of 93.93 feet;

Page 8 of 8

I:\01062\surveys\tracedra\Notes and Plans\MCMUD 118.doc

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 70) South 69 Degrees 12 Minutes 15 Seconds West, a distance of 70.45 feet;
- 71) South 64 Degrees 35 Minutes 58 Seconds West, a distance of 59.79 feet;
- 72) South 64 Degrees 44 Minutes 57 Seconds West, a distance of 59.16 feet;
- 73) South 60 Degrees 13 Minutes 56 Seconds West, a distance of 252.86 feet;
- 74) South 64 Degrees 10 Minutes 28 Seconds West, a distance of 62.59 feet;
- 75) South 65 Degrees 06 Minutes 39 Seconds West, a distance of 91.82 feet;
- 76) South 59 Degrees 53 Minutes 47 Seconds West, a distance of 163.90 feet;
- 77) South 54 Degrees 16 Minutes 56 Seconds West, a distance of 74.01 feet;
- 78) South 61 Degrees 44 Minutes 05 Seconds West, a distance of 60.82 feet;
- 79) South 64 Degrees 41 Minutes 37 Seconds West, a distance of 111.39 feet;
- 80) South 66 Degrees 07 Minutes 21 Seconds West, a distance of 98.40 feet;
- 81) South 57 Degrees 41 Minutes 49 Seconds West, a distance of 68.10 feet;
- 82) South 47 Degrees 45 Minutes 02 Seconds West, a distance of 170.94 feet;
- 83) South 35 Degrees 08 Minutes 27 Seconds West, a distance of 103.10 feet;
- 84) South 24 Degrees 52 Minutes 57 Seconds West, a distance of 90.42 feet;
- 85) South 22 Degrees 05 Minutes 54 Seconds West, a distance of 76.13 feet;
- 86) South 25 Degrees 51 Minutes 39 Seconds West, a distance of 122.93 feet;
- 87) South 41 Degrees 59 Minutes 34 Seconds West, a distance of 113.29 feet;
- 88) South 34 Degrees 52 Minutes 03 Seconds West, a distance of 131.64 feet;
- 89) South 31 Degrees 35 Minutes 15 Seconds West, a distance of 151.54 feet;
- 90) South 43 Degrees 25 Minutes 49 Seconds West, a distance of 56.67 feet;
- 91) South 52 Degrees 48 Minutes 42 Seconds West, a distance of 70.82 feet;
- 92) South 63 Degrees 40 Minutes 47 Seconds West, a distance of 73.57 feet;
- 93) South 72 Degrees 43 Minutes 32 Seconds West, a distance of 68.14 feet;

Page 2 of 8
C:\MS2\Survey\arndocs\Mules and Potatoes\MUDE\MUD 118 (06)

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 94) South 82 Degrees 33 Minutes 04 Seconds West, a distance of 68.37 feet;
- 95) South 86 Degrees 13 Minutes 24 Seconds West, a distance of 82.31 feet;
- 96) South 89 Degrees 05 Minutes 31 Seconds West, a distance of 140.91 feet;
- 97) North 73 Degrees 28 Minutes 38 Seconds West, a distance of 122.17 feet;
- 98) North 62 Degrees 37 Minutes 33 Seconds West, a distance of 93.38 feet;
- 99) North 71 Degrees 03 Minutes 25 Seconds West, a distance of 140.97 feet;
- 100) North 23 Degrees 11 Minutes 48 Seconds West, a distance of 72.02 feet;
- 101) North 10 Degrees 48 Minutes 54 Seconds West, a distance of 100.46 feet;
- 102) North 36 Degrees 54 Minutes 49 Seconds West, a distance of 77.90 feet;
- 103) North 30 Degrees 44 Minutes 55 Seconds West, a distance of 98.44 feet;
- 104) North 22 Degrees 41 Minutes 08 Seconds West, a distance of 68.29 feet;
- 105) North 10 Degrees 14 Minutes 18 Seconds West, a distance of 68.35 feet;
- 106) North 14 Degrees 47 Minutes 43 Seconds West, a distance of 97.80 feet;
- 107) North 21 Degrees 31 Minutes 02 Seconds West, a distance of 154.31 feet;
- 108) North 24 Degrees 31 Minutes 13 Seconds West, a distance of 106.92 feet;
- 109) North 28 Degrees 31 Minutes 21 Seconds West, a distance of 106.37 feet;
- 110) North 33 Degrees 54 Minutes 39 Seconds West, a distance of 94.11 feet;
- 111) North 49 Degrees 05 Minutes 53 Seconds West, a distance of 166.66 feet to the intersection of the southerly line of said 2,086.441 acre tract and a west line of the City of Houston City Limits, as prepared by the City of Houston Geographic Information System Office and made available to the public in Release 12, dated June 2006;

THENCE, departing the north high bank of Spring Creek, through and across said 2,086.441 acre tract, and with the west line of said City of Houston City Limit Line, the following two (2) courses:

- 1) North 02 Degrees 47 Minutes 12 Seconds West, a distance of 3,425.25 feet to an angle point;

875.426 Acres
Proposed MCMUD 118
October 20, 2006

- 2) North 02 Degree 47 Minutes 24 Seconds West, a distance of 1,365.81 feet to an exterior corner of said City of Houston City Limit line and the northwest corner of the herein described tract;

THENCE, continuing through and across said 2,086.441 acre tract and with a north line of said City of Houston City Limit Line and the north line of the herein described tract, the following three (3) courses:

- 1) North 88 Degrees 42 Minutes 54 Seconds East, a distance of 5,691.72 feet to an angle point;
- 2) North 87 Degrees 57 Minutes 42 Seconds East, a distance of 6.43 feet to an angle point;
- 3) North 88 Degrees 08 Minutes 36 Seconds East, a distance of 1,430.41 feet to the intersection of the north line of said City of Houston City Limit Line with the west bank of the west fork of the San Jacinto River;

THENCE, southerly, with the meanders of the west bank of the West Fork of the San Jacinto River, the following three (3) courses:

- 1) South 24 Degrees 34 Minutes 53 Seconds West, a distance of 88.11 feet;
- 2) South 17 Degrees 20 Minutes 07 Seconds West, a distance of 78.44 feet;
- 3) South 13 Degrees 34 Minutes 14 Seconds West, a distance of 118.21 feet to the POINT OF BEGINNING and containing 875.426 acres (38,133,574 square feet) of land.

This description is based on a survey made on the ground on and is issued in conjunction with an exhibit prepared by Benchmark Engineering Corporation dated October 20, 2006.



Michael Hoover, R.P.L.S.
Texas Registration No. 5423



\\01012\survey\540000\Maine and Boreas\MCMUDS061118.dwg Page 11 of 9

METES AND BOUNDS DESCRIPTION
21.453 ACRES
(934,482 SQUARE FEET)
HARRIS COUNTY, TEXAS
October 10, 2005

All that certain 21.453 Acre (934,482 square feet) tract of land situated in the William Hobby Survey, Abstract 345, Harris County, Texas, and being out of and a portion of that certain tract known as Tract "F" described in that certain partition deed recorded in Volume 69, Page 320, of the Harris County Deed Records (H.C.D.R.), and further being out of and a portion of that certain call 70 acres described in a deed to E. L. Bender and F. V. Bender in Volume 882, Page 54, of the H.C.D.R., said 21.453 Acre tract being more particularly described by metes and bounds as follows: (All bearings are referenced to Texas State Plane Coordinates, South Central Zone)

COMMENCING at a 5/8 inch iron rod found for an angle point in the westerly right-of-way (R.O.W.) line of Townsen Road (width varies) as described in a deed to the City of Humble recorded in Harris County Clerk's File (H.C.C.F.) Number U865373, and from which a 5/8 inch iron rod found for an angle point in the westerly right-of-way (R.O.W.) line of Townsen Road bears North 82 Degrees 33 Minutes 40 Seconds West, a distance of 14.98 feet;

THENCE, with said westerly R.O.W line, North 07 Degrees 27 Minutes 58 Seconds East, a distance of 126.71 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the southeast corner of the proposed extension of Townsen Road;

THENCE, through and across the T.F. Pinckney Survey, Abstract 1588, the following three (3) courses:

- 1) North 82 Degrees 32 Minutes 02 Seconds West, a distance of 711.47 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the beginning of a curve to the right;
- 2) 1132.53 feet along the arc of said curve to the right having a radius of 1600.00 feet, a central angle of 40 Degrees 33 Minutes 21 Seconds, and a chord that bears North 62 Degrees 15 Minutes 21 Seconds West, a distance of 1109.04 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set;
- 3) North 41 Degrees 58 Minutes 41 Seconds West, at 6.14 feet pass the upper southeast corner of a call 3.78 acre R.O.W. easement described in a deed to Houston Lighting and Power Company in H.C.C.F. Number H184618, and continue, in all, a distance of 163.18 feet to a 5/8 inch iron rod with plastic cap stamped "S & V" SURVEY" found in the recognized common line of said Pinckney Survey and Hobby Survey for the upper southeast corner of a call 48.814 acre tract described in a deed to Appaloosa Land Company, L.P. in H.C.C.F. Number W739931, and the south corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, through and across the Hobby Survey, and with the northeastly line of said 48.814 acre tract, North 41 Degrees 58 Minutes 41 Seconds West, a distance of 1461.52 feet to a 5/8 inch iron rod with plastic cap stamped "S & V" SURVEY" found for an angle point in said 48.814 acre tract and the herein described tract;

21.453 Acres
October 10, 2005

THENCE, continuing with the northeasterly line of said 48.814 acre tract, North 62 Degrees 25 Minutes 07 Seconds West, a distance of 37.09 feet to a point on the meanders of the gradient boundary line of Spring Creek for the northwest corner of the herein described tract;

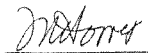
THENCE, with the meanders of the gradient boundary line of Spring Creek, the following twenty (20) courses:

- 1) North 24 Degrees 07 Minutes 35 Seconds East, a distance of 69.95 feet;
- 2) North 17 Degrees 40 Minutes 08 Seconds East, a distance of 36.16 feet;
- 3) North 42 Degrees 08 Minutes 53 Seconds East, a distance of 96.95 feet;
- 4) North 40 Degrees 35 Minutes 54 Seconds East, a distance of 38.56 feet;
- 5) North 39 Degrees 20 Minutes 03 Seconds East, a distance of 37.65 feet;
- 6) North 49 Degrees 23 Minutes 25 Seconds East, a distance of 45.50 feet;
- 7) North 46 Degrees 44 Minutes 52 Seconds East, a distance of 46.70 feet;
- 8) North 31 Degrees 06 Minutes 01 Second East, a distance of 32.38 feet;
- 9) North 05 Degrees 49 Minutes 46 Seconds West, a distance of 10.92 feet;
- 10) North 30 Degrees 28 Minutes 34 Seconds East, a distance of 4.25 feet;
- 11) North 57 Degrees 31 Minutes 43 Seconds East, a distance of 48.82 feet;
- 12) North 54 Degrees 36 Minutes 22 Seconds East, a distance of 39.80 feet;
- 13) North 59 Degrees 07 Minutes 01 Second East, a distance of 100.92 feet;
- 14) North 64 Degrees 51 Minutes 37 Seconds East, a distance of 71.87 feet;
- 15) North 63 Degrees 04 Minutes 47 Seconds East, a distance of 56.39 feet;
- 16) North 67 Degrees 00 Minutes 41 Seconds East, a distance of 79.82 feet;
- 17) North 67 Degrees 12 Minutes 51 Seconds East, a distance of 70.46 feet;
- 18) North 65 Degrees 16 Minutes 12 Seconds East, a distance of 99.94 feet;
- 19) North 64 Degrees 44 Minutes 40 Seconds East, a distance of 106.53 feet;
- 20) North 64 Degrees 25 Minutes 51 Seconds East, a distance of 103.97 feet to the intersection of the meanders of the gradient boundary line of Spring Creek with the recognized common line of said Pinckney Survey and Hobby Survey for the northeast corner of the herein described tract;

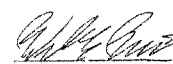
21.453 Acres
October 10, 2005

THENCE, with the recognized common line of said Pinckney Survey and Hobby Survey, South 02 Degrees 25 Minutes 30 Seconds East, at 1237.87 feet pass the proposed northeasterly R.O.W. line of said Townsen Road, and continue, in all, a distance of 1,785.45 to the POINT OF BEGINNING and containing 21.453 Acres (934,482 Square Feet) of land.

This description is based on a survey made on the ground and is issued in conjunction with a Boundary Survey prepared by Benchmark Engineering Corporation dated December 2004 through January 2005.


Michael Hoover, R.P.L.S.
Texas Registration No. 5423




William E. Merten, R.P.L.S.
Texas Registration No. 50
Licensed State Land Surveyor

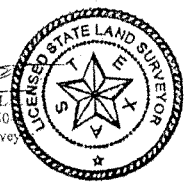


EXHIBIT "B"

