

City of Houston, Texas, Ordinance No. 1999- 767

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY OF HOUSTON GENERALLY BOUNDED BY WESTHEIMER ROAD ON THE NORTH, BISSONNET STREET ON THE SOUTH, BUFFALO SPEEDWAY ON THE WEST AND SOUTH SHEPHERD DRIVE ON THE EAST (UPPER KIRBY AREA) AS A REINVESTMENT ZONE FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, pursuant to Chapter 311 of the Texas Tax Code, the City may designate a contiguous geographic area within the City as a reinvestment zone if the area satisfies the requirements of certain sections of Chapter 311 of the Texas Tax Code; and

WHEREAS, the City has prepared a preliminary reinvestment zone financing plan for the creation of a proposed reinvestment zone within a contiguous area of the City known as the Upper Kirby area (the "proposed zone"), which provides that City of Houston ad valorem taxes are to be deposited into the tax increment fund, and that taxes of other taxing units may be utilized in the financing of the proposed zone; and

WHEREAS, the City, prior to May 31, 1999, provided written notice of the City's intention to create the proposed zone, complying with the requirements of Chapter 311, Texas Tax Code, to the governing bodies of all other taxing units levying taxes on property within the proposed zone; and

WHEREAS, a notice of the July 8, 1999, public hearing on the creation of the proposed zone was published on June 22, 1999, in the Houston Chronicle, a newspaper of general circulation in the City; and

WHEREAS, Harris County, pursuant to Section 311.003, Texas Tax Code, has waived the Tax Code requirement that it receive notice of the City's intention to create the zone sixty (60) days before the public hearing on the creation of the proposed zone; and

WHEREAS, the Houston Independent School District, pursuant to Section 311.003, Texas Tax Code, has waived the requirement that it receive notice of the City's intention to create the proposed zone sixty (60) days before public hearing on the creation of the proposed zone; and

WHEREAS, at the public hearing on July 8, 1999, interested persons were allowed to speak for or against the creation of the proposed zone, its boundaries, or the concept of tax increment financing, and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the proposed zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the proposed zone under the provisions of Chapter 311, Texas Tax Code, and no person appeared or presented evidence against the creation of the proposed zone, its boundaries or the concept of tax increment financing; and

WHEREAS, no owner of real property in the proposed zone protested the inclusion of his property in the proposed zone; and

WHEREAS, the City has provided all information and made all presentations, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the creation of the proposed zone; and

WHEREAS, the total appraised value of property in the proposed zone and all other reinvestment zones previously created by the City is approximately \$3,578,291,987; and

WHEREAS, the total appraised value of taxable real property in the City and in the industrial districts created by the City is approximately \$59, 653, 340,000 ; and

WHEREAS, the total appraised value of real property taxable by Harris County, in which the proposed zone is located, is approximately \$102,486,793,000; and

WHEREAS, the total appraised value of real property taxable by the Houston Independent School District, within whose boundaries the proposed zone is located, is approximately \$37,033,231,000; and

WHEREAS, the total area within the proposed zone is approximately 514.925 acres, excluding property that is publicly owned; and

WHEREAS, approximately 37.178 acres of the property in the proposed zone is currently used for residential purposes, as that term is defined in Section 311.006(d) of the Texas Tax Code;

NOW, THEREFORE,

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

Section 1. Findings

(a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

(b) That the City Council further finds and declares that the proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the City.

(c) That City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone substantially impairs and arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic and social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:

- a. the predominance of defective or inadequate sidewalk or street layout;
- b. faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- c. unsanitary or unsafe conditions;
- d. the deterioration of site or other improvements; and
- e. conditions that endanger life or property by fire or other cause.

(d) That the City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declares:

- (1) That the proposed zone is a contiguous geographic area located wholly within the corporate limits of the City of Houston;
- (2) That less than ten percent of the property in the proposed zone is used for residential purposes within the meaning of Section 311.006(d), Texas Tax Code.
- (3) That the total appraised value of taxable real property in the proposed zone, and in existing reinvestment zones of the City, does not exceed fifteen percent of the total appraised value of taxable real property in the City and in industrial districts created by the City;
- (4) That the proposed zone does not contain more than fifteen percent of the total appraised value of real property taxable by Harris County or the Houston Independent School District;
- (5) That development or redevelopment of the property within the boundaries of the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

Section 2. Exception to Guidelines

That the City hereby excepts the proposed zone from compliance with any City reinvestment zone guidelines established by the City pursuant to Resolution No. 90-203 that are applicable to the proposed zone and that the zone does not satisfy. Section 1 of

Resolution No. 90-203 specifically authorizes the City Council to grant exceptions on a zone-by-zone basis.

Section 3. Designation of the Zone

That the City, acting under the provisions of Chapter 311, Texas Tax Code (the "Act"), including Section 311.005(a), does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over, the area depicted on the map attached hereto as Exhibit "A" and described in Exhibit "B" attached hereto and incorporated herein to promote the development of the area. The reinvestment zone shall hereafter be named for identification as Reinvestment Zone Number nineteen, City of Houston, Texas, (the "Zone").

Section 4. Board of Directors

That there is hereby created a Board of Directors for the Zone, which shall consist of seven (7) members. Positions One through Five on the Board of Directors shall be reserved for the City. Positions Six and Seven shall be reserved for other taxing units levying taxes within the Zone, each of whom may appoint one director. Any taxing unit that appoints a director shall be assigned a Board position number in the order the appointment is received by the City. Failure of a taxing unit to appoint a director by January 1, 2000, shall be deemed a waiver of the right to appoint a director, and the City shall be entitled to appoint persons to the position, which shall be filled as provided below.

¹ Sequential number of Reinvestment Zone to be inserted by City Secretary upon effective date of ordinance in accordance with Chapter 311, Texas Tax Code.

If more than two taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by one for each taxing unit above two that appoints a director to the board, provided, if more than four taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by two for each taxing unit above four that appoints a director to the board, provided, further, that the maximum number of directors shall not exceed fifteen (15). The City shall be entitled to appoint a person to one position of each of the two positions created as a result of more than four taxing units appointing directors, which position shall be filled as provided below.

The Mayor is hereby authorized to nominate and appoint the directors to Positions One through Five of the Board of Directors, any position unfilled on January 1, 2000, and any City position created by the appointment of a director by more than two taxing units levying taxes within the Zone, subject to the consent and approval of the City Council.

The following persons are hereby appointed as initial directors to the Board of Directors of the Zone in the position specified below:

| <u>Position</u> | <u>Name</u> |
|-----------------|--------------------|
| 1 | Antoinette Jackson |
| 2 | Mary Jo Poindexter |
| 3 | John Chiang |
| 4 | Emil Pena |
| 5 | Judy Penner |

The directors appointed to odd-numbered positions shall be appointed for a two year term, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one year term, beginning on the effective date of this Ordinance. All subsequent appointments shall be for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as the chair of the Board of Directors for a term beginning on the effective date of this Ordinance, and ending December 31, 1999. Thereafter, the Mayor shall annually nominate and appoint, subject to City Council approval, the member to serve as chair for a term of one year beginning January 1 of the following year. The City Council authorizes the Board of Directors to elect from its members a vice chairman and such other officers as the Board of Directors sees fit.

The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone as described in Section 311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City, pursuant to Section 311.010(a) of the Texas Tax Code hereby authorizes the Board of Directors to exercise all of the City's powers necessary to administer, manage or operate the Zone and to prepare the project plan and reinvestment zone financing plan, including the power to employ consultants, legal counsel and financial advisors, or enter into any reimbursement agreements with consultants, legal counsel and financial advisors payable solely from the Tax Increment Fund established pursuant to

Section 7 of this Ordinance, subject to the approval of the Director of the Planning and Development Department, that may be reasonably necessary or convenient to assist the Board of Directors in the administration, management or operation of the Zone and the preparation of the project plan and reinvestment zone financing plan. Notwithstanding the foregoing, the Board of Directors shall not be authorized to issue bonds, impose taxes or fees, exercise the power of eminent domain or give final approval to the project plan and reinvestment zone financing plan. The Board of Directors of the Zone may not exercise any power granted to the City by Section 311.008 of the Texas Tax Code without additional authorization from the City.

Section 5. Duration of the Zone

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2014, or at an earlier time designated by subsequent ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, and the interest on the bonds, have been paid in full.

Section 6. Tax Increment Base

That the Tax Increment Base of the City or any other taxing unit participating in the Zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, determined as of January 1, 1999, the year in which the Zone is designated as a reinvestment zone (the "Tax Increment Base").

Section 7. Tax Increment Fund

That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal the property taxes levied and collected by the City or any other taxing unit participating in the Zone for that year on the captured appraised value, as defined by the Act, of real property located in the Zone that is taxable by the City or any other taxing unit participating in the Zone, less any amounts that are to be allocated from the Tax Increment pursuant to the Act. All revenues from the sale of any tax increment bonds, notes, or other obligations hereafter issued by the City for the benefit of the Zone, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purposes pursuant to Section 311.010(b) of the Texas Tax Code.

Section 8. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

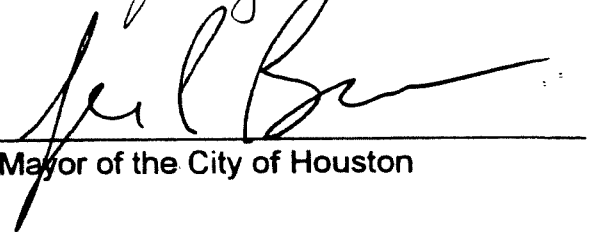
Section 9. Open Meetings

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, ch. 551, 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 hereof 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 10. Emergency

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 such 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 of its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND APPROVED this 21st day of July, 1999.

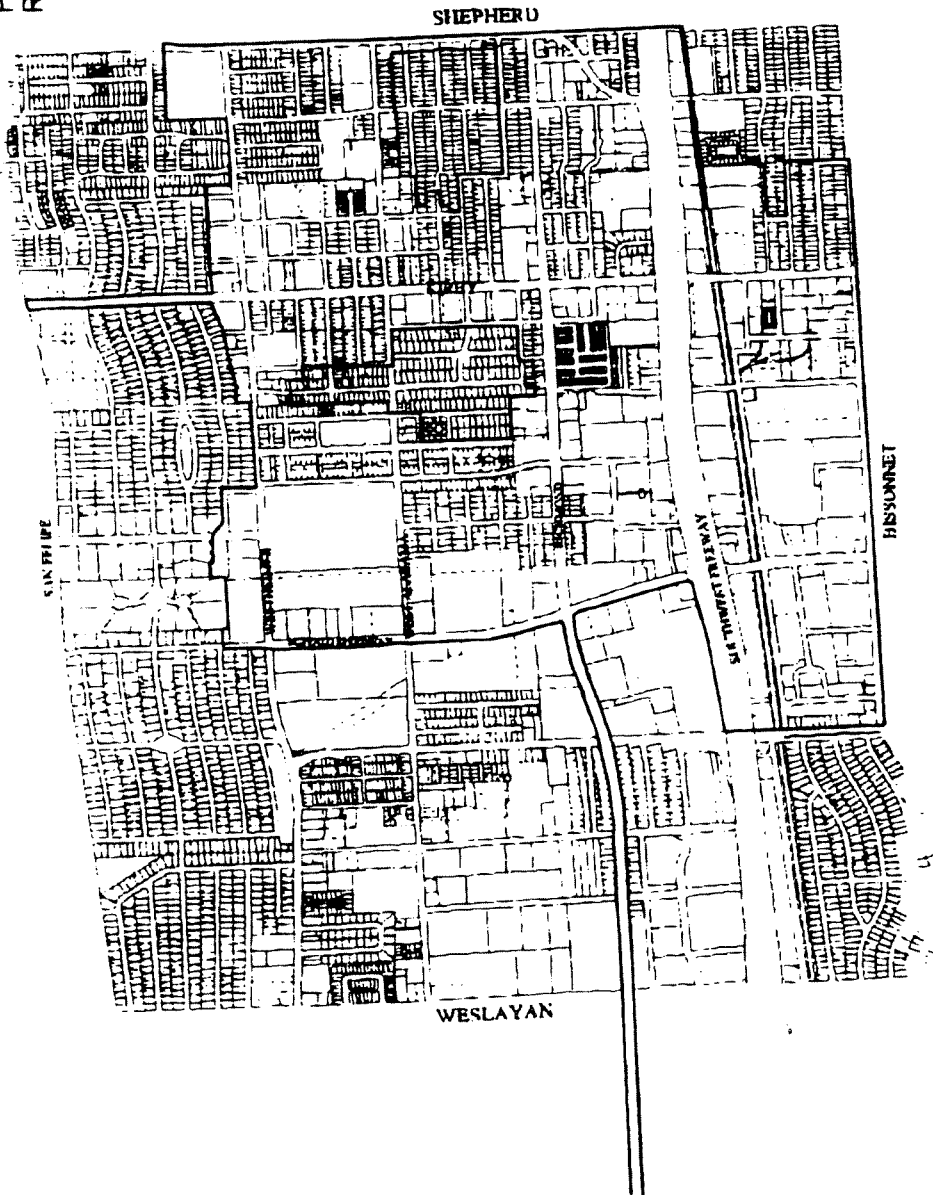


Mayor of the City of Houston

DFM
(Prepared by Legal Dept. Mil. [Signature]
(MAM/mam July 13, 1999 Assistant City Attorney)
(Requested by Robert Litke, Director, Planning and Development Department)
L.D. No. 61-99057-02

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PROPOSED GATEWAY HOUSTON
REINVESTMENT ZONE



Parcels

Boundary

Hawes Hill & Patterson, Consultants LLP

**UPPER KIRBY TAX INCREMENT REINVESTMENT ZONE
BOUNDARY DESCRIPTION**

Beginning at a point at the intersection of the north right-of-way line of U.S. Highway 59 and the west right-of-way line of Buffalo Speedway;

Thence in a northerly direction along the west right-of-way line of Buffalo Speedway to the south right-of-way line of Richmond Avenue;

Thence in a westerly direction along the south right-of-way line of Richmond Avenue to the east right-of-way line of the Southern Pacific railroad;

Thence in a northerly direction along the east right-of-way line of the Southern Pacific Railroad to the north right-of-way line of Richmond Avenue;

Thence in an easterly direction along the north right-of-way line of Richmond Avenue to the west right-of-way line of Buffalo Speedway;

Thence in a northerly direction along the west right-of-way line of Buffalo Speedway to the south right-of-way line of Wickersham Lane;

Thence in a westerly direction to the east right-of-way line of Buffalo Speedway, said point also being the northwest corner property line of Lot 10, Block 66 of the River Oaks, Section 7 subdivision;

Thence in an easterly direction along the north property line of Lot 10, Block 66 of the River Oaks, Section 7 subdivision to the northeast corner of said lot;

Thence in a southerly direction along the east property line of Lot 10, Block 66 of the River Oaks, Section 7 subdivision to the southeast corner of said lot, said point also being the southwest corner of Tract 2 and E of the Briarwood subdivision;

Thence in an easterly direction along the south property line of Tract 2 and Tract E of the Briarwood subdivision to the southeast corner of Tract 2 and E of the Briarwood subdivision, point also being the southwest corner of Lot F of the Briarwood subdivision;

Thence in an easterly direction along the south property line of Tract F of the Briarwood subdivision to the southeast corner of said lot, said point also being the southwest corner property line of Tract 8C, Abstract 61, of the A.C. Reynolds Survey;

Thence in a northerly direction along the west property line of Tract 8C, Abstract 61, of the A.C. Reynolds Survey to the northwest corner of said lot;

Thence in an easterly direction along the north property line of property line of Tract 8C, Abstract 61, of the A.C. Reynolds Survey to the west right-of-way line of River Oaks Boulevard;

Thence in an easterly direction to the north right-of-way line of Locke Lane

Thence in an easterly direction along the north right-of-way line of Locke Lane to the southeast corner property line of Lot 29, Block 23, River Oaks Section 4 subdivision;

Thence in a southerly direction to the east right-of-way line of Eastside Road;

Thence in a southerly direction along the east right-of-way line of Eastside Road to the north right-of-way line of Westheimer Road;

Thence in an easterly direction along the north right-of-way line of Westheimer Road to the east right-of-way line of Bellmeade Road;

Thence in a northerly direction along the east right-of-way line of Bellmeade Road to the northwest corner of Lot 18A, 18A-1, 18B, and 18C, block 18 of the Dickeys West Park subdivision;

Thence in an easterly direction along the north property line of Lot 18A, 18A-1, 18B, and 18C, block 18 of the Dickeys West Park subdivision and 17B, 17A, 17C, and 17M, Block 17 of the Dickey's West Park subdivision to the west right-of-way line of Locke Street;

Thence in an easterly direction to the east right-of-way line of Locke Street, said point also being the northwest corner of Lot 16, Block 16 of Dickey's West Park subdivision;

Thence in an easterly direction along the north property line of Lot 16, Block 16 of Dickey's West Park subdivision;

Thence in an easterly direction along the north property line of Lot 16, Block 16 of Dickey's West Park subdivision to the west right-of-way line of Kirby Drive;

Thence in a northerly direction along the west right-of-way line of Kirby Drive to the south right-of-way line of San Felipe Drive;

Thence east along the south right-of-way line of San Felipe Drive to the east right-of-way line of Kirby Drive;

Thence in a southerly direction along the east right-of-way line of Kirby Drive to the south right-of-way line of San Saba Road;

Thence in an easterly direction along the south right-of-way line of San Saba Road to the west right-of-way line of Dickey Place Road;

Thence in an easterly direction to the east right-of-way line of Dickey Place Road, said point also being the northwest corner property line of Tract 13B, Block 13, of the Dickeys West Park subdivision;

Thence in an easterly direction along the north property line of Tract 13B, Block 13, of the Dickeys West Park subdivision to the northeast corner of said lot;

Thence in a southerly direction along the east property line of Tract 13B, Block 13, of the Dickeys West Park subdivision to the north right-of-way line of Westheimer Boulevard;

Thence east along the north right-of-way line of Westheimer Boulevard to the southwest corner of Tract 1, Abstract 696 of the O. Smith Survey;

Thence in a northerly direction along the west property line of Tract 1, Abstract 696 of the O. Smith Survey to the northwest corner of said lot;

Thence in an easterly direction along the north property line of Tract 1, Abstract 696 of the O. Smith Survey to the east right-of-way line of Shepherd Drive;

Thence south along the east right-of-way line of Shepherd Drive to the northwest corner of Lot 1, Block 1 of Chevy Chase subdivision, said point also being the south property line of Tract 50, Block K and L of the Albermarle Place subdivision;

Thence in a westerly direction along the south property line of Tract 50, Block K and L of the Albermarle Place subdivision to the northeast corner of Tract 20-1/2 A, Abstract 61 of the A.C. Reynolds Survey;

Thence in a southerly direction along the east property line of Tract 20-1/2 A, Abstract 61 of the A.C. Reynolds Survey to the north right-of-way line of North Boulevard;

Thence in a southerly direction to the south right-of-way line of North Boulevard, said point also being the northwest corner of Lot 1, Block 2 of Greenbriar subdivision;

Thence in a westerly direction along the south right-of-way line of North Boulevard to the east right-of-way line of Mellon Street;

Thence in a southerly direction along the east right-of-way line of Mellon Street to the north right-of-way line of Bartlett Avenue;

Thence in an easterly direction along the north-right-of-way line of Bartlett Avenue to the southwest corner of Lot 22, Block 2 of Bartlett Townhomes subdivision;

Thence in a southerly direction to the northwest corner of Lot 1, Block 3 of Greenbriar subdivision;

Thence in a southerly direction along the west property line of Lot 1, Block 3 of Greenbriar subdivision; to the southwest corner of Lot 1, Block 3 of Greenbriar subdivision, said point also being the northwest corner of Lot 22, Block 3 of Greenbriar subdivision;

Thence in a southerly direction along the west property line of Lot 22, block 3 Greenbriar subdivision to the north right-of-way line of South Boulevard;

Thence in a southerly direction to the east right-of-way line of Morningside Drive, said point also being the northwest corner of Lot 1, Block 4, Greenbriar subdivision;

Thence in a southerly direction along the east right-of-way line of Morningside Drive to the south right-of-way line of Bissonnet Drive;

Thence in a westerly direction along the south right-of-way line of Bissonnet Drive to the east right-of-way line of Edloe Drive;

Thence north along the east right-of-way line of Edloe Drive to the north right-of-way line of the U.S. Highway 59;

Thence east along the north right-of-way line of the U.S. Highway 59 to the west right-of-way line of Buffalo Speedway and the **Point of Beginning**.

SAVE AND EXCEPT PROPERTY #1

Beginning at a point at the intersection of the west right-of-line of Lake Street and the south right-of-way line of West Alabama

Thence in a westerly direction along the along the south right-of-way line of West Alabama to a point which is a southerly projection of the west right-of-way line of Virginia Street, said point also being the approximate midpoint of Lot 20, Block 5 David Crockett Replat subdivision;

Thence in a northerly direction to the west right-of-way line of Virginia Street, said point also being the southeast corner of Lot 12, Block 2, Kerr's Ferndale subdivision;

Thence in a northerly direction along the west right-of-way line of Virginia Street to the southeast corner of Lot 11, Block 2, Kerr's Ferndale subdivision;

Thence in a westerly direction along the south property line of Lot 11, Block 2, Kerr's Ferndale subdivision to the southwest corner of said lot;

Thence in a northerly direction along the west property line of Lot 11, Block 2, Kerr's Ferndale subdivision to the southeast corner of Tract 8, Block 6 of Ferndale Annex subdivision;

Thence in a northerly direction along the east property line of Tract 8, Block 6 of Ferndale Annex subdivision to the northeast corner of said lot;

Thence in a westerly direction along the north property line of Tract 8, Block 6 of Ferndale Annex subdivision to the east right-of-way line of Ferndale Road;

Thence in a westerly direction to the west right-of-way line of Ferndale Road, said point also being the southwest corner property line of Tract 3, Block 5, Ferndale Annex subdivision;

Thence west along the south property line of Tract 3, Block 5 of Ferndale Annex subdivision to the southwest corner of said lot;

Thence in a southerly direction along the west property lines of Tract 3 and 1, Ferndale Place Townhomes subdivision and Lot 3, 4, 5, 6, Kerr's Ferndale subdivision, and Tracts 1A-1, Block 3, Kerr's Ferndale Subdivision, and Lot 2, 3, 4, 5, 6, 7, 8, 9, 10, Block 3, Kerr's Ferndale subdivision to the corner north right-of-way line of West Alabama Drive, said point also being the southeast corner property line of Lot 26A, Block 19, Crawford subdivision;

Thence in a westerly direction along the north right-of-way line of West Alabama to the east right-of-way line of Sackett Street, said point also being the southwest corner of Lot 26A, Block 19 Crawford subdivision;

Thence in a southerly direction to the south right-of-way line of West Alabama, said point also being the northeast corner of Lot 1, Block 1 of Chateaux Square Amended subdivision and the east right-of-way line of Sackett Street;

Thence in a southerly direction along the east right-of-way line of Sackett Street to the south right-of-way line of Sul Ross Road;

Thence in a westerly direction along the south right-of-way line of Sul Ross Road to the east right-of-way line of Bammell;

Thence in a southerly direction along the east right-of-way line of Bammell to the southwest corner of Lot 10, Block 17, Crawford Replat subdivision;

Thence in an easterly direction along the south property line of Lot 10, Block 17 to the southwest corner of Lot 11, Block 17

Thence in an easterly direction along the south property line of Lot 11, Block 17, to the west right-of-way line of Sackett Street;

Thence in an easterly direction to the east right-of-way line Sackett Street, said point also being the southwest corner of Lot 22, Block 20, Crawford Replicate subdivision;

Thence in an easterly direction along the south property line of Lot 22, Block 20, Crawford Replat subdivision to the southeast corner of said lot, said point also being the northeast corner of Tract 61, Abstract 61 of A.C. Reynolds Survey;

Thence in a southerly direction along the east property line of Tract 61, Abstract 61 of A.C. Reynolds Survey to the southwest corner of Lot 6A, Block C, Chambers Forrester subdivision;

Thence in an easterly along the south property line of Lot 6A, 6, and 5, Block C, Forrester subdivision to the southwest corner of Lot 4, Block C, Chambers Forrester subdivision;

Thence in a northerly direction along the west property line of Lot 4, Block C, Chambers Forrester subdivision to the northwest corner of said lot, said point also being the south right-of-way line of Colquitt Street;

Thence in an easterly direction along the south right-of-way line of Colquitt to the northeast corner property line of Lot 4, Block C, Chambers Forrester subdivision;

Thence in a southerly direction along the property line of Lot 4, Block C, Chambers Forrester subdivision to the southeast corner of said lot, said point also being the southwest corner of Lot 3, Block C, Chambers Forrester subdivision;

Thence in an easterly direction along the south property line of Lot 3, 2, 1, and 1A, Block C, Chambers Forrester subdivision to the west right-of-way line of Virginia Street;

Thence in a northerly direction along the west right-of-way line of Virginia Street to the south right-of-way line of Colquitt Street;

Thence in a northerly direction to the north right-of-way line of Colquitt Street, said point also being the approximate midpoint of Lot 10, Block 3, David Crockett Replat subdivision;

Thence in an easterly direction along the north right-of-way line of Colquitt to the west right-of-way line of Lake Street;

Thence in a northerly direction along the west right-of-way line of Lake Street to the south right-of-way line of West Alabama to the **Point of Beginning**.

SAVE AND EXCEPT PROPERTY #2

Beginning at a point at the intersection of the north right-of-way line of Colquitt Street and the east right-of-way line of Morningside Drive;

Thence in a northerly direction along the east right-of-way line of Morningside Drive to the north right-of-way line of West Main Street;

Thence in a westerly direction along the north right-of-way line of West Main Street to the east right-of-way line of Revere Road;

Thence in a northerly direction along the east right-of-way line of Revere Road to the southwest corner property line of Lot 7, Block D, Dozier subdivision;

Thence in an easterly direction along the south property line of Lot 7, Block D, Dozier subdivision to the southeast corner of said lot;

Thence in a northerly direction along the east property line of Lot 7, Block D, to the south right-of-way line of Branard Road;

Thence in an easterly direction along the south right-of-way line of Branard Road to the northeast corner of Lot 4, Block D, Dozier subdivision;

Thence in a northerly direction along to the north right-of-way line of Branard Road, said point also being the southeast corner of Lot 11, Block C, Dozier subdivision;

Thence in a northerly direction along the east property line of Lot 11, Block C, Dozier subdivision to the northeast corner of said lot;

Thence in a westerly direction along the north property line of Lot 11, Block C, Dozier subdivision and a portion of Lots 8, 9, 10, Block C, Dozier subdivision to the southeast corner of Lot 7, Block C, Dozier subdivision;

Thence in a northerly direction along the east property line of Lot 7, Block C, Dozier subdivision to the south right-of-way line of Sul Ross Road;

Thence in an easterly direction along the south right-of-way line of Sul Ross Road to the northeast corner of the property line of Lot 14 of Alabama Place subdivision;

Thence in a northerly direction to the north right-of-way line of Sul Ross Road, said point also being the southeast corner of Tract 36L, Block 36, Dickey's West Park subdivision;

Thence in a northerly direction along the east property line of Tract 36L, Block 36, Dickey's West Park subdivision to the northwest corner of corner of Lot 13, Alabama Place;

Thence in an easterly direction along the north property line of Lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 to the west right-of-way line of Greenbriar Drive;

Thence in an easterly direction along the east right-of-way line of Greenbriar Drive to the northwest corner of Lot 13, Block 1, Westlawn Terrace;

Thence in an easterly direction along the north property line of Lots 13 through 23, Block 1, Westlawn Terrace subdivision to the northeast corner of Lot 23, Block 1, Westlawn Terrace subdivision;

Thence in a southerly direction along the east property line of Lot 23, Block 1, Westlawn Terrace to the north right-of-way line of Sul Ross Road;

Thence in a southerly direction to the south right-of-way line of Sul Ross, said point also being the northwest corner property line of Lot 1, Block 2, Westlawn Terrace;

Thence in a southerly direction along the west property line of Lot 1, Block 2, Westlawn Terrace to the north right-of-way line of Branard Road;

Thence in a southerly direction to the south right-of-way line of Branard Road, said point also being the northwest corner property line of Tract 1, Block 3, Westlawn Terrace subdivision;

Thence in a southerly direction along the west property line of Tract 1, Block 3, Westlawn Terrace to the north right-of-way line of West Main Street;

Thence in a southerly direction to the south right-of-way line of West Main, said point also being the northwest corner property line of Tract 1, Block 4 of Westlawn Terrace subdivision;

Thence in a southerly direction along the west property line of Tract 1, Block 4, Westlawn Terrace to the southwest corner of said lot;

Thence in an easterly direction along the south property line of Tract 1, Block 4 to the northwest corner of Tract 24B, Block 4, Westlawn Terrace subdivision;

Thence in a southerly direction along the west property line of Tract 24B, Block 4, Westlawn Terrace subdivision to the north right-of-way line of Colquitt Street;

Thence in a westerly direction along the north right-of-way line of Colquitt Street to the **Point of Beginning**.