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STATE OF TEXAS

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COUNTY OF FORT BEND

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**ORDER PROHIBITING SOLID WASTE DISPOSAL
IN FORT BEND COUNTY**

**SECTION I
GENERAL PROVISIONS AND FINDINGS**

Whereas, the Commissioners Court of Fort Bend County, Texas, has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste disposal in the unincorporated areas of Fort Bend County, except for those areas designated as solid waste disposal sites, pursuant to the authority of the Texas Health and Safety Code § 363.112, and,

Whereas, solid waste disposal, especially the disposal of solid waste in landfills, is an activity that has high potential to negatively impact the health, safety and welfare of any community, and,

Whereas, this Court believes and hereby finds that further development or establishment of landfills in certain areas of the county would constitute an unacceptable risk and threat to public health, safety and welfare for the reasons stated below, among others, to wit

The Court finds that the presence of solid waste disposal facilities in general may negatively influence property values, and,

The Court finds that there presently exists solid waste disposal sites in this county which are adequate for the present and future needs of the county and that no others are needed in the affected areas, and,

The Court further finds that solid waste disposal activities in the affected area could hamper economic development in the affected area, and

The Court finally finds that substances contained within a landfill, especially in a hazardous or industrial landfill, escape into the air or waterways, including subsurface waterways, significant threats to the public health, safety and welfare exist

**SECTION II
DEFINITIONS**

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise

1-28-02 Original Order sent to House-County Attorneys Office.

Affected area	refers to the area of the County in which solid waste disposal is prohibited
Industrial Solid Waste	solid waste resulting from or incidental to a process of industry or manufacturing, or mining, or agricultural operations
Municipal Solid Waste	solid waste resulting from or incidental to municipal, community, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and other solid waste other than industrial solid waste
Solid Waste	Subject to the limitations of 42 U S C § 6903 (27) and 40 C F R § 261.4 (a), garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term

(A) does not include

(i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code.

(ii) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements, or

(iii) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by Railroad Commission of Texas under Section 91.101, Natural Resources Code unless the waste substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 U S C § 6901 et seq), and,

(B) does include hazardous substances

Solid Waste Facility	all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of processing, storage, or
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disposal operational units such as one or more landfills, surface impoundment's or a combination of units

SECTION III
APPROVED AREAS FOR DISPOSAL OF SOLID WASTE IN UNINCORPORATED AREAS
OF FORT BEND COUNTY

For the above reasons, and pursuant to the provisions of § 363.112 of the Texas Health and Safety Code, the Commissioners Court of Fort Bend County hereby **ORDAINS, RESOLVES, ORDERS and ESTABLISHES** the following **ORDINANCE**

IT IS ORDAINED and ORDERED that the disposal of solid waste within Fort Bend County, Texas, is not prohibited in the following areas

AREA ONE

FIELD NOTES FOR A 1194.88 ACRE TRACT OF LAND BEING A PART OF THE TEXAS GULF SULPHUR COMPANY CALLED 676.25 ACRE TRACT OF LAND (4TH TRACT) IN THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, FORT BEND COUNTY, TEXAS AND BEING OF RECORD IN VOLUME 116, PAGE 337, DEED RECORDS FORT BEND COUNTY, TEXAS, AND A PART OF THE TEXAS GULF SULPHUR COMPANY CALLED 539.00 ACRE TRACT (5TH TRACT) IN THE T.F. PICKNEY SURVEY, ABSTRACT 655, FORT BEND COUNTY, TEXAS AND BEING OF RECORD IN VOLUME 116, PAGE 337, DEED RECORDS FORT BEND COUNTY, TEXAS, A PART OF THE TEXAS GULF SULPHUR COMPANY CALLED 495.7 ACRE TRACT (6TH TRACT) IN THE GEORGE WATERS SURVEY, ABSTRACT 346, FORT BEND COUNTY, TEXAS, RECORDED IN VOLUME 116, PAGE 337, DEED RECORDS FORT BEND COUNTY, TEXAS, A PART OF THE TEXAS GULF SULPHUR COMPANY CALLED 300.00 ACRE TRACT (1ST TRACT) IN THE PHILO FAIRCHILD SURVEY, ABSTRACT 24, RECORDED IN VOLUME 116, PAGE 337, DEED RECORDS FORT BEND COUNTY, TEXAS;

COMMENCING at a point in the centerline of F M Highway 1994 (100 foot right-of-way) said point being North 47 degrees 49 minutes 52 seconds West, 50.00 feet from a ½ inch iron pipe found at the point of intersection of the Northeast line of Davis Estate Road (60 foot right-of-way) and the Southeast line of said F M Highway 1994 (100 foot right-of-way)

THENCE, South 47 degrees 49 minutes 52 seconds East along said line being the Northeast line of Davis Estate Road (60 foot right-of-way) at 50 feet pass a ½ inch iron pipe and continuing for a total distance of 547.09 feet to a point on said line intersecting with the Southeast line of the Cane Belt Railroad, 160 foot wide right-of-way, being of record in Volume 131 Page 293 and Volume 262, Page 68, Deed Records Fort Bend County, Texas for the West corner and Place of Beginning of the herein described 1194.88 acre tract of land,

THENCE, continuing South 47 degrees 49 minutes 52 seconds East along the Northeast line of said Davis Estate Road, 899 83 feet to a ½ inch iron pipe found at the beginning of a curve to the left,

THENCE, around said curve to the left with a central angle of 14 degrees 30 minutes 44 seconds, a radius of 1148 25 feet, a length of 290 83 feet, a tangent of 146 20 feet and a chord bearing South 55 degrees 06 minutes 07 seconds East. 290 06 feet to a ½ inch iron pipe found at the tangency of said curve,

THENCE, South 62 degrees 27 minutes 55 seconds East along the Northeasterly line of Davis Estate Road, 9772 99 feet to a ½ inch iron pipe found on said line for the South most corner of the herein described 1194 88 acre tract of land,

THENCE, North 01 degree 55 minutes 18 seconds West, 4 13 feet to a ½ inch iron pipe found on the Easterly line of the aforementioned 676 25 acre tract (4th Tract) recorded in Volume 116, Page 337, Deed Records Fort Bend County, Texas for an angle point,

THENCE, North 01 degree 58 minutes 42 seconds West along the Easterly line of the aforementioned called 676 25 acre tract (4th Tract) recorded in Volume 116, Page 337, Deed Records Fort Bend County, Texas, same being the Westerly line of the adjoining William E Sutton call 429 65 acre tract recorded in Volume 2548, Page 1497 of the Official Records of Fort Bend County, Texas 2794 23 feet to a 1 inch iron pipe found on said line for an angle point,

THENCE, North 01 degree 30 minutes 28 seconds West, 2562 50 feet to a 1 inch iron pipe found for an angle point on said line.

THENCE, North 00 degrees 15 minutes 59 seconds East along said line at 525 63 feet pass a 1 inch iron pipe found on said line and continuing for a total distance of 1033 46 feet to a point on the Southerly bank of Big Creek for the most Easterly corner of the herein described 1194 88 acre tract of land.

THENCE, along the meanders of the Southerly bank of Big Creek as follows

North 33 degrees 28 minutes 20 seconds West, 265 68 feet
North 33 degrees 28 minutes 20 seconds West, 174 53 feet
North 41 degrees 42 minutes 28 seconds West, 200 89 feet
North 39 degrees 58 minutes 14 seconds West, 301 87 feet
North 34 degrees 30 minutes 54 seconds West, 182 83 feet
North 26 degrees 25 minutes 40 seconds West, 261 38 feet
North 32 degrees 02 minutes 18 seconds West, 279 90 feet
North 30 degrees 35 minutes 39 seconds West, 260 20 feet
North 15 degrees 27 minutes 21 seconds West, 345 51 feet
North 26 degrees 02 minutes 18 seconds West, 114 71 feet
North 36 degrees 33 minutes 54 seconds West, 77 48 feet
North 51 degrees 32 minutes 26 seconds West, 132 74 feet
North 56 degrees 55 minutes 10 seconds West, 222 08 feet

North 65 degrees 46 minutes 53 seconds West, 143 33 feet
North 73 degrees 31 minutes 05 seconds West, 120 47 feet
North 78 degrees 22 minutes 48 seconds West, 387 76 feet
North 71 degrees 23 minutes 56 seconds West, 174 06 feet
North 70 degrees 57 minutes 14 seconds West, 213 55 feet
North 76 degrees 44 minutes 40 seconds West, 152 96 feet
South 89 degrees 58 minutes 16 seconds West, 118 00 feet
South 77 degrees 31 minutes 18 seconds West, 285 54 feet
South 78 degrees 17 minutes 19 seconds West, 140 82 feet
South 89 degrees 42 minutes 03 seconds West, 180 29 feet
North 59 degrees 34 minutes 12 seconds West, 168 32 feet
South 83 degrees 54 minutes 59 seconds West, 190 95 feet
North 55 degrees 09 minutes 59 seconds West, 127 06 feet
North 62 degrees 18 minutes 11 seconds West, 126 14 feet
South 45 degrees 38 minutes 28 seconds East, 218 62 feet
North 38 degrees 04 minutes 35 seconds West, 211 29 feet
North 21 degrees 55 minutes 38 seconds West, 133 83 feet
North 15 degrees 31 minutes 37 seconds West, 147 63 feet
North 08 degrees 42 minutes 27 seconds West, 283 50 feet to a point on the Southerly bank of said Big Creek intersecting with the Southeast line of the Cane Belt Railroad (200 foot wide right-of-way) for the North most corner of the herein described 1194 88 acre tract of land,

THENCE, South 46 degrees 47 minutes 23 seconds West along the Southeast line of said Cane Belt Railroad being of record in Volume 131, Page 293 and Volume 262, Page 68, Deed Records Fort Bend County, Texas, 919 11 feet to a point for corner on said right-of-way line, said right-of-way having an offset,

THENCE, North 43 degrees 12 minutes 37 seconds West, 20 00 feet to a point for corner on said railroad right-of-way line where said railroad right-of-way is 160 feet wide,

THENCE, South 46 degrees 47 minutes 23 seconds West along the Southeast line of said Cane Belt Railroad (160 foot right-of-way), 5970 34 feet to the Place of Beginning and containing 1194 88 acres of land, more or less

AREA TWO

A 1.00 ACRE TRACT OF LAND OUT OF THE HERBERT BLASE ORIGINAL 100 ACRE TRACT (VOLUME 254, PAGE 438 OF THE DEED RECORDS), IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, FORT BEND COUNTY, TEXAS.

FOR CONNECTION and Place of Beginning, commence at a point on the centerline of Klauke Road (60 feet wide) marking the Southwest corner of Rosenberg Farms Subdivision and the Southeast corner of the Herbert Blase Tract, said corner being in the South line of the Henry Scott League,

THENCE, North 89 degrees 29 minutes 40 seconds West, 114.76 feet along the centerline of said road to a Point for the Southwest corner of this 1.00 acre tract,

THENCE, North 00 degrees 00 minutes 10 seconds East, at 30.0 feet pass an iron pipe set in the North line of said road, in all 379.57 feet to an iron pipe set for the Northwest corner of this tract.

THENCE, South 89 degrees 29 minutes 40 seconds East, 114.76 feet to an iron pipe set for the Northeast corner of this tract,

THENCE, South 00 degrees 00 minutes 10 seconds West, along the West line of Rosenberg Farms Subdivision, at 349.57 feet pass an iron pipe set in the North line of said road, in all 379.57 feet to the Place of Beginning and containing 1.00 acre of land, including 0.08 acre in said road, and being the same property described in deed dated October 4, 1963 from Herbert Blase et ux to Bobbie Schramme et ux, recorded in Volume 445, at Page 24, Deed Records, Fort Bend County, Texas, to which reference is here made in aid hereof

AREA THREE

A 44.2473 ACRE TRACT OF LAND OUT OF THE ORIGINAL ARNOLD PETTER 85.6265 ACRE TRACT IN THE HENRY SCOTT LEAGUE, ABSTRACT # 83, FORT BEND COUNTY, TEXAS.

FOR CONNECTION begin at a point on the centerline of Klauke Road (60 feet wide) marking the Southwest corner of Rosenberg Farms Subdivision (Volume 3, Page 575, Deed Records).

THENCE, North 89 degrees 29 minutes 40 seconds West, 114.76 feet to the Southeast corner of and Place of Beginning for this tract,

THENCE, North 89 degrees 29 minutes 40 seconds West, 635.51 feet along Klauke Road to the Southwest corner of this Tract,

THENCE, North 0 degrees 2 minutes 26 seconds East, 2626.82 feet along a fence line to a ½ inch iron pipe set for the Northwest corner of this tract,

THENCE, East, 748.52 feet along the centerline of a 60 foot wide drainage easement on Seabourne Creek to a ½ inch iron pipe set for the Northeast corner of this tract,

THENCE, South 0 degrees 0 minutes 10 seconds West, 2253.87 feet along the West line of Rosenberg Farms Subdivision to a ½ inch iron pipe set for the Northerly Southeast corner of this Tract and Northeast corner of the Bobby Schramme 1.0 acre tract,

THENCE, North 89 degrees 29 minutes 40 seconds West, 114.76 feet to a ½ inch iron pipe set for corner,

THENCE, South 0 degrees 0 minutes 10 seconds West, at 349.57 feet pass an iron pipe, in all 379.57 feet to the Place of Beginning and containing 44.2473 acres,

TOGETHER WITH A DRAINAGE EASEMENT FOR USE IN THE RELOCATING OF SEABOURNE CREEK, HAVING A DESCRIPTION AS FOLLOWS, TO-WIT:

BEGINNING at the Northeast corner of the above described 44 2473 acre tract at an iron pipe for the Southeast corner of this easement,

THENCE, West 748 52 feet to an iron pipe at the Northwest corner of the above described 44 2473 acre tract for the Southwest corner of this easement,

THENCE, North 0 degrees 02 minutes 26 seconds East 214 73 feet to a point for the Northwest corner of this easement which is in the West line of the residue of grantor's original 85 6265 acre tract.

THENCE, East 60 feet to a point for the upper Northeast corner of this easement.

THENCE, South 0 degrees 02 minutes 26 seconds West 184 73 feet to an interior corner of this easement.

THENCE, East 688 52 feet to a point in the East line of the residue of grantor's original 85 6265 acre tract of the lower Northeast corner of this easement.

THENCE, South 0 degrees 00 minutes 10 seconds West 30 feet to the Place of Beginning

AREA FOUR

A FIELD NOTE DESCRIPTION OF A 138.20 ACRE TRACT OF LAND (CALLED 139.91 ACRES) COMBINING THE CALL 34.7 ACRE CURRIE ESTATE TRACT (VOLUME 1641, PAGE 778, DEED RECORDS); THE CALL 11.75 ACRE EDGAR KLINGLE, ET AL TRACT (VOLUME 1146, PAGE 807, DEED RECORDS); THE CALL 7.39 ACRE CHARLES BLASE TRACT (VOLUME 1938, PAGE 709, DEED RECORDS), THE CALL 40.82 ACRE KELM ESTATE TRACT (VOLUME 1641, PAGE 677, DEED RECORDS); THE CALL 44.25 ACRE VELESTA PETTER MILLER TRACT (VOLUME 1052, PAGE 556, DEED RECORDS); AND THE CALL 1.00 ACRE ANNETTE SCHRAMME TRACT (VOLUME 1317, PAGE 490, DEED RECORDS), BEING IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, FORT BEND COUNTY, TEXAS, SAID 137.13 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING AT A POINT in the North right-of-way of Klauke Road, said point being North 30 feet of the Southwest corner of the Rosenberg Farms Subdivision (Volume 3, Page 575, Deed Records), said corner lies in the South line of the Henry Scott League, Abstract 83, said corner further being the Southwest corner of the Fort Bend County 40 35 acre tract (Volume 742, Page 897, Deed Records) and the Southeast corner of the original Annette Schramme 1 00 acre tract, said point being the Southeast corner of and Place of Beginning of the herein described 137 13 acre tract.

THENCE, South 89 degrees 44 feet 24 inches West a distance of 748 54 feet along the North right-of-way of Klauke Road to a 2 inch iron pipe found for the Southwest corner of the original Velesta Petter Miller 44 25 acre tract,

THENCE, South 89 degrees 35 feet 47 inches West a distance of 111 23 feet along the North right-of-way of Klauke Road to a 2 inch iron pipe found for the Southwest corner of the original Charles Blase 7 39 acre tract and the Southeast corner of the original Currie Estate 34 7 acre tract,

THENCE, South 89 degrees 58 feet 25 inches West a distance of 1222.67 feet along the North right-of-way of Klauke Road to a 2 inch iron pipe found for the Southwest corner of the original Edgar Klinge 11 75 acre tract and the Southwest corner of the herein described tract,

THENCE, North 00 degrees 06 feet 40 inches East a distance of 3891 29 feet to a ¼ inch iron pipe found in the Southeast right-of-way of Spur 529 for the Northwest corner of the original Edgar Klinge 11 75 acre tract and the Northwest corner of the herein described tract,

THENCE, North 55 degrees 16 feet 54 inches East a distance of 157 12 feet along the Southeast right-of-way line of Spur 529 to a ¼ inch iron pipe found for corner and being the Northeast corner of the original Edgar Klinge 11 75 acre tract,

THENCE, South 00 degrees 07 feet 46 inches West a distance of 1249 76 feet to a point in the centerline of Seabourne Creek,

THENCE, North 77 degrees 13 feet 04 inches East a distance of 637 35 feet along the centerline of Seabourne Creek to a point in the Westerly line of the original Currie Estate 34 7 acre tract,

THENCE, North a distance of 510 04 feet to a 2 inch iron pipe found for the Northwest corner of the original Currie Estate 34 7 acre tract.

THENCE, North 89 degrees 56 feet 47 inches East a distance of 420 73 feet to a 2 inch iron pipe found for the Northeast corner of the original Currie Estate 34 7 acre tract.

THENCE, South 00 degrees 43 feet 07 inches East a distance of 532 70 feet to a point,

THENCE, South 89 degrees 46 feet 46 inches East a distance of 113 13 feet to a point,

THENCE, South 00 degrees 45 feet 46 inches East a distance of 253 66 feet to a 1 ½ iron pipe found for the Northwest corner of the original Velesta Petter Miller 44 25 acre tract,

THENCE, North 89 degrees 13 feet 14 inches East a distance of 748 52 feet to a 1 ½ inch iron pipe in the West line of the Rosenberg Farms Subdivision. found for the most Easterly Northeast corner of the herein described tract,

THENCE, South 00 degrees 45 feet 46 inches East along the West line of the Rosenberg Farms Subdivision a distance of 2601 40 feet to the Place of Beginning and containing 138 20 acres of land

AREA FIVE

BEING 40.35 ACRES BEING THE CHARLES E. TEAT, JR., LOTS 47 AND 52, OF ROSENBERG FARMS SUBDIVISION PLAT OF WHICH IS RECORDED IN VOLUME 3, AT PAGE 574, OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS, IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, FORT BEND COUNTY, TEXAS, BEING THE SAME PROPERTY CONVEYED BY CHARLES E. TEAT, JR., TO J. FRANK JUNGMAN BY DEED DATED MAY 29, 1969, RECORDED IN VOLUME 516, AT PAGE 16, OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.

AREA SIX

BEING A 598.583 ACRE TRACT OF LAND OUT OF THE FRANKLIN HOOPER SURVEY, ABSTRACT 198, FORT BEND COUNTY, TEXAS; ALSO BEING PART OF THE WALCOTT AND SEAMANS SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 378 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; SAID 598.583 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a found 2-inch galvanized iron pipe for corner at the Southwest corner of the said Franklin Hooper Survey,

THENCE, North 00 degrees 41 feet 23 inches West with a fence line and the West line of the Franklin Hooper Survey, 2870 71 feet to a found ½-inch iron pipe for corner.

THENCE, North 00 degrees 44 feet 37 inches West with said fence line and West line of the Franklin Hooper Survey, 1090 86 feet to a found ¾-inch iron pipe for corner.

THENCE, North 00 degrees 46 feet 41 inches West with said fence line and West line of the Franklin Hooper Survey, 1356 68 feet to a found ¾-inch iron pipe for corner.

THENCE, North 79 degrees 54 feet 45 inches East along a fence line, 3025 50 feet to a found ¾-inch iron pipe for corner,

THENCE, South 00 degrees 44 feet 09 inches East with a fence line, 997 91 feet to a found ¼-inch iron pipe for corner,

THENCE, North 89 degrees 16 feet 58 inches East with a fence line, 2867 68 feet to a found ½-inch iron rod for corner in the West Margin of the I & G N Railroad right-of-way,

THENCE, South 19 degrees 48 feet 00 inches West with said West Margin, 5139 19 feet to a found ½-inch iron rod for corner in the South Line of the Franklin Hooper Survey,

THENCE, South 89 degrees 17 feet 12 inches West with a fence line and the South line of the Franklin Hooper Survey, 4051 34 feet to the Place of Beginning, containing 598 583 acres of land, more or less

TOGETHER WITH A 1,350.8792 ACRE (58,844,299 SQUARE FEET) TRACT OF LAND OUT OF THE FRANKLIN HOOPER SURVEY, ABSTRACT 198 AND THE T. W. THOMPSON SURVEY, ABSTRACT 335, GALVESTON COUNTY, TEXAS; SAID 1,350.8792 ACRE TRACT BEING COMPRISED OF THE FOLLOWING SEVEN (7) TRACTS OF LAND: A CALCULATED 160.603 ACRES OUT OF A CALLED 272 ACRE TRACT OUT OF SAID FRANKLIN HOOPER SURVEY, AS CONVEYED FROM HERMANN HOSPITAL ESTATE TO HERMANN HEALTHCARE SYSTEM, INC. BY DEED DATED NOVEMBER 18, 1997 AS RECORDED IN FILE NUMBER 9774265 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, A CALLED 69.9992 ACRES OUT OF SAID 272 ACRE TRACT AS CONVEYED FROM THE BOARD OF TRUSTEES OF THE HERMANN HOSPITAL ESTATE TO BROWNING-FERRIS, INC. BY DEED DATED MAY 18, 1993 AS RECORDED IN VOLUME 2523, PAGE 804 OF THE FORT BEND COUNTY DEED RECORDS, A CALLED 598.583 ACRE TRACT OF LAND OUT OF THE SAID FRANKLIN HOOPER SURVEY, AS CONVEYED TO BROWNING-FERRIS, INC. BY DEED DATED SEPTEMBER 27, 1985 AS RECORDED IN VOLUME 1761, PAGE 574 OF THE FORT BEND COUNTY DEED RECORDS, A CALLED 372 ACRE TRACT AND 71.38 ACRE TRACT OUT OF THE T. W. THOMPSON SURVEY, AS CONVEYED FROM HERMANN HOSPITAL ESTATE TO HERMANN HEALTHCARE SYSTEM, INC. BY DEED DATED NOVEMBER 18, 1997 AS RECORDED IN FILE NUMBER 9774265 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, A CALLED 50.00 ACRE AND A CALLED 19.56 ACRE TRACT OF LAND AS CONVEYED FROM HOUSTON RENTAL TOWERS TO RUSSELL L. MADDEN BY DEED DATED NOVEMBER 30, 1993 AS RECORDED IN FILE NUMBER 9432343 OF THE FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 1,350.8792 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BEING REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, BEING ESTABLISHED BY USING HARRIS GALVESTON COUNTY SUBSIDENCE DISTRICT MONUMENT NUMBERS 46, 73, 74, AND NGS CONTROL MONUMENT SOUTHPORT AZIMUTH MARK:

BEGINNING at a set ¼-inch iron rod on the Westerly right-of-way line of the I & G N Railroad, said point being on the South line of said Franklin Hooper Survey, same being the North line of the A B Langerman Survey, Abstract 555, Fort Bend County, Texas, said point also being the Northeast corner of a called 89 3767 acre tract of land as conveyed from Charles W Murrell, Trustee to Champion Technologies, Inc as recorded in File Number 9055936 of the Fort Bend County Official Public Records of Real Property and also being the Southeast corner of the herein described tract of land,

THENCE, South 86 degrees 55 feet 23 inches West, along the South line of the herein described tract, at a called 2.383 03 feet, passing the Northwest corner of said 89 3767 acre tract and the Northeast corner of Magnolia Place Subdivision, as recorded in Volume 2, Page 6 of the Fort Bend County Deed Records, dated June 15, 1911, same being the Northwest corner of said A. B. Langerman Survey and the Northeast corner of the S. M. Swenson Survey, Abstract 317, in all a distance of 4,048 86 feet to a set 1/4-inch iron rod with cap for corner at the Southwest corner of said Franklin Hooper Survey and the Southeast corner of said T. W. Thompson Survey, said point being on the North line of Lot 1, Block 5 of said Magnolia Place Subdivision, and also being the Southwest corner of said 598 583 acre tract and the southeast corner of said 372 acre tract of land,

THENCE, South 86 degrees 56 feet 48 inches West, continuing along the South line of said T. W. Thompson Survey, the South line of said 372 acre tract and the North line of said Magnolia Place Subdivision, 5,768 16 feet to a set 1/4-inch iron rod with cap for the Southwest corner of the herein described tract of land, said point being the Southwest corner of said called 372 acre tract and also being the Southeast corner of a called 655 417 acre tract of land as conveyed to the William Carlos Morris, III, Sharon Kay Morris and Morris Children Charitable Remainder Unitrust by Deed dated December 30, 1986 as recorded in File Number 8667218 of the Fort Bend County Official Public Records of Real Property,

THENCE, North 02 degrees 34 feet 13 inches West, 2,879 71 feet along the East line of said 655 417 acre tract to a found 1/4-inch iron pipe for corner, said point being the Northwest corner of said 372 acre tract and the Southwest corner of a called 71 00 acre tract of land as conveyed from Browne Botts Rice, Jr. & Kanaly Trust Company to Rice Interests, Ltd. by Deed dated June 30, 1993 as recorded in File Number 9340527 of the Fort Bend County Official Public Records of Real Property,

THENCE, North 87 degrees 01 feet 21 inches East, 2,878 18 feet along the South line of said 71 00 acre tract and the North line of said 372 acre tract to a found 1-inch iron pipe for corner at the Southeast corner of said 71 00 acre tract of land, said point also being the Southwest corner of a called 71 38 acre tract of land as conveyed from Hermann Hospital Estate to Hermann Healthcare Systems, Inc. by Deed dated November 18, 1997 as recorded in File Number 9774265 of the Fort Bend County Official Public Records of Real Property,

THENCE, North 02 degrees 38 feet 48 inches West, 1,083 53 feet along the East line of said 71 00 acres and the West line of said 71 38 acres to a found 1-inch iron pipe for corner, said point being on the South line of a called 19 998 acre tract of land as conveyed from Houston Rental Towers to Max Bowen by Deed dated April 11, 1994 as recorded in File Number 9424367 of the Fort Bend County Official Public Records of Real Property, and also being the Northwest corner of said 71 38 acre tract of land,

THENCE, North 85 degrees 23 feet 33 inches East, 38 34 feet along the South line of said 19 998 acre tract and the North line of said 71 38 acre tract to a found 5/8-inch iron rod for corner, said point also being the Southeast corner of said 19 998 acre tract and also the Southwest corner of a called 50 00 acre tract of land as conveyed from Houston Rental Towers

to Russell L. Madden by Deed dated November 30, 1993 as recorded in File Number 9432343 of the Fort Bend County Official Public Records of Real Property,

THENCE, North 03 degrees 05 feet 04 inches West, 1,074.61 feet with the East line of said 19.998 acre tract and the West line of said 50.00 acre tract to a found 5/8-inch iron rod for corner, said point being the Northeast corner of said 19.998 acre tract and also being the Northwest corner of said 50.00 acre tract of land, and being on the South line of a called 160.100 acre tract of land as conveyed from Capital Cities/ABC, Inc. to WXYZ, Inc. by Deed dated December 23, 1988 as recorded in File Number 8865564 of the Fort Bend County Official Public Records of Real Property,

THENCE, North 86 degrees 56 feet 04 inches East, along the South line of said 160.100 acre tract, at a called 2,026.00 feet passing the Northeast corner of said 50.00 acre tract and the Northwest corner of a called 19.56 acre tract of land as conveyed from Houston Rental Towers to Russell L. Madden by Deed dated November 30, 1993 as recorded in File Number 9432343 of the Fort Bend County Official Public Records of Real Property, in all a distance of 2,816.54 feet to a found 5/8-inch iron rod for corner, said point being the Southeast corner of said 160.100 acre tract, the Northeast corner of said 19.56 acre tract and also being on the West line of said 589.583 acre tract of land,

THENCE, North 02 degrees 55 feet 34 inches West, 282.68 feet along the East line of said 160.100 acre tract and the West line of said 589.583 acre tract to a set 3/4-inch iron rod with cap for corner, said point being the Northwest corner of said 589.583 acre tract and the Southwest corner of said calculated 160.603 acre tract of land.

THENCE, North 04 degrees 16 feet 42 inches West, 1,887.37 feet along the East line of said 160.100 acre tract and the West line of said calculated 160.603 acre tract to a set 3/4-inch iron rod with cap for corner, said point being the Northwest corner of said calculated 160.603 acre tract and also being the Southwest corner of a called 160.726 acre tract of land as conveyed from Wayne G. Mulloy, Trustee to Mark G. Mulloy 1987 Trust, Michael W. Mulloy 1987 Trust, Jeffrey M. Mulloy 1987 Trust and John M. Mulloy 1987 Trust by Deed dated December 29, 1987 as recorded in File Number 8774976 of the Fort Bend County Official Public Records of Real Property.

THENCE, North 86 degrees 52 feet 31 inches East, at a called 2,656.97 feet passing the Southeast corner of said 160.726 acre tract and the Southwest corner of a called 20.904 acre tract of land as conveyed from Wayne G. Mulloy & wife, Mimca J. Mulloy to Mark G. Mulloy 1987 Trust, Michael W. Mulloy 1987 Trust, Jeffrey M. Mulloy 1987 Trust and John M. Mulloy 1987 Trust by Deed dated December 29, 1987 as recorded in File Number 8774975 of the Fort Bend County Official Public Records of Real Property, in all a distance of 2,824.39 feet to a set 3/4-inch iron rod with cap for corner, said point also being the Northeast corner of said 160.603 acre tract and the Northwest corner of a called 37.6136 acre tract of land as conveyed from Hahn and Clay to El Tejano Properties, Inc. by Deed dated December 20, 1991 as recorded in File Number 9168555 of the Fort Bend County Official Public Records of Real Property,

THENCE, South 03 degrees 05 feet 49 inches East, 824.26 feet along the East line of said 160.603 acre tract to a set 3/4-inch iron rod with cap for corner at the Southwest corner of said 37.6136 acre tract of land,

THENCE, Along the South line of said 37.6136 acre tract and the Easterly North line of said 160.603 acre tract as follows

North 86 degrees 55 feet 59 inches East, 1.184.33 feet to a set 3/4-inch iron rod with cap for corner at a point of curvature,

Along the arc of a curve to the left having a chord of North 81 degrees 42 feet 22 inches East, 1,232.72 feet, a radius of 6,766.24 feet and a central angle of 10 degrees 27 feet 11 inches, a distance of 1,234.43 feet to a set 3/4-inch iron rod with cap for corner at a point of tangency,

North 76 degrees 28 feet 48 inches East, at a called 102.06 feet passing the Southeast corner of said 37.6136 acre tract and the Southwest corner of a called 12.4748 acre tract as conveyed from El Tejano Properties, Inc to Cell-U-Foam Corporation by Deed dated February 14, 1994 as recorded in File Number 9410540 of the Fort Bend County Official Public Records of Real Property, in all a distance of 1,060.29 feet to a set 3/4-inch iron rod with cap for corner at a point of curvature,

THENCE, continuing along the South line of said 12.4748 acre tract and the Easterly North line of said 160.603 acre tract, along the arc of a curve to the right having a chord of North 87 degrees 49 feet 24 inches East, 314.70 feet, a radius of 800.00 feet and a central angle of 22 degrees 41 feet 13 inches, a distance of 316.77 feet to a set 3/4-inch iron rod with cap for the Northeast corner of the herein described tract of land, said point also being the Southeast corner of said 12.4748 acre tract and also being on the Westerly right-of-way line of said I & G N Railroad.

THENCE, South 17 degrees 28 feet 11 inches West, 7.136.38 feet along the Westerly right-of-way line of said I & G N Railroad and the Easterly line of the herein described tract of land to the Place of Beginning containing 1,350.8792 acres (58,844,299 square feet) of land, more or less

AREA SEVEN

A FIELD NOTE DESCRIPTION OF 334.904 ACRES OF LAND BEING THE SPRINT FORT BEND COUNTY LANDFILL, L.P. TRACTS OF LAND BEING IN THE M.M. BATTLE SURVEY, ABSTRACT NO. 9, THE JESSE CARTWRIGHT SURVEY, ABSTRACT NO. 16, THE D.A. CONNER SURVEY, ABSTRACT NO. 158, AND THE JOHN LEVERTON SURVEY, ABSTRACT NO. 402, FORT BEND COUNTY, TEXAS.

BEGINNING at a point for the most Northerly Northwest corner of a call 187.0178 Acre Tract (Volume 2569, Page 2006, Official Records of Fort Bend County, Texas. Said corner being in

the intersection of the Southerly right-of-way line of Boss-Gaston Road (width varies) with the Easterly right-of-way line of said Boss-Gaston Road, Said corner being the most Northerly Northwest corner of this 334 904 Acre Tract,

THENCE, Easterly, along the Southerly right-of-way line of said Boss-Gaston Road with the following courses and distances

South 88 Degrees 33 Minutes 9 Seconds East, 1329 37 feet to a point for the Northwest corner of a call 0 997 Acre Tract (Fort Bend County Clerk's File No 9662184),

South 88 Degrees 19 Minutes 16 Seconds East, 123 44 feet to a point for the Northwest corner of a call 6 3149 Acre Tract (Parcel 2, Fort Bend County Clerk's File No 9655320);

North 85 Degrees 10 Minutes 11 Seconds East, 1695 90 feet to a point for the Northeast corner of this 334 904 Acre Tract, Said corner being the Northeast corner of a call 16 3256 Acre Tract (Fort Bend County Clerk's File No 9757250) and being in the intersection of the Southerly right-of-way line of said Boss-Gaston Road with the Westerly right-of-way line of Old Richmond Road (width varies),

THENCE, South 3 Degrees 51 Minutes 37 Seconds West, 1009 71 feet along the Westerly right-of-way line of said Old Richmond Road to a point for the Southeast corner of said call 16 3256 Acre Tract.

THENCE, North 89 Degrees 26 Minutes 48 Seconds West, 698 62 feet to a point for the Southwest corner of said call 16 3256 Acre Tract.

THENCE, North 89 Degrees 36 Minutes 44 Seconds West, 391 86 feet to a point for the most Easterly Northeast corner of said call 187 0178 Acre Tract.

THENCE, South 0 Degrees 18 Minutes 18 Seconds East, 897 34 feet to a point for the most Easterly Southeast corner of said call 187 0178 Acre Tract.

THENCE, North 89 Degrees 20 Minutes 42 Seconds West, 489 06 feet to a point for the Northeast corner of a call 30 17 Acre Tract (Volume 2538, Page 1316, Official Records of Fort Bend County, Texas),

THENCE, South 7 Degrees 0 Minutes 20 Seconds West, 813 87 feet to a point for corner,

THENCE, South 86 Degrees 2 Minutes 16 Seconds East, 164 26 feet to a point for corner,

THENCE, South 81 Degrees 58 Minutes 0 Seconds East, 41 55 feet to a point for corner,

THENCE, South 2 Degrees 17 Minutes 44 Seconds West, 39 50 feet to a point for corner,

THENCE, North 87 Degrees 8 Minutes 0 Seconds West, 209 24 feet to a point for corner,

THENCE, South 1 Degree 14 Minutes 6 Seconds West, 560 87 feet to a point for corner,

THENCE, South 0 Degrees 52 Minutes 29 Seconds West, 485 18 feet to a point for corner,

THENCE, North 89 Degrees 23 Minutes 55 Seconds West, 255 00 feet to a point for corner,

THENCE, South 1 Degree 44 Minutes 37 Seconds West, 469 69 feet to a point for the Southeast corner of said call 30 17 Acre Tract, Said corner being the Southeast corner of this 334 904 Acre Tract,

THENCE, North 87 Degrees 44 Minutes 41 Seconds West, 314 64 feet to a point for the Southwest corner of said call 30 17 Acre Tract,

THENCE, North 88 Degrees 10 Minutes 19 Seconds West, 1184 96 feet to a point for corner,

THENCE, North 1 Degree 25 Minutes 32 Seconds West, 19 67 feet to a point for corner,

THENCE, North 88 Degrees 5 Minutes 18 Seconds West, 1052 85 feet to a point for the Southwest corner of said call 187 0178 Acre Tract,

THENCE, North 88 Degrees 18 Minutes 50 Seconds West, 943 93 feet to a point for the Southwest corner of this 334 904 Acre Tract, Said corner being the Southwest corner of a call 57 78 Acre Tract (Fort Bend County Clerk's File No. 9837853),

THENCE, North 0 Degrees 43 Minutes 42 Seconds East, 462 51 feet to a point for the Southeast corner of a call 6 538 Acre Tract (Volume 1994, Page 1066, Official Records of Fort Bend County, Texas),

THENCE, North 89 Degrees 11 Minutes 19 Seconds West, 335 65 feet to a point for the Southwest corner of said call 6 538 Acre Tract,

THENCE, North 1 Degree 40 Minutes 28 Seconds East, 427 10 feet to a point for the Southeast corner of a call 3 312 Acre Tract (Volume 1994, Page 1066, Official Records of Fort Bend County, Texas),

THENCE, North 87 Degrees 5 Minutes 55 Seconds West, 326 31 feet to a point for the Southwest corner of said call 3 312 Acre Tract,

THENCE, North 0 Degrees 51 Minutes 42 Seconds East, 165 92 feet to a point for the Southeast corner of a call 4 027 Acre Tract (Fort Bend County Clerk's File No. 2000050814),

THENCE, North 88 Degrees 32 Minutes 34 Seconds West, 723 45 feet to a point for the Southwest corner of said call 4 027 Acre Tract,

THENCE, North 1 Degree 10 Minutes 44 Seconds East, 240 88 feet along the Easterly right-of-way line of State Farm Market Highway No 1464 to a point for the Northwest corner of said call 4 027 Acre Tract,

THENCE, South 89 Degrees 30 Minutes 36 Seconds East, 722 87 feet to a point for the Northeast corner of said call 4 027 Acre Tract,

THENCE, North 0 Degrees 58 Minutes 7 Seconds East, 30 43 feet to a point for the Northwest corner of said call 3 312 Acre Tract,

THENCE, South 85 Degrees 26 Minutes 40 Seconds East, 327 44 feet to a point for the Northwest corner of said call 6 538 Acre Tract,

THENCE, South 86 Degrees 25 Minutes 40 Seconds East, 334 16 feet to a point for the Northeast corner of said call 6 538 Acre Tract,

THENCE, North 0 Degrees 46 Minutes 11 Seconds East, 1284 71 feet to a point for the Northwest corner of said call 57 78 Acre Tract,

THENCE, North 85 Degrees 35 Minutes 38 Seconds East, 960 90 feet to a point for the Northeast corner of said call 57 78 Acre Tract,

THENCE, South 1 Degree 14 Minutes 39 Seconds West, 452 55 feet to a point for the Northwest corner of a call 1 00 Acre Tract (Fort Bend County Clerk's File No 9884398).

THENCE, North 89 Degrees 27 Minutes 17 Seconds East 615 12 feet to a point for corner,

THENCE, South 89 Degrees 30 Minutes 32 Seconds East, 442 54 feet to a point for corner,

THENCE, South 89 Degrees 33 Minutes 47 Seconds East, 310 88 feet to a point for interior corner of said call 187 0178 Acre Tract,

THENCE, North 1 Degree 1 Minute 56 Seconds East, 570 96 feet to a point for the Southeast corner of a 9 787 Acre Tract,

THENCE, North 89 Degrees 1 Minute 8 Seconds West, 590 97 feet to a point for the Southwest corner of said 9 787 Acre Tract,

THENCE, North 18 Degrees 51 Minutes 35 Seconds East, 913 30 feet to a point for corner,

THENCE, South 88 Degrees 54 Minutes 13 Seconds East, 100 00 feet to a point for corner,

THENCE, North 19 Degrees 10 Minutes 3 Seconds East, 200 00 feet to a point for the Northwest corner of said 9 787 Acre Tract,

RECORDED ON 2-4-08
IN THE COMMISSIONER COURT
MINUTES OF 1-22-08

THENCE, South 89 Degrees 2 Minutes 55 Seconds East, 147 57 feet to a point for the Northeast corner of said 9 787 Acre Tract.

THENCE, North 0 Degrees 58 Minutes 41 Seconds East, 169 40 feet to the Place of Beginning and containing 334 904 Acres of Land

SECTION IV
CIVIL REMEDIES AND PENALTIES

The Commissioners Court of Fort Bend County, Texas, may bring a legal action to enjoin violations of this ordinance and seek judgment for any civil penalties

SECTION V
SEVERABILITY

If any portion of this ordinance is deemed to be in violation of the statutes or the constitution of this state or the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of the ordinance shall remain in full force and effect

SECTION VI
WITHDRAWAL OR RETURN OF PERMIT

In the event that an application for permit or other authorization under Texas Health and Safety Code Chapter 361 which was pending before the Texas Natural Resources Conservation Commission at the time of the adoption of this Order for an area listed in Section III of this Order is withdrawn by or returned to the applicant, or if a permit is overturned by a final appeal, then such area shall be removed from Section III of this Order and unincorporated areas of Fort Bend County, Texas

On this the 22nd day of JANUARY, 2008, the Commissioners Court of Fort Bend County, Texas, upon motion of Commissioner PATTERSON, seconded by Commissioner Meyers, duly put and carried.

IT IS ORDERED that the County Judge James C Adolphus be, and he is hereby, authorized to execute the Order approving the Ordinance Prohibiting Solid Waste Disposal in Fort Bend County

ATTEST

Dianne Wilson
Dianne Wilson, County Clerk

FORT BEND COUNTY, TEXAS

By

James C Adolphus
James C Adolphus, County Judge