

By: Metcalf

H.B. No. 5307

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 228; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7969A to read as follows:

CHAPTER 7969A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 228

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7969A.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 228.

Sec. 7969A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7969A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7969A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7969A.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 7969A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 7969A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7969A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7969A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7969A.0202. TEMPORARY DIRECTORS. (a) On or after
9 September 1, 2023, the owner or owners of a majority of the assessed
10 value of the real property in the district may submit a petition to
11 the commission requesting that the commission appoint as temporary
12 directors the five persons named in the petition. The commission
13 shall appoint as temporary directors the five persons named in the
14 petition.

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

16 (1) the date permanent directors are elected under
17 Section 7969A.0103; or

18 (2) September 1, 2027.

19 (c) If permanent directors have not been elected under
20 Section 7969A.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7969A.0103; or

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7969A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7969A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7969A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7969A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

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

10 Sec. 7969A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 Sec. 7969A.0306. DIVISION OF DISTRICT. (a) The district
17 may be divided into two or more new districts only if the district:

18 (1) has no outstanding bonded debt; and

19 (2) is not imposing ad valorem taxes.

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

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

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

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

4 (e) The board may adopt an order dividing the district
5 before or after the date the board holds an election under Section
6 7969A.0103 to confirm the district's creation.

7 (f) An order dividing the district shall:

8 (1) name each new district;

9 (2) include the metes and bounds description of the
10 territory of each new district;

11 (3) appoint temporary directors for each new district;

12 and

13 (4) provide for the division of assets and liabilities
14 between or among the new districts.

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

19 (h) Any new district created by the division of the district
20 shall hold a confirmation and directors' election as required by
21 Section 7969A.0103. If the voters of a new district do not confirm
22 the creation of the new district, the assets, obligations,
23 territory, and governance of the new district revert to the
24 original district.

25 (i) If the creation of the new district is confirmed, the
26 new district shall provide the election date and results to the
27 commission.

1 (j) Municipal consent to the creation of the district and to
2 the inclusion of land in the district granted under Section
3 7969A.0104 acts as municipal consent to the creation of any new
4 district created by the division of the district and to the
5 inclusion of land in the new district.

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

10 (l) This chapter applies to any new district created by the
11 division of the district, and a new district has all the powers and
12 duties of the district.

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 7969A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
15 The district may issue, without an election, bonds and other
16 obligations secured by:

17 (1) revenue other than ad valorem taxes; or

18 (2) contract payments described by Section
19 7969A.0403.

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

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

1 Sec. 7969A.0402. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 7969A.0401, the
3 district may impose an operation and maintenance tax on taxable
4 property in the district in accordance with Section 49.107, Water
5 Code.

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

8 Sec. 7969A.0403. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

14 (b) A contract approved by the district voters may contain a
15 provision stating that the contract may be modified or amended by
16 the board without further voter approval.

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 7969A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 7969A.0502. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 7969A.0503. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Montgomery County Municipal Utility District
9 No. 228 initially includes all the territory contained in the
10 following area:

11 BEING a 319.424 acre tract of land situated in the Clark Beach
12 Survey, Abstract Number 79, Montgomery County, Texas, being a
13 portion of that certain called 1,278.671 acre tract described as
14 "Parcel 2, Tract 1" in instrument to Atakapa, LLC., recorded under
15 Clerk's File Number 2013016070 of the Official Public Records of
16 Montgomery County, Texas (O.P.R.M.C.T.), and all of that certain
17 tract described as "Tract 68, of Security Subdivision, described in
18 instrument to Lone Star Timber II, LP, recorded under Clerk's File
19 Number 200 I 106195, O.P.R.M.C.T., said 319.424 acre tract being
20 more particularly described by metes and bounds as follows:

21 BEGINNING at 5/8 inch iron rod found in the northeasterly margin of
22 Crockett Martin Road for the common westerly comer of said Parcel 2,
23 Tract 1 and that certain called 13.98 acre tract described in
24 instrument to Tee Total Engineering Expectations, LLC., recorded
25 under Clerk's File Number 2016093633, O.P.R.M.C.T., being a
26 southwesterly corner of the herein described 319.424 acre tract;
27 THENCE North 22°38'32" West, 4 I 8.13 feet, with the northeasterly

1 margin of said Crockett Martin Road, a southwesterly line of said
2 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS I
3 00834-00" set for an angle point in the northeasterly margin of said
4 Crockett Martin Road, being an angle point in a southwesterly line
5 of the herein described 319.424 acre tract;

6 THENCE North 24°02'13" West, 163.31 feet, continuing with the
7 northeasterly margin of said Crockett Martin Road, a southwesterly
8 line of said Parcel 2, Tract I, to a 5/8 inch iron rod found for an
9 angle point in the northeasterly margin of said Crockett Martin
10 Road, being an angle point in a southwesterly line of the herein
11 described 319.424 acre tract;

12 THENCE North 24°51'11" West, 464.87 feet, continuing with the
13 northeasterly margin of said Crockett Martin Road, a southwesterly
14 line of said Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum
15 cap found at a 1 1/2 inch iron pipe for the common westerly corner of
16 said Parcel 2, Tract I and that certain called 2.61 acre tract
17 described in instrument to Anja C. Joyce and Kenton Joyce, recorded
18 under Clerk's File Number 9813446 of the Real Property Records of
19 Montgomery County, Texas (R.P.R.M.C.T.), being the westerly
20 northwest corner of the herein described 319.424 acre tract;

21 THENCE North 82°55'00" East, 281.41 feet, with the common line
22 between said Parcel 2, Tract I and said 2.61 acre tract, to a 5/8
23 inch iron rod with aluminum cap found at a 1 1/2 inch iron pipe for
24 the common easterly corner of said Parcel 2, Tract I and said 2.61
25 acre tract, being an interior corner of the herein described 319.424
26 acre tract;

27 THENCE North 02°23'26" West, 319.49 feet, with the easterly line of

1 said 2.61 acre tract and that certain called
2 4.00 acre tract described in instrument to Anja C. Joyce and Kenton
3 Joyce, recorded under Clerk's File Number 9802056, R.P.R.M.C.T.,
4 common to a westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch
5 iron pipe found for the common westerly corner of said Parcel 2,
6 Tract I and the remainder of that certain called 1.56 acre tract
7 described as "Tract One" in instrument to Enderli Family Living
8 Trust, recorded under Clerk's File Number 2002026404,
9 O.P.R.M.C.T., being a northwesterly corner of the herein described
10 319.424 acre tract;
11 THENCE North 87°30'12" East, 658.45 feet, with the southerly line of
12 said remainder of 1.56 acre tract, and that certain called 2.46 acre
13 tract described in instrument to Richard Ebert, recorded under
14 Clerk's File Number 2006034086, O.P.R.M.C.T., common to a northerly
15 line of said Parcel 2, Tract I, to a 1 inch iron pipe found for the
16 common corner of said Parcel 2, Tract 1, said 2.46 acre tract, and
17 that certain called 19 acre tract described in instrument to John
18 Ganze, recorded under Clerk's File Number 20 I 5084061,
19 O.P.R.M.C.T., being an angle point in a northerly line of the herein
20 described 319.424 acre tract;
21 THENCE North 85°37'24" East, 1,329.41 feet, with the common line
22 between said Parcel 2, Tract 1 and said 19 acre tract, to a 1 inch
23 pinched top iron pipe at a 1/2 inch iron rod found for a common
24 corner of the same, being an interior corner of the herein described
25 319.424 acre tract, from which a 1-1/2 inch iron pipe found for
26 reference bears North 60°14' 16" East, 0.83 feet;
27 THENCE North 03°09'58" West, 661.01 feet, continuing with said

1 common line, to a 1 1/2 inch iron pipe found for a common corner of
2 the same, being an interior corner of the herein described 319.424
3 acre tract;

4 THENCE South 86°27'29" West, 1,321.54 feet, continuing with said
5 common line, to a 1 inch iron pipe found in an easterly line of that
6 certain called 3.12 acre tract described in instrument to Kelly
7 Kenney, recorded under Clerk's File Number 2018073035,
8 O.P.R.M.C.T., for the common westerly corner of said Parcel 2,
9 Tract 1 and said 19 acre tract, being a southwesterly corner of the
10 herein described 319.424 acre tract, from which a 2 inch iron pipe
11 found for reference bears South 02°56'06" East, 38.45 feet;

12 THENCE North 03°22'48" West, with the easterly line of said 3.12
13 acre tract, that certain called 4.08 acre tract described in
14 instrument to Sherry Navarro, recorded under Clerk's File Number
15 2021025975, O.P.R.M.C.T., and that certain called 5.47 acre tract
16 described in instrument to Sherry Brewer, recorded under Clerk's
17 File Number 2021025976, O.P.R.M.C.T., common to a westerly line of
18 said Parcel 2, Tract I, at a distance of 58.22 feet, pass a 1 1/2 inch
19 iron pipe found for reference, at a distance of 58.82 feet, pass a
20 3/8 inch iron rod found for the common easterly corner of said 3.12
21 acre tract and said 4.08 acre tract, at a distance of 278.14 feet,
22 pass a 5/8 inch iron rod found for reference, at a distance of
23 654.62 feet, pass a 2 inch iron pipe found for reference, in all, a
24 total distance of

25 660.48 feet, to a 5/8 inch iron rod with aluminum cap found at a 1
26 1/2 inch iron pipe in the southerly line of that certain called 5.05
27 acre tract described as "Tract 2" in instrument to Douglas Edward

1 Young, recorded under Clerk's File Number 99097271, R.P.R.M.C.T.,
2 for the common northerly corner of said Parcel 2, Tract 1 and said
3 5.47 acre tract, being a northwesterly corner of the herein
4 described 319.424 acre tract;

5 THENCE North 86°36'04" East, 660.46 feet, with the common line
6 between said Parcel 2, Tract 1 and said 5.05 acre tract, to a 5/8
7 inch iron rod with aluminum cap found at a I 1/2 inch iron pipe found
8 for a common comer of the same, being an interior comer of the
9 herein described 319.424 acre tract;

10 THENCE North 03°15'45" West, 660.05 feet, with the easterly line of
11 said 5.05 acre tract and that certain called

12 11.64 acre tract described in instrument to Douglas Young, recorded
13 under Clerk's File Number 2011098942, O.P.R.M.C.T., common to a
14 westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch iron pipe
15 found for the common northerly comer of said Parcel 2, Tract 1 and
16 said 11.64 acre tract, being a northwesterly comer of the herein
17 described 319.424 acre tract, from which a 3/8 inch iron rod found
18 for reference bears South 86°35'15" West, 1,087.27 feet;

19 THENCE North 86°23'02" East, 1,975.99 feet, severing, over and
20 across said Parcel 2, Tract 1, to a I 1/2 inch iron pipe found at a
21 5/8 inch iron rod for the northwesterly corner of that certain tract
22 described as "Tracts 55 and 58" of Security Subdivision, Section
23 One, in instrument to Gary Mitchel Lippert, recorded under Clerk's
24 File Number 2015112584, O.P.R.M.C.T., being a northeasterly corner
25 of the herein described 3 I 9.424 acre tract;

26 THENCE with the common line between said Parcel 2, Tract I and said
27 Tracts 55 and 58, the following three (3) courses and distances:

1 South 03°11'45" East, 656.19 feet, to a 1/2 inch iron rod with cap
2 stamped "TPS 100834-00" set for comer;
3 North 87°11'48" East, 661.77 feet, to a 1/2 inch iron rod with cap
4 stamped "TPS 100834-00" set for comer;
5 North 03°25'52" West, 662.49 feet, to a 1 inch iron pipe found for
6 the northeasterly comer of said Tracts 55 and 58, being a
7 northwesterly comer of the herein described 319.424 acre tract;
8 THENCE North 86°39'04" East, 652.56 feet, severing, over and across
9 said Parcel 2, Tract 1, to a 1/2 inch iron rod with cap stamped "TPS
10 100834-00" set for a northeasterly comer of the herein described
11 319.424 acre tract;
12 THENCE South 03°37'03" East, 2,642.97 feet, continuing, over and
13 across said Parcel 2, Tract 1, to a 1 inch iron pipe found, bent, for
14 the easterly common north comer of said Parcel 2, Tract 1, and that
15 certain tract described as being Tract 120 of said Section 1, in
16 instrument to Felix Canseco, recorded under Clerk's File Number
17 8742170, R.P.R.M.C.T., being a southeasterly corner of the herein
18 described 319.424 acre tract;
19 THENCE with the common line between said Parcel 2, Tract I and said
20 Canseco tract, the following three (3) courses and distances:
21 South 86°27'22" West, 660.84 feet, to a 5/8 inch iron rod with cap
22 found for comer;
23 South 03°37'00" East, 329.72 feet, to a 1/2 inch iron rod with cap
24 stamped "TPS I 00834-00" set for comer;
25 North 86°27'48" East, at a distance of 659.12 feet, pass a 1 inch
26 iron pipe found, bent, for reference, in all, a total distance of
27 660.85 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00"

1 set for the common southerly corner of said Parcel 2, Tract 1 and
2 said Canseco tract, being the northeasterly corner of the herein
3 described 319.424 acre tract;

4 THENCE South 03°37'03" East, 1,034.68 feet, continuing across said
5 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS
6 100834-00" set in the northerly line of that certain called 4.00
7 acre tract described in instrument to Joshua Kevin Perry, recorded
8 under Clerk's File Number 2005129306, O.P.R.M.C.T., being a
9 southeasterly corner of the herein described 319.424 acre tract,
10 from which a 5/8 inch iron rod found for reference bears North
11 86°39'34" East, 1,102.43 feet;

12 THENCE South 86°39'34" West, 217.01 feet, with the common line
13 between said Parcel 2, Tract 1 and said 4.00 acre tract, to a 1 1/2
14 inch iron pipe found for a common corner of the same, being an
15 interior corner of the herein described 319.424 acre tract;

16 THENCE South 03°14'53" East, 681.43 feet, continuing with said
17 common line, to a 5/8 inch iron rod found in the northerly margin of
18 Farm to Market Road 2090 (F.M. 2090), for the common southerly corner
19 of said Parcel 2, Tract I and said 4.00 acre tract, being the
20 southerly southeast corner of the herein described 319.424 acre
21 tract;

22 THENCE North 77°10'20" West, 559.86 feet, with the northerly
23 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,
24 Tract 1, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set
25 for the beginning of a curve to the left;

26 THENCE Northwesterly, 809.97 feet, continuing with the northerly
27 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,

1 Tract 1, along the arc of said curve to the left, having a radius of
2 5,779.81 feet, a central angle of 08°01'46", a chord that bears
3 North 81°09'00" West, 809.31 feet, to a 1/2 inch iron rod with cap
4 stamped "TPS 100834-00" set for the common southerly comer of said
5 Parcel 2, Tract I and that certain called 1.74 acre tract described
6 in instrument to Innerfaith Disciple House, recorded under Clerk's
7 File Number 20 I 8099589, O.P.R.M.C.T., being the most southerly
8 southwest comer of the herein described 319.424 acre tract;
9 THENCE North 03°37'57" West, 1,007.31 feet, with the easterly line
10 of said I .74 acre tract and the remainder of that certain tract
11 described as being Lots I 33 and 134 of said Section I, in
12 instrument to Robert L. Bartlett, recorded under Clerk's File
13 Number 2019030913, O.P.R.M.C.T., common to a westerly line of said
14 Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum cap found at
15 a 1 1/2 inch iron pipe for the common northerly comer of said Parcel
16 2, Tract I and said Bartlett tract, being an interior comer of the
17 herein described 319.424 acre tract;
18 THENCE South 86°53'08" West, 659.72 feet, with the northerly line of
19 said Bartlett tract and that certain called 5.10 acre tract
20 described as "Tract I" in instrument to John D. Mitchell, recorded
21 under Clerk's File Number
22 20 I 7066131, O.P.R.M.C.T., common to a southerly line of said
23 Parcel 2, Tract 1, to a 5/8 inch iron rod with aluminum cap found at
24 a 1 1/2 inch iron pipe found for the common comer of said Parcel 2,
25 Tract I, said 5.10 acre tract, and that certain called 28.112 acre
26 tract described in instrument to Bobby Giles and Renata Giles,
27 recorded under Clerk's File Number 2016011300, O.P.R.M.C.T., being

1 an angle point in a southerly line of the herein described 319.424
2 acre tract;

3 THENCE South 87°19'09" West, 1,319.93 feet, with the common line
4 between said Parcel 2, Tract 1 and said 28.112 acre tract, to a 1
5 inch pinched top iron pipe found at a 1 inch iron pipe found for the
6 common corner of said Parcel 2, Tract I, said 28.112 acre tract, and
7 said 13.98 acre tract, being an angle point in a southerly line of
8 the herein described 319.424 acre tract;

9 THENCE South 87°38'49" West, 1,024.19 feet, with the common line
10 between said Parcel 2, Tract 1 and said 13.98 acre tract, to the
11 POINT OF BEGINNING.

12 CONTAINING a computed area of 319.424 acres of land within this
13 Field Note Description Save and Except the following described
14 5.090 acre tract:

15 FIELD NOTE DESCRIPTION 5.090ACRES

16 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
17 TEXAS

18 BEING a 5.090 acre tract of land situated in the Clark Beach Survey,
19 Abstract Number 79, Montgomery County, Texas, being all of that
20 same tract described as "Parcel I", being Farm Tract 75, of said
21 Section 1, described in instrument to JBMG, LTD., recorded under
22 Clerk's File Number 9569681, R.P.R.M.C.T., said 5.090 acre tract
23 being more particularly described by metes and bounds as follows:

24 BEGINNING at a 5/8 inch iron rod with aluminum cap found at a 1 inch
25 pinched top iron pipe for the southerly common east corner of said
26 Parcel 2, Tract I and said JBMG tract, being the southeasterly
27 corner of the herein described 5.090 acre tract, from which a 1 inch

1 iron pipe found, for the easterly common north comer of said Parcel
2 2, Tract 1 and said Canseco tract bears South 48°23' 51" East,
3 1,866.30 feet;

4 THENCE with the common line between said Parcel 2, Tract 1 and said
5 JBMG tract, the following four (4) courses and distances:

6 South 86°34' 17" West, 657.10 feet, to a 1 inch pinched top iron
7 pipe found, disturbed for comer, from which a 1 inch iron pipe found
8 at a 1/2 inch iron rod found for the southerly common east corner of
9 said Parcel 2, Tract 1 and said 19 acre tract bears South 41°35' 31"
10 West, 938.44 feet;

11 North 04°19'03" West, 336.19 feet, to a 5/8 inch iron rod with cap
12 found at a 1 inch iron pipe for comer;

13 North 86°25' 10" East, 658.66 feet, to a 5/8 inch iron rod found at a
14 1 inch iron pipe for comer;

15 South 04°02'56" East, 337.92 feet, to the POINT OF BEGINNING.

16 CONTAINING a computed area of 5.090 acres of land within this Field
17 Note Description Save and Except the following described 4.999 acre
18 tract

19 FIELD NOTE DESCRIPTION 4.999ACRES

20 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
21 TEXAS

22 BEING a 4.999 acre tract of land situated in the Clark Beach Survey,
23 Abstract Number 79, Montgomery County, Texas, being all of that
24 same tract described as being Farm Tract 108 of said Section I,
25 described in instrument to Adeline A. Barnes, et al, recorded under
26 Clerk's File Number 7506958, R.P.R.M.C.T., said 4.999 acre tract
27 being more particularly described by metes and bounds as follows:

1 BEGINNING at a 5/8 inch iron rod with aluminum cap at a I 1/2 inch
2 iron pipe found for the easterly common south comer of said Parcel
3 2, Tract I and said Barnes tract, being the southeasterly comer of
4 the herein described 4.999 acre tract, from which a 1/2 inch iron rod
5 with cap stamped "TPS 100834-00" set for the westerly common south
6 comer of said Parcel 2, Tract I and said Canseco tract bears South
7 66°46'02" East, 739.05 feet;

8 THENCE with the common line between said Parcel 2, Tract I and said
9 Barnes tract, the following four (4) courses and distances:

10 I) South 86°39'47" West, 660.00 feet, to a 5/8 inch iron rod found
11 at a I 1/2 inch iron pipe for comer, from which a 5/8 inch iron rod
12 found in the northeasterly margin of said Crockett Martin Road for
13 the common westerly comer of said Parcel 2, Tract 1 and said 13.98
14 acre tract bears South 71°56'17" West, 2655.96 feet;

15 North 03°24'08" West, 330.04 feet. to a 5/8 inch iron rod found at a
16 I 1/2 inch iron pipe for comer;

17 North 86°40'24" East, 659.95 feet, to a 5/8 inch iron rod with
18 aluminum cap found at a I 1/2 inch iron pipe for comer;

19 South 03°24'41" East, 329.92 feet, to the POINT OF BEGINNING.

20 CONTAINING a computed area of 4.999 acres of land within this Field
21 Note Description

22 LEAVING a computed NET area of 309.335 acres of land within this
23 Field Note Description.

24 This Field Note Description was prepared from a survey performed on
25 the ground on April 1, 2021 by Texas Professional Surveying, LLC.,

26 Registered Professional Land Surveyors and is referenced to Survey
27 Drawing Project Number S458-103-SW S HALF.

1 Bearings recited hereon are based on GPS observations and are
2 referenced to the North American Datum (NAO) 1983, Texas State
3 Plane Coordinate System, Central Zone (4203).

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

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 4. (a) If this Act does not receive a two-thirds
23 vote of all the members elected to each house, Subchapter C, Chapter
24 7969A, Special District Local Laws Code, as added by Section 1 of
25 this Act, is amended by adding Section 7969A.0307 to read as
26 follows:

27 Sec. 7969A.0307. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

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

5 SECTION 5. This Act takes effect September 1, 2023.