

1-1 By: Metcalf (Senate Sponsor - Creighton) H.B. No. 5307
1-2 (In the Senate - Received from the House May 10, 2023;
1-3 May 10, 2023, read first time and referred to Committee on Local
1-4 Government; May 17, 2023, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of the Montgomery County Municipal Utility
1-20 District No. 228; granting a limited power of eminent domain;
1-21 providing authority to issue bonds; providing authority to impose
1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-25 Code, is amended by adding Chapter 7969A to read as follows:

1-26 CHAPTER 7969A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
1-27 NO. 228

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7969A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Montgomery County Municipal
1-35 Utility District No. 228.

1-36 Sec. 7969A.0102. NATURE OF DISTRICT. The district is a
1-37 municipal utility district created under Section 59, Article XVI,
1-38 Texas Constitution.

1-39 Sec. 7969A.0103. CONFIRMATION AND DIRECTOR ELECTION
1-40 REQUIRED. The temporary directors shall hold an election to
1-41 confirm the creation of the district and to elect five permanent
1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7969A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-44 temporary directors may not hold an election under Section
1-45 7969A.0103 until each municipality in whose corporate limits or
1-46 extraterritorial jurisdiction the district is located has
1-47 consented by ordinance or resolution to the creation of the
1-48 district and to the inclusion of land in the district.

1-49 Sec. 7969A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by
1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
1-55 relate to the construction, acquisition, improvement, operation,
1-56 or maintenance of macadamized, graveled, or paved roads, or
1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7969A.0106. INITIAL DISTRICT TERRITORY. (a) The
1-59 district is initially composed of the territory described by
1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
 2-6 for which the district is created or to pay the principal of and
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7969A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7969A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7969A.0202. TEMPORARY DIRECTORS. (a) On or after
 2-16 September 1, 2023, the owner or owners of a majority of the assessed
 2-17 value of the real property in the district may submit a petition to
 2-18 the commission requesting that the commission appoint as temporary
 2-19 directors the five persons named in the petition. The commission
 2-20 shall appoint as temporary directors the five persons named in the
 2-21 petition.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under
 2-24 Section 7969A.0103; or
- 2-25 (2) September 1, 2027.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7969A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

- 2-31 (1) the date permanent directors are elected under
 2-32 Section 7969A.0103; or
- 2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7969A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7969A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7969A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 7969A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
3-2 Sec. 7969A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
3-4 applicable requirements of any ordinance or resolution that is
3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
3-6 consents to the creation of the district or to the inclusion of land
3-7 in the district.
3-8 Sec. 7969A.0306. DIVISION OF DISTRICT. (a) The district
3-9 may be divided into two or more new districts only if the district:
3-10 (1) has no outstanding bonded debt; and
3-11 (2) is not imposing ad valorem taxes.
3-12 (b) This chapter applies to any new district created by the
3-13 division of the district, and a new district has all the powers and
3-14 duties of the district.
3-15 (c) Any new district created by the division of the district
3-16 may not, at the time the new district is created, contain any land
3-17 outside the area described by Section 2 of the Act enacting this
3-18 chapter.
3-19 (d) The board, on its own motion or on receipt of a petition
3-20 signed by the owner or owners of a majority of the assessed value of
3-21 the real property in the district, may adopt an order dividing the
3-22 district.
3-23 (e) The board may adopt an order dividing the district
3-24 before or after the date the board holds an election under Section
3-25 7969A.0103 to confirm the district's creation.
3-26 (f) An order dividing the district shall:
3-27 (1) name each new district;
3-28 (2) include the metes and bounds description of the
3-29 territory of each new district;
3-30 (3) appoint temporary directors for each new district;
3-31 and
3-32 (4) provide for the division of assets and liabilities
3-33 between or among the new districts.
3-34 (g) On or before the 30th day after the date of adoption of
3-35 an order dividing the district, the district shall file the order
3-36 with the commission and record the order in the real property
3-37 records of each county in which the district is located.
3-38 (h) Any new district created by the division of the district
3-39 shall hold a confirmation and directors' election as required by
3-40 Section 7969A.0103. If the voters of a new district do not confirm
3-41 the creation of the new district, the assets, obligations,
3-42 territory, and governance of the new district revert to the
3-43 original district.
3-44 (i) If the creation of the new district is confirmed, the
3-45 new district shall provide the election date and results to the
3-46 commission.
3-47 (j) Municipal consent to the creation of the district and to
3-48 the inclusion of land in the district granted under Section
3-49 7969A.0104 acts as municipal consent to the creation of any new
3-50 district created by the division of the district and to the
3-51 inclusion of land in the new district.
3-52 (k) Any new district created by the division of the district
3-53 must hold an election as required by this chapter to obtain voter
3-54 approval before the district may impose a maintenance tax or issue
3-55 bonds payable wholly or partly from ad valorem taxes.
3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-57 Sec. 7969A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-58 The district may issue, without an election, bonds and other
3-59 obligations secured by:
3-60 (1) revenue other than ad valorem taxes; or
3-61 (2) contract payments described by Section
3-62 7969A.0403.
3-63 (b) The district must hold an election in the manner
3-64 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-65 before the district may impose an ad valorem tax or issue bonds
3-66 payable from ad valorem taxes.
3-67 (c) The district may not issue bonds payable from ad valorem
3-68 taxes to finance a road project unless the issuance is approved by a
3-69 vote of a two-thirds majority of the district voters voting at an

4-1 election held for that purpose.

4-2 Sec. 7969A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 4-3 authorized at an election held under Section 7969A.0401, the
 4-4 district may impose an operation and maintenance tax on taxable
 4-5 property in the district in accordance with Section 49.107, Water
 4-6 Code.

4-7 (b) The board shall determine the tax rate. The rate may not
 4-8 exceed the rate approved at the election.

4-9 Sec. 7969A.0403. CONTRACT TAXES. (a) In accordance with
 4-10 Section 49.108, Water Code, the district may impose a tax other than
 4-11 an operation and maintenance tax and use the revenue derived from
 4-12 the tax to make payments under a contract after the provisions of
 4-13 the contract have been approved by a majority of the district voters
 4-14 voting at an election held for that purpose.

4-15 (b) A contract approved by the district voters may contain a
 4-16 provision stating that the contract may be modified or amended by
 4-17 the board without further voter approval.

4-18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-19 Sec. 7969A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-20 OBLIGATIONS. The district may issue bonds or other obligations
 4-21 payable wholly or partly from ad valorem taxes, impact fees,
 4-22 revenue, contract payments, grants, or other district money, or any
 4-23 combination of those sources, to pay for any authorized district
 4-24 purpose.

4-25 Sec. 7969A.0502. TAXES FOR BONDS. At the time the district
 4-26 issues bonds payable wholly or partly from ad valorem taxes, the
 4-27 board shall provide for the annual imposition of a continuing
 4-28 direct ad valorem tax, without limit as to rate or amount, while all
 4-29 or part of the bonds are outstanding as required and in the manner
 4-30 provided by Sections 54.601 and 54.602, Water Code.

4-31 Sec. 7969A.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-32 issuance, the total principal amount of bonds or other obligations
 4-33 issued or incurred to finance road projects and payable from ad
 4-34 valorem taxes may not exceed one-fourth of the assessed value of the
 4-35 real property in the district.

4-36 SECTION 2. The Montgomery County Municipal Utility District
 4-37 No. 228 initially includes all the territory contained in the
 4-38 following area:

4-39 BEING a 319.424 acre tract of land situated in the Clark Beach
 4-40 Survey, Abstract Number 79, Montgomery County, Texas, being a
 4-41 portion of that certain called 1,278.671 acre tract described as
 4-42 "Parcel 2, Tract 1" in instrument to Atakapa, LLC., recorded under
 4-43 Clerk's File Number 2013016070 of the Official Public Records of
 4-44 Montgomery County, Texas (O.P.R.M.C.T.), and all of that certain
 4-45 tract described as "Tract 68, of Security Subdivision, described in
 4-46 instrument to Lone Star Timber II, LP, recorded under Clerk's File
 4-47 Number 200 I 106195, O.P.R.M.C.T., said 319.424 acre tract being
 4-48 more particularly described by metes and bounds as follows:

4-49 BEGINNING at 5/8 inch iron rod found in the northeasterly margin of
 4-50 Crockett Martin Road for the common westerly comer of said Parcel 2,
 4-51 Tract 1 and that certain called 13.98 acre tract described in
 4-52 instrument to Tee Total Engineering Expectations, LLC., recorded
 4-53 under Clerk's File Number 2016093633, O.P.R.M.C.T., being a
 4-54 southwesterly corner of the herein described 319.424 acre tract;

4-55 THENCE North 22°38'32" West, 4 I 8.13 feet, with the northeasterly
 4-56 margin of said Crockett Martin Road, a southwesterly I ine of said
 4-57 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS I
 4-58 00834-00" set for an angle point in the northeasterly margin of said
 4-59 Crockett Martin Road, being an angle point in a southwesterly line
 4-60 of the herein described 31 9.424 acre tract;

4-61 THENCE North 24°02'13" West, 163.31 feet, continuing with the
 4-62 northeasterly margin of said Crockett Martin Road, a southwesterly
 4-63 line of said Parcel 2, Tract I, to a 5/8 inch iron rod found for an
 4-64 angle point in the northeasterly margin of said Crockett Martin
 4-65 Road, being an angle point in a southwesterly line of the herein
 4-66 described 319.424 acre tract;

4-67 THENCE North 24°51'11" West, 464.87 feet, continuing with the
 4-68 northeasterly margin of said Crockett Martin Road, a southwesterly
 4-69 line of said Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum

5-1 cap found at a 1 1/2 inch iron pipe for the common westerly comer of
 5-2 said Parcel 2, Tract I and that certain called 2.61 acre tract
 5-3 described in instrument to Anja C. Joyce and Kenton Joyce, recorded
 5-4 under Clerk's File Number 9813446 of the Real Property Records of
 5-5 Montgomery County, Texas (R.P.R.M.C.T.), being the westerly
 5-6 northwest comer of the herein described 319.424 acre tract;
 5-7 THENCE North 82°55'00" East, 281.41 feet, with the common line
 5-8 between said Parcel 2, Tract I and said 2.61 acre tract, to a 5/8
 5-9 inch iron rod with aluminum cap found at a I 1/2 inch iron pipe for
 5-10 the common easterly comer of said Parcel 2, Tract I and said 2.61
 5-11 acre tract, being an interior comer of the herein described 319.424
 5-12 acre tract;
 5-13 THENCE North 02°23'26" West, 319.49 feet, with the easterly line of
 5-14 said 2.61 acre tract and that certain called
 5-15 4.00 acre tract described in instrument to Anja C. Joyce and Kenton
 5-16 Joyce, recorded under Clerk's File Number 9802056, R.P.R.M.C.T.,
 5-17 common to a westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch
 5-18 iron pipe found for the common westerly corner of said Parcel 2,
 5-19 Tract I and the remainder of that certain called 1.56 acre tract
 5-20 described as "Tract One" in instrument to Enderli Family Living
 5-21 Trust, recorded under Clerk's File Number 2002026404,
 5-22 O.P.R.M.C.T., being a northwesterly corner of the herein described
 5-23 319.424 acre tract;
 5-24 THENCE North 87°30'12" East, 658.45 feet, with the southerly line of
 5-25 said remainder of 1.56 acre tract, and that certain called 2.46 acre
 5-26 tract described in instrument to Richard Ebert, recorded under
 5-27 Clerk's File Number 2006034086, O.P.R.M.C.T., common to a northerly
 5-28 line of said Parcel 2, Tract I, to a 1 inch iron pipe found for the
 5-29 common corner of said Parcel 2, Tract 1, said 2.46 acre tract, and
 5-30 that certain called 19 acre tract described in instrument to John
 5-31 Ganze, recorded under Clerk's File Number 20 I 5084061,
 5-32 O.P.R.M.C.T., being an angle point in a northerly line of the herein
 5-33 described 319.424 acre tract;
 5-34 THENCE North 85°37'24" East, 1,329.41 feet, with the common line
 5-35 between said Parcel 2, Tract 1 and said 19 acre tract, to a 1 inch
 5-36 pinched top iron pipe at a 1/2 inch iron rod found for a common
 5-37 corner of the same, being an interior corner of the herein described
 5-38 319.424 acre tract, from which a 1-1/2 inch iron pipe found for
 5-39 reference bears North 60°14' 16" East, 0.83 feet;
 5-40 THENCE North 03°09'58" West, 661.01 feet, continuing with said
 5-41 common line, to a 1 1/2 inch iron pipe found for a common corner of
 5-42 the same, being an interior corner of the herein described 319.424
 5-43 acre tract;
 5-44 THENCE South 86°27'29" West, 1,321.54 feet, continuing with said
 5-45 common line, to a I inch iron pipe found in an easterly line of that
 5-46 certain called 3.12 acre tract described in instrument to Kelly
 5-47 Kenney, recorded under Clerk's File Number 2018073035,
 5-48 O.P.R.M.C.T., for the common westerly corner of said Parcel 2,
 5-49 Tract 1 and said 19 acre tract, being a southwesterly comer of the
 5-50 herein described 319.424 acre tract, from which a 2 inch iron pipe
 5-51 found for reference bears South 02°56'06" East, 38.45 feet;
 5-52 THENCE North 03°22'48" West, with the easterly line of said 3.12
 5-53 acre tract, that certain called 4.08 acre tract described in
 5-54 instrument to Sherry Navarro, recorded under Clerk's File Number
 5-55 2021025975, O.P.R.M.C.T., and that certain called 5.47 acre tract
 5-56 described in instrument to Sherry Brewer, recorded under Clerk's
 5-57 File Number 2021025976, O.P.R.M.C.T., common to a westerly line of
 5-58 said Parcel 2, Tract I, at a distance of 58.22 feet, pass a 1 1/2 inch
 5-59 iron pipe found for reference, at a distance of 58.82 feet, pass a
 5-60 3/8 inch iron rod found for the common easterly corner of said 3.12
 5-61 acre tract and said 4.08 acre tract, at a distance of 278.14 feet,
 5-62 pass a 5/8 inch iron rod found for reference, at a distance of
 5-63 654.62 feet, pass a 2 inch iron pipe found for reference, in all, a
 5-64 total distance of
 5-65 660.48 feet, to a 5/8 inch iron rod with aluminum cap found at a 1
 5-66 1/2 inch iron pipe in the southerly line of that certain called 5.05
 5-67 acre tract described as "Tract 2" in instrument to Douglas Edward
 5-68 Young, recorded under Clerk's File Number 99097271, R.P.R.M.C.T.,
 5-69 for the common northerly corner of said Parcel 2, Tract 1 and said

6-1 5.47 acre tract, being a northwesterly corner of the herein
6-2 described 319.424 acre tract;
6-3 THENCE North 86°36'04" East, 660.46 feet, with the common line
6-4 between said Parcel 2, Tract 1 and said 5.05 acre tract, to a 5/8
6-5 inch iron rod with aluminum cap found at a 1 1/2 inch iron pipe found
6-6 for a common corner of the same, being an interior corner of the
6-7 herein described 319.424 acre tract;
6-8 THENCE North 03°15'45" West, 660.05 feet, with the easterly line of
6-9 said 5.05 acre tract and that certain called
6-10 11.64 acre tract described in instrument to Douglas Young, recorded
6-11 under Clerk's File Number 2011098942, O.P.R.M.C.T., common to a
6-12 westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch iron pipe
6-13 found for the common northerly corner of said Parcel 2, Tract 1 and
6-14 said 11.64 acre tract, being a northwesterly corner of the herein
6-15 described 319.424 acre tract, from which a 3/8 inch iron rod found
6-16 for reference bears South 86°35'15" West, 1,087.27 feet;
6-17 THENCE North 86°23'02" East, 1,975.99 feet, severing, over and
6-18 across said Parcel 2, Tract 1, to a 1 1/2 inch iron pipe found at a
6-19 5/8 inch iron rod for the northwesterly corner of that certain tract
6-20 described as "Tracts 55 and 58" of Security Subdivision, Section
6-21 One, in instrument to Gary Mitchel Lippert, recorded under Clerk's
6-22 File Number 2015112584, O.P.R.M.C.T., being a northeasterly corner
6-23 of the herein described 3 I 9.424 acre tract;
6-24 THENCE with the common line between said Parcel 2, Tract I and said
6-25 Tracts 55 and 58, the following three (3) courses and distances:
6-26 South 03°11'45" East, 656.19 feet, to a 1/2 inch iron rod with cap
6-27 stamped "TPS 100834-00" set for corner;
6-28 North 87°11'48" East, 661.77 feet, to a 1/2 inch iron rod with cap
6-29 stamped "TPS 100834-00" set for corner;
6-30 North 03°25'52" West, 662.49 feet, to a 1 inch iron pipe found for
6-31 the northeasterly corner of said Tracts 55 and 58, being a
6-32 northwesterly corner of the herein described 319.424 acre tract;
6-33 THENCE North 86°39'04" East, 652.56 feet, severing, over and across
6-34 said Parcel 2, Tract 1, to a 1/2 inch iron rod with cap stamped "TPS
6-35 100834-00" set for a northeasterly corner of the herein described
6-36 319.424 acre tract;
6-37 THENCE South 03°37'03" East, 2,642.97 feet, continuing, over and
6-38 across said Parcel 2, Tract 1, to a 1 inch iron pipe found, bent, for
6-39 the easterly common north corner of said Parcel 2, Tract 1, and that
6-40 certain tract described as being Tract 120 of said Section 1, in
6-41 instrument to Felix Canseco, recorded under Clerk's File Number
6-42 8742170, R.P.R.M.C.T., being a southeasterly corner of the herein
6-43 described 319.424 acre tract;
6-44 THENCE with the common line between said Parcel 2, Tract I and said
6-45 Canseco tract, the following three (3) courses and distances:
6-46 South 86°27'22" West, 660.84 feet, to a 5/8 inch iron rod with cap
6-47 found for corner;
6-48 South 03°37'00" East, 329.72 feet, to a 1/2 inch iron rod with cap
6-49 stamped "TPS I 00834-00" set for corner;
6-50 North 86°27'48" East, at a distance of 659.12 feet, pass a 1 inch
6-51 iron pipe found, bent, for reference, in all, a total distance of
6-52 660.85 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00"
6-53 set for the common southerly corner of said Parcel 2, Tract 1 and
6-54 said Canseco tract, being the northeasterly corner of the herein
6-55 described 319.424 acre tract;
6-56 THENCE South 03°37'03" East, 1,034.68 feet, continuing across said
6-57 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS
6-58 100834-00" set in the northerly line of that certain called 4.00
6-59 acre tract described in instrument to Joshua Kevin Perry, recorded
6-60 under Clerk's File Number 2005129306, O.P.R.M.C.T., being a
6-61 southeasterly corner of the herein described 319.424 acre tract,
6-62 from which a 5/8 inch iron rod found for reference bears North
6-63 86°39'34" East, 1,102.43 feet;
6-64 THENCE South 86°39'34" West, 217.01 feet, with the common line
6-65 between said Parcel 2, Tract 1 and said 4.00 acre tract, to a 1 1/2
6-66 inch iron pipe found for a common corner of the same, being an
6-67 interior corner of the herein described 319.424 acre tract;
6-68 THENCE South 03°14'53" East, 681.43 feet, continuing with said
6-69 common line, to a 5/8 inch iron rod found in the northerly margin of

7-1 Farm to Market Road 2090 (F.M. 2090), for the common southerly comer
7-2 of said Parcel 2, Tract I and said 4.00 acre tract, being the
7-3 southerly southeast comer of the herein described 319.424 acre
7-4 tract;
7-5 THENCE North 77°10'20" West, 559.86 feet, with the northerly
7-6 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,
7-7 Tract 1, to a 1/2 inch iron rod with cap stamped "TPS 1 00834-00" set
7-8 for the beginning of a curve to the left;
7-9 THENCE Northwesterly, 809.97 feet, continuing with the northerly
7-10 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,
7-11 Tract 1, along the arc of said curve to the left, having a radius of
7-12 5,779.81 feet, a central angle of 08°01'46", a chord that bears
7-13 North 81°09'00" West, 809.31 feet, to a 1/2 inch iron rod with cap
7-14 stamped "TPS 100834-00" set for the common southerly comer of said
7-15 Parcel 2, Tract I and that certain called 1.74 acre tract described
7-16 in instrument to Innerfaith Disciple House, recorded under Clerk's
7-17 File Number 20 I 8099589, O.P.R.M.C.T., being the most southerly
7-18 southwest comer of the herein described 319.424 acre tract;
7-19 THENCE North 03°37'57" West, 1,007.31 feet, with the easterly line
7-20 of said I .74 acre tract and the remainder of that certain tract
7-21 described as being Lots I 33 and 134 of said Section I, in
7-22 instrument to Robert L. Bartlett, recorded under Clerk's File
7-23 Number 2019030913, O.P.R.M.C.T., common to a westerly line of said
7-24 Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum cap found at
7-25 a 1 1/2 inch iron pipe for the common northerly comer of said Parcel
7-26 2, Tract I and said Bartlett tract, being an interior comer of the
7-27 herein described 319.424 acre tract;
7-28 THENCE South 86°53'08" West, 659.72 feet, with the northerly line of
7-29 said Bartlett tract and that certain called 5.10 acre tract
7-30 described as "Tract I" in instrument to John D. Mitchell, recorded
7-31 under Clerk's File Number
7-32 20 I 7066131, O.P.R.M.C.T., common to a southerly line of said
7-33 Parcel 2, Tract 1, to a 5/8 inch iron rod with aluminum cap found at
7-34 a 1 1/2 inch iron pipe found for the common comer of said Parcel 2,
7-35 Tract I, said 5.10 acre tract, and that certain called 28.112 acre
7-36 tract described in instrument to Bobby Giles and Renata Giles,
7-37 recorded under Clerk's File Number 2016011300, O.P.R.M.C.T., being
7-38 an angle point in a southerly line of the herein described 319.424
7-39 acre tract;
7-40 THENCE South 87°19'09" West, 1,319.93 feet, with the common line
7-41 between said Parcel 2, Tract 1 and said 28.112 acre tract, to a I
7-42 inch pinched top iron pipe found at a 1 inch iron pipe found for the
7-43 common comer of said Parcel 2, Tract I, said 28.112 acre tract, and
7-44 said 13.98 acre tract, being an angle point in a southerly line of
7-45 the herein described 3 I 9.424 acre tract;
7-46 THENCE South 87°38'49" West, 1,024.19 feet, with the common line
7-47 between said Parcel 2, Tract 1 and said 13.98 acre tract, to the
7-48 POINT OF BEGINNING.
7-49 CONTAINING a computed area of 319.424 acres of land within this
7-50 Field Note Description Save and Except the following described
7-51 5.090 acre tract:
7-52 FIELD NOTE DESCRIPTION 5.090ACRES
7-53 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
7-54 TEXAS
7-55 BEING a 5.090 acre tract of land situated in the Clark Beach Survey,
7-56 Abstract Number 79, Montgomery County, Texas, being all of that
7-57 same tract described as "Parcel I", being Farm Tract 75, of said
7-58 Section 1, described in instrument to JBMG, LTD., recorded under
7-59 Clerk's File Number 9569681, R.P.R.M.C.T., said 5.090 acre tract
7-60 being more particularly described by metes and bounds as follows:
7-61 BEGINNING at a 5/8 inch iron rod with aluminum cap found at a I inch
7-62 pinched top iron pipe for the southerly common east corner of said
7-63 Parcel 2, Tract I and said JBMG tract, being the southeasterly
7-64 corner of the herein described 5.090 acre tract, from which a 1 inch
7-65 iron pipe found, for the easterly common north comer of said Parcel
7-66 2, Tract 1 and said Canseco tract bears South 48°23' 51" East,
7-67 1,866.30 feet;
7-68 THENCE with the common line between said Parcel 2, Tract 1 and said
7-69 JBMG tract, the following four (4) courses and distances:

8-1 South 86°34' 17" West, 657.10 feet, to a 1 inch pinched top iron
8-2 pipe found, disturbed for corner, from which a 1 inch iron pipe found
8-3 at a 1/2 inch iron rod found for the southerly common east corner of
8-4 said Parcel 2, Tract I and said 19 acre tract bears South 41°635'3 I"
8-5 West, 938.44 feet;
8-6 North 04°19'03" West, 336.19 feet, to a 5/8 inch iron rod with cap
8-7 found at a 1 inch iron pipe for corner;
8-8 North 86°25' 10" East, 658.66 feet, to a 5/8 inch iron rod found at a
8-9 1 inch iron pipe for corner;
8-10 South 04°02'56" East, 337.92 feet, to the POINT OF BEGINNING.
8-11 CONTAINING a computed area of 5.090 acres of land within this Field
8-12 Note Description Save and Except the following described 4.999 acre
8-13 tract
8-14 FIELD NOTE DESCRIPTION 4.999ACRES
8-15 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
8-16 TEXAS
8-17 BEING a 4.999 acre tract of land situated in the Clark Beach Survey,
8-18 Abstract Number 79, Montgomery County, Texas, being all of that
8-19 same tract described as being Farm Tract 108 of said Section I,
8-20 described in instrument to Adeline A. Barnes, et al, recorded under
8-21 Clerk's File Number 7506958, R.P.R.M.C.T., said 4.999 acre tract
8-22 being more particularly described by metes and bounds as follows:
8-23 BEGINNING at a 5/8 inch iron rod with aluminum cap at a 1 1/2 inch
8-24 iron pipe found for the easterly common south corner of said Parcel
8-25 2, Tract I and said Barnes tract, being the southeasterly corner of
8-26 the herein described 4.999 acre tract, from which a 1/2 inch iron rod
8-27 with cap stamped "TPS 100834-00" set for the westerly common south
8-28 corner of said Parcel 2, Tract I and said Canseco tract bears South
8-29 66°46'02" East, 739.05 feet;
8-30 THENCE with the common line between said Parcel 2, Tract I and said
8-31 Barnes tract, the following four (4) courses and distances:
8-32 I) South 86°39'47" West, 660.00 feet, to a 5/8 inch iron rod found
8-33 at a 1 1/2 inch iron pipe for corner, from which a 5/8 inch iron rod
8-34 found in the northeasterly margin of said Crockett Martin Road for
8-35 the common westerly corner of said Parcel 2, Tract 1 and said 13.98
8-36 acre tract bears South 71°56'17" West, 2655.96 feet;
8-37 North 03°24'08" West, 330.04 feet. to a 5/8 inch iron rod found at a
8-38 1 1/2 inch iron pipe for corner;
8-39 North 86°40'24" East, 659.95 feet, to a 5/8 inch iron rod with
8-40 aluminum cap found at a 1 1/2 inch iron pipe for corner;
8-41 South 03°24'41" East, 329.92 feet, to the POINT OF BEGINNING.
8-42 CONTAINING a computed area of 4.999 acres of land within this Field
8-43 Note Description
8-44 LEAVING a computed NET area of 309.335 acres of land within this
8-45 Field Note Description.
8-46 This Field Note Description was prepared from a survey performed on
8-47 the ground on April 1, 2021 by Texas Professional Surveying, LLC.,
8-48 Registered Professional Land Surveyors and is referenced to Survey
8-49 Drawing Project Number S458-103-SW S HALF.
8-50 Bearings recited hereon are based on GPS observations and are
8-51 referenced to the North American Datum (NAO) 1983, Texas State
8-52 Plane Coordinate System, Central Zone (4203).
8-53 SECTION 3. (a) The legal notice of the intention to
8-54 introduce this Act, setting forth the general substance of this
8-55 Act, has been published as provided by law, and the notice and a
8-56 copy of this Act have been furnished to all persons, agencies,
8-57 officials, or entities to which they are required to be furnished
8-58 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-59 Government Code.
8-60 (b) The governor, one of the required recipients, has
8-61 submitted the notice and Act to the Texas Commission on
8-62 Environmental Quality.
8-63 (c) The Texas Commission on Environmental Quality has filed
8-64 its recommendations relating to this Act with the governor, the
8-65 lieutenant governor, and the speaker of the house of
8-66 representatives within the required time.
8-67 (d) All requirements of the constitution and laws of this
8-68 state and the rules and procedures of the legislature with respect
8-69 to the notice, introduction, and passage of this Act are fulfilled

9-1 and accomplished.

9-2 SECTION 4. (a) If this Act does not receive a two-thirds
9-3 vote of all the members elected to each house, Subchapter C, Chapter
9-4 7969A, Special District Local Laws Code, as added by Section 1 of
9-5 this Act, is amended by adding Section 7969A.0307 to read as
9-6 follows:

9-7 Sec. 7969A.0307. NO EMINENT DOMAIN POWER. The district may
9-8 not exercise the power of eminent domain.

9-9 (b) This section is not intended to be an expression of a
9-10 legislative interpretation of the requirements of Section 17(c),
9-11 Article I, Texas Constitution.

9-12 SECTION 5. This Act takes effect September 1, 2023.

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