

By: Bailes

H.B. No. 5332

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 229; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose 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 7970A to read as follows:

CHAPTER 7970A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 229

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7970A.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. 229.

Sec. 7970A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7970A.0103. CONFIRMATION AND DIRECTORS' 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. 7970A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7970A.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. 7970A.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. 7970A.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. 7970A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7970A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7970A.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 7970A.0103; or

18 (2) September 1, 2027.

19 (c) If permanent directors have not been elected under
20 Section 7970A.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 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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 7970A.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 7970A.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 7970A.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. 7970A.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 7970A.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. 7970A.0402. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 229 initially includes all the territory contained in the
10 following area:

11 TRACT 1: BEING a 290.261 acre tract of land situated in the Presley
12 Gill Survey, Abstract Number 230, and the Thomas J. Williams
13 Survey, Abstract Number 593, Montgomery County, Texas, being a the
14 remainder of a called 320.348 acre tract described as "Parcel 2,
15 Tract 4", all of that tract described as "Parcel 1, Tract X", and
16 all of that certain called 45.615 acre tract described as "Parcel 2,
17 Tract 7", all in instrument to Atakapa, LLC., recorded under
18 Clerk's File Number 2013016070 of the Official Public Records of
19 Montgomery County, Texas, (O.P.R.M.C.T.), said 290.261 acre tract
20 being more particularly described by metes and bounds as follows:

21 BEGINNING at a 5/8 inch iron rod found in the southwesterly margin
22 of Faulkner Road for the common easterly corner of said Parcel 2,
23 Tract 7 and that certain called 3.58 acre tract described in
24 instrument to Juan G. Alanis, recorded under Clerk's File Number
25 2010047694, O.P.R.M.C.T., being the easterly northeast corner of
26 the herein described 290.261 acre tract;

27 THENCE Southeasterly, with the southwesterly margin of said

1 Faulkner Road, the northeasterly line of said Parcel 2, Tract 7, the
2 following ten (10) courses and distances:
3 South 37°57'43" East, 224.78 feet, to a 5/8 inch iron rod found for
4 corner;
5 South 29°48'32" East, 704.24 feet, to a 2 inch iron pipe found for
6 corner;
7 South 23°29'11" East, 149.92 feet, to a 1/2 inch iron rod with cap
8 stamped "TPS 100834-00" set for corner;
9 South 16°28'45" East, 253.03 feet, to a 5/8 inch iron rod found for
10 corner;
11 South 14°26'37" East, 417.65 feet, to a 5/8 inch iron rod found
12 (bent) for corner;
13 South 16°31'19" East, 428.16 feet, to a 5/8 inch iron rod found
14 (bent) for corner;
15 South 13°53'44" East, 347.18 feet, to a 5/8 inch iron rod found
16 (bent) for corner;
17 South 12°13'25" East, 203.50 feet, to a 5/8 inch iron rod found
18 (bent) for corner;
19 South 11°00'54" East, 348.83 feet, to a 5/8 inch iron rod found for
20 corner;
21 South 33°02'59" East, 102.77 feet, to a 5/8 inch iron rod with cap
22 found in the northerly line of that certain called 5.000 acre tract
23 described in instrument to Samuel E. Gray and Robert L. Adams,
24 recorded under Clerk's File Number 201808136, O.P.R.M.C.T., for the
25 southeasterly corner of said Parcel 2, Tract 7, being the most
26 easterly southeast corner of the herein described 290.261 acre
27 tract;

1 THENCE South 87°02'12" West, 501.77 feet, with the common line
2 between said Parcel 2, Tract 7 and said Gray tract, to a 1 1/2 inch
3 iron pipe found for the common corner of said Parcel 2, Tract 7,
4 said Gray tract, and that certain called 13.023 acre tract
5 described in instrument to Marion Alfred Sohl, recorded under
6 Clerk's File Number 99068832 of the Real Property Records of
7 Montgomery County, Texas, (R.P.R.M.C.T.), being an interior corner
8 of the herein described 290.261 acre tract;

9 THENCE South 85°56'34" West, 514.36 feet, with the common line
10 between said Parcel 2, Tract 7, and said Sohl tract, to a 5/8 inch
11 iron rod with cap found (bent) in the apparent common line between
12 said Williams and Gill Surveys for the common corner of said Parcel
13 2, Tract 7, said Parcel 1, Tract X, Said Parcel 2, Tract 4, and said
14 Sohl tract, being an interior corner of the herein described
15 290.261 acre tract;

16 THENCE South 03°52'17" East, 534.89 feet, with said apparent common
17 line and with the common line between said Parcel 2, Tract 4 and
18 said Sohl tract, to a 5/8 inch iron rod with cap found (bent) for the
19 common easterly corner of said Parcel 2, Tract 4 and the eastern
20 portion of that certain tract described in instrument to Albert
21 Carpenter Rigsby and Donna Ruth Rigsby, being a southeasterly
22 corner of the herein described 290.261 acre tract;

23 THENCE South 86°39'45" West, 648.50 feet, with the common line
24 between said Parcel 2, Tract 4 and said Rigsby tract, to a 5 inch by
25 5 inch concrete monument found for a common corner of same, being an
26 interior corner of the herein described 290.261 acre tract;

27 THENCE South 03°02'33" East, 659.24 feet, continuing with said

1 common line, to a 1/2 inch iron rod with cap stamped "TPS 100834-00"
2 set for a common corner of said Parcel 2, Tract 4, said Rigsby
3 tract, and that certain tract that appears to be owned by Sarah
4 Dietrich per Montgomery County Appraisal District, being an
5 interior corner of the herein described 290.261 acre tract;
6 THENCE South 03°25'22" East, 1838.00 feet, with the common line
7 between said Parcel 2, Tract 4, and said Dietrich tract, to a 5/8
8 inch iron rod found (bent) in the northerly line of that certain
9 called 9.587 acre tract described in instrument to McShan
10 Investment Holdings, LLC., recorded under Clerk's File Number
11 2019082984, O.P.R.M.C.T., being a southeasterly corner of said
12 Parcel 2, Tract 4 and the herein described 290.261 acre tract;
13 THENCE South 86°42'07" West, 1357.64 feet, with the northerly line
14 of said McShan Investment Holdings, LLC. tract, that certain called
15 8.000 acre tract described in instrument to Colin R. McShan and
16 Jennifer L. McShan, recorded under Clerk's File Number 2015011666,
17 O.P.R.M.C.T., the remainder of that certain called 16.370 acre
18 tract described as Tract 2 in instrument to Colin R. McShan and
19 Jennifer L. McShan, recorded under Clerk's File Number 2014021410,
20 O.P.R.M.C.T., that certain called 7.1203 acre tract described in
21 instrument to Jared Carter and Danica Pruitt, recorded under
22 Clerk's File Number 2018063797, O.P.R.M.C.T., and that certain
23 called 8.997 acre tract described in instrument to Amanda Beagley,
24 recorded under Clerk's File Number 2017023668, O.P.R.M.C.T.,
25 common with a southerly line of said Parcel 2, Tract 4, to a 5 inch
26 by 5 inch concrete monument found for a common corner of said Parcel
27 2, Tract 4, and said Beagley tract, being an interior corner of the

1 herein described 290.261 acre tract;
2 THENCE South 86°34'21" West, 445.32 feet, continuing with the common
3 line between said Parcel 2, Tract 4, and said Beagley tract, to a
4 1/2 inch iron rod with cap found in the easterly line of that
5 certain called 10.00 acre tract described in instrument to Tara L.
6 Messmore and Adoph Stricker, Jr., recorded under Clerk's File
7 Number 2012122793, O.P.R.M.C.T., for the common easterly corner of
8 said Parcel 2, Tract 4 and said Beagley tract, being a southwesterly
9 corner of the herein described 290.261 acre tract;
10 THENCE North 02°02'56" West, 307.98 feet, with the common line
11 between said Parcel 2, Tract 4 and said Messmore tract, to a 1/2
12 inch iron rod with cap found for a common corner of same, being an
13 interior corner of the herein described 290.261 acre tract;
14 THENCE South 87°13'29" West, 706.71 feet, continuing with said
15 common line, to a 1/2 inch iron rod with cap found for a common
16 corner of same, being an interior corner of the herein described
17 290.261 acre tract;
18 THENCE South 02°06'38" East, 675.81 feet, with the westerly line of
19 said Messmore tract and that certain called 3.5283 acre tract
20 described in instrument to Joshua D. Hamner and Ciarra Hamner,
21 recorded under Clerk's File Number 2012092079, O.P.R.M.C.T.,
22 common to an easterly line of said Parcel 2, Tract 4, to a 5/8 inch
23 iron rod with cap found in the northeasterly margin of Morgan
24 Cemetery Road, for the common southerly corner of said Parcel 2,
25 Tract 4 and said Hamner tract, being the southerly southeast corner
26 of the herein described 290.261 acre tract;
27 THENCE North 69°05'08" West, 108.70 feet, with the northeasterly

1 margin of said Morgan Cemetery Road, the southerly southwest line
2 of said Parcel 2, Tract 4, to a 3/4 inch iron pipe found for the
3 southeasterly corner of that certain called 44.4667 acre tract
4 described as Tract 1 in instrument to Kay Lynn Penton, recorded
5 under Clerk's File Number 2013112575, O.P.R.M.C.T., being the
6 southerly southwest corner of the herein described 290.261 acre
7 tract;

8 THENCE North 02°07'45" West, 631.68 feet, with the easterly line of
9 said Penton tract, to a 1/2 inch iron rod with cap stamped "TPS
10 100834-00" set for an interior corner of said Penton tract, being a
11 westerly corner of the herein described 290.261 acre tract;

12 THENCE North 35°57'05" East, 1967.62 feet, with the southeasterly
13 line of said Penton tract, to a 5 inch by 5 inch concrete monument
14 found for a common corner of said Parcel 2, Tract 4, said Penton
15 tract, and the westerly portion of said Rigsby tract, being a
16 northwesterly corner of the herein described 290.261 acre tract;

17 THENCE North 86°39'29" East, 697.27 feet, with the common line
18 between said Parcel 2, Tract 4, and said Rigsby tract, to a 5 inch by
19 5 inch concrete monument found for a common corner of same, being an
20 interior corner of the herein described 290.261 acre tract;

21 THENCE North 03°15'16" West, 658.73 feet, continuing with said
22 common line, to a 5 inch by 5 inch concrete monument found for a
23 common corner of same, being an interior corner of the herein
24 described 290.261 acre tract;

25 THENCE South 86°42'01" West, 1442.18 feet, continuing with said
26 common line, to a pine knot found in the easterly line of that
27 certain called 15.49 acre tract described in instrument to Barbara

1 Ann Brock Craft, recorded under Clerk's File Number 9648165,
2 R.P.R.M.C.T., being the common westerly corner of said Parcel 2,
3 Tract 4, and said Rigsby tract, being a southwesterly corner of the
4 herein described 290.261 acre tract;

5 THENCE North 03°19'56" West, 539.48 feet, with the common line
6 between said Parcel 2, Tract 4, and said Craft tract, to a 1/2 inch
7 iron rod with cap found for the common westerly corner of said
8 Parcel 2, Tract 4, and that certain called 10 acre tract described
9 in instrument to Betty A. Wilkerson Trust, recorded under Clerk's
10 File Number 9454859, R.P.R.M.C.T., being a northwesterly corner of
11 the herein described 290.261 acre tract;

12 THENCE North 86°48'10" East, 1387.14 feet, with the southerly line
13 of said Wilkerson Trust tract, and that certain called 10.560 acre
14 tract described in instrument to Ralph Wilkerson, recorded under
15 Clerk's File Number 2005132699, O.P.R.M.C.T., common to a northerly
16 line of said Parcel 2, Tract 4, to a 1/2 inch iron rod with cap found
17 (bent) for the common southerly corner of said Parcel 2, Tract 4,
18 and said Wilkerson tract, being an interior corner of the herein
19 described 290.261 acre tract;

20 THENCE North 03°21'22" West, 660.37 feet, with the common line
21 between said Parcel 2, Tract 4, and said Wilkerson tract, to a 5
22 inch by 5 inch concrete monument found for the common northerly
23 corner of said Parcel 2, Tract 4 and said Wilkerson tract, being an
24 interior corner of the herein described 290.261 acre tract;

25 THENCE South 86°50'23" West, 659.62 feet, continuing with said
26 common line, to a 5 inch by 5 inch concrete monument found for the
27 common corner of said Parcel 2, Tract 4, said Wilkerson tract, said

1 Wilkerson Trust tract, and that certain called 10.868 acre tract
2 described as Tract II in instrument to Kenneth R. Brown and Janet L.
3 Brown, recorded under Clerk's File Number 9622133, R.P.R.M.C.T.,
4 being a southwesterly corner of the herein described 290.261 acre
5 tract;

6 THENCE North 03°23'15" West, 328.65 feet, with the common line
7 between said Parcel 2, Tract 4, and said Brown tract, to a 5 inch by
8 5 inch concrete monument found for a common corner of same, being an
9 interior corner of the herein described 290.261 acre tract;

10 THENCE North 87°41'41" West, 19.57 feet, continuing with said common
11 line, to a 1/2 inch iron rod with cap found for a common corner of
12 same, being a southwesterly corner of the herein described 290.261
13 acre tract;

14 THENCE North 03°05'16" West, 328.78 feet, continuing with said
15 common line, to a 5 inch by 5 inch concrete monument found for a
16 common corner of said Parcel 2, Tract 4, said Brown tract, and that
17 certain called 43.220 acre tract described as Tract 1 in said
18 instrument to Kenneth R. Brown and Janet L. Brown, being an interior
19 corner of the herein described 290.261 acre tract;

20 THENCE North 04°06'03" West, 1766.54 feet, with the common line
21 between said Parcel 2, Tract 4, and said Brown Tract 1, to a 5/8 inch
22 iron rod with cap found for a common corner of same, being an
23 interior corner of the herein described 290.261 acre tract;

24 THENCE South 85°43'05" West, 515.73 feet, continuing with said
25 common line, to a 5/8 inch iron rod with cap found for a common
26 corner of same, being a southwesterly corner of the herein
27 described 290.261 acre tract;

1 THENCE North 03°52'37" West, 232.64 feet, continuing with said
2 common line, to a 1/2 inch iron rod with cap found in the
3 southeasterly right-of-way of the G.C. & S.F. Railroad, for the
4 common northerly corner of said Parcel 2, Tract 4, and said Brown
5 Tract 1, being the northerly northwest corner of the herein
6 described 290.261 acre tract;

7 THENCE North 84°07'15" East, 1232.54 feet, with the southeasterly
8 right-of-way of said Railroad, the most northerly line of said
9 Parcel 2, Tract 4, to a 5/8 inch iron rod with cap found for the
10 common northerly corner of said Parcel 2, Tract 4, and that certain
11 called 10.88 acre tract described in instrument to Charles Cave,
12 recorded under Clerk's File Number 2011108816, O.P.R.M.C.T., being
13 the most northerly northeast corner of the herein described 290.261
14 acre tract;

15 THENCE South 02°45'52" East, 726.54 feet, with the common line
16 between said Parcel 2, Tract 4, and said Cave tract, to a 5 inch by 5
17 inch concrete monument found for a common corner of same, being an
18 interior corner of the herein described 290.261 acre tract;

19 THENCE North 87°16'20" East, 659.50 feet, continuing with said
20 common line, to a 1 1/2 inch iron pipe found for a common corner of
21 said Parcel 2, Tract 4, said Cave tract, that certain called 8.00
22 acre tract described in instrument to Charles A. Cave, recorded
23 under Clerk's File Number 2011108882, O.P.R.M.C.T., and that
24 certain tract described in instrument to T.F. Green, Jr., recorded
25 in Volume 573, Page 580 of the Deed Records of Montgomery County,
26 Texas, being a northeasterly corner of the herein described 290.261
27 acre tract;

H.B. No. 5332

1 THENCE South 03°09'28" East, 654.46 feet, with the common line
2 between said Parcel 2, Tract 4, and said Green, Jr. tract, to a 1 1/2
3 inch iron pipe found at a 5 inch by 5 inch concrete monument for a
4 common corner of same, being an interior corner of the herein
5 described 290.261 acre tract;

6 THENCE North 86°47'37" East, 697.75 feet, continuing with said
7 common line, to a 5 inch by 5 inch concrete monument found (leaning)
8 in the apparent common line between said Williams and Gill Surveys,
9 the westerly line of said Parcel 2, Tract 7, for the common easterly
10 corner of said Parcel 2, Tract 4, and said Green, Jr. tract, being
11 an interior corner of the herein described 290.261 acre tract;

12 THENCE North 03°11'40" West, 1029.86 feet, with said apparent common
13 line, with the easterly line of said Green, Jr. tract and said
14 Alanis tract, common to the westerly line of said Parcel 2, Tract 7,
15 to a 1 1/2 inch iron pipe found for the common westerly corner of
16 said Parcel 2, Tract 7, and said Alanis tract, being a northwesterly
17 corner of the herein described 290.261 acre tract;

18 THENCE North 86°26'54" East, 90.28 feet, with the common line
19 between said Parcel 2, Tract 7, and said Alanis tract, to the POINT
20 OF BEGINNING.

21 CONTAINING a computed area of 290.261 acres of land within this
22 Field Note Description.

23 TRACT 2: BEING a 54.071 acre tract situated in the Presley Gill
24 Survey, Abstract Number 230, Montgomery County, Texas, being
25 comprised of all of that same called 43.220 acre tract described as
26 "Tract 1", and all of that same called 10.868 acre tract described
27 as "Tract II", both in instrument to Kenneth R. Brown and Janet L.

H.B. No. 5332

1 Brown, recorded under Clerk's File Number 9622133 of the Real
2 Property Records of Montgomery County, Texas (R.P.R.M.C.T.), said
3 54.071 acre tract being more particularly described by metes and
4 bounds as follows:

5 BEGINNING at a 1/2 inch capped iron rod found in the southerly
6 right-of-way of G.C. and S.F. Railroad for the common northerly
7 corner of said 43.220 acre tract and that certain called 290.261
8 acre tract described in instrument to Martin Land Ventures, LTD.,
9 recorded under Clerk's File No. 2020120629 of the Official Public
10 Records of Montgomery County, Texas (O.P.R.M.C.T.), being the
11 northerly northeast corner of the herein described 54.071 acre
12 tract, said POINT OF BEGINNING having a Texas State Plane
13 Coordinate value of N:10,114,598.92, E:3,910,333.89, Central Zone
14 (4203), grid measurement;

15 THENCE South 03°52'37" East, 232.64 feet, with the common line
16 between said 43.220 acre tract and said 290.261 acre tract, to a 5/8
17 inch capped iron rod found for a common corner of the same, being an
18 interior corner of the herein described 54.071 acre tract;

19 THENCE North 86°13'15" East, departing said common line, with the
20 easterly north line of said 43.220 acre tract at a distance of
21 515.73 feet, pass a westerly line of said 290.261 acre tract, in
22 all, a total distance of 532.66 feet, to a 1/2 inch iron rod found
23 for the easterly northeast corner of said 43.22 acre tract and the
24 herein described 54.071 acre tract, from which a 5/8 inch iron rod
25 with cap found for an interior corner of said 290.261 acre tract
26 bears North 78°49'35" West, 17.55 feet;

27 THENCE South 03°46'58" East, 1762.34 feet, with an easterly line of

1 said 43.220 acre tract, to a 1/2 inch iron rod with cap stamped "TPS
2 100834-00" set for the southeasterly corner of said 43.220 acre
3 tract, being a southeasterly corner of the herein described 54.071
4 acre tract;

5 THENCE South 89°04'08" West, 7.16 feet, with the southerly line of
6 said 43.220 acre tract, to a 5" x 5" concrete monument found in a
7 westerly line of said 290.261 acre tract for the common corner of
8 said 43.220 acre tract and said 10.868 acre tract, being an interior
9 corner of the herein described 54.071 acre tract;

10 THENCE South 03°05'16" East, 328.78 feet, with the common line
11 between said 10.868 acre tract and said 290.261 acre tract, to a 1/2
12 inch capped iron rod found for a common corner of the same, being an
13 interior corner of the herein described 54.071 acre tract;

14 THENCE South 87°41'41" East, 19.57 feet, continuing with said common
15 line, to a 5" x 5" concrete monument found for a common corner of the
16 same, being a northeasterly corner of the herein described 54.071
17 acre tract;

18 THENCE South 03°23'15" East, 328.65 feet, continuing with said
19 common line, to a 5" x 5" concrete monument found for the common
20 corner of said 10.868 acre tract, said 290.261 acre tract, that
21 certain called 10.560 acre tract described in instrument to Ralph
22 Wilkerson recorded under Clerk's File No. 2005132699,
23 O.P.R.M.C.T., and that certain called 10 acre tract described in
24 instrument to Betty A. Wilkerson Trust recorded under Clerk's File
25 No. 9454859, R.P.R.M.C.T., being the southerly southeast corner of
26 the herein described 54.071 acre tract;

27 THENCE South 86°45'36" West, 728.01 feet, with the common line

1 between said 10.868 acre tract and said 10 acre tract, to 1/2 inch
2 iron rod found in an easterly line of that certain called 15.49 acre
3 tract described in instrument to Barbara Ann Brock Craft, recorded
4 under Clerk's File No. 9648165, R.P.R.M.C.T., for the
5 southwesterly corner of said 10.868 acre tract, being the southerly
6 southwest corner of the herein described 54.071 acre tract;
7 THENCE North 02°58'08" West, 661.14 feet, with the easterly line of
8 said 15.49 acre tract, the southerly east line of that certain
9 called 9.282 acre tract described in instrument to Fred J. Craft
10 recorded under Clerk's File No. 7736103, R.P.R.M.C.T., common to
11 the westerly line of said 10.868 acre tract, to a 1/2 inch iron rod
12 found in the southerly line of said 43.220 acre tract, for the
13 common northerly corner of said 10.868 acre tract and said 9.282
14 acre tract, being an interior corner of the herein described 54.071
15 acre tract;
16 THENCE South 86°38'36" West, 298.43 feet, with the common line
17 between said 43.220 acre tract and said 9.282 acre tract, to a 1-1/2
18 inch iron pipe found a common corner of the same, being the westerly
19 southwest corner of the herein described 54.071 acre tract;
20 THENCE North 03°47'12" West, 1965.61 feet, with the northerly east
21 line of said 9.282 acre tract and that certain called 20.120 acre
22 tract described in instrument to Fred J. Craft recorded under
23 Clerk's File No. 962832, R.P.R.M.C.T., common to the westerly line
24 of said 43.220 acre tract, to a 1-1/2 inch iron pipe found in the
25 Southerly right-of-way of said G. C. and S.F. Railroad, for the
26 common northerly corner of said 43.220 acre tract and said 20.120
27 acre tract, being the northwesterly corner of the herein described

1 54.071 acre tract;
2 THENCE North 84°01'17" East, 478.39 feet, with the southerly
3 right-of-way of said G.C. and S.F. Railroad, the northerly line of
4 said 43.220 acre tract, to the POINT OF BEGINNING, containing a
5 computed area of 54.071 acres of land within this Field Note
6 Description.

7 This Field Note Description was prepared from a survey performed on
8 the ground on May 2, 2022, by Texas Professional Surveying, LLC.,
9 Registered Professional Land Surveyors and is referenced to Survey
10 Drawing Project Number 25023.

11 SECTION 3. (a) The legal notice of the intention to
12 introduce this Act, setting forth the general substance of this
13 Act, has been published as provided by law, and the notice and a
14 copy of this Act have been furnished to all persons, agencies,
15 officials, or entities to which they are required to be furnished
16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
17 Government Code.

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor, the
23 lieutenant governor, and the speaker of the house of
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 7970A, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 7970A.0307 to read as
6 follows:

7 Sec. 7970A.0307. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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