

1-1 By: Bailes (Senate Sponsor - Creighton) H.B. No. 5332
 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 15, 2023, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt			X	
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	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. 229; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 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 7970A to read as follows:

1-26 CHAPTER 7970A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-27 NO. 229

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7970A.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. 229.

1-36 Sec. 7970A.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. 7970A.0103. CONFIRMATION AND DIRECTORS' 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. 7970A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7970A.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. 7970A.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. 7970A.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. 7970A.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 7970A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7970A.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 7970A.0103; or

2-25 (2) September 1, 2027.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7970A.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 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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 7970A.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 7970A.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 7970A.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 (l) This chapter applies to any new district created by the
3-57 division of the district, and a new district has all the powers and
3-58 duties of the district.
3-59 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-60 Sec. 7970A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-61 The district may issue, without an election, bonds and other
3-62 obligations secured by:
3-63 (1) revenue other than ad valorem taxes; or
3-64 (2) contract payments described by Section
3-65 7970A.0403.
3-66 (b) The district must hold an election in the manner
3-67 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-68 before the district may impose an ad valorem tax or issue bonds
3-69 payable from ad valorem taxes.

4-1 (c) The district may not issue bonds payable from ad valorem
4-2 taxes to finance a road project unless the issuance is approved by a
4-3 vote of a two-thirds majority of the district voters voting at an
4-4 election held for that purpose.

4-5 Sec. 7970A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-6 authorized at an election held under Section 7970A.0401, the
4-7 district may impose an operation and maintenance tax on taxable
4-8 property in the district in accordance with Section 49.107, Water
4-9 Code.

4-10 (b) The board shall determine the tax rate. The rate may not
4-11 exceed the rate approved at the election.

4-12 Sec. 7970A.0403. CONTRACT TAXES. (a) In accordance with
4-13 Section 49.108, Water Code, the district may impose a tax other than
4-14 an operation and maintenance tax and use the revenue derived from
4-15 the tax to make payments under a contract after the provisions of
4-16 the contract have been approved by a majority of the district voters
4-17 voting at an election held for that purpose.

4-18 (b) A contract approved by the district voters may contain a
4-19 provision stating that the contract may be modified or amended by
4-20 the board without further voter approval.

4-21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-22 Sec. 7970A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-23 OBLIGATIONS. The district may issue bonds or other obligations
4-24 payable wholly or partly from ad valorem taxes, impact fees,
4-25 revenue, contract payments, grants, or other district money, or any
4-26 combination of those sources, to pay for any authorized district
4-27 purpose.

4-28 Sec. 7970A.0502. TAXES FOR BONDS. At the time the district
4-29 issues bonds payable wholly or partly from ad valorem taxes, the
4-30 board shall provide for the annual imposition of a continuing
4-31 direct ad valorem tax, without limit as to rate or amount, while all
4-32 or part of the bonds are outstanding as required and in the manner
4-33 provided by Sections 54.601 and 54.602, Water Code.

4-34 Sec. 7970A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-35 issuance, the total principal amount of bonds or other obligations
4-36 issued or incurred to finance road projects and payable from ad
4-37 valorem taxes may not exceed one-fourth of the assessed value of the
4-38 real property in the district.

4-39 SECTION 2. The Montgomery County Municipal Utility District
4-40 No. 229 initially includes all the territory contained in the
4-41 following area:

4-42 TRACT 1: BEING a 290.261 acre tract of land situated in the Presley
4-43 Gill Survey, Abstract Number 230, and the Thomas J. Williams
4-44 Survey, Abstract Number 593, Montgomery County, Texas, being a the
4-45 remainder of a called 320.348 acre tract described as "Parcel 2,
4-46 Tract 4", all of that tract described as "Parcel 1, Tract X", and
4-47 all of that certain called 45.615 acre tract described as "Parcel 2,
4-48 Tract 7", all in instrument to Atakapa, LLC., recorded under
4-49 Clerk's File Number 2013016070 of the Official Public Records of
4-50 Montgomery County, Texas, (O.P.R.M.C.T.), said 290.261 acre tract
4-51 being more particularly described by metes and bounds as follows:

4-52 BEGINNING at a 5/8 inch iron rod found in the southwesterly margin
4-53 of Faulkner Road for the common easterly corner of said Parcel 2,
4-54 Tract 7 and that certain called 3.58 acre tract described in
4-55 instrument to Juan G. Alanis, recorded under Clerk's File Number
4-56 2010047694, O.P.R.M.C.T., being the easterly northeast corner of
4-57 the herein described 290.261 acre tract;

4-58 THENCE Southeasterly, with the southwesterly margin of said
4-59 Faulkner Road, the northeasterly line of said Parcel 2, Tract 7, the
4-60 following ten (10) courses and distances:

4-61 South 37°57'43" East, 224.78 feet, to a 5/8 inch iron rod found for
4-62 corner;

4-63 South 29°48'32" East, 704.24 feet, to a 2 inch iron pipe found for
4-64 corner;

4-65 South 23°29'11" East, 149.92 feet, to a 1/2 inch iron rod with cap
4-66 stamped "TPS 100834-00" set for corner;

4-67 South 16°28'45" East, 253.03 feet, to a 5/8 inch iron rod found for
4-68 corner;

4-69 South 14°26'37" East, 417.65 feet, to a 5/8 inch iron rod found

5-1 (bent) for corner;
5-2 South 16°31'19" East, 428.16 feet, to a 5/8 inch iron rod found
5-3 (bent) for corner;
5-4 South 13°53'44" East, 347.18 feet, to a 5/8 inch iron rod found
5-5 (bent) for corner;
5-6 South 12°13'25" East, 203.50 feet, to a 5/8 inch iron rod found
5-7 (bent) for corner;
5-8 South 11°00'54" East, 348.83 feet, to a 5/8 inch iron rod found for
5-9 corner;
5-10 South 33°02'59" East, 102.77 feet, to a 5/8 inch iron rod with cap
5-11 found in the northerly line of that certain called 5.000 acre tract
5-12 described in instrument to Samuel E. Gray and Robert L. Adams,
5-13 recorded under Clerk's File Number 201808136, O.P.R.M.C.T., for the
5-14 southeasterly corner of said Parcel 2, Tract 7, being the most
5-15 easterly southeast corner of the herein described 290.261 acre
5-16 tract;
5-17 THENCE South 87°02'12" West, 501.77 feet, with the common line
5-18 between said Parcel 2, Tract 7 and said Gray tract, to a 1 1/2 inch
5-19 iron pipe found for the common corner of said Parcel 2, Tract 7,
5-20 said Gray tract, and that certain called 13.023 acre tract
5-21 described in instrument to Marion Alfred Sohl, recorded under
5-22 Clerk's File Number 99068832 of the Real Property Records of
5-23 Montgomery County, Texas, (R.P.R.M.C.T.), being an interior corner
5-24 of the herein described 290.261 acre tract;
5-25 THENCE South 85°56'34" West, 514.36 feet, with the common line
5-26 between said Parcel 2, Tract 7, and said Sohl tract, to a 5/8 inch
5-27 iron rod with cap found (bent) in the apparent common line between
5-28 said Williams and Gill Surveys for the common corner of said Parcel
5-29 2, Tract 7, said Parcel 1, Tract X, Said Parcel 2, Tract 4, and said
5-30 Sohl tract, being an interior corner of the herein described
5-31 290.261 acre tract;
5-32 THENCE South 03°52'17" East, 534.89 feet, with said apparent common
5-33 line and with the common line between said Parcel 2, Tract 4 and
5-34 said Sohl tract, to a 5/8 inch iron rod with cap found (bent) for the
5-35 common easterly corner of said Parcel 2, Tract 4 and the eastern
5-36 portion of that certain tract described in instrument to Albert
5-37 Carpenter Rigsby and Donna Ruth Rigsby, being a southeasterly
5-38 corner of the herein described 290.261 acre tract;
5-39 THENCE South 86°39'45" West, 648.50 feet, with the common line
5-40 between said Parcel 2, Tract 4 and said Rigsby tract, to a 5 inch by
5-41 5 inch concrete monument found for a common corner of same, being an
5-42 interior corner of the herein described 290.261 acre tract;
5-43 THENCE South 03°02'33" East, 659.24 feet, continuing with said
5-44 common line, to a 1/2 inch iron rod with cap stamped "TPS 100834-00"
5-45 set for a common corner of said Parcel 2, Tract 4, said Rigsby
5-46 tract, and that certain tract that appears to be owned by Sarah
5-47 Dietrich per Montgomery County Appraisal District, being an
5-48 interior corner of the herein described 290.261 acre tract;
5-49 THENCE South 03°25'22" East, 1838.00 feet, with the common line
5-50 between said Parcel 2, Tract 4, and said Dietrich tract, to a 5/8
5-51 inch iron rod found (bent) in the northerly line of that certain
5-52 called 9.587 acre tract described in instrument to McShan
5-53 Investment Holdings, LLC., recorded under Clerk's File Number
5-54 2019082984, O.P.R.M.C.T., being a southeasterly corner of said
5-55 Parcel 2, Tract 4 and the herein described 290.261 acre tract;
5-56 THENCE South 86°42'07" West, 1357.64 feet, with the northerly line
5-57 of said McShan Investment Holdings, LLC. tract, that certain called
5-58 8.000 acre tract described in instrument to Colin R. McShan and
5-59 Jennifer L. McShan, recorded under Clerk's File Number 2015011666,
5-60 O.P.R.M.C.T., the remainder of that certain called 16.370 acre
5-61 tract described as Tract 2 in instrument to Colin R. McShan and
5-62 Jennifer L. McShan, recorded under Clerk's File Number 2014021410,
5-63 O.P.R.M.C.T., that certain called 7.1203 acre tract described in
5-64 instrument to Jared Carter and Danica Pruitt, recorded under
5-65 Clerk's File Number 2018063797, O.P.R.M.C.T., and that certain
5-66 called 8.997 acre tract described in instrument to Amanda Beagley,
5-67 recorded under Clerk's File Number 2017023668, O.P.R.M.C.T.,
5-68 common with a southerly line of said Parcel 2, Tract 4, to a 5 inch
5-69 by 5 inch concrete monument found for a common corner of said Parcel

6-1 2, Tract 4, and said Beagley tract, being an interior corner of the
6-2 herein described 290.261 acre tract;
6-3 THENCE South 86°34'21" West, 445.32 feet, continuing with the common
6-4 line between said Parcel 2, Tract 4, and said Beagley tract, to a
6-5 1/2 inch iron rod with cap found in the easterly line of that
6-6 certain called 10.00 acre tract described in instrument to Tara L.
6-7 Messmore and Adoph Stricker, Jr., recorded under Clerk's File
6-8 Number 2012122793, O.P.R.M.C.T., for the common easterly corner of
6-9 said Parcel 2, Tract 4 and said Beagley tract, being a southwesterly
6-10 corner of the herein described 290.261 acre tract;
6-11 THENCE North 02°02'56" West, 307.98 feet, with the common line
6-12 between said Parcel 2, Tract 4 and said Messmore tract, to a 1/2
6-13 inch iron rod with cap found for a common corner of same, being an
6-14 interior corner of the herein described 290.261 acre tract;
6-15 THENCE South 87°13'29" West, 706.71 feet, continuing with said
6-16 common line, to a 1/2 inch iron rod with cap found for a common
6-17 corner of same, being an interior corner of the herein described
6-18 290.261 acre tract;
6-19 THENCE South 02°06'38" East, 675.81 feet, with the westerly line of
6-20 said Messmore tract and that certain called 3.5283 acre tract
6-21 described in instrument to Joshua D. Hamner and Ciarra Hamner,
6-22 recorded under Clerk's File Number 2012092079, O.P.R.M.C.T.,
6-23 common to an easterly line of said Parcel 2, Tract 4, to a 5/8 inch
6-24 iron rod with cap found in the northeasterly margin of Morgan
6-25 Cemetery Road, for the common southerly corner of said Parcel 2,
6-26 Tract 4 and said Hamner tract, being the southerly southeast corner
6-27 of the herein described 290.261 acre tract;
6-28 THENCE North 69°05'08" West, 108.70 feet, with the northeasterly
6-29 margin of said Morgan Cemetery Road, the southerly southwest line
6-30 of said Parcel 2, Tract 4, to a 3/4 inch iron pipe found for the
6-31 southeasterly corner of that certain called 44.4667 acre tract
6-32 described as Tract 1 in instrument to Kay Lynn Penton, recorded
6-33 under Clerk's File Number 2013112575, O.P.R.M.C.T., being the
6-34 southerly southwest corner of the herein described 290.261 acre
6-35 tract;
6-36 THENCE North 02°07'45" West, 631.68 feet, with the easterly line of
6-37 said Penton tract, to a 1/2 inch iron rod with cap stamped "TPS
6-38 100834-00" set for an interior corner of said Penton tract, being a
6-39 westerly corner of the herein described 290.261 acre tract;
6-40 THENCE North 35°57'05" East, 1967.62 feet, with the southeasterly
6-41 line of said Penton tract, to a 5 inch by 5 inch concrete monument
6-42 found for a common corner of said Parcel 2, Tract 4, said Penton
6-43 tract, and the westerly portion of said Rigsby tract, being a
6-44 northwesterly corner of the herein described 290.261 acre tract;
6-45 THENCE North 86°39'29" East, 697.27 feet, with the common line
6-46 between said Parcel 2, Tract 4, and said Rigsby tract, to a 5 inch by
6-47 5 inch concrete monument found for a common corner of same, being an
6-48 interior corner of the herein described 290.261 acre tract;
6-49 THENCE North 03°15'16" West, 658.73 feet, continuing with said
6-50 common line, to a 5 inch by 5 inch concrete monument found for a
6-51 common corner of same, being an interior corner of the herein
6-52 described 290.261 acre tract;
6-53 THENCE South 86°42'01" West, 1442.18 feet, continuing with said
6-54 common line, to a pine knot found in the easterly line of that
6-55 certain called 15.49 acre tract described in instrument to Barbara
6-56 Ann Brock Craft, recorded under Clerk's File Number 9648165,
6-57 R.P.R.M.C.T., being the common westerly corner of said Parcel 2,
6-58 Tract 4, and said Rigsby tract, being a southwesterly corner of the
6-59 herein described 290.261 acre tract;
6-60 THENCE North 03°19'56" West, 539.48 feet, with the common line
6-61 between said Parcel 2, Tract 4, and said Craft tract, to a 1/2 inch
6-62 iron rod with cap found for the common westerly corner of said
6-63 Parcel 2, Tract 4, and that certain called 10 acre tract described
6-64 in instrument to Betty A. Wilkerson Trust, recorded under Clerk's
6-65 File Number 9454859, R.P.R.M.C.T., being a northwesterly corner of
6-66 the herein described 290.261 acre tract;
6-67 THENCE North 86°48'10" East, 1387.14 feet, with the southerly line
6-68 of said Wilkerson Trust tract, and that certain called 10.560 acre
6-69 tract described in instrument to Ralph Wilkerson, recorded under

7-1 Clerk's File Number 2005132699, O.P.R.M.C.T., common to a northerly
7-2 line of said Parcel 2, Tract 4, to a 1/2 inch iron rod with cap found
7-3 (bent) for the common southerly corner of said Parcel 2, Tract 4,
7-4 and said Wilkerson tract, being an interior corner of the herein
7-5 described 290.261 acre tract;
7-6 THENCE North 03°21'22" West, 660.37 feet, with the common line
7-7 between said Parcel 2, Tract 4, and said Wilkerson tract, to a 5
7-8 inch by 5 inch concrete monument found for the common northerly
7-9 corner of said Parcel 2, Tract 4 and said Wilkerson tract, being an
7-10 interior corner of the herein described 290.261 acre tract;
7-11 THENCE South 86°50'23" West, 659.62 feet, continuing with said
7-12 common line, to a 5 inch by 5 inch concrete monument found for the
7-13 common corner of said Parcel 2, Tract 4, said Wilkerson tract, said
7-14 Wilkerson Trust tract, and that certain called 10.868 acre tract
7-15 described as Tract II in instrument to Kenneth R. Brown and Janet L.
7-16 Brown, recorded under Clerk's File Number 9622133, R.P.R.M.C.T.,
7-17 being a southwesterly corner of the herein described 290.261 acre
7-18 tract;
7-19 THENCE North 03°23'15" West, 328.65 feet, with the common line
7-20 between said Parcel 2, Tract 4, and said Brown tract, to a 5 inch by
7-21 5 inch concrete monument found for a common corner of same, being an
7-22 interior corner of the herein described 290.261 acre tract;
7-23 THENCE North 87°41'41" West, 19.57 feet, continuing with said common
7-24 line, to a 1/2 inch iron rod with cap found for a common corner of
7-25 same, being a southwesterly corner of the herein described 290.261
7-26 acre tract;
7-27 THENCE North 03°05'16" West, 328.78 feet, continuing with said
7-28 common line, to a 5 inch by 5 inch concrete monument found for a
7-29 common corner of said Parcel 2, Tract 4, said Brown tract, and that
7-30 certain called 43.220 acre tract described as Tract 1 in said
7-31 instrument to Kenneth R. Brown and Janet L. Brown, being an interior
7-32 corner of the herein described 290.261 acre tract;
7-33 THENCE North 04°06'03" West, 1766.54 feet, with the common line
7-34 between said Parcel 2, Tract 4, and said Brown Tract 1, to a 5/8 inch
7-35 iron rod with cap found for a common corner of same, being an
7-36 interior corner of the herein described 290.261 acre tract;
7-37 THENCE South 85°43'05" West, 515.73 feet, continuing with said
7-38 common line, to a 5/8 inch iron rod with cap found for a common
7-39 corner of same, being a southwesterly corner of the herein
7-40 described 290.261 acre tract;
7-41 THENCE North 03°52'37" West, 232.64 feet, continuing with said
7-42 common line, to a 1/2 inch iron rod with cap found in the
7-43 southeasterly right-of-way of the G.C. & S.F. Railroad, for the
7-44 common northerly corner of said Parcel 2, Tract 4, and said Brown
7-45 Tract 1, being the northerly northwest corner of the herein
7-46 described 290.261 acre tract;
7-47 THENCE North 84°07'15" East, 1232.54 feet, with the southeasterly
7-48 right-of-way of said Railroad, the most northerly line of said
7-49 Parcel 2, Tract 4, to a 5/8 inch iron rod with cap found for the
7-50 common northerly corner of said Parcel 2, Tract 4, and that certain
7-51 called 10.88 acre tract described in instrument to Charles Cave,
7-52 recorded under Clerk's File Number 2011108816, O.P.R.M.C.T., being
7-53 the most northerly northeast corner of the herein described 290.261
7-54 acre tract;
7-55 THENCE South 02°45'52" East, 726.54 feet, with the common line
7-56 between said Parcel 2, Tract 4, and said Cave tract, to a 5 inch by 5
7-57 inch concrete monument found for a common corner of same, being an
7-58 interior corner of the herein described 290.261 acre tract;
7-59 THENCE North 87°16'20" East, 659.50 feet, continuing with said
7-60 common line, to a 1 1/2 inch iron pipe found for a common corner of
7-61 said Parcel 2, Tract 4, said Cave tract, that certain called 8.00
7-62 acre tract described in instrument to Charles A. Cave, recorded
7-63 under Clerk's File Number 2011108882, O.P.R.M.C.T., and that
7-64 certain tract described in instrument to T.F. Green, Jr., recorded
7-65 in Volume 573, Page 580 of the Deed Records of Montgomery County,
7-66 Texas, being a northeasterly corner of the herein described 290.261
7-67 acre tract;
7-68 THENCE South 03°09'28" East, 654.46 feet, with the common line
7-69 between said Parcel 2, Tract 4, and said Green, Jr. tract, to a 1 1/2

8-1 inch iron pipe found at a 5 inch by 5 inch concrete monument for a
 8-2 common corner of same, being an interior corner of the herein
 8-3 described 290.261 acre tract;
 8-4 THENCE North 86°47'37" East, 697.75 feet, continuing with said
 8-5 common line, to a 5 inch by 5 inch concrete monument found (leaning)
 8-6 in the apparent common line between said Williams and Gill Surveys,
 8-7 the westerly line of said Parcel 2, Tract 7, for the common easterly
 8-8 corner of said Parcel 2, Tract 4, and said Green, Jr. tract, being
 8-9 an interior corner of the herein described 290.261 acre tract;
 8-10 THENCE North 03°11'40" West, 1029.86 feet, with said apparent common
 8-11 line, with the easterly line of said Green, Jr. tract and said
 8-12 Alanis tract, common to the westerly line of said Parcel 2, Tract 7,
 8-13 to a 1 1/2 inch iron pipe found for the common westerly corner of
 8-14 said Parcel 2, Tract 7, and said Alanis tract, being a northwesterly
 8-15 corner of the herein described 290.261 acre tract;
 8-16 THENCE North 86°26'54" East, 90.28 feet, with the common line
 8-17 between said Parcel 2, Tract 7, and said Alanis tract, to the POINT
 8-18 OF BEGINNING.
 8-19 CONTAINING a computed area of 290.261 acres of land within this
 8-20 Field Note Description.
 8-21 TRACT 2: BEING a 54.071 acre tract situated in the Presley Gill
 8-22 Survey, Abstract Number 230, Montgomery County, Texas, being
 8-23 comprised of all of that same called 43.220 acre tract described as
 8-24 "Tract 1", and all of that same called 10.868 acre tract described
 8-25 as "Tract II", both in instrument to Kenneth R. Brown and Janet L.
 8-26 Brown, recorded under Clerk's File Number 9622133 of the Real
 8-27 Property Records of Montgomery County, Texas (R.P.R.M.C.T.), said
 8-28 54.071 acre tract being more particularly described by metes and
 8-29 bounds as follows:
 8-30 BEGINNING at a 1/2 inch capped iron rod found in the southerly
 8-31 right-of-way of G.C. and S.F. Railroad for the common northerly
 8-32 corner of said 43.220 acre tract and that certain called 290.261
 8-33 acre tract described in instrument to Martin Land Ventures, LTD.,
 8-34 recorded under Clerk's File No. 2020120629 of the Official Public
 8-35 Records of Montgomery County, Texas (O.P.R.M.C.T.), being the
 8-36 northerly northeast corner of the herein described 54.071 acre
 8-37 tract, said POINT OF BEGINNING having a Texas State Plane
 8-38 Coordinate value of N:10,114,598.92, E:3,910,333.89, Central Zone
 8-39 (4203), grid measurement;
 8-40 THENCE South 03°52'37" East, 232.64 feet, with the common line
 8-41 between said 43.220 acre tract and said 290.261 acre tract, to a 5/8
 8-42 inch capped iron rod found for a common corner of the same, being an
 8-43 interior corner of the herein described 54.071 acre tract;
 8-44 THENCE North 86°13'15" East, departing said common line, with the
 8-45 easterly north line of said 43.220 acre tract at a distance of
 8-46 515.73 feet, pass a westerly line of said 290.261 acre tract, in
 8-47 all, a total distance of 532.66 feet, to a 1/2 inch iron rod found
 8-48 for the easterly northeast corner of said 43.22 acre tract and the
 8-49 herein described 54.071 acre tract, from which a 5/8 inch iron rod
 8-50 with cap found for an interior corner of said 290.261 acre tract
 8-51 bears North 78°49'35" West, 17.55 feet;
 8-52 THENCE South 03°46'58" East, 1762.34 feet, with an easterly line of
 8-53 said 43.220 acre tract, to a 1/2 inch iron rod with cap stamped "TPS
 8-54 100834-00" set for the southeasterly corner of said 43.220 acre
 8-55 tract, being a southeasterly corner of the herein described 54.071
 8-56 acre tract;
 8-57 THENCE South 89°04'08" West, 7.16 feet, with the southerly line of
 8-58 said 43.220 acre tract, to a 5" x 5" concrete monument found in a
 8-59 westerly line of said 290.261 acre tract for the common corner of
 8-60 said 43.220 acre tract and said 10.868 acre tract, being an interior
 8-61 corner of the herein described 54.071 acre tract;
 8-62 THENCE South 03°05'16" East, 328.78 feet, with the common line
 8-63 between said 10.868 acre tract and said 290.261 acre tract, to a 1/2
 8-64 inch capped iron rod found for a common corner of the same, being an
 8-65 interior corner of the herein described 54.071 acre tract;
 8-66 THENCE South 87°41'41" East, 19.57 feet, continuing with said common
 8-67 line, to a 5" x 5" concrete monument found for a common corner of the
 8-68 same, being a northeasterly corner of the herein described 54.071
 8-69 acre tract;

9-1 THENCE South 03°23'15" East, 328.65 feet, continuing with said
9-2 common line, to a 5" x 5" concrete monument found for the common
9-3 corner of said 10.868 acre tract, said 290.261 acre tract, that
9-4 certain called 10.560 acre tract described in instrument to Ralph
9-5 Wilkerson recorded under Clerk's File No. 2005132699,
9-6 O.P.R.M.C.T., and that certain called 10 acre tract described in
9-7 instrument to Betty A. Wilkerson Trust recorded under Clerk's File
9-8 No. 9454859, R.P.R.M.C.T., being the southerly southeast corner of
9-9 the herein described 54.071 acre tract;

9-10 THENCE South 86°45'36" West, 728.01 feet, with the common line
9-11 between said 10.868 acre tract and said 10 acre tract, to 1/2 inch
9-12 iron rod found in an easterly line of that certain called 15.49 acre
9-13 tract described in instrument to Barbara Ann Brock Craft, recorded
9-14 under Clerk's File No. 9648165, R.P.R.M.C.T., for the
9-15 southwesterly corner of said 10.868 acre tract, being the southerly
9-16 southwest corner of the herein described 54.071 acre tract;

9-17 THENCE North 02°58'08" West, 661.14 feet, with the easterly line of
9-18 said 15.49 acre tract, the southerly east line of that certain
9-19 called 9.282 acre tract described in instrument to Fred J. Craft
9-20 recorded under Clerk's File No. 7736103, R.P.R.M.C.T., common to
9-21 the westerly line of said 10.868 acre tract, to a 1/2 inch iron rod
9-22 found in the southerly line of said 43.220 acre tract, for the
9-23 common northerly corner of said 10.868 acre tract and said 9.282
9-24 acre tract, being an interior corner of the herein described 54.071
9-25 acre tract;

9-26 THENCE South 86°38'36" West, 298.43 feet, with the common line
9-27 between said 43.220 acre tract and said 9.282 acre tract, to a 1-1/2
9-28 inch iron pipe found a common corner of the same, being the westerly
9-29 southwest corner of the herein described 54.071 acre tract;

9-30 THENCE North 03°47'12" West, 1965.61 feet, with the northerly east
9-31 line of said 9.282 acre tract and that certain called 20.120 acre
9-32 tract described in instrument to Fred J. Craft recorded under
9-33 Clerk's File No. 962832, R.P.R.M.C.T., common to the westerly line
9-34 of said 43.220 acre tract, to a 1-1/2 inch iron pipe found in the
9-35 Southerly right-of-way of said G. C. and S.F. Railroad, for the
9-36 common northerly corner of said 43.220 acre tract and said 20.120
9-37 acre tract, being the northwesterly corner of the herein described
9-38 54.071 acre tract;

9-39 THENCE North 84°01'17" East, 478.39 feet, with the southerly
9-40 right-of-way of said G.C. and S.F. Railroad, the northerly line of
9-41 said 43.220 acre tract, to the POINT OF BEGINNING, containing a
9-42 computed area of 54.071 acres of land within this Field Note
9-43 Description.

9-44 This Field Note Description was prepared from a survey performed on
9-45 the ground on May 2, 2022, by Texas Professional Surveying, LLC.,
9-46 Registered Professional Land Surveyors and is referenced to Survey
9-47 Drawing Project Number 25023.

9-48 SECTION 3. (a) The legal notice of the intention to
9-49 introduce this Act, setting forth the general substance of this
9-50 Act, has been published as provided by law, and the notice and a
9-51 copy of this Act have been furnished to all persons, agencies,
9-52 officials, or entities to which they are required to be furnished
9-53 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-54 Government Code.

9-55 (b) The governor, one of the required recipients, has
9-56 submitted the notice and Act to the Texas Commission on
9-57 Environmental Quality.

9-58 (c) The Texas Commission on Environmental Quality has filed
9-59 its recommendations relating to this Act with the governor, the
9-60 lieutenant governor, and the speaker of the house of
9-61 representatives within the required time.

9-62 (d) All requirements of the constitution and laws of this
9-63 state and the rules and procedures of the legislature with respect
9-64 to the notice, introduction, and passage of this Act are fulfilled
9-65 and accomplished.

9-66 SECTION 4. (a) If this Act does not receive a two-thirds
9-67 vote of all the members elected to each house, Subchapter C, Chapter
9-68 7970A, Special District Local Laws Code, as added by Section 1 of
9-69 this Act, is amended by adding Section 7970A.0307 to read as

10-1 follows:

10-2 Sec. 7970A.0307. NO EMINENT DOMAIN POWER. The district may
10-3 not exercise the power of eminent domain.

10-4 (b) This section is not intended to be an expression of a
10-5 legislative interpretation of the requirements of Section 17(c),
10-6 Article I, Texas Constitution.

10-7 SECTION 5. This Act takes effect September 1, 2023.

10-8

* * * * *