

By: Metcalf

H.B. No. 5375

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3800 to read as follows:

CHAPTER 3800. MONTGOMERY COUNTY MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3800.0101. DEFINITIONS. In this chapter:

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

(2) "County" means Montgomery County.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Management District No. 2.

Sec. 3800.0102. NATURE OF DISTRICT. The Montgomery County Management District No. 2 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3800.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the county

1 and other political subdivisions to contract with the district, the
2 legislature has established a program to accomplish the public
3 purposes set out in Section 52-a, Article III, Texas Constitution.

4 (c) The creation of the district is necessary to promote,
5 develop, encourage, and maintain employment, commerce,
6 transportation, housing, tourism, recreation, the arts,
7 entertainment, economic development, safety, and the public
8 welfare in the district.

9 (d) This chapter and the creation of the district may not be
10 interpreted to relieve the county from providing the level of
11 services provided as of the effective date of the Act enacting this
12 chapter to the area in the district. The district is created to
13 supplement and not to supplant county or municipal services
14 provided in the district.

15 Sec. 3800.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

16 (a) All land and other property included in the district will
17 benefit from the improvements and services to be provided by the
18 district under powers conferred by Sections 52 and 52-a, Article
19 III, and Section 59, Article XVI, Texas Constitution, and other
20 powers granted under this chapter.

21 (b) The district is created to serve a public use and
22 benefit.

23 (c) The creation of the district is in the public interest
24 and is essential to further the public purposes of:

25 (1) developing and diversifying the economy of the
26 state;

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

4 (1) promote the health, safety, and general welfare of
5 residents, employers, potential employees, employees, visitors,
6 and consumers in the district, and of the public;

7 (2) provide needed funding for the district to
8 preserve, maintain, and enhance the economic health and vitality of
9 the district territory as a community and business center;

10 (3) promote the health, safety, welfare, and enjoyment
11 of the public by providing pedestrian ways and by landscaping and
12 developing certain areas in the district, which are necessary for
13 the restoration, preservation, and enhancement of scenic beauty;
14 and

15 (4) provide for water, wastewater, drainage, road, and
16 recreational facilities for the district.

17 (e) Pedestrian ways along or across a street, whether at
18 grade or above or below the surface, and street lighting, street
19 landscaping, parking, and street art objects are parts of and
20 necessary components of a street and are considered to be a street
21 or road improvement.

22 (f) The district will not act as the agent or
23 instrumentality of any private interest even though the district
24 will benefit many private interests as well as the public.

25 Sec. 3800.0105. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

6 (2) right to issue any type of bonds for the purposes
7 for which the district is created or to pay the principal of and
8 interest on the bonds;

9 (3) right to impose or collect an assessment or tax; or

10 (4) legality or operation.

11 Sec. 3800.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

12 All or any part of the area of the district is eligible to be
13 included in:

14 (1) a tax increment reinvestment zone created under
15 Chapter 311, Tax Code; or

16 (2) a tax abatement reinvestment zone created under
17 Chapter 312, Tax Code.

18 Sec. 3800.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
19 DISTRICTS LAW. Except as otherwise provided by this chapter,
20 Chapter 375, Local Government Code, applies to the district.

21 Sec. 3800.0108. CONSTRUCTION OF CHAPTER. This chapter
22 shall be liberally construed in conformity with the findings and
23 purposes stated in this chapter.

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3800.0201. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five directors elected or appointed as
27 provided by this chapter and Subchapter D, Chapter 49, Water Code.

1 (b) Except as provided by Section 3800.0203, directors
2 serve staggered four-year terms.

3 Sec. 3800.0202. COMPENSATION. A director is entitled to
4 receive fees of office and reimbursement for actual expenses as
5 provided by Section 49.060, Water Code. Sections 375.069 and
6 375.070, Local Government Code, do not apply to the board.

7 Sec. 3800.0203. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act creating this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district according to the most recent certified tax appraisal roll
11 for the county may submit a petition to the Texas Commission on
12 Environmental Quality requesting that the commission appoint as
13 temporary directors the five persons named in the petition. The
14 commission shall appoint as temporary directors the five persons
15 named in the petition.

16 (b) The temporary or successor temporary directors shall
17 hold an election to elect five permanent directors as provided by
18 Section 49.102, Water Code.

19 (c) Temporary directors serve until the earlier of:

20 (1) the date permanent directors are elected under
21 Subsection (b); or

22 (2) the fourth anniversary of the effective date of
23 the Act creating this chapter.

24 (d) If permanent directors have not been elected under
25 Subsection (b) and the terms of the temporary directors have
26 expired, successor temporary directors shall be appointed or
27 reappointed as provided by Subsection (e) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Subsection (b); or

4 (2) the fourth anniversary of the date of the
5 appointment or reappointment.

6 (e) If Subsection (d) applies, the owner or owners of a
7 majority of the assessed value of the real property in the district
8 according to the most recent certified tax appraisal roll for the
9 county may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 successor temporary directors the five persons named in the
12 petition. The commission shall appoint as successor temporary
13 directors the five persons named in the petition.

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 3800.0301. GENERAL POWERS AND DUTIES. The district
16 has the powers and duties necessary to accomplish the purposes for
17 which the district is created.

18 Sec. 3800.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
19 district, using any money available to the district for the
20 purpose, may provide, design, construct, acquire, improve,
21 relocate, operate, maintain, or finance an improvement project or
22 service authorized under this chapter or Chapter 375, Local
23 Government Code.

24 (b) The district may contract with a governmental or private
25 entity to carry out an action under Subsection (a).

26 (c) The implementation of a district project or service is a
27 governmental function or service for the purposes of Chapter 791,

1 Government Code.

2 Sec. 3800.0303. LAW ENFORCEMENT SERVICES. To protect the
3 public interest, the district may contract with a qualified party,
4 including the county, to provide law enforcement services in the
5 district for a fee.

6 Sec. 3800.0304. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
7 The district may join and pay dues to a charitable or nonprofit
8 organization that performs a service or provides an activity
9 consistent with the furtherance of a district purpose.

10 Sec. 3800.0305. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
11 district may engage in activities that accomplish the economic
12 development purposes of the district.

13 (b) The district may establish and provide for the
14 administration of one or more programs to promote state or local
15 economic development and to stimulate business and commercial
16 activity in the district, including programs to:

17 (1) make loans and grants of public money; and

18 (2) provide district personnel and services.

19 (c) The district may create economic development programs
20 and exercise the economic development powers provided to
21 municipalities by:

22 (1) Chapter 380, Local Government Code; and

23 (2) Subchapter A, Chapter 1509, Government Code.

24 Sec. 3800.0306. PARKING FACILITIES. (a) The district may
25 acquire, lease as lessor or lessee, construct, develop, own,
26 operate, and maintain parking facilities or a system of parking
27 facilities, including lots, garages, parking terminals, or other

1 structures or accommodations for parking motor vehicles off the
2 streets and related appurtenances.

3 (b) The district's parking facilities serve the public
4 purposes of the district and are owned, used, and held for a public
5 purpose even if leased or operated by a private entity for a term of
6 years.

7 (c) The district's parking facilities are parts of and
8 necessary components of a street and are considered to be a street
9 or road improvement.

10 (d) The development and operation of the district's parking
11 facilities may be considered an economic development program.

12 Sec. 3800.0307. ADDING OR EXCLUDING LAND. The district may
13 add or exclude land in the manner provided by Subchapter J, Chapter
14 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

15 Sec. 3800.0308. DISBURSEMENTS AND TRANSFERS OF MONEY. The
16 board by resolution shall establish the number of directors'
17 signatures and the procedure required for a disbursement or
18 transfer of district money.

19 Sec. 3800.0309. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

21 SUBCHAPTER D. ASSESSMENTS

22 Sec. 3800.0401. PETITION REQUIRED FOR FINANCING SERVICES
23 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
24 service or improvement project with assessments under this chapter
25 unless a written petition requesting that service or improvement
26 has been filed with the board.

27 (b) A petition filed under Subsection (a) must be signed by

1 the owners of a majority of the assessed value of real property in
2 the district subject to assessment according to the most recent
3 certified tax appraisal roll for the county.

4 Sec. 3800.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
5 The board by resolution may impose and collect an assessment for any
6 purpose authorized by this chapter in all or any part of the
7 district.

8 (b) An assessment, a reassessment, or an assessment
9 resulting from an addition to or correction of the assessment roll
10 by the district, penalties and interest on an assessment or
11 reassessment, an expense of collection, and reasonable attorney's
12 fees incurred by the district:

13 (1) are a first and prior lien against the property
14 assessed;

15 (2) are superior to any other lien or claim other than
16 a lien or claim for county, school district, or municipal ad valorem
17 taxes; and

18 (3) are the personal liability of and a charge against
19 the owners of the property even if the owners are not named in the
20 assessment proceedings.

21 (c) The lien is effective from the date of the board's
22 resolution imposing the assessment until the date the assessment is
23 paid. The board may enforce the lien in the same manner that the
24 board may enforce an ad valorem tax lien against real property.

25 (d) The board may make a correction to or deletion from the
26 assessment roll that does not increase the amount of assessment of
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 SUBCHAPTER E. TAXES AND BONDS

3 Sec. 3800.0501. TAX ELECTION REQUIRED. (a) The district
4 must hold an election in the manner provided by Chapter 49, Water
5 Code, or, if applicable, Chapter 375, Local Government Code, to
6 obtain voter approval before the district may impose an ad valorem
7 tax.

8 (b) Section 375.243, Local Government Code, does not apply
9 to the district.

10 Sec. 3800.0502. OPERATION AND MAINTENANCE TAX. (a) If
11 authorized by a majority of the district voters voting at an
12 election under Section 3800.0501, the district may impose an
13 operation and maintenance tax on taxable property in the district
14 in the manner provided by Section 49.107, Water Code, for any
15 district purpose, including to:

- 16 (1) maintain and operate the district;
17 (2) construct or acquire improvements; or
18 (3) provide a service.

19 (b) The board shall determine the operation and maintenance
20 tax rate. The rate may not exceed the rate approved at the
21 election.

22 Sec. 3800.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
23 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
24 terms determined by the board.

25 (b) The district may issue bonds, notes, or other
26 obligations payable wholly or partly from ad valorem taxes,
27 assessments, impact fees, revenue, contract payments, grants, or

1 other district money, or any combination of those sources of money,
2 to pay for any authorized district purpose.

3 (c) The limitation on the outstanding principal amount of
4 bonds, notes, or other obligations provided by Section 49.4645,
5 Water Code, does not apply to the district.

6 Sec. 3800.0504. BONDS SECURED BY REVENUE OR CONTRACT
7 PAYMENTS. The district may issue, without an election, bonds
8 secured by:

9 (1) revenue other than ad valorem taxes, including
10 contract revenues; or

11 (2) contract payments, provided that the requirements
12 of Section 49.108, Water Code, have been met.

13 Sec. 3800.0505. BONDS SECURED BY AD VALOREM TAXES;
14 ELECTIONS. (a) If authorized at an election under Section
15 3800.0501, the district may issue bonds payable from ad valorem
16 taxes.

17 (b) At the time the district issues bonds payable wholly or
18 partly from ad valorem taxes, the board shall provide for the annual
19 imposition of a continuing direct annual ad valorem tax, without
20 limit as to rate or amount, for each year that all or part of the
21 bonds are outstanding as required and in the manner provided by
22 Sections 54.601 and 54.602, Water Code.

23 (c) All or any part of any facilities or improvements that
24 may be acquired by a district by the issuance of its bonds may be
25 submitted as a single proposition or as several propositions to be
26 voted on at the election.

27 Sec. 3800.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The

1 board may not issue bonds until each municipality in whose
2 corporate limits or extraterritorial jurisdiction the district is
3 located has consented by ordinance or resolution to the creation of
4 the district and to the inclusion of land in the district, as
5 required by applicable law.

6 (b) This section applies only to the district's first
7 issuance of bonds payable from ad valorem taxes.

8 SUBCHAPTER F. SALES AND USE TAX

9 Sec. 3800.0601. APPLICABILITY OF CERTAIN TAX CODE
10 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
11 computation, administration, enforcement, and collection of the
12 sales and use tax authorized by this subchapter except to the extent
13 Chapter 321, Tax Code, is inconsistent with this chapter.

14 (b) A reference in Chapter 321, Tax Code, to a municipality
15 or the governing body of a municipality is a reference to the
16 district or the board, respectively.

17 Sec. 3800.0602. ELECTION; ADOPTION OF TAX. (a) The
18 district may adopt a sales and use tax if authorized by a majority
19 of the voters of the district voting at an election held for that
20 purpose.

21 (b) The board by order may call an election to authorize the
22 adoption of the sales and use tax. The election may be held on any
23 uniform election date and in conjunction with any other district
24 election.

25 (c) The ballot shall be printed to provide for voting for or
26 against the proposition: "Authorization of a sales and use tax in
27 the Montgomery County Management District No. 2 at a rate not to

1 exceed _____ percent" (insert rate of one or more increments of
2 one-eighth of one percent).

3 Sec. 3800.0603. SALES AND USE TAX RATE. (a) On or after the
4 date the results are declared of an election held under Section
5 3800.0602 at which the voters approved imposition of the tax
6 authorized by this subchapter, the board shall determine and adopt
7 by resolution or order the initial rate of the tax, which must be in
8 one or more increments of one-eighth of one percent.

9 (b) After the authorization of a tax under Section
10 3800.0602, the board may increase or decrease the rate of the tax by
11 one or more increments of one-eighth of one percent.

12 (c) The board may not decrease the rate of the tax if the
13 decrease would impair the repayment of any outstanding debt or
14 obligation payable from the tax.

15 (d) The initial rate of the tax or any rate resulting from
16 subsequent increases or decreases may not exceed the lesser of:

17 (1) the maximum rate authorized by the district voters
18 at the election held under Section 3800.0602; or

19 (2) a rate that, when added to the rates of all sales
20 and use taxes imposed by other political subdivisions with
21 territory in the district, would result in the maximum combined
22 rate prescribed by Section 321.101(f), Tax Code, at any location in
23 the district.

24 (e) In determining whether the combined sales and use tax
25 rate under Subsection (d)(2) would exceed the maximum combined rate
26 prescribed by Section 321.101(f), Tax Code, at any location in the
27 district, the board shall include:

1 (1) any sales and use tax imposed by a political
2 subdivision whose territory overlaps all or part of the district;

3 (2) any sales and use tax to be imposed by the county
4 or a municipality in which the district is located as a result of an
5 election held on the same date as the election held under Section
6 3800.0602; and

7 (3) any increase to an existing sales and use tax
8 imposed by the county or a municipality in which the district is
9 located as a result of an election held on the same date as the
10 election held under Section 3800.0602.

11 (f) If the district adopts a sales and use tax authorized at
12 an election under Section 3800.0602 and subsequently includes new
13 territory in the district, the district:

14 (1) is not required to hold another election to
15 approve the imposition of the sales and use tax in the included
16 territory; and

17 (2) shall impose the sales and use tax in the included
18 territory as provided by Chapter 321, Tax Code.

19 (g) If the district adopts a sales and use tax authorized at
20 an election under Section 3800.0602 and subsequently excludes
21 territory in the district, the sales and use tax is inapplicable to
22 the excluded territory as provided by Chapter 321, Tax Code, but is
23 applicable to the territory remaining in the district.

24 Sec. 3800.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This
25 section applies to the district after a municipality annexes part
26 of the territory in the district and imposes the municipality's
27 sales and use tax in the annexed territory.

1 (b) If at the time of annexation the district has
2 outstanding debt or other obligations payable wholly or partly from
3 district sales and use tax revenue, Section 321.102(g), Tax Code,
4 applies to the district.

5 (c) If at the time of annexation the district does not have
6 outstanding debt or other obligations payable wholly or partly from
7 district sales and use tax revenue, the district may:

8 (1) exclude the annexed territory from the district,
9 if the district has no outstanding debt or other obligations
10 payable from any source; or

11 (2) reduce the sales and use tax in the annexed
12 territory by resolution or order of the board to a rate that, when
13 added to the sales and use tax rate imposed by the municipality in
14 the annexed territory, is equal to the sales and use tax rate
15 imposed by the district in the district territory that was not
16 annexed by the municipality.

17 Sec. 3800.0605. NOTIFICATION OF RATE CHANGE. The board
18 shall notify the comptroller of any changes made to the tax rate
19 under this subchapter in the same manner the municipal secretary
20 provides notice to the comptroller under Section 321.405(b), Tax
21 Code.

22 Sec. 3800.0606. USE OF REVENUE. Revenue from the sales and
23 use tax imposed under this subchapter is for the use and benefit of
24 the district and may be used for any district purpose. The district
25 may pledge all or part of the revenue to the payment of bonds,
26 notes, or other obligations, and that pledge of revenue may be in
27 combination with other revenue, including tax revenue, available to

1 the district.

2 Sec. 3800.0607. ABOLITION OF TAX. (a) Except as provided
3 by Subsection (b), the board may abolish the tax imposed under this
4 subchapter without an election.

5 (b) The board may not abolish the tax imposed under this
6 subchapter if the district has any outstanding debt or obligation
7 secured by the tax, and repayment of the debt or obligation would be
8 impaired by the abolition of the tax.

9 (c) If the board abolishes the tax, the board shall notify
10 the comptroller of that action in the same manner the municipal
11 secretary provides notice to the comptroller under Section
12 321.405(b), Tax Code.

13 (d) If the board abolishes the tax or decreases the tax rate
14 to zero, a new election to authorize a sales and use tax must be held
15 under Section 3800.0602 before the district may subsequently impose
16 the tax.

17 (e) This section does not apply to a decrease in the sales
18 and use tax authorized under Section 3800.0604(c)(2).

19 SUBCHAPTER I. DISSOLUTION

20 Sec. 3800.0901. DISSOLUTION. (a) The board shall dissolve
21 the district on written petition filed with the board by the owners
22 of at least two-thirds of the assessed value of the property subject
23 to assessment or taxation by the district based on the most recent
24 certified county property tax rolls.

25 (b) The board by majority vote may dissolve the district at
26 any time.

27 (c) The district may not be dissolved by its board under

1 Subsection (a) or (b) if the district:

2 (1) has any outstanding bonded indebtedness until that
3 bonded indebtedness has been repaid or defeased in accordance with
4 the order or resolution authorizing the issuance of the bonds;

5 (2) has a contractual obligation to pay money until
6 that obligation has been fully paid in accordance with the
7 contract; or

8 (3) owns, operates, or maintains public works,
9 facilities, or improvements unless the district contracts with
10 another person for the ownership, operation, or maintenance of the
11 public works, facilities, or improvements.

12 (d) Sections 375.261, 375.262, and 375.264, Local
13 Government Code, do not apply to the district.

14 SECTION 2. The Montgomery County Management District No. 2
15 initially includes all territory contained in the following area:
16 Being 57.4 acres of land, more or less, located in the Raleigh
17 Rogers Survey, Abstract 33, Montgomery County, Texas, out of land
18 conveyed to Homeplace Lands, LLC, as recorded under Clerk's File
19 No. 2012125424 of the Official Public Records of Real Property,
20 Montgomery County, Texas, (O.P.R.M.C.), being comprised of three
21 (3) tracts as described below; said 57.4 acres, more or less, being
22 more particularly described as follows, with all bearings
23 referenced to the Texas Coordinate System, Central Zone, NAD83
24 (NA2011) Epoch 2010.00:

25 TRACT 1: 8.1 Acres

26 BEGINNING at a corner of a 50 acre tract (Tract 7), as
27 recorded under Clerk's File No. 2012125424 of the O.P.R.M.C., also

1 being the northeast corner of an 18.69 acre tract as described under
2 Clerk's File No. 2005-078277 of the Official Public Records of Real
3 Property Montgomery County, Texas (O.P.R.R.P.M.C.), lying in the
4 westerly right-of-way line of F.M. 2854;

5 THENCE SOUTHWESTERLY approximately 612 feet, more or less,
6 with and adjoining the northerly line of said 18.69 acre tract, to
7 an easterly corner of a 123.962 acre tract as defined under Clerk's
8 File No. 2009-017518 of the O.P.R.R.P.M.C.,

9 THENCE NORTHWESTERLY approximately 512 feet, more or less,
10 with and adjoining an easterly line of said 123.962 acre tract, also
11 being the centerline of the meanders of MOUND CREEK, to a westerly
12 corner of the herein described tract, lying in a southerly
13 right-of-way line of a proposed 80 foot public road, as reserved in
14 document recorded under Clerk's File No. 2009-017518;

15 THENCE NORTHEASTERLY approximately 729 feet, more or less,
16 with and adjoining said southerly line of said proposed 80 foot
17 public road , to the southwesterly right-of-way line of F.M. 2854
18 (width varies);

19 THENCE SOUTHEASTERLY approximately 586 feet, more or less,
20 with and adjoining said southwesterly right-of-way line of F.M.
21 2854, to the POINT OF BEGINNING, and containing approximately 8.1
22 acres of land. This document was prepared under 22 Texas
23 Administrative Code §138.95, does not reflect the results of an on
24 the ground survey, and is not to be used to convey or establish
25 interests in real property except those rights and interests
26 implied or established by the creation or reconfiguration of the
27 boundary of the political subdivision for which it was prepared.

1 TRACT 2: 25.7 Acres

2 COMMENCING at a southeast corner of a 50 acre tract (Tract 7),
3 as recorded under Clerk's File No. 2012125424 of the O.P.R.M.C.,
4 also being the northeast corner of an 18.69 acre tract as described
5 under Clerk's File No. 2005-078277 of the Official Public Records
6 of Real Property Montgomery County, Texas (O.P.R.R.P.M.C.), lying
7 in the westerly right-of-way line of F.M. 2854;

8 THENCE NORTHWESTERLY approximately 716.1 feet, more or less,
9 with and adjoining said southwesterly right-of-way line of F.M.
10 2854, to the POINT OF BEGINNING of the herein described tract, also
11 being the intersection of the northerly line of a right-of-way line
12 of a proposed 80 foot public road, (southerly alignment) as
13 reserved in document recorded under Clerk's File No. 2009-017518 of
14 the O.P.R.R.P.M.C., and the southwesterly right-of-way line of said
15 F.M. 2854, said public road being a portion of a 123.962 acre tract
16 described under Clerk's File No. 2009-017518 of the
17 O.P.R.R.P.M.C.;

18 THENCE SOUTHWESTERLY approximately 810 feet, more or less,
19 with and adjoining the northwesterly line of said proposed 80 feet
20 public road, to centerline of MOUND CREEK and easterly line of said
21 123.962 acre tract;

22 THENCE NORTHWESTERLY approximately 2,239 feet, more or less,
23 with and adjoining said easterly line of the 123.962 acre tract,
24 also being the meanders of MOUND CREEK, to the northwest corner of
25 the herein described tract, lying in the northwesterly line of said
26 123.962 acre tract, also being a northwesterly corner of a 0.8579
27 acre tract as recorded under Clerk's File No. 2018005220 of the

1 O.P.R.M.C.;

2 THENCE NORTHEASTERLY approximately 859 feet, more or less,
3 with and adjoining the northwesterly line of said 0.8579 acre
4 tract, to a northerly corner of the herein described tract, lying in
5 the southwesterly right-of-way line of said F.M. 2854;

6 THENCE SOUTHEASTERLY approximately 1,268 feet, more or less,
7 with and adjoining said southwesterly right-of-way line of F.M.
8 2854, to the POINT OF BEGINNING, and containing approximately 25.7
9 acres. This document was prepared under 22 Texas Administrative
10 Code §138.95, does not reflect the results of an on the ground
11 survey, and is not to be used to convey or establish interests in
12 real property except those rights and interests implied or
13 established by the creation or reconfiguration of the boundary of
14 the political subdivision for which it was prepared.

15 TRACT 3: 23.6 Acres

16 BEGINNING at a northeast corner of an 18.984 acre tract, as
17 described in a deed recorded under Clerk's File No. 8216886 of the
18 Official Public Records of Real Property Montgomery County, Texas
19 (O.P.R.R.P.M.C.), lying in the southwesterly right-of-way line of
20 F.M. 2854;

21 THENCE SOUTHEASTERLY approximately 982 feet, more or less,
22 with and adjoining said southwesterly right-of-way line of F.M.
23 2854, to the southeast corner of the herein described tract, also
24 being the north corner of a 0.8579 acre tract as recorded under
25 Clerk's File No. 2018005219 of the Official Public Records of
26 Montgomery County, Texas (O.P.R.M.C.);

27 THENCE SOUTHWESTERLY approximately 1,174 feet, more or less,

1 with and adjoining the northwesterly line of said 0.8579 acre tract
2 and a 2.975 acre tract as recorded under Clerk's File No, 2018005218
3 of the O.P.R.M.C., to a southwesterly corner of the herein
4 described tract;

5 THENCE NORTHWESTERLY approximately 353 feet, more or less, to
6 a westerly corner of the herein described tract, also being the
7 southwest corner of said 18.984 acre tract;

8 THENCE NORTHERLY approximately 950 feet, more or less, to a
9 northwesterly corner of the herein described tract;

10 THENCE NORTHEASTERLY approximately 523 feet, more or less, to
11 the POINT OF BEGINNING, and containing approximately 23.6 acres.
12 This document was prepared under 22 Texas Administrative Code
13 §138.95, does not reflect the results of an on the ground survey,
14 and is not to be used to convey or establish interests in real
15 property except those rights and interests implied or established
16 by the creation or reconfiguration of the boundary of the political
17 subdivision for which it was prepared.

18 SECTION 3. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor,
3 lieutenant governor, and speaker of the house of representatives
4 within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act have been
8 fulfilled and accomplished.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.