

By: Bettencourt

S.B. No. 2600

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Firefly Municipal Utility District  
3 No. 1; granting a limited power of eminent domain; providing  
4 authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7985A to read as follows:

9 CHAPTER 7985A. FIREFLY MUNICIPAL UTILITY DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7985A.0101. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Firefly Municipal Utility  
17 District No. 1.

18 Sec. 7985A.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7985A.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7985A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7985A.0103 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district as required by  
7 applicable law.

8       Sec. 7985A.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. 7985A.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. 7985A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7985A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7985A.0202. TEMPORARY DIRECTORS. (a) The temporary  
9 board consists of:

10           (1) Mike Terechenok;

11           (2) Bryan D. Kinsler;

12           (3) Donnie Reed;

13           (4) Walker French; and

14           (5) Mark C. Hodges.

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

16           (1) the date permanent directors are elected under  
17 Section 7985A.0103; or

18           (2) the fourth anniversary of the effective date of  
19 the Act enacting this chapter.

20           (c) If permanent directors have not been elected under  
21 Section 7985A.0103 and the terms of the temporary directors have  
22 expired, successor temporary directors shall be appointed or  
23 reappointed as provided by Subsection (d) to serve terms that  
24 expire on the earlier of:

25           (1) the date permanent directors are elected under  
26 Section 7985A.0103; or

27           (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7985A.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 7985A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7985A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
19 Section 52, Article III, Texas Constitution, the district may  
20 design, acquire, construct, finance, issue bonds for, improve,  
21 operate, maintain, and convey to this state, a county, or a  
22 municipality for operation and maintenance macadamized, graveled,  
23 or paved roads, or improvements, including storm drainage, in aid  
24 of those roads.

25 Sec. 7985A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
26 road project must meet all applicable construction standards,  
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial  
2 jurisdiction the road project is located.

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

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

11 Sec. 7985A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
12 ORDINANCE OR RESOLUTION. The district shall comply with all  
13 applicable requirements of any ordinance or resolution that is  
14 adopted under Section 54.016 or 54.0165, Water Code, and that  
15 consents to the creation of the district or to the inclusion of land  
16 in the district.

17 Sec. 7985A.0306. DIVISION OF DISTRICT. (a) The board, on  
18 its own motion or on receipt of a petition signed by the owner or  
19 owners of a majority of the assessed value of the real property in  
20 the district, may adopt an order dividing the district.

21 (b) An order dividing a district may create one or more new  
22 districts and may provide for the continuation of the district.

23 (c) An order dividing the district shall:

24 (1) name any new district;

25 (2) include the metes and bounds description of the  
26 territory of each of the districts;

27 (3) appoint temporary directors for any new district;

1 and

2 (4) provide for the division of assets and liabilities  
3 between the districts.

4 (d) The board may adopt an order dividing the district  
5 before or after the date the board holds an election to confirm the  
6 district's creation.

7 (e) The district may be divided only if the district:

8 (1) has never issued any bonds; and

9 (2) is not imposing ad valorem taxes.

10 (f) A new district created by the division of the district  
11 may not, at the time the new district is created, contain any land  
12 outside the area described by Section 2 of the Act enacting this  
13 chapter.

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

18 (h) This chapter applies to any new district created by the  
19 division of the district, and a new district has all the powers and  
20 duties of the district.

21 (i) A new district created by the division of the district  
22 shall hold a confirmation and directors' election.

23 (j) If the creation of the new district is confirmed, the  
24 new district shall provide the election date and results to the  
25 commission.

26 (k) A new district created by the division of the district  
27 must hold an election as required by this chapter to obtain voter

1 approval before the district may impose a maintenance tax or issue  
2 bonds payable wholly or partly from ad valorem taxes.

3 (1) The district may continue to rely on confirmation,  
4 directors', bond, or tax elections held prior to the division.

5 (m) Municipal consent to the creation of the district and to  
6 the inclusion of land in the district acts as municipal consent to  
7 the creation of any new district created by the division of the  
8 district and to the inclusion of land in the new district.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 7985A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
11 The district may issue, without an election, bonds and other  
12 obligations secured by:

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

14 (2) contract payments described by Section  
15 7985A.0403.

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

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

24 Sec. 7985A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
25 authorized at an election held under Section 7985A.0401, the  
26 district may impose an operation and maintenance tax on taxable  
27 property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7985A.0403. CONTRACT TAXES. (a) In accordance with  
5 Section 49.108, Water Code, the district may impose a tax other than  
6 an operation and maintenance tax and use the revenue derived from  
7 the tax to make payments under a contract after the provisions of  
8 the contract have been approved by a majority of the district voters  
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7985A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
15 OBLIGATIONS. The district may issue bonds or other obligations  
16 payable wholly or partly from ad valorem taxes, impact fees,  
17 revenue, contract payments, grants, or other district money, or any  
18 combination of those sources, to pay for any authorized district  
19 purpose.

20 Sec. 7985A.0502. TAXES FOR BONDS. At the time the district  
21 issues bonds payable wholly or partly from ad valorem taxes, the  
22 board shall provide for the annual imposition of a continuing  
23 direct ad valorem tax, without limit as to rate or amount, while all  
24 or part of the bonds are outstanding as required and in the manner  
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7985A.0503. BONDS FOR ROAD PROJECTS. At the time of  
27 issuance, the total principal amount of bonds or other obligations



1 issued or incurred to finance road projects and payable from ad  
2 valorem taxes may not exceed one-fourth of the assessed value of the  
3 real property in the district.

4 SECTION 2. The Firefly Municipal Utility District No. 1  
5 initially includes all the territory contained in the following  
6 area:

7 A METES & BOUNDS description of a calculated 2,454 acre tract  
8 of land situated in the Walker County School Land Survey, Abstract  
9 No. 494, the Michael H. Hinch Survey, Abstract No. 253, and the  
10 Presley Gill Survey, Abstract No. 230, in Montgomery County, Texas,  
11 being all of a calculated 2,540 acre tract (Tract 1), being a  
12 portion of a called 3,045.032 acre tract conveyed to East  
13 Montgomery Acquisition Company LLC, a Texas limited liability  
14 company, by deed recorded in Clerk's File No. 2021177868,  
15 Montgomery County Official Public Records, being all of a called  
16 5.00 acre tract conveyed to East Montgomery Acquisition Company  
17 LLC, a Texas limited liability company, by deed recorded in Clerk's  
18 File No. 2021177867, Montgomery County Official Public Records,  
19 and being all of a called 4.709 acre tract conveyed to East  
20 Montgomery Acquisition Company LLC, a Texas limited liability  
21 company, by deed recorded in Clerk's File No. 2023003933,  
22 Montgomery County Official Public Records, save and except a  
23 calculated 20.720 acre tract (Tract 2), being all of called Tract  
24 Nos. Thirty-Five (35) and Forty-Three (43), of Section 4 of  
25 Security Subdivision according to the plat thereof recorded in  
26 Volume 1, Page 23, Montgomery County Deed Records, conveyed to John  
27 Schneider by deed recorded in Volume 85, Page 230, Montgomery

1 County Deed Records, and being all of called Tract Nos. Fifty-One  
2 (51) and Fifty-Nine (59), of Section 4 of Security Subdivision  
3 according to the plat thereof recorded in Volume 1, Page 23,  
4 Montgomery County Deed Records, conveyed to Rita S. Wolven and  
5 Margy A. Long by deed recorded in Clerk's File No. 9534020,  
6 Montgomery County Official Public Records of Real Property, save  
7 and except a calculated 10.087 acre tract (Tract 3), being all of  
8 called Tract Nos. Seventy (70) and Seventy-Eight (78), of Section 4  
9 of Security Subdivision according to the plat thereof recorded in  
10 Volume 1, Page 23, Montgomery County Deed Records, conveyed to  
11 Eleanore Triplett by deed recorded in Clerk's File No. 7930998,  
12 Montgomery County Deed Records, save and except a calculated 20.02  
13 acre tract (Tract 4), being all of a called 10.0 acre tract conveyed  
14 to Splendora Independent School District by deed recorded in  
15 Clerk's File No. 2013090370, Montgomery County Official Public  
16 Records, and being all of called 10.0 acre tract conveyed to Jack W.  
17 Mayo, Jr. by deed recorded in Clerk's File No. 7829854, Montgomery  
18 County Official Public Records of Real Property, save and except a  
19 calculated 10.000 acre tract (Tract 5), being all of called Tract  
20 Numbers (114) and (122), of Section 4 of Security Subdivision  
21 according to the plat thereof recorded in Volume 1, Page 23,  
22 Montgomery County Deed Records, conveyed to Dana Lynn Sprayberry by  
23 deed recorded in Clerk's File No. 2000-072045, Montgomery County  
24 Official Public Records of Real Property, save and except a  
25 calculated 10.00 acre tract (Tract 6), being all of called Tract  
26 Twenty-Two (22), of Section 5 of Security Subdivision according to  
27 the plat thereof recorded in Volume 1, Page 23, Montgomery County

1 Deed Records, conveyed to John F. Darst by deed recorded in Clerk's  
2 File No. 2014005435, Montgomery County Official Public Records,  
3 save and except a calculated 10.05 acre tract (Tract 7), being all  
4 of called Lots One (1) and Two (2), of Section 6 of Security  
5 Subdivision according to the plat thereof recorded in Volume 1,  
6 Page 23, Montgomery County Deed Records, conveyed to Milton Howard  
7 Sands, Jr. by deed recorded in Clerk's File No. 8842100, Montgomery  
8 County Official Public Records of Real Property, and save and  
9 except a calculated 5.009 acre tract (Tract 8), being all of a  
10 called 5.000 acre tract conveyed to Bill Ellison by deed recorded in  
11 Clerk's File No. 2018004658, Montgomery County Official Public  
12 Records; said calculated 2,454 acre tract of land being more  
13 particularly described in eight parts as follows:

14 TRACT 1:

15 A METES & BOUNDS description of a certain 2,540 acre  
16 (110,650,140 square feet) tract of land situated in the Walker  
17 County School Land Survey, Abstract No. 494, the Michael H. Hinch  
18 Survey, Abstract No. 253, and the Presley Gill Survey, Abstract  
19 No. 230, in Montgomery County, Texas, being a portion of a called  
20 3,045.032 acre tract conveyed to East Montgomery Acquisition  
21 Company LLC, a Texas limited liability company, by deed recorded in  
22 Clerk's File No. 2021177868, Montgomery County Official Public  
23 Records, being all of a called 5.00 acre tract conveyed to East  
24 Montgomery Acquisition Company LLC, a Texas limited liability  
25 company, by deed recorded in Clerk's File No. 2021177867,  
26 Montgomery County Official Public Records, and being all of a  
27 called 4.709 acre tract conveyed to East Montgomery Acquisition

S.B. No. 2600

1 Company LLC, a Texas limited liability company, by deed recorded in  
2 Clerk's File No. 2023003933, Montgomery County Official Public  
3 Records; said 2,540 acre (110,650,140 square feet) tract of land  
4 being more particularly described as follows with all bearings  
5 being based on said deed recorded in Clerk's File No. 2021177868,  
6 Montgomery County Official Public Records:

7 BEGINNING at the southeast corner of that certain tract  
8 described in instrument to Shirley Gay, recorded under Clerk's File  
9 Number 8121692, Real Property Records of Montgomery County, Texas  
10 (R.P.R.M.C.T.);

11 THENCE South 03°11'09" East, 959.24 feet, with the apparent  
12 common line between said Hinch Survey and the Presley Gill Survey,  
13 Abstract Number 230, the westerly line of that certain called 20.00  
14 acre tract described in instrument to Henry A. Butcher, recorded  
15 under Clerk's File Number 2003068544, Official Public Records of  
16 Montgomery County, Texas (O.P.R.M.C.T.) and the remainder of that  
17 certain called 20.00 acre tract described in instrument to George  
18 Anthony Cleary, recorded under Clerk's File No. 2010043083,  
19 O.P.R.M.C.T., common to an easterly line of that certain 2,396.371  
20 acre tract described as "Parcel 2, Tract 2" in instrument to  
21 Atakapa, LLC., recorded under Clerk's File Number 2013016070  
22 (O.P.R.M.C.T.), to a point for the common westerly corner of that  
23 certain called 1711.54 acre tract described as "Tract 1" in  
24 instrument to Atakapa, LLC., recorded under Clerk's File Number  
25 2013016070 (O.P.R.M.C.T.) and the remainder of said Cleary 20.00  
26 acre tract, being an interior corner of said 3045.032 acre tract;

27 THENCE North 86°40'19" East, with the common line between said

1 Tract 1 and the remainder of said Cleary 20.00 acre tract, 1321.82  
2 feet, to a point in the approximate centerline of Daw Collins Road  
3 for the northerly northeast corner of said Tract 1, being a  
4 northeasterly corner of said 3045.032 acre tract;

5 THENCE South 20°15'23" West, 6489.04 feet, with the  
6 approximate centerline of said Daw Collins Road, a southeasterly  
7 line of said Tract 1, to a point in the approximate centerline of  
8 said Daw Collins Road for a southeasterly corner of said Tract 1 and  
9 said 3045.032 acre tract;

10 THENCE with the common line between said Parcel 2, Tract 2,  
11 that certain called 2.3540 acre tract described as "Tract 5", that  
12 certain called 2.3540 acre tract described as "Tract 1", that  
13 certain called 3.531 acre tract described as "Tract 4", that  
14 certain called 3.531 acre tract described as "Tract 3", all in  
15 instrument to Willene Wells, recorded under Clerk's File Number  
16 2020102236, O.P.R.M.C.T., that certain called 5.37 acre tract  
17 described in instrument to Tony M. Nelson and Colleen O. Nelson,  
18 recorded under Clerk's File Number 8616675, R.P.R.M.C.T., that  
19 certain called 1.6695 acre tract described in instrument to David  
20 Michael Fortson, recorded under Clerk's File Number 2002-058180,  
21 O.P.R.M.C.T., that certain called 2 acre tract described in  
22 instrument to Robert G. Wear, recorded under Clerk's File Number  
23 2013101034, O.P.R.M.C.T., that certain called 0.771 acre tract  
24 described in instrument to David Lippoldt and Kanwal Ghaznavi,  
25 recorded under Clerk's File Number 2021079078, O.P.R.M.C.T., that  
26 certain called 2 acre tract described in instrument to Kristina Ann  
27 Wear, recorded under Clerk's File Number 2018085170, O.P.R.M.C.T.,

1 that certain called 5.01 acre tract described as "Tract One", that  
2 certain called 7.39 acre tract described as "Tract Two", both in  
3 instrument to Stanley Maurice Wiggins, recorded under Clerk's File  
4 Number 2006-009852, O.P.R.M.C.T., that certain called 5.462 acre  
5 tract described in instrument to Walter R. Ritchie and Sheri L.  
6 Ritchie, recorded under Clerk's File Number 99102906,  
7 R.P.R.M.C.T., that certain called 5.315 acre tract described as  
8 "Tract One" in instrument to Ronald D. Dacus, Jr., and Stephanie E.  
9 Dacus, recorded under Clerk's File Number 2014006911,  
10 O.P.R.M.C.T., that certain called 5.315 acre tract described in  
11 instrument to Steven Hansen, recorded under Clerk's File Number  
12 9148377, R.P.R.M.C.T., that certain called 5.315 acre tract  
13 described in instrument to Steve Hansen and Tracy Hansen, recorded  
14 under Clerk's File Number 2001-031281, O.P.R.M.C.T., that certain  
15 called 5.310 acre tract described in instrument to Steven Hansen  
16 and Becky Hansen, recorded under Clerk's File Number 2016068815,  
17 O.P.R.M.C.T., that certain called 5.2970 acre tract described in  
18 instrument to Benjamin E. Pope and Angelina M. Pope, recorded under  
19 Clerk's File Number 2016092968, O.P.R.M.C.T., that certain called  
20 3.2957 acre tract described in instrument to Douglas A. Hansen and  
21 Kimberly S. Hansen, recorded under Clerk's File Number 2008-091402,  
22 O.P.R.M.C.T., that certain called 11.0415 acre tract described in  
23 instrument to Douglas Alan Hansen and Kimberly Suzanne Hansen,  
24 recorded under Clerk's File Number 9657453, R.P.R.M.C.T., that  
25 certain called 2.008 acre tract described in instrument to Douglas  
26 A. Hansen and Kimberly S. Hansen, recorded under Clerk's File  
27 Number 2015035058, O.P.R.M.C.T., that certain called 10.697 acre

1 tract described in instrument to Douglas A. Hansen and Kimberly S.  
2 Hansen, recorded under Clerk's File Number 2016094339,  
3 O.P.R.M.C.T., that certain called 10.78 acre tract described in  
4 instrument to Gerald Lloyd Helms and Robin Lynn Helms, recorded  
5 under Clerk's File Number 2006-009851, O.P.R.M.C.T., that certain  
6 called 4.7941 acre tract described as "Tract One" in instrument to  
7 James A. Boucher and Dorothy S. Boucher, recorded under Clerk's  
8 File Number 2002-126807, O.P.R.M.C.T., that certain called 2.3936  
9 acre tract described in said instrument to James A. Boucher and  
10 Dorothy S. Boucher, that certain called 1.0028 acre tract described  
11 in instrument to James Boucher, recorded under Clerk's File Number  
12 2019016786, O.P.R.M.C.T., the remainder of that certain called  
13 4.7941 acre tract described as "Tract One" in instrument to Rodney  
14 Powdrill and Dina Powdrill, recorded under Clerk's File Number  
15 2018055271, O.P.R.M.C.T., and that certain called 4.7508 acre tract  
16 described in instrument to Rodney Wayne Powdrill and Dina Powdrill,  
17 recorded under Clerk's File Number 2015007986, O.P.R.M.C.T., the  
18 following seventeen (17) courses and distances:

- 19 1. North 01°45'36" East, 1181.57 feet, to a point;
- 20 2. South 86°39'31" West, 859.21 feet, to a point;
- 21 3. North 11°14'50" West, 752.34 feet, to a point;
- 22 4. South 87°11'19" West, 670.34 feet, to a point;
- 23 5. North 11°12'20" West, 1400.01 feet, exiting said Carter Road, to  
24 a point in the apparent common line between said Hinch Survey and  
25 said Walker County School Land Survey;
- 26 6. South 86°28'52" West, 1197.12 feet, with the apparent common  
27 line between said Hinch Survey and said Walker County School Land

1 Survey, to a point;  
2 7. South 11°01'57" East, 946.88 feet, to a point;  
3 8. South 86°52'25" West 1199.49 feet, to a point;  
4 9. South 11°13'53" East, 1467.15 feet, to a point;  
5 10. North 87°00'43" East, 1203.44 feet, to a point;  
6 11. North 11°22'57" West, 466.67 feet, to a point;  
7 12. North 86°56'12" East, 890.38 feet, to a point;  
8 13. South 10°59'48" East, 561.21 feet, to a point;  
9 14. South 10°39'32" East, 251.55 feet, to a point;  
10 15. South 66°20'03" East, 632.93 feet, to a point;  
11 16. South 02°06'01" West, 1251.39 feet, to a point;  
12 17. North 86°47'51" East, 908.92 feet, to a point in the  
13 approximate centerline of said Daw Collins Road for a northeasterly  
14 corner of said Atakapa Tract 1 and said 3045.032 acre tract;  
15 THENCE South 13°58'35" West, 536.27 feet, with the  
16 approximate centerline of said Daw Collins Road, an easterly line  
17 of said Atakapa Tract 1, to a point;  
18 THENCE South 15°06'43" West, 693.00 feet, continuing with the  
19 approximate centerline of said Daw Collins Road, an easterly line  
20 of said Atakapa Tract 1, to a point at the intersection of the  
21 approximate centerline of said Daw Collins Road with the  
22 approximate centerline of farm to Market Road 2090 (F.M. 2090, 100  
23 feet wide), in the arc of a curve to the left, for a southeasterly  
24 corner of said Atakapa Tract 1 and said 3045.032 acre tract;  
25 THENCE in a southwesterly direction, with the approximate  
26 centerline of said F.M. 2090, a southeasterly line of said Atakapa  
27 Tract 1, the following two (2) courses and distances:



- 1 1. Westerly, 562.92 feet with the arc of said curve to the left  
2 having a radius of 1432.39 feet, a central angle of 22°31'00", a  
3 chord that bears South 89°14'24" West, 559.30 feet, to a point for  
4 the end of said curve;
- 5 2. South 77°58'54" West, 963.96 feet, to a point for the beginning  
6 of a curve to the left;
- 7       THENCE, North 36°07'25" West, 878.19 feet to a point;
- 8       THENCE, North 36°11'26" West, 20.26 feet to a point;
- 9       THENCE, North 38°07'57" West, 159.93 feet to a point, on the  
10 west line of that certain called 32.00 acre tract described in  
11 instrument to American Tower Asset Sub, LLC., recorded under  
12 Clerk's File Number 2008-003741, O.P.R.M.C.T.;
- 13       THENCE, North 47°18'57" East, 733.05 feet to a point, being  
14 the northeast corner of said 32.00 acre tract;
- 15       THENCE, North 73°38'16" West, 1,336.65 feet to a point, on the  
16 north line of said 32.00 acre tract;
- 17       THENCE, over and across said 3045.032 acre tract, the  
18 following sixteen (16) courses and distances:
- 19 1. North 42°36'59" West, 197.51 feet to a point;
- 20 2. North 44°41'10" West, 259.36 feet to a point;
- 21 3. North 45°36'53" West, 1,532.11 feet to a point;
- 22 4. North 46°33'40" West, 264.22 feet to a point;
- 23 5. North 48°38'50" West, 317.88 feet to a point;
- 24 6. North 49°47'12" West, 2,882.54 feet to a point;
- 25 7. North 50°31'19" West, 205.25 feet to a point;
- 26 8. North 52°04'32" West, 228.25 feet to a point;
- 27 9. North 52°53'37" West, 1,141.02 feet to a point;

1 10. North 53°57'01" West, 294.40 feet to a point;  
2 11. North 55°29'27" West, 135.48 feet to a point;  
3 12. North 55°58'28" West, 189.03 feet to a point;  
4 13. North 57°21'57" West, 388.65 feet to a point;  
5 14. North 60°37'56" West, 523.06 feet to a point;  
6 15. North 62°52'36" West, 104.39 feet to a point;  
7 16. North 63°14'45" West, 1,699.13 feet to a point, on the west  
8 line of said 3045.032 acre tract and on the east line of that  
9 certain 5 acre tract described in instrument to Robert John Rillie  
10 and Jerry Lee Rillie, recorded under Clerk's File Number 87989,  
11 Deed Records of Montgomery County, Texas (D.R.M.C.T.);

12       THENCE North 03°23'31" West, with the easterly line of that  
13 certain 421.116 acre tract described in instrument to 3M Land  
14 Partners, LTD., recorded under Clerk's File Number 2020120633,  
15 O.P.R.M.C.T., and said Rillie 5 acre tract, 2,600.76 feet, to a  
16 point in the southerly line of that certain called 5.00 acre tract  
17 described in instrument to Brian Ballard and Sinthia Koepke,  
18 recorded under Clerk's File Number 2004-037959, O.P.R.M.C.T., for  
19 the common northerly corner of said Parcel 2, Tract 2 and said  
20 421.116 acre tract, being a northwesterly corner of said 3045.032  
21 acre tract;

22       THENCE North 86°24'37" East, 22.81 feet, with the common line  
23 between said Parcel 2, Tract 2 and said Ballard 5.00 acre tract, to  
24 a point for a common corner of the same, being an interior corner of  
25 said 3045.032 acre tract;

26       THENCE North 03°24'52" West, 330.06 feet, continuing with  
27 said common line, to a point for the common northerly corner of said

1 Parcel 2, Tract 2 and said Ballard 5.00 acre tract, being an  
2 interior corner of said 3045.032 acre tract;

3       THENCE South 86°24'28" West, 660.00 feet, to a point in the  
4 easterly line of that certain called 7.250 acre tract described in  
5 instrument to Mellisa F. Crawford recorded under Clerk's File  
6 Number 2020126272, O.P.R.M.C.T., for the westerly corner of said  
7 Ballard 5.00 acre tract, being a southwesterly corner of said  
8 3045.032 acre tract;

9       THENCE North 03°24'52" West, with the easterly line of said  
10 7.250 acre tract, the remainder of that certain 14.600 acre tract  
11 described in instrument to Rajendra Ramoutarsingh, recorded under  
12 Clerk's File Number 2007-068424, O.P.R.M.C.T., common to a westerly  
13 line of said Tract 18, 329.97 feet, to a point for a corner of said  
14 Ramoutarsingh tract, being an interior corner of said 3045.032 acre  
15 tract;

16       THENCE South 86°24'37" West, 749.18 feet, to a point in the  
17 common line between said Hinch Survey, and the H.S. Williamson  
18 Survey, Abstract Number 635, the easterly line of that certain  
19 called 275.861 acre tract described in instrument to Miguel Prado  
20 and Danielle P. Prado, recorded under Clerk's File Number  
21 2009-014225, O.P.R.M.C.T., for the westerly corner of said  
22 Ramoutarsingh tract, being a southwesterly corner of said 3045.032  
23 acre tract;

24       THENCE North 03°23'25" West, 990.20 feet, with the apparent  
25 common line between said Hinch Survey and said Williamson Survey,  
26 the east line of said 275.861 acre tract, to a point for the corner  
27 of the Oaks Subdivision, an unrecorded subdivision, for a

1 northwesterly corner of said 3045.032 acre tract;  
2       THENCE North 86°29'56" East, 3601.32 feet, with the southerly  
3 line of said Oaks Subdivision and that certain called 1.128 acre  
4 tract described in instrument to Donald Baker, recorded under  
5 Clerk's File Number 9460482, R.P.R.M.C.T., common to a northerly  
6 line of said Parcel 2, Tract 2, to a point for the common corner of  
7 said Parcel 2, Tract 2, said 1.128 acre tract, and that certain  
8 called 337.328 acre tract described in instrument to MWM Ventures,  
9 LTD, recorded under Clerk's File Number 2020096337, O.P.R.M.C.T.,  
10 being an angle point in the northerly line of said 3045.032 acre  
11 tract;  
12       THENCE North 86°30'58" East, 3093.08 feet, with the common  
13 line between said Parcel 2, Tract 2, and said 337.328 acre tract, to  
14 a point for the common corner of said Parcel 2, Tract 2, said  
15 337.328 acre tract, and that certain called 810.277 (NET) acre  
16 tract, described in instrument to Splendora Acquisitions, LTD.,  
17 recorded under Clerk's File Number 2021066058, O.P.R.M.C.T., being  
18 an angle point in the northerly line of said 3045.032 acre tract;  
19       THENCE North 86°30'57" East, 1331.14 feet, with the common  
20 line between said Parcel 2, Tract 2, and said 810.277 (NET) acre  
21 tract, to a point for the common corner of said Parcel 2, Tract 2,  
22 said 810.277 (NET) acre tract, that certain called 5.2 acre tract  
23 described in instrument to Trudy Ledoux, recorded under Clerk's  
24 File Number 2015117010, O.P.R.M.C.T., and that certain called 10  
25 acre tract described in instrument to Stephen P. Graham, recorded  
26 under Clerk's File Number 2001079573, O.P.R.M.C.T., being a  
27 northeasterly corner of the herein described 3045.032 acre tract;

1           THENCE South 03°36'00" East, 665.18 feet, with the common line  
2 between said Parcel 2, Tract 2, and said Graham 10 acre tract, to a  
3 point for a common corner of same, being an interior corner of the  
4 herein described tract;

5           THENCE North 85°58'48" East, 640.76 feet, continuing with  
6 said common line, to a point for the southerly common easterly  
7 corner of said Parcel 2, Tract 2, and said 10 acre tract, being an  
8 interior corner of the herein described tract;

9           THENCE, North 03°30'51" West, 681.45 feet, to a point for the  
10 common corner of said Parcel 2, Tract 2, said 10 acre tract, and  
11 said 5.2 acre tract, being an angle point in a westerly line of the  
12 herein described tract;

13           THENCE, North 03°20'27" West, 996.35 feet, with the easterly  
14 line of said 5.2 acre tract, that certain called 10 acre tract  
15 described in instrument to Stephen P. Graham, recorded under  
16 Clerk's File Number 2001079574, O.P.R.M.C.T., common to a westerly  
17 line of said Parcel 2, Tract 2, to a point in the southerly line of  
18 said 810.277 (NET) acre tract, for the common northerly corner of  
19 said Parcel 2, Tract 2, and said mentioned Graham 10 acre tract,  
20 being a northwesterly corner of the herein described tract;

21           THENCE, North 86°56'40" East, 3,307.47 feet, with the  
22 northerly line of said Parcel 2, Tract 2, common to a southerly line  
23 of said 810.277 (NET) acre tract, to a point for a common corner of  
24 said Parcel 2, Tract 2, said 810.277 (NET) acre tract, and that  
25 certain tract described in instrument to James Metts and Angela  
26 Metts, recorded under Clerk's File Number 2017073037,  
27 O.P.R.M.C.T., being an angle point in a northerly line of the herein

1 described tract;

2           THENCE, North 86°56'40" East, 660.08 feet, with the common  
3 line between said Parcel 2, Tract, and said Metts tract, to a point  
4 for a common corner of said Parcel 2, Tract 2, said Metts tract and  
5 said 810.277 (NET) acre tract, being an angle point of the herein  
6 described tract;

7           THENCE, North 86°56'40" East, 1,321.06 feet, with the common  
8 line between said Parcel 2, Tract 2 and said 810.277 (NET) acre  
9 tract to a point;

10           THENCE South 03°07'29" East, 1057.31 feet, with the apparent  
11 common line between said Hinch Survey and said Gill Survey, the  
12 westerly line of said 24.4867 acre tract and that certain called  
13 18.4867 acre tract described in instrument to Kelly Keith Jordan,  
14 recorded under Clerk's File Number 9723749, Real Property Records  
15 of Montgomery County, Texas (R.P.R.M.C.T.), common to an easterly  
16 line of said Parcel 2, Tract 2, to a point for the common westerly  
17 corner of that certain called 2.4723 acre tract described as "Tract  
18 5" in instrument to Atakapa, LLC., recorded under Clerk's File  
19 Number 2013016070, O.P.R.M.C.T., and said 18.4867 acre tract, being  
20 an interior corner of said 3045.032 acre tract;

21           THENCE South 03°15'20" East, 60.15 feet to a point in the  
22 apparent common line between said Hinch Survey and said Gill  
23 survey, an easterly line of said Parcel 2, Tract 2, for the common  
24 westerly corner of said Tract 5 and the remainder of that certain  
25 called 37.546 acre tract described in instrument to Elton Kane  
26 Angers and Angela M. Angers, recorded under Clerk's File Number  
27 2013084043, O.P.R.M.C.T., being an interior corner of said 3045.032

1 acre tract;

2           South 03°05'53" East, 908.31 feet, with the apparent common  
3 line between said Hinch Survey and said Gill Survey, an easterly  
4 line of said Parcel 2, Tract 2 and that certain tract described as  
5 "Tract 14" in instrument to Atakapa, LLC., recorded under Clerk's  
6 File Number 2013016070, O.P.R.M.C.T., common to the westerly line  
7 of said remainder of 37.546 acre tract and that certain called  
8 18.500 acre tract described in instrument to James Glenn Richardson  
9 and Daphne Lynn Richardson, recorded under Clerk's File Number  
10 2013108135, O.P.R.M.C.T., to a point for the common corner of said  
11 Tract 14, said 18.500 acre tract, and that certain called 20.1336  
12 acre tract described in instrument to Reggie Clayton Jackson, Sr.  
13 and Leslie Louise Jackson, recorded under Clerk's File Number  
14 2012040560, O.P.R.M.C.T., being an angle point in an easterly line  
15 of said 3045.032 acre tract;

16           THENCE South 03°08'44" East, 491.63 feet, continuing with the  
17 apparent common line between said Hinch Survey and said Gill  
18 Survey, the common line between said Tract 14 and said 20.1336 acre  
19 tract, to a point for the common westerly corner of that certain  
20 called 20.00 acre tract described as "Tract 9" in instrument to  
21 Atakapa, LLC., recorded under Clerk's File Number 2013016070,  
22 O.P.R.M.C.T., and said 20.1663 acre tract, being an interior corner  
23 of said 3045.032 acre tract;

24           THENCE North 86°37'59" East, 1810.75 feet, with the common  
25 line between said Tract 9 and said 20.1336 acre tract, to a point in  
26 the westerly margin of said Daw Collins Road for the common easterly  
27 corner of said Tract 9 and said 20.1336 acre tract, being a

1 northeasterly corner of said 3045.032 acre tract;

2       THENCE South 03°51'02" East, 480.42 feet, with the westerly  
3 margin of said Daw Collins Road, the easterly line of said Tract 9,  
4 to a point for the common easterly corner of said Tract 9 and that  
5 certain called 20.00 acre tract described in instrument to Campbell  
6 Ready-Mix, Inc., recorded under Clerk's File Number 9622955,  
7 R.P.R.M.C.T., being a southeasterly corner of said 3045.032 acre  
8 tract;

9       THENCE South 86°37'59" West, 1816.24 feet, with the common  
10 line between said Tract 9 and said Campbell Ready-Mix 20.00 acre  
11 tract, to a point in the apparent common line between said Hinch  
12 Survey and said Gill Survey, an easterly line of said Parcel 2,  
13 Tract 2 for the common westerly corner of said Tract 9 and said  
14 Campbell Ready-Mix 20.00 acre tract, being an interior corner of  
15 the herein described 3045.032 acre tract;

16       THENCE South 03°09'19" East, 956.51 feet, with the apparent  
17 common line between said Hinch Survey and said Gill Survey, the  
18 westerly line of said Campbell Ready-Mix 20.00 acre tract and that  
19 certain called 20.02 acre tract described in instrument to David C.  
20 Lee and Anne T. LeBlanc, recorded under Clerk's File Number  
21 2010096690, O.P.R.M.C.T., common to an easterly line of said Parcel  
22 2, Tract 2 to a point for the common corner of said Parcel 2, Tract  
23 2, said 20.02 acre tract, the remainder of that certain called  
24 20.000 acre tract described in instrument to Brian Ballard and  
25 Sinthia Koepke, recorded under Clerk's File Number 2003149365,  
26 O.P.R.M.C.T., and that certain tract described in instrument to  
27 Shirley Gay, recorded under Clerk's File Number 8121692,



1 R.P.R.M.C.T., being a southeasterly corner of said 3045.032 acre  
2 tract;

3 THENCE with the common line between said Parcel 2, Tract 2 and  
4 said Gay tract, South 86°48'24" West, 1318.78 feet, to a point for  
5 corner;

6 THENCE South 03°05'13" East, 662.49 feet, to a point on the  
7 southwest corner of said Gay tract;

8 THENCE North 86°42'16" East, 1,319.85 feet to the POINT OF  
9 BEGINNING, CONTAINING 2,540 acres (110,650,140 square feet) of land  
10 in Montgomery County, Texas, filed in the offices of Elevation Land  
11 Solutions in The Woodlands, Texas.

12 TRACT 2:

13 A METES & BOUNDS description of a certain 20.720 acre  
14 (902,563 square feet) tract of land situated in the Michael H. Hinch  
15 Survey, Abstract No. 253, in Montgomery County, Texas, being all of  
16 called Tract Nos. Thirty-Five (35) and Forty-Three (43), of Section  
17 4 of Security Subdivision according to the plat thereof recorded in  
18 Volume 1, Page 23, Montgomery County Deed Records, conveyed to John  
19 Schneider by deed recorded in Volume 85, Page 230, Montgomery  
20 County Deed Records, and being all of called Tract Nos. Fifty-One  
21 (51) and Fifty-Nine (59), of Section 4 of Security Subdivision  
22 according to the plat thereof recorded in Volume 1, Page 23,  
23 Montgomery County Deed Records, conveyed to Rita S. Wolven and  
24 Margy A. Long by deed recorded in Clerk's File No. 9534020,  
25 Montgomery County Official Public Records of Real Property; said  
26 20.720 acre (902,563 square feet) tract of land being more  
27 particularly described as follows with all bearings being based on

1 said deed recorded in Clerk's File No. 2021177868, Montgomery  
2 County Official Public Records:

3 BEGINNING at a point for the easterly common northerly corner  
4 of said Schneider tract and said Parcel 2, Tract 2, being the  
5 northeasterly corner of the herein described 20.720 acre tract,  
6 from which a point for the common corner of said Parcel 2, Tract 2,  
7 said 810.277 (NET) acre tract, that certain called 10 acre tract  
8 described in instrument to Stephen P. Graham, recorded under  
9 Clerk's File Number 2001079573, O.P.R.M.C.T., and that certain  
10 called 5.2 acre tract described in instrument to Trudy Ledoux,  
11 recorded under Clerk's File Number 2015117010, O.P.R.M.C.T., bears  
12 North 60°03'52" East, 2,948.79 feet;

13 THENCE South 03°04'04" East, 1,319.97 feet, with a westerly  
14 line of said Parcel 2, Tract 2, the westerly line of that certain  
15 called 20.00 acre tract described as "Tract 12" in instrument to  
16 Atakapa, LLC, recorded under Clerk's File Number 2013016070,  
17 O.P.R.M.C.T., common to the easterly line of said Schneider tract,  
18 the continuing with a common line between said Long 10 acre tract  
19 and said Parcel 2, Tract 2, to a point for the easterly common  
20 southerly corner of said Long 10 acre tract and said Parcel 2, Tract  
21 2, being the southeasterly corner of the herein described 20.720  
22 acre tract;

23 THENCE South 85°55'43" West, 683.88 feet, with the common line  
24 between said Long 10 acre tract and said Parcel 2, Tract 2, to a  
25 point for a common corner of same, being the southwesterly corner of  
26 the herein described 20.720 acre tract;

27 THENCE North 03°04'04" West, 1,319.97 feet, with the westerly

1 line of said Long 10 acre tract and said Schneider tract, common to  
2 an easterly line of said Parcel 2, Tract 2, to a point for the  
3 westerly common northerly corner of said Schneider tract and said  
4 Parcel 2, Tract 2, being the northwesterly corner of the herein  
5 described 20.720 acre tract;

6       THENCE North 85°55'43" East, 683.88 feet, with the common line  
7 between said Schneider tract and said Parcel 2, Tract 2, to the  
8 POINT OF BEGINNING, CONTAINING 20.720 acre (902,563 square feet) of  
9 land in Montgomery County, Texas.

10       TRACT 3:

11       A METES & BOUNDS description of a certain 10.087 acre  
12 (439,400 square feet) tract of land situated in the Michael H. Hinch  
13 Survey, Abstract No. 253, in Montgomery County, Texas, being all of  
14 called Tract Nos. Seventy (70) and Seventy-Eight (78), of Section 4  
15 of Security Subdivision according to the plat thereof recorded in  
16 Volume 1, Page 23, Montgomery County Deed Records, conveyed to  
17 Eleanore Triplett by deed recorded in Clerk's File No. 7930998,  
18 Montgomery County Deed Records; said 10.087 acre (439,400 square  
19 feet) tract of land being more particularly described as follows  
20 with all bearings being based on said deed recorded in Clerk's File  
21 No. 2021177868, Montgomery County Official Public Records:

22       BEGINNING at a point for the common easterly corner of said  
23 Tract Nos. Seventy (70) and Seventy-Eight (78) and that certain  
24 called 5.00 acre tract described in instrument to Atakapa, LLC,  
25 recorded under Clerk's File Number 2021170759, O.P.R.M.C.T., in a  
26 westerly line of said Parcel 2, Tract 2, being the northeasterly  
27 corner of the herein described 10.087 acre tract, from which a point

S.B. No. 2600

1 for the common corner of said Parcel 2, Tract 2, said 810.277 (NET)  
2 acre tract, said 5.2 acre tract, and said 10 acre tract to Stephen  
3 P. Graham bears North 10°59'37" East, 2,719.29 feet;

4       THENCE South 02°13'03" East, 666.93 feet, with the easterly  
5 line of said Tract 55, common to a westerly line of said Parcel 2,  
6 Tract 2, to a point for the easterly common south corner of said  
7 Tract 55 and said Parcel 2, Tract 2, being the southeasterly corner  
8 of the herein described 10.087 acre tract;

9       THENCE South 87°23'17" West, 658.82 feet, continuing the  
10 common line between said Tract 55 and said Parcel 2, Tract 2, to a  
11 point for the westerly common south corner of same, being the  
12 southwesterly corner of the herein described 10.087 acre tract;

13       THENCE North 02°39'53" West, 661.75 feet, with the common line  
14 between said Tract 55 and said Parcel 2, Tract 2, to a point for the  
15 common westerly corner of said Tract 55 and said 5.00 acre tract to  
16 Atakapa, LLC, being the northwesterly corner of the herein  
17 described 10.087 acre tract;

18       THENCE North 86°56'31" East, 664.04 feet, with the common line  
19 between said Tract 55 and said 5.00 acre tract to Atakapa, LLC, to  
20 the POINT OF BEGINNING, CONTAINING 10.087 acre (439,400 square  
21 feet) of land in Montgomery County, Texas.

22       TRACT 4:

23       A METES & BOUNDS description of a certain 20.02 acre (872,176  
24 square feet) tract of land situated in the Michael H. Hinch Survey,  
25 Abstract No. 253, in Montgomery County, Texas, being all of a  
26 called 10.0 acre tract conveyed to Splendora Independent School  
27 District by deed recorded in Clerk's File No. 2013090370,

1 Montgomery County Official Public Records, and being all of called  
2 10.0 acre tract conveyed to Jack W. Mayo, Jr. by deed recorded in  
3 Clerk's File No. 7829854, Montgomery County Official Public  
4 Records of Real Property; said 20.02 acre (872,176 square feet)  
5 tract of land being more particularly described as follows with all  
6 bearings being based on the Texas Coordinate System, Central Zone,  
7 NAD 83:

8       COMMENCING at a 1/2-inch iron rod (with cap) found, being the  
9 northwest corner of a called 20 acre tract conveyed to Shirley Gay  
10 by deed recorded in Clerk's File No. 8121692, Montgomery County  
11 Official Public Records of Real Property;

12       THENCE, North 79°11'52" West, 2,715.92 feet to a 5/8-inch iron  
13 rod (with cap) found, being the northeast corner of said called 10.0  
14 acre tract conveyed to Splendora Independent School District and  
15 being the northeast corner and POINT OF BEGINNING of the herein  
16 described tract;

17       THENCE, South 02°42'00" East, 658.42 feet to a 3/8-inch iron  
18 rod found, being the northeast corner of said called 10.0 acre tract  
19 conveyed to Jack W. Mayo, Jr. and being the southeast corner of said  
20 called 10.0 acre tract conveyed to Splendora Independent School  
21 District;

22       THENCE, South 03°05'32" East, 658.95 feet to a 5/8-inch iron  
23 rod (with cap) found, being the southeast corner of said called 10.0  
24 acre tract conveyed to Jack W. Mayo, Jr. and being the southeast  
25 corner of the herein described tract;

26       THENCE, South 86°28'21" West, 664.91 feet to a 1/2-inch iron  
27 rod (with cap) found, being the southwest corner of said called 10.0

1 acre tract conveyed to Jack W. Mayo, Jr. and being the southwest  
2 corner of the herein described tract;

3       THENCE, North 02°40'33" West, 661.85 feet to a 3/8-inch iron  
4 rod found, being the northwest corner of said called 10.0 acre tract  
5 conveyed to Jack W. Mayo, Jr. and being the southwest corner of said  
6 called 10.0 acre tract conveyed to Splendora Independent School  
7 District;

8       THENCE, North 02°39'39" West, 659.17 feet to a 5/8-inch iron  
9 rod (with cap) found, being the northwest corner of said called 10.0  
10 acre tract conveyed to Splendora Independent School District and  
11 being the northwest corner of the herein described tract;

12       THENCE, North 86°47'02" East, 659.62 feet to the POINT OF  
13 BEGINNING, CONTAINING 20.02 acres (872,176 square feet) of land in  
14 Montgomery County, Texas, filed in the offices of Elevation Land  
15 Solutions in The Woodlands, Texas.

16       TRACT 5:

17       A METES & BOUNDS description of a certain 10.000 acre  
18 (435,591 square feet) tract of land situated in the Michael H. Hinch  
19 Survey, Abstract No. 253, in Montgomery County, Texas, being all of  
20 called Tract Numbers (114) and (122), of Section 4 of Security  
21 Subdivision according to the plat thereof recorded in Volume 1,  
22 Page 23, Montgomery County Deed Records, conveyed to Dana Lynn  
23 Sprayberry by deed recorded in Clerk's File No. 2000-072045,  
24 Montgomery County Official Public Records of Real Property; said  
25 10.000 acre (435,591 square feet) tract of land being more  
26 particularly described as follows with all bearings being based on  
27 said deed recorded in Clerk's File No. 2021177868, Montgomery

1 County Official Public Records:

2 BEGINNING at a point for the westerly common southerly corner  
3 of said Sprayberry tract and said Parcel 2, Tract 2, being the  
4 southwesterly corner of the herein described 10.000 acre tract,  
5 from which a point for the common southerly corner of said Parcel 2,  
6 Tract 2, and said 421.116 acre tract bears, South 70°53'39" West,  
7 2744.66 feet;

8 THENCE North 03°02'48" West, 660.00 feet, with the common line  
9 between said Sprayberry tract and said Parcel 2, Tract 2, to a point  
10 for the common westerly corner of said Sprayberry tract and that  
11 certain tract described as Farm Tracts 97, 98 and 106 in instrument  
12 to Atakapa LLC, recorded under Clerk's File Number 2018080651,  
13 O.P.R.M.C.T., being the northwesterly corner of the herein  
14 described 10.000 acre tract;

15 THENCE North 86°35'15" East, 660.00 feet, with the common line  
16 between said Sprayberry tract and said Farm Tracts 97, 98 and 106,  
17 to a point in a westerly line of said Parcel 2, Tract 2, for the  
18 common easterly corner of same, being the northeasterly corner of  
19 the herein described 10.000 acre tract;

20 THENCE South 03°02'48" East, 660.00 feet, with the common line  
21 between said Sprayberry tract and said Parcel 2, Tract 2, to a point  
22 for the common westerly corner of said Sprayberry tract and common  
23 southerly corner of said Sprayberry tract and said Parcel 2, Tract  
24 2, being the southeasterly corner of the herein described 10.000  
25 acre tract;

26 THENCE, South 86°35'15" West, 660.00 feet, continuing with  
27 said common line, to the POINT OF BEGINNING, CONTAINING 10.000 acre

1 (435,591 square feet) of land in Montgomery County, Texas.

2 TRACT 6:

3 A METES & BOUNDS description of a certain 10.00 acre (435,658  
4 square feet) tract of land situated in the Michael H. Hinch Survey,  
5 Abstract No. 253, in Montgomery County, Texas, being all of called  
6 Tract Twenty-Two (22), of Section 5 of Security Subdivision  
7 according to the plat thereof recorded in Volume 1, Page 23,  
8 Montgomery County Deed Records, conveyed to John F. Darst by deed  
9 recorded in Clerk's File No. 2014005435, Montgomery County  
10 Official Public Records; said 10.00 acre (435,658 square feet)  
11 tract of land being more particularly described as follows with all  
12 bearings being based on the Texas Coordinate System, Central Zone,  
13 NAD 83:

14 COMMENCING at a 1/2-inch iron rod (with cap) found, being the  
15 northwest corner of a called 20 acre tract conveyed to Shirley Gay  
16 by deed recorded in Clerk's File No. 8121692, Montgomery County  
17 Official Public Records of Real Property;

18 THENCE, South 67°07'55" West, 7,025.16 feet to a 1/2-inch iron  
19 rod (with cap) found, being the northeast corner of said called  
20 Tract Twenty-Two (22) and being the northeast corner and POINT OF  
21 BEGINNING of the herein described tract;

22 THENCE, South 03°20'59" East, 660.24 feet to a 5/8-inch iron  
23 rod (with cap) found, being the southeast corner of said called  
24 Tract Twenty-Two (22) and being the southeast corner of the herein  
25 described tract;

26 THENCE, South 86°28'39" West, 660.12 feet to a 5/8-inch iron  
27 rod found, being the southwest corner of said called Tract



1 Twenty-Two (22) and being the southwest corner of the herein  
2 described tract;

3       THENCE, North 03°19'03" West, 660.07 feet to a 5/8-inch iron  
4 rod (with cap) found, being the northwest corner of said called  
5 Tract Twenty-Two (22) and being the northwest corner of the herein  
6 described tract;

7       THENCE, North 86°27'46" East, 659.75 feet to the POINT OF  
8 BEGINNING, CONTAINING 10.00 acres (435,658 square feet) of land in  
9 Montgomery County, Texas, filed in the offices of Elevation Land  
10 Solutions in The Woodlands, Texas.

11       TRACT 7:

12       A METES & BOUNDS description of a certain 10.05 acre (437,646  
13 square feet) tract of land situated in the Michael H. Hinch Survey,  
14 Abstract No. 253, in Montgomery County, Texas, being all of called  
15 Lots One (1) and Two (2), of Section 6 of Security Subdivision  
16 according to the plat thereof recorded in Volume 1, Page 23,  
17 Montgomery County Deed Records, conveyed to Milton Howard Sands,  
18 Jr. by deed recorded in Clerk's File No. 8842100, Montgomery County  
19 Official Public Records of Real Property; said 10.05 acre (437,646  
20 square feet) tract of land being more particularly described as  
21 follows with all bearings being based on the Texas Coordinate  
22 System, Central Zone, NAD 83:

23       COMMENCING at a 1/2-inch iron rod (with cap) found, being the  
24 northwest corner of a called 20 acre tract conveyed to Shirley Gay  
25 by deed recorded in Clerk's File No. 8121692, Montgomery County  
26 Official Public Records of Real Property;

27       THENCE, South 56°22'01" West, 4,599.31 feet to an axle found,

1 being the northeast corner of said called Lots One (1) and Two (2)  
2 and being the northeast corner and POINT OF BEGINNING of the herein  
3 described tract;

4       THENCE, South 03°01'51" East, 329.54 feet to a 5/8-inch iron  
5 rod (with cap) found, being the southeast corner of said called Lots  
6 One (1) and Two (2) and being the southeast corner of the herein  
7 described tract;

8       THENCE, South 86°30'27" West, 1,318.54 feet to a 5/8-inch iron  
9 rod (with cap) found, being the southwest corner of said called Lots  
10 One (1) and Two (2) and being the southwest corner of the herein  
11 described tract;

12       THENCE, North 03°23'34" West, 333.78 feet to a 5/8-inch iron  
13 rod (with cap) found, being the northwest corner of said called Lots  
14 One (1) and Two (2) and being the northwest corner of the herein  
15 described tract;

16       THENCE, North 86°41'29" East, 1,320.62 feet to the POINT OF  
17 BEGINNING, CONTAINING 10.05 acres (437,646 square feet) of land in  
18 Montgomery County, Texas, filed in the offices of Elevation Land  
19 Solutions in The Woodlands, Texas.

20       TRACT 8:

21       A METES & BOUNDS description of a certain 5.009 acre (218,190  
22 square feet) tract of land situated in the Walker County School Land  
23 Survey, Abstract No. 494, in Montgomery County, Texas, being all of  
24 a called 5.000 acre tract conveyed to Bill Ellison by deed recorded  
25 in Clerk's File No. 2018004658, Montgomery County Official Public  
26 Records; said 5.009 acre (218,190 square feet) tract of land being  
27 more particularly described as follows with all bearings being

1 based on the Texas Coordinate System, Central Zone, NAD 83:

2 COMMENCING at a 1/2-inch iron rod (with cap) found, being the  
3 northwest corner of a called 20 acre tract conveyed to Shirley Gay  
4 by deed recorded in Clerk's File No. 8121692, Montgomery County  
5 Official Public Records of Real Property;

6 THENCE, North 21°41'20" West, 2,084.68 feet to a concrete  
7 monument (disturbed) found, being the southeast corner of said  
8 called 5.000 acre tract and being the southeast corner and POINT OF  
9 BEGINNING of the herein described tract;

10 THENCE, South 86°56'55" West, 658.50 feet to a concrete  
11 monument found, being the southwest corner of said called 5.000  
12 acre tract and being the southwest corner of the herein described  
13 tract;

14 THENCE, North 03°15'30" West, 330.34 feet to a 1/2-inch iron  
15 rod (with cap) found, being the northwest corner of said called  
16 5.000 acre tract and being the northwest corner of the herein  
17 described tract;

18 THENCE, North 86°52'08" East, 660.69 feet to a 1-1/2-inch iron  
19 pipe (bent) found, being the northeast corner of said called 5.000  
20 acre tract and being the northeast corner of the herein described  
21 tract;

22 THENCE, South 02°52'48" East, 331.25 feet to the POINT OF  
23 BEGINNING, CONTAINING 5.009 acres (218,190 square feet) of land in  
24 Montgomery County, Texas, filed in the offices of Elevation Land  
25 Solutions in The Woodlands, Texas.

26 SECTION 3. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

6 (b) The governor, one of the required recipients, has  
7 submitted the notice and Act to the Texas Commission on  
8 Environmental Quality.

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

13 (d) All requirements of the constitution and laws of this  
14 state and the rules and procedures of the legislature with respect  
15 to the notice, introduction, and passage of this Act are fulfilled  
16 and accomplished.

17 SECTION 4. (a) If this Act does not receive a two-thirds  
18 vote of all the members elected to each house, Subchapter C, Chapter  
19 7985A, Special District Local Laws Code, as added by Section 1 of  
20 this Act, is amended by adding Section 7985A.0307 to read as  
21 follows:

22 Sec. 7985A.0307. NO EMINENT DOMAIN POWER. The district may  
23 not exercise the power of eminent domain.

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

27 SECTION 5. This Act takes effect immediately if it receives

S.B. No. 2600

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2023.