

By: Bettencourt
(Metcalf)

S.B. No. 2600

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Firefly Municipal Utility District No. 1; granting a limited power of eminent domain; 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7985A to read as follows:

CHAPTER 7985A. FIREFLY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

(3) "Director" means a board member.

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

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

Sec. 7985A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent 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

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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

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.