

1 AN ACT

2 relating to the creation of the East Montgomery County Municipal  
3 Utility Districts Nos. 5, 6, and 7; providing authority to impose a  
4 tax and issue bonds; granting the power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8140 to read as follows:

8 CHAPTER 8140. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICTS

9 NOS. 5, 6, AND 7

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8140.001. DEFINITIONS. In this chapter:

12 (1) "Board" or "boards" means, as appropriate, the  
13 board of directors of one or all of the districts.

14 (2) "Director" means a member of a board.

15 (3) "District" or "districts" means, as appropriate,  
16 one or all of the East Montgomery County Municipal Utility  
17 Districts Nos. 5, 6, and 7.

18 Sec. 8140.002. NATURE OF DISTRICT. Each district is a  
19 municipal utility district in Montgomery County created under and  
20 essential to accomplish the purposes of Section 52, Article III,  
21 and Section 59, Article XVI, Texas Constitution.

22 Sec. 8140.003. CONFIRMATION ELECTION REQUIRED. If the  
23 creation of a district is not confirmed at a confirmation election  
24 held under Section 8140.023 before September 1, 2007:

1           (1) the district is dissolved September 1, 2007,  
2 except that:

3                   (A) any debts incurred shall be paid;

4                   (B) any assets that remain after the payment of  
5 debts shall be transferred to Montgomery County; and

6                   (C) the organization of the district shall be  
7 maintained until all debts are paid and remaining assets are  
8 transferred; and

9           (2) the provisions of this chapter relating to that  
10 district expire September 1, 2010.

11           Sec. 8140.004. INITIAL DISTRICT TERRITORY. (a) Each  
12 district is initially composed of the territory described by  
13 Section 2 of the Act creating this chapter.

14           (b) The boundaries and field notes of each district, as  
15 described by Section 2 of the Act creating this chapter, form a  
16 closure. A mistake made in the field notes or in copying the field  
17 notes in the legislative process does not affect:

18                   (1) the organization, existence, or validity of the  
19 district;

20                   (2) the right of the district to impose taxes;

21                   (3) the validity of the district's bonds, notes, or  
22 indebtedness; or

23                   (4) the legality or operation of the district or the  
24 board.

25           Sec. 8140.005. APPLICABILITY OF OTHER LAW. Except as  
26 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
27 apply to the districts.

1 [Sections 8140.006-8140.020 reserved for expansion]

2 SUBCHAPTER A1. TEMPORARY PROVISIONS

3 Sec. 8140.021. TEMPORARY DIRECTORS. (a) On or after  
4 September 1, 2005, a person who owns land inside the boundaries of a  
5 district may petition the Texas Commission on Environmental Quality  
6 to appoint as temporary directors of that district the five persons  
7 listed in the petition.

8 (b) The commission shall appoint as temporary directors the  
9 persons listed in a petition received by the commission under  
10 Subsection (a). If the commission receives more than one petition  
11 for a district, the commission shall appoint the directors listed  
12 in the first petition the commission receives.

13 (c) If a temporary director fails to qualify for office, the  
14 commission shall appoint a person to fill the vacancy.

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

16 (1) the date directors are elected under Section  
17 8140.023; or

18 (2) the date the provisions of this chapter relating  
19 to the district expire under Section 8140.003.

20 Sec. 8140.022. ORGANIZATIONAL MEETING OF TEMPORARY  
21 DIRECTORS. As soon as practicable after all the temporary  
22 directors of a district have qualified under Section 49.055, Water  
23 Code, the temporary directors of that district shall meet at a  
24 location in the district agreeable to a majority of the directors of  
25 that district. If a location cannot be agreed upon, the meeting  
26 shall be at the Montgomery County Courthouse. At the meeting, the  
27 temporary directors shall elect officers from among the temporary

1 directors and conduct any other district business.

2 Sec. 8140.023. CONFIRMATION AND INITIAL DIRECTORS'  
3 ELECTION. The temporary directors of each district shall hold an  
4 election to confirm the creation of the district and to elect five  
5 directors as provided by Section 49.102, Water Code.

6 Sec. 8140.024. INITIAL ELECTED DIRECTORS; TERMS. The  
7 directors of each district elected under Section 8140.023 shall  
8 draw lots to determine which two shall serve until the first  
9 regularly scheduled election of directors under Section 8140.052  
10 and which three shall serve until the second regularly scheduled  
11 election of directors.

12 Sec. 8140.025. EXPIRATION OF SUBCHAPTER. This subchapter  
13 expires September 1, 2010.

14 [Sections 8140.026-8140.050 reserved for expansion]

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 8140.051. DIRECTORS; TERMS. (a) Each district is  
17 governed by a board of five directors.

18 (b) Directors serve staggered four-year terms.

19 Sec. 8140.052. ELECTION OF DIRECTORS. On the uniform  
20 election date in May of each even-numbered year, the appropriate  
21 number of directors of each district shall be elected.

22 [Sections 8140.053-8140.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8140.101. GENERAL POWERS. Each district has all of the  
25 rights, powers, privileges, authority, functions, and duties  
26 provided by the general law of this state, including Chapters 49 and  
27 54, Water Code, applicable to municipal utility districts created

1 under Section 59, Article XVI, Texas Constitution.

2 Sec. 8140.102. ROAD PROJECTS. (a) The district may  
3 construct, acquire, improve, maintain, or operate macadamized,  
4 graveled, or paved roads or turnpikes, or improvements in aid of  
5 those roads or turnpikes, inside the district.

6 (b) A road project must meet all applicable construction  
7 standards, zoning and subdivision requirements, and regulatory  
8 ordinances of the municipality or county in whose jurisdiction the  
9 district is located.

10 (c) The district may not undertake a road project unless  
11 each municipality or county in whose jurisdiction the district is  
12 located consents by ordinance or resolution.

13 Sec. 8140.103. COMPLIANCE WITH MUNICIPAL CONSENT  
14 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
15 54.016, Water Code, each district shall comply with all applicable  
16 requirements of any ordinance or resolution adopted by the city  
17 council of the City of Houston, including an ordinance or  
18 resolution adopted before September 1, 2005, that consents to the  
19 creation of the district or to the inclusion of lands within the  
20 district.

21 [Sections 8140.104-8140.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8140.151. TAX TO REPAY BONDS. Each district may impose  
24 a tax to pay the principal of or interest on bonds issued under  
25 Section 8140.201.

26 [Sections 8140.152-8140.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 8140.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) Each district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, to finance the construction, maintenance, or operation of projects under Sections 8140.101 and 8140.102.

(b) A district may not issue bonds to finance projects authorized by Section 8140.102 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8140.102 may not exceed one-fourth of the assessed value of the real property in the district.

(d) Sections 49.181 and 49.182, Water Code, do not apply to a project undertaken by a district under Section 8140.102 or to bonds issued by the district to finance the project.

SECTION 2. Each district initially includes, respectively, the territory contained in the following areas as indicated:

(1) East Montgomery County Municipal Utility District No. 5:

PARCEL ONE

BEGINNING at the northeast corner of the herein described tract, being a point in the westerly right-of-way of U.S. Highway 59 (width varies) as described in a deed dated May 14, 1965 from William Marsh Rice University to the State of Texas as recorded in Volume 597, Page 183 of the Montgomery County Deed Records (MCDR) and the north line of said A.P. Frederick 1/3 League, also being the

1 southeast corner of a tract of land as described in a deed dated  
2 August 5, 1965 from Willie Lee Smith to Mable Irvin, as recorded in  
3 Volume 602, Page 143 MCDR and being the POINT OF BEGINNING of the  
4 herein described tract;

5       THENCE, along and coincident with said westerly right-of-way  
6 of U.S. Highway 59 the following thirteen (13) courses:

- 7       1. South 27° 35' 54" West, a distance of 265.24 feet to an  
8       angle point;
- 9       2. South 35° 41' 17" West, a distance of 151.55 feet to an  
10       angle point;
- 11       3. South 27° 40' 59" West, a distance of 199.22 feet to an  
12       angle point;
- 13       4. South 20° 17' 57" West, a distance of 152.15 feet to an  
14       angle point;
- 15       5. South 27° 49' 25" West, a distance of 999.99 feet to an  
16       angle point;
- 17       6. South 44° 35' 47" West, a distance of 104.75 feet to an  
18       angle point;
- 19       7. South 27° 44' 18" West, a distance of 199.53 feet to an  
20       angle point;
- 21       8. South 11° 21' 01" West, a distance of 104.52 feet to an  
22       angle point;
- 23       9. South 27° 38' 36" West, a distance of 86.95 feet to the  
24       beginning of a curve to the left;
- 25       10. Along said curve to the left, concave southeast, having  
26       a radius of 43,132.43 feet, a central angle of 01° 14'  
27       58", a chord bearing South 27° 12' 07" West, 940.57 feet

1 and an arc length of 940.59 feet to the end of said  
2 curve;

3 11. South 26° 32' 47" West, a distance of 175.74 feet to an  
4 angle point;

5 12. South 35° 03' 48" West, a distance of 202.50 feet to an  
6 angle point;

7 13. South 26° 32' 47" West, a distance of 1,052.21 feet to a  
8 point for the southeast corner of the herein described  
9 tract, called in said deed into Whitestone Houston  
10 Land, Ltd. being on the northerly gradient boundary of  
11 the navigable stream currently called Caney Creek;

12 THENCE, in a general northwesterly and upstream direction  
13 along the said gradient boundary of Caney Creek the following  
14 meanders;

15 1. South 71° 03' 31" West, 66.95 feet;

16 2. North 69° 22' 36" West, 71.04 feet;

17 3. South 84° 50' 07" West, 101.14 feet;

18 4. South 52° 09' 05" West, 141.78 feet;

19 5. South 82° 10' 23" West, 175.93 feet;

20 6. South 38° 43' 32" West, 116.77 feet;

21 7. South 89° 12' 13" West, 114.03 feet;

22 8. North 65° 38' 43" West, 86.05 feet;

23 9. North 37° 31' 28" West, 172.53 feet;

24 10. North 52° 11' 59" West, 107.68 feet;

25 11. North 52° 08' 46" West, 227.85 feet;

26 12. North 29° 44' 57" West, 97.44 feet;

27 13. North 17° 38' 31" West, 81.90 feet;



- 1 14. North 01° 36' 49" West, 294.10 feet;
- 2 15. North 10° 10' 29" West, 249.74 feet;
- 3 16. North 04° 13' 33" West, 231.36 feet;
- 4 17. North 38° 24' 58" West, 166.60 feet;
- 5 18. North 27° 35' 22" West, 148.19 feet;
- 6 19. North 62° 26' 03" West, 185.18 feet;
- 7 20. South 67° 30' 14" West, 121.70 feet;
- 8 21. South 41° 09' 16" West, 144.56 feet;
- 9 22. South 33° 38' 07" West, 143.63 feet;
- 10 23. South 52° 22' 09" West, 161.29 feet;
- 11 24. South 21° 10' 24" East, 92.20 feet;
- 12 25. South 01° 03' 36" East, 81.11 feet;
- 13 26. South 47° 21' 45" West, 119.27 feet;
- 14 27. South 51° 03' 38" West, 121.22 feet;
- 15 28. North 55° 07' 02" West, 173.53 feet;
- 16 29. North 61° 27' 55" West, 160.41 feet;
- 17 30. South 87° 11' 47" West, 251.20 feet;
- 18 31. South 76° 00' 59" West, 205.85 feet;
- 19 32. South 42° 09' 36" West, 105.88 feet;
- 20 33. South 60° 04' 30" West, 121.26 feet;
- 21 34. South 64° 08' 40" West, 119.15 feet;
- 22 35. South 60° 09' 13" West, 189.35 feet;
- 23 36. South 86° 43' 54" West, 321.46 feet;
- 24 37. South 82° 08' 59" West, 165.73 feet;
- 25 38. South 76° 51' 07" West, 224.90 feet;
- 26 39. North 81° 40' 26" West, 97.40 feet;
- 27 40. North 82° 06' 49" West, 229.71 feet;

- 1           41. North 55° 56' 09" West, 102.52 feet;
- 2           42. North 51° 18' 53" West, 143.57 feet;
- 3           43. North 07° 23' 16" West, 142.50 feet;
- 4           44. North 06° 51' 59" West, 198.00 feet;
- 5           45. North 22° 03' 50" West, 225.50 feet;
- 6           46. North 12° 42' 56" West, 107.60 feet;
- 7           47. North 27° 04' 46" West, 363.18 feet;
- 8           48. North 39° 56' 30" West, 216.66 feet;
- 9           49. North 56° 27' 22" West, 180.32 feet;
- 10          50. North 59° 05' 06" West, 290.13 feet;
- 11          51. North 52° 08' 42" West, 180.22 feet
- 12          52. North 62° 33' 12" West, 166.27 feet:
- 13          53. North 43° 26' 34" West, 279.83 feet;
- 14          54. North 35° 51' 37" West, 201.31 feet;
- 15          55. North 51° 53' 28" West, 148.28 feet;
- 16          56. North 59° 07' 36" West, 166.74 feet;
- 17          57. North 57° 19' 58" West, 198.39 feet;
- 18          58. North 13° 10' 05" West, 139.68 feet;
- 19          59. North 13° 17' 58" West, 119.61 feet;
- 20          60. North 11° 50' 09" East, 242.73 feet;
- 21          61. North 06° 18' 12" East, 188.89 feet;
- 22          62. North 32° 54' 02" West, a distance of 42.53 feet to a
- 23             point for the northwest corner of the herein described
- 24             tract, being at the intersection of the said gradient
- 25             boundary of Caney Creek and the north line of said A.P.
- 26             Frederick 1/3 League, also being the south line of a
- 27             tract of land as described in a deed dated September 4,

1           1964 whereas E.T.A. Corporation became the equitable  
2           owners, as recorded in Volume 585, Page 423 MCDR;

3           THENCE, North 86° 52' 49" East, a distance of 4,180.10 feet  
4           along the common line of said E.T.A. Corporation south line and the  
5           north line of said A.P. Frederick 1/3 League, same being the north  
6           line of the herein described tract, to the southeast corner of said  
7           E.T.A. Corporation tract and the southwest corner of a called  
8           17-acre tract of land as described in a deed dated December 22, 1999  
9           from Michael Vincent Jennings to Alton Hues as recorded under CCF  
10          No. 2000-025558 and Film Code Number (FC#) 682-00-0755, MCRPR and  
11          being an angle point in the north line of the herein described  
12          tract;

13          THENCE, North 86° 43' 41" East, a distance of 2,704.29 feet  
14          along the common line of said Alton Hues south line and the north  
15          line of said A.P. Frederick 1/3 League, same being the north line of  
16          the herein described tract, to the southeast corner of a called  
17          63.319-acre tract of land as described in a deed dated April 3, 1998  
18          from Alton Hues to Winwood Forest, Inc. as recorded under CCF No.  
19          9823687 and FC# 366-00-0689 MCRPR and the southwest corner of the  
20          Wilshire Subdivision as recorded in Cabinet 143, Sheet "B",  
21          Montgomery County Map Records (MCMR) and being an angle point in the  
22          north line of the herein described tract;

23          THENCE, North 86° 59' 53" East, a distance of 1,530.30 feet  
24          along the common line of said Wilshire Subdivision south line and  
25          the north line of said A.P. Frederick 1/3 League, same being the  
26          north line of the herein described tract, to the southeast corner of  
27          said Wilshire Subdivision tract and the southwest corner of said

1 Mable Irvin Tract and being an angle point in the north line of the  
2 herein described tract;

3       THENCE, North 87° 52' 37" East, a distance of 236.82 feet  
4 along the common line of said Mable Irvin south line and the north  
5 of line said A.P. Frederick 1/3 League, same being the north line of  
6 the herein described tract, to the POINT OF BEGINNING, and  
7 containing a computed 508.9 acres of land.

8       PARCEL TWO

9       COMMENCING at the southwest corner of a called 33.8686-acre  
10 tract of land as described in a deed dated April 14, 1981 from James  
11 H. Williford, et ux to Robert J. Adam as recorded under CCF No.  
12 8113601 and Film Code Number (FC#) 068-01-1066 MCRPR, being in the  
13 north right-of-way line of Roman Forest Drive (100 feet wide) as  
14 described in a deed dated September 8, 1970 from William Marsh Rice  
15 University to Friendswood Development Company and King Ranch, Inc.,  
16 as recorded in Volume 718, Page 114 of the Montgomery County Deed  
17 Records (MCDR), also being 36.86 feet southeasterly at a right  
18 angle from the easterly right-of-way of the H.E. & W.T. Railroad;

19       THENCE, South 29° 56' 04" West, a distance of 3,462.33 feet to  
20 the northwest corner of the herein described tract, being an  
21 interior corner in the easterly right-of-way of U.S. Highway 59  
22 (width varies) as described in a deed dated May 14, 1965 from  
23 William Marsh Rice University to State of Texas, as recorded in  
24 Volume 597, Page 183, MCDR and being the POINT OF BEGINNING of the  
25 herein described tract;

26       THENCE, South 69° 33' 58" East, a distance of 112.23 feet  
27 along the north line of the herein described tract to a point for

1 the northeast corner of the herein described tract, being an  
2 exterior southeasterly corner of said U.S. Highway 59, also being  
3 in the westerly right-of-way line of State Highway 35 (width  
4 varies);

5 THENCE, along said westerly right-of-way of (previously  
6 called) State Highway 35 (now known as Loop 494), the following  
7 seven (7) courses:

- 8 1. South 14° 06' 09" West, a distance of 751.71 feet to a  
9 point of curvature of a curve to the right;
- 10 2. Along said curve to the right, concave west, having a  
11 radius of 2864.78 feet, a central angle of 04° 36' 22", a  
12 chord bearing South 16° 24' 20" West, 230.24 feet and an  
13 arc length of 230.30 feet to the end of said curve;
- 14 3. South 21° 46' 24" West, a distance of 61.23 feet to a point  
15 of curvature of a curve to the left;
- 16 4. Along said curve to the left, concave east, having a  
17 radius of 2,764.93 feet, a central angle of 00° 12' 26",  
18 a chord bearing South 17° 59' 56" West, 10.00 feet and an  
19 arc length of 10.00 feet to the end of said curve;
- 20 5. North 72° 06' 17" West, a distance of 100.00 feet to an  
21 interior corner of the herein described tract; being a  
22 point of curvature of a curve to the left;
- 23 6. Along said curve to the left, concave east, having a  
24 radius of 2,864.93 feet, a central angle of 04° 11' 58",  
25 a chord bearing South 15° 47' 44" West, 209.94 feet, and  
26 an arc length of 209.98 feet to the end of said curve;
- 27 7. South 14° 06' 09" West, a distance of 332.65 feet to a

1 point called in said deed to Whitestone Houston Land,  
2 Ltd. on the northerly gradient boundary of the  
3 navigable stream currently called Caney Creek and being  
4 the southeast corner of the herein described tract;

5 THENCE, in a general northwesterly and upstream direction  
6 along the said gradient boundary of Caney Creek the following  
7 meanders;

- 8 1. North 61° 33' 29" West, 95.55 feet;
- 9 2. North 50° 00' 08" West, 188.29 feet;
- 10 3. North 27° 39' 03" West, a distance of 28.86 feet to a point  
11 for the southwest corner of the herein described tract,  
12 being the intersection of the said gradient boundary  
13 and said easterly right-of-way of said U.S. Highway 59;

14 THENCE, along said easterly right-of-way of said U.S. Highway  
15 59 the following courses:

- 16 1. North 26° 32' 47" East, a distance of 825.84 feet to an  
17 angle point;
- 18 2. North 18° 21' 01" East, a distance of 203.61 feet to an  
19 angle point;
- 20 3. North 26° 21' 04" East, a distance of 474.57 feet to the  
21 POINT OF BEGINNING, and containing a computed 7.9 acres  
22 of land.

23 (2) East Montgomery County Municipal Utility District  
24 No. 6:

25 PARCEL ONE  
26 BEGINNING at the northwest corner of the said Tract 1, being  
27 in the easterly right-of-way line of the H.E. & W.T. Railroad (100

1 feet wide), also being in the south right-of-way of Roman Forest  
2 Drive (100 feet wide) as described in a deed dated September 8, 1970  
3 and recorded in Volume 718, Page 114 pf the Montgomery County Deed  
4 Records (MCDR);

5       THENCE, continuing along the said south right-of-way of said  
6 Roman Forest Drive the following six (6) courses:

- 7       1. North 87° 01' 40" East, a distance of 2741.91 feet to an  
8             angle point;
- 9       2. South 71° 00' 49" East, a distance of 48.07 feet to an  
10            angle point:
- 11       3. South 81° 55' 00" East, a distance of 61.09 feet to an  
12            angle point:
- 13       4. North 87° 05' 00" East, a distance of 4,685.13 feet to an  
14            angle point;
- 15       5. South 83° 05' 00" East, a distance of 176.00 feet to an  
16            angle point;
- 17       6. North 87° 05' 00" East, a distance of 317.23 feet to a  
18            point for the northeast corner of the herein described  
19            tract and called in said deed into Whitestone Houston  
20            Land, Ltd. being on the westerly gradient boundary of  
21            the navigable stream currently called Peach Creek;

22       THENCE, in a general southeasterly and downstream direction  
23 along the said westerly gradient boundary of Peach Creek the  
24 following meanders;

- 25       1. South 02° 55' 01" East, 8.44 feet;
- 26       2. South 18° 19' 57" West, 55.45 feet;
- 27       3. South 22° 24' 28" West, 92.61 feet;

- 1 4. South 02° 19' 30" East, 142.43 feet;
- 2 5. South 18° 16' 11" West, 164.33 feet;
- 3 6. South 41° 15' 47" West, 114.21 feet;
- 4 7. South 36° 14' 56" West, 175.34 feet;
- 5 8. South 01° 05' 21" East, 195.41 feet;
- 6 9. South 14° 08' 12" East, 126.44 feet;
- 7 10. South 07° 39' 09" East, 192.04 feet;
- 8 11. South 10° 47' 59" West, 146.98 feet;
- 9 12. South 02° 59' 17" East, 311.80 feet;
- 10 13. South 01° 40' 00" East, 134.81 feet;
- 11 14. South 08° 42' 38" East, 189.10 feet;
- 12 15. South 17° 43' 00" East, 182.75 feet;
- 13 16. South 32° 47' 06" East, 160.50 feet;
- 14 17. South 40° 15' 51" East, 110.61 feet;
- 15 18. South 27° 42' 45" East, 211.41 feet;
- 16 19. South 38° 29' 35" East, 123.07 feet;
- 17 20. South 48° 24' 24" East, 161.34 feet;
- 18 21. South 51° 57' 20" East, 230.18 feet;
- 19 22. South 41° 22' 28" East, 170.56 feet;
- 20 23. South 33° 27' 32" East, 121.73 feet;
- 21 24. South 37° 16' 44" East, 144.80 feet;
- 22 25. South 49° 45' 37" East, 201.83 feet;
- 23 26. South 58° 17' 17" East, 186.66 feet;
- 24 27. South 43° 28' 28" East, 245.99 feet;
- 25 28. South 29° 46' 49" East, 156.23 feet;
- 26 29. South 44° 04' 33" East, 122.77 feet;
- 27 30. South 23° 29' 46" East, 169.88 feet;



- 1           31. South 24° 53' 41" East, 49.15 feet;  
2           32. South 36° 59' 21" East, 117.28 feet;  
3           33. South 30° 05' 18" East, 156.77 feet;  
4           34. South 22° 54' 17" East, 144.17 feet;  
5           35. South 31° 42' 52" East, 86.54 feet;  
6           36. South 18° 20' 16" East, a distance of 81.23 feet to a  
7           point for the southeast corner of the herein described  
8           tract, said point being the intersection of said  
9           westerly gradient boundary of Peach Creek and the south  
10          line of said A.P. Frederick 1/3 League, and being the  
11          north line of a 45.18-acre tract of land as described in  
12          a deed dated May 20, 1993 from Mill Whitehead to Dean A.  
13          Lewis, et ux, as recorded under CCF No. 9326004 and Film  
14          Code Number (FC#) 878-01-1487, MCRPR;

15          THENCE, South 86° 23' 05" West, a distance of 5,579.53 feet  
16          along the common line of said A.P. Frederick 1/3 League's south line  
17          and the north line of said Lewis tract, the north line of Country  
18          Estates as recorded in Cabinet "D", Sheet 33B of the Montgomery  
19          County Map Records (MCMR), and the north line of a called 21.5-acre  
20          tract of land as described in a deed dated May 6, 1994 from Mary J.  
21          Reindl, et al to Dennis Arrington, et ux, as recorded under CCF No.  
22          9430971 and FC# 979-01-1323 MCRPR to the northeast corner of a  
23          called 25.3884-acre tract of land as described in a deed dated  
24          November 11, 1982 from Blanche G. Dumas, et al. to William B. Dumas  
25          as recorded under CCF No. 8251910 and FC# 168-01-2042 MCRPR and  
26          being an angle point in the south line of the herein described  
27          tract;

1           THENCE, South 86° 41' 47" West, a distance of 288.97 feet  
2 along the common line of said A.P. Frederick 1/3 League's south line  
3 and the north line of said Dumas tract, same being the south line of  
4 the herein described tract, to a point for the southwest corner of  
5 the herein described tract;

6           THENCE North 10° 21' 02" East, a distance of 832.05 feet to a  
7 point for the beginning of a curve;

8           THENCE along a curve to the right, concave northeast, having  
9 a radius of 900.00 feet, a central angle of 13° 23' 14", a chord  
10 bearing North 64° 31' 52" West, 209.81 feet and an arc length of  
11 210.29 feet to a point of tangency;

12           THENCE, North 57° 50' 15" West, a distance of 560.00 feet to a  
13 point for corner;

14           THENCE, North 50° 36' 55" East, a distance of 144.01 feet to an  
15 angle point;

16           THENCE, North 45° 36' 55" East, a distance of 150.00 feet to an  
17 angle point;

18           THENCE, North 34° 07' 40" East, a distance of 200.00 feet to an  
19 angle point;

20           THENCE, North 41° 04' 35" East, a distance of 200.00 feet to an  
21 angle point;

22           THENCE, North 23° 37' 14" East, a distance of 100.00 feet to an  
23 angle point;

24           THENCE, North 06° 00' 00" East, a distance of 460.00 feet to an  
25 angle point;

26           THENCE, North 06° 07' 06" West, a distance of 130.00 feet to a  
27 point for corner;

1           THENCE, South 83° 52' 54" West, a distance of 175.00 feet to an  
2 angle point;

3           THENCE, North 89° 43' 43" West, a distance of 245.00 feet to an  
4 angle point;

5           THENCE, North 82° 06' 49" West, a distance of 275.00 feet to an  
6 angle point;

7           THENCE, North 76° 29' 09" West, a distance of 190.00 feet to an  
8 angle point;

9           THENCE, North 66° 22' 15" West, a distance of 325.00 feet to an  
10 angle point;

11           THENCE, North 82° 01' 36" West, a distance of 190.00 feet to a  
12 point for corner and the beginning of a curve to the left;

13           THENCE, along said curve the left, concave south, having a  
14 radius of 116.00 feet, a central angle of 144° 02' 43", a chord  
15 bearing South 82° 19' 40" West, 220.67 feet and an arc length of  
16 291.63 feet to a point for corner;

17           THENCE, South 73° 30' 29" West, a distance of 190.00 feet to an  
18 angle point;

19           THENCE, South 65° 42' 27" West, a distance of 250.00 feet to an  
20 angle point;

21           THENCE, South 57° 26' 11" West, a distance of 255.00 feet to a  
22 point for corner;

23           THENCE, North 49° 23' 01" West, a distance of 90.00 feet to an  
24 angle point;

25           THENCE, North 58° 18' 56" West, a distance of 200.00 feet to an  
26 angle point;

27           THENCE, North 36° 11' 57" West, a distance of 135.00 feet to an

1 angle point;  
2       THENCE, North 60° 05' 19" West, a distance of 65.00 feet to an  
3 angle point;  
4       THENCE, North 85° 39' 35" West, a distance of 140.00 feet to an  
5 angle point;  
6       THENCE, North 65° 13' 31" West, a distance of 75.00 feet to an  
7 angle point;  
8       THENCE, North 48° 33' 43" West, a distance of 225.00 feet to an  
9 angle point;  
10       THENCE, North 37° 31' 21" West, a distance of 75.00 feet to an  
11 angle point;  
12       THENCE, North 25° 06' 14" West, a distance of 75.00 feet to an  
13 angle point;  
14       THENCE, North 11° 27' 32" West, a distance of 300.00 feet to an  
15 angle point;  
16       THENCE, North 07° 42' 00" East, a distance of 263.18 feet to an  
17 angle point;  
18       THENCE, North 21° 03' 15" West, a distance of 484.86 feet to a  
19 point for corner and the beginning of a curve to the left;  
20       THENCE, along said curve to the left, concave southeast,  
21 having a radius of 750.00 feet, a central angle of 34° 54' 29", a  
22 chord bearing South 51° 29' 30" West, 449.91 feet and an arc length  
23 of 456.95 feet to a point for corner;  
24       THENCE, North 55° 57' 44" West, a distance of 770.65 feet to a  
25 point for corner in the west line of said called 1043.9094-acre  
26 Tract 1, being also the said easterly right-of-way line of the H.E.  
27 & W.T. Railroad;

1           THENCE, North 27° 49' 25" East, a distance of 579.42 feet to  
2 the POINT OF BEGINNING and containing a computed 662.6 acres of  
3 land.

4           PARCEL TWO

5           COMMENCING at the southwest corner of a called 33.8686-acre  
6 tract of land as described in a deed dated April 14, 1981 from James  
7 H. Williford, et ux to Robert J. Adams as recorded under CCF No.  
8 8113601 and Film Code Number (FC#) 068-01-1066 MCRPR, being in the  
9 north right-of-way line of Roman Forest Drive (100 feet wide) as  
10 described in a deed dated September 8, 1970 from William Marsh Rice  
11 University to Friendswood Development Company and King Ranch, Inc.,  
12 as recorded in Volume 718, Page 114 of the Montgomery County Deed  
13 Records (MCDR), also being 36.86 feet southeasterly at a right  
14 angle from the easterly right-of-way of the H.E. & W.T. Railroad;

15           THENCE, North 87° 01' 40" East, a distance of 2,658.80 feet  
16 along said north right-of-way line of Roman Forest Drive and north  
17 line of the A.P. Frederick 1/3 League, to the northwest corner and  
18 the POINT OF BEGINNING of the herein described tract, said point  
19 lying in the south line of the remainder of a called 11-acre tract  
20 of land as described in a deed dated December 10, 1971 from Texas  
21 Gulf Industries, Inc. to Thomas S. Terrell, as recorded in Volume  
22 219, Page 461, MCDR;

23           THENCE, North 87° 01' 40" East, a distance of 89.56 feet  
24 departing the said north right-of-way line of Roman Forest Drive,  
25 along the common line of said Terrell tract and the north line of  
26 the A.P. Frederick 1/3 League, to the southeast corner of said  
27 Terrell tract and the southwest corner of a called 44.9438-acre

1 tract of land as described in a deed dated March 7, 1994 from Alice  
2 Ruth McClain et al. to Paul D. Wilhelm, D.D.S., et ux, as recorded  
3 under CCF No. 9414829 and FC# 958-01-0786 MCRPR;

4       THENCE, North 87° 05' 00" East, a distance of 5,171.48 feet  
5 along the common line of the Wilhelm tract south line, the south  
6 line of a called 7.5351-acre tract of land as described in a deed  
7 dated July 22, 1992 from Seth W. Dorbandt, et al. to Houston  
8 Cellular Telephone Company, as recorded under CCF No. 9237368, and  
9 FC# 808-01-0999, MCRPR, the south line of Woodbranch Section 4, as  
10 recorded in Volume 7, Page 231, of the Montgomery County Map Records  
11 (MCMR), the south line of Woodbranch Section 3, as recorded in  
12 Volume 5, Page 351, MCMR, and the north line of said A.P. Frederick  
13 1/3 League, to the northeast corner of the herein described tract,  
14 called in said deed into Whitestone Houston Land, Ltd. being on the  
15 westerly gradient boundary of the navigable stream currently called  
16 Peach Creek;

17       THENCE, South 02° 55' 00" East, a distance of 59.75 feet in a  
18 generally southeasterly and downstream direction along the said  
19 gradient boundary of Peach Creek to a point for the southeast corner  
20 of the herein described tract, being in the said north right-of-way  
21 line of Roman Forest Drive;

22       THENCE, along said north right-of-way of Roman Forest Drive  
23 the following five (5) courses:

24       1. South 87° 05' 00" West, a distance of 308.63 feet to an  
25             angle point;

26       2. North 83° 05' 00" West, a distance of 176.00 feet to an  
27             angle point;

1           3. South 87° 05' 00" West, a distance of 4,684.10 feet to an  
2           angle point;

3           4. North 81° 55' 00" West, a distance of 41.92 feet to an  
4           angle point;

5           5. North 71° 00' 49" West, a distance of 57.93 feet to the  
6           POINT OF BEGINNING and containing a computed 3.8 acres  
7           of land.

8           (3) East Montgomery County Municipal Utility District  
9 No. 7:

10           COMMENCING at the northwest corner of said Tract 1, being in  
11 the easterly right-of-way line of the H.E. & W.T. Railroad (100 feet  
12 wide), also being in the south right-of-way of Roman Forest Drive  
13 (100 feet wide) as described in a deed dated September 8, 1970 and  
14 recorded in Volume 718, Page 114 of the Montgomery County Deed  
15 Records (MCDR);

16           THENCE, South 27° 49' 25" West, a distance of 579.42 feet  
17 along the said east right-of-way of line of the H.E. & W.T. Railroad  
18 to the POINT OF BEGINNING;

19           THENCE, South 55° 57' 44" East, a distance of 770.65 feet to a  
20 point for corner and the beginning of a curve to the right;

21           THENCE, along a curve to the right, concave southeast, having  
22 a radius of 750.00 feet, a central angle of 34° 54' 29", a chord  
23 bearing North 51° 29' 30" East, 449.91 feet and an arc length of  
24 456.95 feet to a point for corner;

25           THENCE, South 21° 03' 15" East, a distance of 484.86 to an  
26 angle point;

27           THENCE, South 07° 42' 00" West, a distance of 263.18 feet to an

1 angle point;  
2       THENCE, South 11° 27' 32" East, a distance of 300.00 feet to an  
3 angle point  
4       THENCE, South 25° 06' 14" East, a distance of 75.00 feet to an  
5 angle point;  
6       THENCE, South 37° 31' 21" East, a distance of 75.00 feet to an  
7 angle point;  
8       THENCE. South 48° 33' 43" East, a distance of 225.00 feet to an  
9 angle point;  
10       THENCE, South 65° 13' 31" East, a distance of 75.00 feet to an  
11 angle point;  
12       THENCE, South 85° 39' 35" East, a distance of 140.00 feet to an  
13 angle point;  
14       THENCE, South 60° 05' 19" East, a distance of 65.00 feet to an  
15 angle point;  
16       THENCE, South 36° 11' 57" East, a distance of 135.00 feet to an  
17 angle point;  
18       THENCE, South 58° 18' 56" East, a distance of 200.00 feet to an  
19 angle point;  
20       THENCE, South 49° 23' 01" East, a distance of 90.00 feet to a  
21 point for corner;  
22       THENCE, North 57° 26' 11" East, a distance of 255.00 feet to an  
23 angle point;  
24       THENCE, North 65° 42' 27" East, a distance of 250.00 feet to an  
25 angle point;  
26       THENCE, North 73° 30' 29" East a distance of 190.00 feet to a  
27 point for corner and the beginning of a curve to the right;



1           THENCE, along said curve the right, concave south, having a  
2 radius of 116.00 feet, a central angle of 144° 02' 43", a chord  
3 bearing North 82° 19' 40" East, 220.67 feet and an arc length of  
4 291.63 feet to a point for corner;

5           THENCE, South 82° 01' 36" East, a distance of 190.00 feet to an  
6 angle point;

7           THENCE, South 66° 22' 15" East, a distance of 325.00 feet to an  
8 angle point;

9           THENCE, South 76° 29' 09" East, a distance of 190.00 feet to an  
10 angle point;

11           THENCE, South 82° 06' 49" East, a distance of 275.00 feet to an  
12 angle point;

13           THENCE, South 89° 43' 43" East, a distance of 245.00 feet to an  
14 angle point;

15           THENCE, North 83° 52' 54" East, a distance of 175.00 feet to a  
16 point for corner;

17           THENCE, South 06° 07' 06" East, a distance of 130.00 feet to an  
18 angle point;

19           THENCE, South 06° 00' 00" West, a distance of 460.00 feet to an  
20 angle point;

21           THENCE, South 23° 37' 14" West, a distance of 100.00 feet to an  
22 angle point;

23           THENCE, South 41° 04' 35" West, a distance of 200.00 feet to an  
24 angle point;

25           THENCE, South 34° 07' 40" West, a distance of 200.00 feet to an  
26 angle point;

27           THENCE, South 45° 36' 55" West, a distance of 150.00 feet to an

1 angle point;

2       THENCE, South 50° 36' 55" West, a distance of 144.01 feet to a  
3 point for corner;

4       THENCE, South 57° 50' 15" East, a distance of 560.00 feet to a  
5 point of curvature;

6       THENCE along a curve to the left, concave northeast, having a  
7 radius of 900.00 feet, a central angle of 13° 23' 14", a chord  
8 bearing South 64° 31' 52" East, 209.81 feet and an arc length of  
9 210.29 feet to a point for corner;

10       THENCE South 10° 21' 02" West, a distance of 832.05 feet to a  
11 point in the south line of said Tract 1, being also said A.P.  
12 Frederick 1/3 League's south line and the north line of a called  
13 25.3884-acre tract of land as described in a deed dated November 11,  
14 1982 from Blanche G. Dumas, et al. to William B. Dumas as recorded  
15 under CCF No. 8251910 and FC# 168-01-2042 MCRPR;

16       THENCE, S 86° 41' 47" W, a distance of 525.41 feet along the  
17 common line of said A.P. Frederick 1/3 League's south line and the  
18 north line of said Dumas tract, same being the south line of the  
19 herein described tract, to the northwest corner of said Dumas tract  
20 and the northeast corner of a called 50.097-acre tract of land as  
21 described in a deed dated March 28, 1991 from Herman D. Collette to  
22 Barbara L. Collette as recorded in MCCF #9628905 and FC#  
23 157-00-1792 MCRPR and being an angle point in the south line of the  
24 herein described tract;

25       THENCE, S 85° 40' 30" W, a distance of 996.36 feet along the  
26 common line of said A.P. Frederick 1/3 League's south line and the  
27 north line of said 50.097-acre tract, same being the south line of

H.B. No. 3546

1 the herein described tract, to the northwest corner of said  
2 50.097-acre tract and the northeast corner of a called 14.233-acre  
3 tract of land as described in a deed dated March 28, 1991 from  
4 Herman D. Collette to Barbara L. Collette as recorded under CCF No.  
5 9628904 and FC# 157-00-1789 MCRPR and being an angle point in the  
6 south line of the herein described tract;

7       THENCE, S 85° 29' 19" West, a distance of 3,978.02 feet along  
8 the common line of said A.P. Frederick 1/3 League's south line and  
9 the north line of said 14.233-acre tract, the north line of the  
10 remainder of a called 51-acre tract of land as described in a deed  
11 dated June 21, 1948 from C.L. Reinhardt to Erwin Reinhardt as  
12 recorded in Volume 505, Page 380 MCDR, the north line of a called  
13 2.275-acre tract of land as described in a deed dated September 30,  
14 1982 from Emmett Vickery, Inc. to Emmett Ray Vickery, et ux as  
15 recorded under CCF No. 8242945 and FC# 158-01-1238 MCRPR, the north  
16 line of the remainder of a called 13.33-acre tract of land as  
17 described in a deed dated August 15, 1980 from Veterans Land Board  
18 of Texas to Emmett Ray Vickery as recorded under CCF No. 8027065 and  
19 FC# 030-01-1037 MCRPR, the north line of a called 66.740-acre tract  
20 of land as described in a deed dated October 9, 1981 from G.K.  
21 Markham, et ux to William A Kimbrough, et al. as recorded under CCF  
22 No. 8138231 and FC# 096-01-1414 MCRPR, same being the south line of  
23 the herein described tract to a point for the southerly southwest  
24 corner of the herein described tract and called in said deed into  
25 Whitestone Houston Land, Ltd. being on the easterly gradient  
26 boundary of the navigable stream currently called Caney Creek.

27       THENCE, in a general northwesterly and upstream direction

1 along the said easterly gradient boundary of Caney Creek the  
2 following meanders;

- 3 1. North 23° 45' 51 West, 124.84 feet;
- 4 2. North 32° 54' 19" West, 217.08 feet;
- 5 3. North 54° 04' 14" West, a distance of 45.14 feet to a point  
6 for the westerly southwest corner of the herein  
7 described tract, said point being the intersection of  
8 said easterly gradient boundary of said Caney Creek and  
9 the said easterly right-of-way line of the H.E. & W.T.  
10 Railroad;

11 THENCE, along said easterly right-of-way line of the H.E. &  
12 W.T. Railroad the following three (3) courses:

- 13 1. North 14° 06' 09" East, a distance of 2,351.55 feet to a  
14 point of curvature to the right;
- 15 2. Along said curve to the right, concave southeast, having  
16 a radius of 2,714.83 feet, a central angle of 13° 25'  
17 48", a chord bearing North 21° 06' 31" East, 634.89 feet  
18 and an arc length of 636.35 feet to the end of said  
19 curve;
- 20 3. North 27° 49' 25" East, a distance of 1469.71 feet to the  
21 POINT OF BEGINNING, containing a computed 381.3 acres  
22 of land.

23 SECTION 3. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

3 (b) The governor, one of the required recipients, has  
4 submitted the notice and Act to the Texas Commission on  
5 Environmental Quality.

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

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

14 SECTION 4. This Act takes effect September 1, 2005.

H.B. No. 3546

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3546 was passed by the House on May 20, 2005, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 3546 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor