

1-1 By: Otto (Senate Sponsor - Williams) H.B. No. 3546  
1-2 (In the Senate - Received from the House May 20, 2005;  
1-3 May 20, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to  
1-6 printer.)

1-7 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3546 RECEIVED IN THE FORM OF  
1-8 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the creation of the East Montgomery County Municipal  
1-12 Utility Districts Nos. 5, 6, and 7; providing authority to impose a  
1-13 tax and issue bonds; granting the power of eminent domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-16 Code, is amended by adding Chapter 8140 to read as follows:

1-17 CHAPTER 8140. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICTS  
1-18 NOS. 5, 6, AND 7

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 8140.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" or "boards" means, as appropriate, the  
1-22 board of directors of one or all of the districts.

1-23 (2) "Director" means a member of a board.

1-24 (3) "District" or "districts" means, as appropriate,  
1-25 one or all of the East Montgomery County Municipal Utility  
1-26 Districts Nos. 5, 6, and 7.

1-27 Sec. 8140.002. NATURE OF DISTRICT. Each district is a  
1-28 municipal utility district in Montgomery County created under and  
1-29 essential to accomplish the purposes of Section 52, Article III,  
1-30 and Section 59, Article XVI, Texas Constitution.

1-31 Sec. 8140.003. CONFIRMATION ELECTION REQUIRED. If the  
1-32 creation of a district is not confirmed at a confirmation election  
1-33 held under Section 8140.023 before September 1, 2007:

1-34 (1) the district is dissolved September 1, 2007,  
1-35 except that:

1-36 (A) any debts incurred shall be paid;

1-37 (B) any assets that remain after the payment of  
1-38 debts shall be transferred to Montgomery County; and

1-39 (C) the organization of the district shall be  
1-40 maintained until all debts are paid and remaining assets are  
1-41 transferred; and

1-42 (2) the provisions of this chapter relating to that  
1-43 district expire September 1, 2010.

1-44 Sec. 8140.004. INITIAL DISTRICT TERRITORY. (a) Each  
1-45 district is initially composed of the territory described by  
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes of each district, as  
1-48 described by Section 2 of the Act creating this chapter, form a  
1-49 closure. A mistake made in the field notes or in copying the field  
1-50 notes in the legislative process does not affect:

1-51 (1) the organization, existence, or validity of the  
1-52 district;

1-53 (2) the right of the district to impose taxes;

1-54 (3) the validity of the district's bonds, notes, or  
1-55 indebtedness; or

1-56 (4) the legality or operation of the district or the  
1-57 board.

1-58 Sec. 8140.005. APPLICABILITY OF OTHER LAW. Except as  
1-59 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-60 apply to the districts.

1-61 [Sections 8140.006-8140.020 reserved for expansion]

SUBCHAPTER A1. TEMPORARY PROVISIONS

2-1                   Sec. 8140.021. TEMPORARY DIRECTORS. (a) On or after  
 2-2                   September 1, 2005, a person who owns land inside the boundaries of a  
 2-3                   district may petition the Texas Commission on Environmental Quality  
 2-4                   to appoint as temporary directors of that district the five persons  
 2-5                   listed in the petition.

2-6                   (b) The commission shall appoint as temporary directors the  
 2-7                   persons listed in a petition received by the commission under  
 2-8                   Subsection (a). If the commission receives more than one petition  
 2-9                   for a district, the commission shall appoint the directors listed  
 2-10                  in the first petition the commission receives.

2-11                  (c) If a temporary director fails to qualify for office, the  
 2-12                  commission shall appoint a person to fill the vacancy.

2-13                  (d) Temporary directors serve until the earlier of:

2-14                   (1) the date directors are elected under Section  
 2-15                   8140.023; or

2-16                   (2) the date the provisions of this chapter relating  
 2-17                   to the district expire under Section 8140.003.

2-18                  Sec. 8140.022. ORGANIZATIONAL MEETING OF TEMPORARY  
 2-19                  DIRECTORS. As soon as practicable after all the temporary  
 2-20                  directors of a district have qualified under Section 49.055, Water  
 2-21                  Code, the temporary directors of that district shall meet at a  
 2-22                  location in the district agreeable to a majority of the directors of  
 2-23                  that district. If a location cannot be agreed upon, the meeting  
 2-24                  shall be at the Montgomery County Courthouse. At the meeting, the  
 2-25                  temporary directors shall elect officers from among the temporary  
 2-26                  directors and conduct any other district business.

2-27                  Sec. 8140.023. CONFIRMATION AND INITIAL DIRECTORS'  
 2-28                  ELECTION. The temporary directors of each district shall hold an  
 2-29                  election to confirm the creation of the district and to elect five  
 2-30                  directors as provided by Section 49.102, Water Code.

2-31                  Sec. 8140.024. INITIAL ELECTED DIRECTORS; TERMS. The  
 2-32                  directors of each district elected under Section 8140.023 shall  
 2-33                  draw lots to determine which two shall serve until the first  
 2-34                  regularly scheduled election of directors under Section 8140.052  
 2-35                  and which three shall serve until the second regularly scheduled  
 2-36                  election of directors.

2-37                  Sec. 8140.025. EXPIRATION OF SUBCHAPTER. This subchapter  
 2-38                  expires September 1, 2010.

2-39                   [Sections 8140.026-8140.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

2-40                  Sec. 8140.051. DIRECTORS; TERMS. (a) Each district is  
 2-41                  governed by a board of five directors.

2-42                   (b) Directors serve staggered four-year terms.

2-43                  Sec. 8140.052. ELECTION OF DIRECTORS. On the uniform  
 2-44                  election date in May of each even-numbered year, the appropriate  
 2-45                  number of directors of each district shall be elected.

2-46                   [Sections 8140.053-8140.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

2-47                  Sec. 8140.101. GENERAL POWERS. Each district has all of the  
 2-48                  rights, powers, privileges, authority, functions, and duties  
 2-49                  provided by the general law of this state, including Chapters 49 and  
 2-50                  54, Water Code, applicable to municipal utility districts created  
 2-51                  under Section 59, Article XVI, Texas Constitution.

2-52                  Sec. 8140.102. ROAD PROJECTS. (a) The district may  
 2-53                  construct, acquire, improve, maintain, or operate macadamized,  
 2-54                  graveled, or paved roads or turnpikes, or improvements in aid of  
 2-55                  those roads or turnpikes, inside the district.

2-56                  (b) A road project must meet all applicable construction  
 2-57                  standards, zoning and subdivision requirements, and regulatory  
 2-58                  ordinances of the municipality or county in whose jurisdiction the  
 2-59                  district is located.

2-60                  (c) The district may not undertake a road project unless  
 2-61                  each municipality or county in whose jurisdiction the district is  
 2-62                  located consents by ordinance or resolution.

2-63                  Sec. 8140.103. COMPLIANCE WITH MUNICIPAL CONSENT  
 2-64                  ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
 2-65                  54.016, Water Code, each district shall comply with all applicable  
 2-66                  requirements of any ordinance or resolution adopted by the city  
 2-67                  2-68  
 2-68                  2-69

council of the City of Houston, including an ordinance or resolution adopted before September 1, 2005, that consents to the creation of the district or to the inclusion of lands within the district.

[Sections 8140.104-8140.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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

1. South 27° 35' 54" West, a distance of 265.24 feet to an angle point;
2. South 35° 41' 17" West, a distance of 151.55 feet to an angle point;
3. South 27° 40' 59" West, a distance of 199.22 feet to an angle point;
4. South 20° 17' 57" West, a distance of 152.15 feet to an angle point;
5. South 27° 49' 25" West, a distance of 999.99 feet to an angle point;
6. South 44° 35' 47" West, a distance of 104.75 feet to an angle point;
7. South 27° 44' 18" West, a distance of 199.53 feet to an angle point;
8. South 11° 21' 01" West, a distance of 104.52 feet to an angle point;
9. South 27° 38' 36" West, a distance of 86.95 feet to the beginning of a curve to the left;
10. Along said curve to the left, concave southeast, having a radius of 43,132.43 feet, a central angle of 01° 14' 58", a chord bearing South 27° 12' 07" West, 940.57 feet and an arc length of 940.59 feet to the end of said curve;
11. South 26° 32' 47" West, a distance of 175.74 feet to an angle point;
12. South 35° 03' 48" West, a distance of 202.50 feet to an

- 4-1 angle point;
- 4-2 13. South 26° 32' 47" West, a distance of 1,052.21 feet to a
- 4-3 point for the southeast corner of the herein described
- 4-4 tract, called in said deed into Whitestone Houston
- 4-5 Land, Ltd. being on the northerly gradient boundary of
- 4-6 the navigable stream currently called Caney Creek;
- 4-7 THENCE, in a general northwesterly and upstream direction
- 4-8 along the said gradient boundary of Caney Creek the following
- 4-9 meanders;
- 4-10 1. South 71° 03' 31" West, 66.95 feet;
- 4-11 2. North 69° 22' 36" West, 71.04 feet;
- 4-12 3. South 84° 50' 07" West, 101.14 feet;
- 4-13 4. South 52° 09' 05" West, 141.78 feet;
- 4-14 5. South 82° 10' 23" West, 175.93 feet;
- 4-15 6. South 38° 43' 32" West, 116.77 feet;
- 4-16 7. South 89° 12' 13" West, 114.03 feet;
- 4-17 8. North 65° 38' 43" West, 86.05 feet;
- 4-18 9. North 37° 31' 28" West, 172.53 feet;
- 4-19 10. North 52° 11' 59" West, 107.68 feet;
- 4-20 11. North 52° 08' 46" West, 227.85 feet;
- 4-21 12. North 29° 44' 57" West, 97.44 feet;
- 4-22 13. North 17° 38' 31" West, 81.90 feet;
- 4-23 14. North 01° 36' 49" West, 294.10 feet;
- 4-24 15. North 10° 10' 29" West, 249.74 feet;
- 4-25 16. North 04° 13' 33" West, 231.36 feet;
- 4-26 17. North 38° 24' 58" West, 166.60 feet;
- 4-27 18. North 27° 35' 22" West, 148.19 feet;
- 4-28 19. North 62° 26' 03" West, 185.18 feet;
- 4-29 20. South 67° 30' 14" West, 121.70 feet;
- 4-30 21. South 41° 09' 16" West, 144.56 feet;
- 4-31 22. South 33° 38' 07" West, 143.63 feet;
- 4-32 23. South 52° 22' 09" West, 161.29 feet;
- 4-33 24. South 21° 10' 24" East, 92.20 feet;
- 4-34 25. South 01° 03' 36" East, 81.11 feet;
- 4-35 26. South 47° 21' 45" West, 119.27 feet;
- 4-36 27. South 51° 03' 38" West, 121.22 feet;
- 4-37 28. North 55° 07' 02" West, 173.53 feet;
- 4-38 29. North 61° 27' 55" West, 160.41 feet;
- 4-39 30. South 87° 11' 47" West, 251.20 feet;
- 4-40 31. South 76° 00' 59" West, 205.85 feet;
- 4-41 32. South 42° 09' 36" West, 105.88 feet;
- 4-42 33. South 60° 04' 30" West, 121.26 feet;
- 4-43 34. South 64° 08' 40" West, 119.15 feet;
- 4-44 35. South 60° 09' 13" West, 189.35 feet;
- 4-45 36. South 86° 43' 54" West, 321.46 feet;
- 4-46 37. South 82° 08' 59" West, 165.73 feet;
- 4-47 38. South 76° 51' 07" West, 224.90 feet;
- 4-48 39. North 81° 40' 26" West, 97.40 feet;
- 4-49 40. North 82° 06' 49" West, 229.71 feet;
- 4-50 41. North 55° 56' 09" West, 102.52 feet;
- 4-51 42. North 51° 18' 53" West, 143.57 feet;
- 4-52 43. North 07° 23' 16" West, 142.50 feet;
- 4-53 44. North 06° 51' 59" West, 198.00 feet;
- 4-54 45. North 22° 03' 50" West, 225.50 feet;
- 4-55 46. North 12° 42' 56" West, 107.60 feet;
- 4-56 47. North 27° 04' 46" West, 363.18 feet;
- 4-57 48. North 39° 56' 30" West, 216.66 feet;
- 4-58 49. North 56° 27' 22" West, 180.32 feet;
- 4-59 50. North 59° 05' 06" West, 290.13 feet;
- 4-60 51. North 52° 08' 42" West, 180.22 feet;
- 4-61 52. North 62° 33' 12" West, 166.27 feet;
- 4-62 53. North 43° 26' 34" West, 279.83 feet;
- 4-63 54. North 35° 51' 37" West, 201.31 feet;
- 4-64 55. North 51° 53' 28" West, 148.28 feet;
- 4-65 56. North 59° 07' 36" West, 166.74 feet;
- 4-66 57. North 57° 19' 58" West, 198.39 feet;
- 4-67 58. North 13° 10' 05" West, 139.68 feet;
- 4-68 59. North 13° 17' 58" West, 119.61 feet;
- 4-69 60. North 11° 50' 09" East, 242.73 feet;

5-1 61. North 06° 18' 12" East, 188.89 feet;  
5-2 62. North 32° 54' 02" West, a distance of 42.53 feet to a  
5-3 point for the northwest corner of the herein described  
5-4 tract, being at the intersection of the said gradient  
5-5 boundary of Caney Creek and the north line of said A.P.  
5-6 Frederick 1/3 League, also being the south line of a  
5-7 tract of land as described in a deed dated September 4,  
5-8 1964 whereas E.T.A. Corporation became the equitable  
5-9 owners, as recorded in Volume 585, Page 423 MCDR;

5-10 THENCE, North 86° 52' 49" East, a distance of 4,180.10 feet  
5-11 along the common line of said E.T.A. Corporation south line and the  
5-12 north line of said A.P. Frederick 1/3 League, same being the north  
5-13 line of the herein described tract, to the southeast corner of said  
5-14 E.T.A. Corporation tract and the southwest corner of a called  
5-15 17-acre tract of land as described in a deed dated December 22, 1999  
5-16 from Michael Vincent Jennings to Alton Hues as recorded under CCF  
5-17 No. 2000-025558 and Film Code Number (FC#) 682-00-0755, MCRPR and  
5-18 being an angle point in the north line of the herein described  
5-19 tract;

5-20 THENCE, North 86° 43' 41" East, a distance of 2,704.29 feet  
5-21 along the common line of said Alton Hues south line and the north  
5-22 line of said A.P. Frederick 1/3 League, same being the north line of  
5-23 the herein described tract, to the southeast corner of a called  
5-24 63.319-acre tract of land as described in a deed dated April 3, 1998  
5-25 from Alton Hues to Winwood Forest, Inc. as recorded under CCF No.  
5-26 9823687 and FC# 366-00-0689 MCRPR and the southwest corner of the  
5-27 Wilshire Subdivision as recorded in Cabinet 143, Sheet "B",  
5-28 Montgomery County Map Records (MCMR) and being an angle point in the  
5-29 north line of the herein described tract;

5-30 THENCE, North 86° 59' 53" East, a distance of 1,530.30 feet  
5-31 along the common line of said Wilshire Subdivision south line and  
5-32 the north line of said A.P. Frederick 1/3 League, same being the  
5-33 north line of the herein described tract, to the southeast corner of  
5-34 said Wilshire Subdivision tract and the southwest corner of said  
5-35 Mable Irvin Tract and being an angle point in the north line of the  
5-36 herein described tract;

5-37 THENCE, North 87° 52' 37" East, a distance of 236.82 feet  
5-38 along the common line of said Mable Irvin south line and the north  
5-39 of line said A.P. Frederick 1/3 League, same being the north line of  
5-40 the herein described tract, to the POINT OF BEGINNING, and  
5-41 containing a computed 508.9 acres of land.

5-42 PARCEL TWO

5-43 COMMENCING at the southwest corner of a called 33.8686-acre  
5-44 tract of land as described in a deed dated April 14, 1981 from James  
5-45 H. Williford, et ux to Robert J. Adam as recorded under CCF No.  
5-46 8113601 and Film Code Number (FC#) 068-01-1066 MCRPR, being in the  
5-47 north right-of-way line of Roman Forest Drive (100 feet wide) as  
5-48 described in a deed dated September 8, 1970 from William Marsh Rice  
5-49 University to Friendswood Development Company and King Ranch, Inc.,  
5-50 as recorded in Volume 718, Page 114 of the Montgomery County Deed  
5-51 Records (MCDR), also being 36.86 feet southeasterly at a right  
5-52 angle from the easterly right-of-way of the H.E. & W.T. Railroad;

5-53 THENCE, South 29° 56' 04" West, a distance of 3,462.33 feet to  
5-54 the northwest corner of the herein described tract, being an  
5-55 interior corner in the easterly right-of-way of U.S. Highway 59  
5-56 (width varies) as described in a deed dated May 14, 1965 from  
5-57 William Marsh Rice University to State of Texas, as recorded in  
5-58 Volume 597, Page 183, MCDR and being the POINT OF BEGINNING of the  
5-59 herein described tract;

5-60 THENCE, South 69° 33' 58" East, a distance of 112.23 feet  
5-61 along the north line of the herein described tract to a point for  
5-62 the northeast corner of the herein described tract, being an  
5-63 exterior southeasterly corner of said U.S. Highway 59, also being  
5-64 in the westerly right-of-way line of State Highway 35 (width  
5-65 varies);

5-66 THENCE, along said westerly right-of-way of (previously  
5-67 called) State Highway 35 (now known as Loop 494), the following  
5-68 seven (7) courses:  
5-69 1. South 14° 06' 09" West, a distance of 751.71 feet to a

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

6-24 THENCE, in a general northwesterly and upstream direction  
 6-25 along the said gradient boundary of Caney Creek the following  
 6-26 meanders;

- 6-27 1. North 61° 33' 29" West, 95.55 feet;
- 6-28 2. North 50° 00' 08" West, 188.29 feet;
- 6-29 3. North 27° 39' 03" West, a distance of 28.86 feet to a point
- 6-30 for the southwest corner of the herein described tract,
- 6-31 being the intersection of the said gradient boundary
- 6-32 and said easterly right-of-way of said U.S. Highway 59;

6-33 THENCE, along said easterly right-of-way of said U.S. Highway  
 6-34 59 the following courses:

- 6-35 1. North 26° 32' 47" East, a distance of 825.84 feet to an
- 6-36 angle point;
- 6-37 2. North 18° 21' 01" East, a distance of 203.61 feet to an
- 6-38 angle point;
- 6-39 3. North 26° 21' 04" East, a distance of 474.57 feet to the
- 6-40 POINT OF BEGINNING, and containing a computed 7.9 acres
- 6-41 of land.

6-42 (2) East Montgomery County Municipal Utility District  
 6-43 No. 6:

6-44 PARCEL ONE

6-45 BEGINNING at the northwest corner of the said Tract 1, being  
 6-46 in the easterly right-of-way line of the H.E. & W.T. Railroad (100  
 6-47 feet wide), also being in the south right-of-way of Roman Forest  
 6-48 Drive (100 feet wide) as described in a deed dated September 8, 1970  
 6-49 and recorded in Volume 718, Page 114 pf the Montgomery County Deed  
 6-50 Records (MCDR);

6-51 THENCE, continuing along the said south right-of-way of said  
 6-52 Roman Forest Drive the following six (6) courses:

- 6-53 1. North 87° 01' 40" East, a distance of 2741.91 feet to an
- 6-54 angle point;
- 6-55 2. South 71° 00' 49" East, a distance of 48.07 feet to an
- 6-56 angle point;
- 6-57 3. South 81° 55' 00" East, a distance of 61.09 feet to an
- 6-58 angle point;
- 6-59 4. North 87° 05' 00" East, a distance of 4,685.13 feet to an
- 6-60 angle point;
- 6-61 5. South 83° 05' 00" East, a distance of 176.00 feet to an
- 6-62 angle point;
- 6-63 6. North 87° 05' 00" East, a distance of 317.23 feet to a
- 6-64 point for the northeast corner of the herein described
- 6-65 tract and called in said deed into Whitestone Houston
- 6-66 Land, Ltd. being on the westerly gradient boundary of
- 6-67 the navigable stream currently called Peach Creek;

6-68 THENCE, in a general southeasterly and downstream direction  
 6-69 along the said westerly gradient boundary of Peach Creek the

7-1 following meanders;

7-2 1. South 02° 55' 01" East, 8.44 feet;

7-3 2. South 18° 19' 57" West, 55.45 feet;

7-4 3. South 22° 24' 28" West, 92.61 feet;

7-5 4. South 02° 19' 30" East, 142.43 feet;

7-6 5. South 18° 16' 11" West, 164.33 feet;

7-7 6. South 41° 15' 47" West, 114.21 feet;

7-8 7. South 36° 14' 56" West, 175.34 feet;

7-9 8. South 01° 05' 21" East, 195.41 feet;

7-10 9. South 14° 08' 12" East, 126.44 feet;

7-11 10. South 07° 39' 09" East, 192.04 feet;

7-12 11. South 10° 47' 59" West, 146.98 feet;

7-13 12. South 02° 59' 17" East, 311.80 feet;

7-14 13. South 01° 40' 00" East, 134.81 feet;

7-15 14. South 08° 42' 38" East, 189.10 feet;

7-16 15. South 17° 43' 00" East, 182.75 feet;

7-17 16. South 32° 47' 06" East, 160.50 feet;

7-18 17. South 40° 15' 51" East, 110.61 feet;

7-19 18. South 27° 42' 45" East, 211.41 feet;

7-20 19. South 38° 29' 35" East, 123.07 feet;

7-21 20. South 48° 24' 24" East, 161.34 feet;

7-22 21. South 51° 57' 20" East, 230.18 feet;

7-23 22. South 41° 22' 28" East, 170.56 feet;

7-24 23. South 33° 27' 32" East, 121.73 feet;

7-25 24. South 37° 16' 44" East, 144.80 feet;

7-26 25. South 49° 45' 37" East, 201.83 feet;

7-27 26. South 58° 17' 17" East, 186.66 feet;

7-28 27. South 43° 28' 28" East, 245.99 feet;

7-29 28. South 29° 46' 49" East, 156.23 feet;

7-30 29. South 44° 04' 33" East, 122.77 feet;

7-31 30. South 23° 29' 46" East, 169.88 feet;

7-32 31. South 24° 53' 41" East, 49.15 feet;

7-33 32. South 36° 59' 21" East, 117.28 feet;

7-34 33. South 30° 05' 18" East, 156.77 feet;

7-35 34. South 22° 54' 17" East, 144.17 feet;

7-36 35. South 31° 42' 52" East, 86.54 feet;

7-37 36. South 18° 20' 16" East, a distance of 81.23 feet to a

7-38 point for the southeast corner of the herein described

7-39 tract, said point being the intersection of said

7-40 westerly gradient boundary of Peach Creek and the south

7-41 line of said A.P. Frederick 1/3 League, and being the

7-42 north line of a 45.18-acre tract of land as described in

7-43 a deed dated May 20, 1993 from Mill Whitehead to Dean A.

7-44 Lewis, et ux, as recorded under CCF No. 9326004 and Film

7-45 Code Number (FC#) 878-01-1487, MCRPR;

7-46 THENCE, South 86° 23' 05" West, a distance of 5,579.53 feet

7-47 along the common line of said A.P. Frederick 1/3 League's south line

7-48 and the north line of said Lewis tract, the north line of Country

7-49 Estates as recorded in Cabinet "D", Sheet 33B of the Montgomery

7-50 County Map Records (MCMR), and the north line of a called 21.5-acre

7-51 tract of land as described in a deed dated May 6, 1994 from Mary J.

7-52 Reindl, et al to Dennis Arrington, et ux, as recorded under CCF No.

7-53 9430971 and FC# 979-01-1323 MCRPR to the northeast corner of a

7-54 called 25.3884-acre tract of land as described in a deed dated

7-55 November 11, 1982 from Blanche G. Dumas, et al. to William B. Dumas

7-56 as recorded under CCF No. 8251910 and FC# 168-01-2042 MCRPR and

7-57 being an angle point in the south line of the herein described

7-58 tract;

7-59 THENCE, South 86° 41' 47" West, a distance of 288.97 feet

7-60 along the common line of said A.P. Frederick 1/3 League's south line

7-61 and the north line of said Dumas tract, same being the south line of

7-62 the herein described tract, to a point for the southwest corner of

7-63 the herein described tract;

7-64 THENCE North 10° 21' 02" East, a distance of 832.05 feet to a

7-65 point for the beginning of a curve;

7-66 THENCE along a curve to the right, concave northeast, having

7-67 a radius of 900.00 feet, a central angle of 13° 23' 14", a chord

7-68 bearing North 64° 31' 52" West, 209.81 feet and an arc length of

7-69 210.29 feet to a point of tangency;

8-1           THENCE, North 57° 50' 15" West, a distance of 560.00 feet to a  
 8-2 point for corner;  
 8-3           THENCE, North 50° 36' 55" East, a distance of 144.01 feet to an  
 8-4 angle point;  
 8-5           THENCE, North 45° 36' 55" East, a distance of 150.00 feet to an  
 8-6 angle point;  
 8-7           THENCE, North 34° 07' 40" East, a distance of 200.00 feet to an  
 8-8 angle point;  
 8-9           THENCE, North 41° 04' 35" East, a distance of 200.00 feet to an  
 8-10 angle point;  
 8-11          THENCE, North 23° 37' 14" East, a distance of 100.00 feet to an  
 8-12 angle point;  
 8-13          THENCE, North 06° 00' 00" East, a distance of 460.00 feet to an  
 8-14 angle point;  
 8-15          THENCE, North 06° 07' 06" West, a distance of 130.00 feet to a  
 8-16 point for corner;  
 8-17          THENCE, South 83° 52' 54" West, a distance of 175.00 feet to an  
 8-18 angle point;  
 8-19          THENCE, North 89° 43' 43" West, a distance of 245.00 feet to an  
 8-20 angle point;  
 8-21          THENCE, North 82° 06' 49" West, a distance of 275.00 feet to an  
 8-22 angle point;  
 8-23          THENCE, North 76° 29' 09" West, a distance of 190.00 feet to an  
 8-24 angle point;  
 8-25          THENCE, North 66° 22' 15" West, a distance of 325.00 feet to an  
 8-26 angle point;  
 8-27          THENCE, North 82° 01' 36" West, a distance of 190.00 feet to a  
 8-28 point for corner and the beginning of a curve to the left;  
 8-29          THENCE, along said curve the left, concave south, having a  
 8-30 radius of 116.00 feet, a central angle of 144° 02' 43", a chord  
 8-31 bearing South 82° 19' 40" West, 220.67 feet and an arc length of  
 8-32 291.63 feet to a point for corner;  
 8-33          THENCE, South 73° 30' 29" West, a distance of 190.00 feet to an  
 8-34 angle point;  
 8-35          THENCE, South 65° 42' 27" West, a distance of 250.00 feet to an  
 8-36 angle point;  
 8-37          THENCE, South 57° 26' 11" West, a distance of 255.00 feet to a  
 8-38 point for corner;  
 8-39          THENCE, North 49° 23' 01" West, a distance of 90.00 feet to an  
 8-40 angle point;  
 8-41          THENCE, North 58° 18' 56" West, a distance of 200.00 feet to an  
 8-42 angle point;  
 8-43          THENCE, North 36° 11' 57" West, a distance of 135.00 feet to an  
 8-44 angle point;  
 8-45          THENCE, North 60° 05' 19" West, a distance of 65.00 feet to an  
 8-46 angle point;  
 8-47          THENCE, North 85° 39' 35" West, a distance of 140.00 feet to an  
 8-48 angle point;  
 8-49          THENCE, North 65° 13' 31" West, a distance of 75.00 feet to an  
 8-50 angle point;  
 8-51          THENCE, North 48° 33' 43" West, a distance of 225.00 feet to an  
 8-52 angle point;  
 8-53          THENCE, North 37° 31' 21" West, a distance of 75.00 feet to an  
 8-54 angle point;  
 8-55          THENCE, North 25° 06' 14" West, a distance of 75.00 feet to an  
 8-56 angle point;  
 8-57          THENCE, North 11° 27' 32" West, a distance of 300.00 feet to an  
 8-58 angle point;  
 8-59          THENCE, North 07° 42' 00" East, a distance of 263.18 feet to an  
 8-60 angle point;  
 8-61          THENCE, North 21° 03' 15" West, a distance of 484.86 feet to a  
 8-62 point for corner and the beginning of a curve to the left;  
 8-63          THENCE, along said curve to the left, concave southeast,  
 8-64 having a radius of 750.00 feet, a central angle of 34° 54' 29", a  
 8-65 chord bearing South 51° 29' 30" West, 449.91 feet and an arc length  
 8-66 of 456.95 feet to a point for corner;  
 8-67          THENCE, North 55° 57' 44" West, a distance of 770.65 feet to a  
 8-68 point for corner in the west line of said called 1043.9094-acre  
 8-69 Tract 1, being also the said easterly right-of-way line of the H.E.



9-1 & W.T. Railroad;  
 9-2 THENCE, North 27° 49' 25" East, a distance of 579.42 feet to  
 9-3 the POINT OF BEGINNING and containing a computed 662.6 acres of  
 9-4 land.

9-5 PARCEL TWO

9-6 COMMENCING at the southwest corner of a called 33.8686-acre  
 9-7 tract of land as described in a deed dated April 14, 1981 from James  
 9-8 H. Williford, et ux to Robert J. Adams as recorded under CCF No.  
 9-9 8113601 and Film Code Number (FC#) 068-01-1066 MCRPR, being in the  
 9-10 north right-of-way line of Roman Forest Drive (100 feet wide) as  
 9-11 described in a deed dated September 8, 1970 from William Marsh Rice  
 9-12 University to Friendswood Development Company and King Ranch, Inc.,  
 9-13 as recorded in Volume 718, Page 114 of the Montgomery County Deed  
 9-14 Records (MCDR), also being 36.86 feet southeasterly at a right  
 9-15 angle from the easterly right-of-way of the H.E. & W.T. Railroad;

9-16 THENCE, North 87° 01' 40" East, a distance of 2,658.80 feet  
 9-17 along said north right-of-way line of Roman Forest Drive and north  
 9-18 line of the A.P. Frederick 1/3 League, to the northwest corner and  
 9-19 the POINT OF BEGINNING of the herein described tract, said point  
 9-20 lying in the south line of the remainder of a called 11-acre tract  
 9-21 of land as described in a deed dated December 10, 1971 from Texas  
 9-22 Gulf Industries, Inc. to Thomas S. Terrell, as recorded in Volume  
 9-23 219, Page 461, MCDR;

9-24 THENCE, North 87° 01' 40" East, a distance of 89.56 feet  
 9-25 departing the said north right-of-way line of Roman Forest Drive,  
 9-26 along the common line of said Terrell tract and the north line of  
 9-27 the A.P. Frederick 1/3 League, to the southeast corner of said  
 9-28 Terrell tract and the southwest corner of a called 44.9438-acre  
 9-29 tract of land as described in a deed dated March 7, 1994 from Alice  
 9-30 Ruth McClain et al. to Paul D. Wilhelm, D.D.S., et ux, as recorded  
 9-31 under CCF No. 9414829 and FC# 958-01-0786 MCRPR;

9-32 THENCE, North 87° 05' 00" East, a distance of 5,171.48 feet  
 9-33 along the common line of the Wilhelm tract south line, the south  
 9-34 line of a called 7.5351-acre tract of land as described in a deed  
 9-35 dated July 22, 1992 from Seth W. Dorbandt, et al. to Houston  
 9-36 Cellular Telephone Company, as recorded under CCF No. 9237368, and  
 9-37 FC# 808-01-0999, MCRPR, the south line of Woodbranch Section 4, as  
 9-38 recorded in Volume 7, Page 231, of the Montgomery County Map Records  
 9-39 (MCMR), the south line of Woodbranch Section 3, as recorded in  
 9-40 Volume 5, Page 351, MCMR, and the north line of said A.P. Frederick  
 9-41 1/3 League, to the northeast corner of the herein described tract,  
 9-42 called in said deed into Whitestone Houston Land, Ltd. being on the  
 9-43 westerly gradient boundary of the navigable stream currently called  
 9-44 Peach Creek;

9-45 THENCE, South 02° 55' 00" East, a distance of 59.75 feet in a  
 9-46 generally southeasterly and downstream direction along the said  
 9-47 gradient boundary of Peach Creek to a point for the southeast corner  
 9-48 of the herein described tract, being in the said north right-of-way  
 9-49 line of Roman Forest Drive;

9-50 THENCE, along said north right-of-way of Roman Forest Drive  
 9-51 the following five (5) courses:

- 9-52 1. South 87° 05' 00" West, a distance of 308.63 feet to an  
 9-53 angle point;
- 9-54 2. North 83° 05' 00" West, a distance of 176.00 feet to an  
 9-55 angle point;
- 9-56 3. South 87° 05' 00" West, a distance of 4,684.10 feet to an  
 9-57 angle point;
- 9-58 4. North 81° 55' 00" West, a distance of 41.92 feet to an  
 9-59 angle point;
- 9-60 5. North 71° 00' 49" West, a distance of 57.93 feet to the  
 9-61 POINT OF BEGINNING and containing a computed 3.8 acres  
 9-62 of land.

9-63 (3) East Montgomery County Municipal Utility District  
 9-64 No. 7:

9-65 COMMENCING at the northwest corner of said Tract 1, being in  
 9-66 the easterly right-of-way line of the H.E. & W.T. Railroad (100 feet  
 9-67 wide), also being in the south right-of-way of Roman Forest Drive  
 9-68 (100 feet wide) as described in a deed dated September 8, 1970 and  
 9-69 recorded in Volume 718, Page 114 of the Montgomery County Deed

10-1 Records (MCDR);  
 10-2        THENCE, South 27° 49' 25" West, a distance of 579.42 feet  
 10-3 along the said east right-of-way of line of the H.E. & W.T. Railroad  
 10-4 to the POINT OF BEGINNING;  
 10-5        THENCE, South 55° 57' 44" East, a distance of 770.65 feet to a  
 10-6 point for corner and the beginning of a curve to the right;  
 10-7        THENCE, along a curve to the right, concave southeast, having  
 10-8 a radius of 750.00 feet, a central angle of 34° 54' 29", a chord  
 10-9 bearing North 51° 29' 30" East, 449.91 feet and an arc length of  
 10-10 456.95 feet to a point for corner;  
 10-11        THENCE, South 21° 03' 15" East, a distance of 484.86 to an  
 10-12 angle point;  
 10-13        THENCE, South 07° 42' 00" West, a distance of 263.18 feet to an  
 10-14 angle point;  
 10-15        THENCE, South 11° 27' 32" East, a distance of 300.00 feet to an  
 10-16 angle point;  
 10-17        THENCE, South 25° 06' 14" East, a distance of 75.00 feet to an  
 10-18 angle point;  
 10-19        THENCE, South 37° 31' 21" East, a distance of 75.00 feet to an  
 10-20 angle point;  
 10-21        THENCE, South 48° 33' 43" East, a distance of 225.00 feet to an  
 10-22 angle point;  
 10-23        THENCE, South 65° 13' 31" East, a distance of 75.00 feet to an  
 10-24 angle point;  
 10-25        THENCE, South 85° 39' 35" East, a distance of 140.00 feet to an  
 10-26 angle point;  
 10-27        THENCE, South 60° 05' 19" East, a distance of 65.00 feet to an  
 10-28 angle point;  
 10-29        THENCE, South 36° 11' 57" East, a distance of 135.00 feet to an  
 10-30 angle point;  
 10-31        THENCE, South 58° 18' 56" East, a distance of 200.00 feet to an  
 10-32 angle point;  
 10-33        THENCE, South 49° 23' 01" East, a distance of 90.00 feet to a  
 10-34 point for corner;  
 10-35        THENCE, North 57° 26' 11" East, a distance of 255.00 feet to an  
 10-36 angle point;  
 10-37        THENCE, North 65° 42' 27" East, a distance of 250.00 feet to an  
 10-38 angle point;  
 10-39        THENCE, North 73° 30' 29" East a distance of 190.00 feet to a  
 10-40 point for corner and the beginning of a curve to the right;  
 10-41        THENCE, along said curve the right, concave south, having a  
 10-42 radius of 116.00 feet, a central angle of 144° 02' 43", a chord  
 10-43 bearing North 82° 19' 40" East, 220.67 feet and an arc length of  
 10-44 291.63 feet to a point for corner;  
 10-45        THENCE, South 82° 01' 36" East, a distance of 190.00 feet to an  
 10-46 angle point;  
 10-47        THENCE, South 66° 22' 15" East, a distance of 325.00 feet to an  
 10-48 angle point;  
 10-49        THENCE, South 76° 29' 09" East, a distance of 190.00 feet to an  
 10-50 angle point;  
 10-51        THENCE, South 82° 06' 49" East, a distance of 275.00 feet to an  
 10-52 angle point;  
 10-53        THENCE, South 89° 43' 43" East, a distance of 245.00 feet to an  
 10-54 angle point;  
 10-55        THENCE, North 83° 52' 54" East, a distance of 175.00 feet to a  
 10-56 point for corner;  
 10-57        THENCE, South 06° 07' 06" East, a distance of 130.00 feet to an  
 10-58 angle point;  
 10-59        THENCE, South 06° 00' 00" West, a distance of 460.00 feet to an  
 10-60 angle point;  
 10-61        THENCE, South 23° 37' 14" West, a distance of 100.00 feet to an  
 10-62 angle point;  
 10-63        THENCE, South 41° 04' 35" West, a distance of 200.00 feet to an  
 10-64 angle point;  
 10-65        THENCE, South 34° 07' 40" West, a distance of 200.00 feet to an  
 10-66 angle point;  
 10-67        THENCE, South 45° 36' 55" West, a distance of 150.00 feet to an  
 10-68 angle point;  
 10-69        THENCE, South 50° 36' 55" West, a distance of 144.01 feet to a

11-1 point for corner;

11-2 THENCE, South 57° 50' 15" East, a distance of 560.00 feet to a  
11-3 point of curvature;

11-4 THENCE along a curve to the left, concave northeast, having a  
11-5 radius of 900.00 feet, a central angle of 13° 23' 14", a chord  
11-6 bearing South 64° 31' 52" East, 209.81 feet and an arc length of  
11-7 210.29 feet to a point for corner;

11-8 THENCE South 10° 21' 02" West, a distance of 832.05 feet to a  
11-9 point in the south line of said Tract 1, being also said A.P.  
11-10 Frederick 1/3 League's south line and the north line of a called  
11-11 25.3884-acre tract of land as described in a deed dated November 11,  
11-12 1982 from Blanche G. Dumas, et al. to William B. Dumas as recorded  
11-13 under CCF No. 8251910 and FC# 168-01-2042 MCRPR;

11-14 THENCE, S 86° 41' 47" W, a distance of 525.41 feet along the  
11-15 common line of said A.P. Frederick 1/3 League's south line and the  
11-16 north line of said Dumas tract, same being the south line of the  
11-17 herein described tract, to the northwest corner of said Dumas tract  
11-18 and the northeast corner of a called 50.097-acre tract of land as  
11-19 described in a deed dated March 28, 1991 from Herman D. Collette to  
11-20 Barbara L. Collette as recorded in MCCF #9628905 and FC#  
11-21 157-00-1792 MCRPR and being an angle point in the south line of the  
11-22 herein described tract;

11-23 THENCE, S 85° 40' 30" W, a distance of 996.36 feet along the  
11-24 common line of said A.P. Frederick 1/3 League's south line and the  
11-25 north line of said 50.097-acre tract, same being the south line of  
11-26 the herein described tract, to the northwest corner of said  
11-27 50.097-acre tract and the northeast corner of a called 14.233-acre  
11-28 tract of land as described in a deed dated March 28, 1991 from  
11-29 Herman D. Collette to Barbara L. Collette as recorded under CCF No.  
11-30 9628904 and FC# 157-00-1789 MCRPR and being an angle point in the  
11-31 south line of the herein described tract;

11-32 THENCE, S 85° 29' 19" West, a distance of 3,978.02 feet along  
11-33 the common line of said A.P. Frederick 1/3 League's south line and  
11-34 the north line of said 14.233-acre tract, the north line of the  
11-35 remainder of a called 51-acre tract of land as described in a deed  
11-36 dated June 21, 1948 from C.L. Reinhardt to Erwin Reinhardt as  
11-37 recorded in Volume 505, Page 380 MCDR, the north line of a called  
11-38 2.275-acre tract of land as described in a deed dated September 30,  
11-39 1982 from Emmett Vickery, Inc. to Emmett Ray Vickery, et ux as  
11-40 recorded under CCF No. 8242945 and FC# 158-01-1238 MCRPR, the north  
11-41 line of the remainder of a called 13.33-acre tract of land as  
11-42 described in a deed dated August 15, 1980 from Veterans Land Board  
11-43 of Texas to Emmett Ray Vickery as recorded under CCF No. 8027065 and  
11-44 FC# 030-01-1037 MCRPR, the north line of a called 66.740-acre tract  
11-45 of land as described in a deed dated October 9, 1981 from G.K.  
11-46 Markham, et ux to William A Kimbrough, et al. as recorded under CCF  
11-47 No. 8138231 and FC# 096-01-1414 MCRPR, same being the south line of  
11-48 the herein described tract to a point for the southerly southwest  
11-49 corner of the herein described tract and called in said deed into  
11-50 Whitestone Houston Land, Ltd. being on the easterly gradient  
11-51 boundary of the navigable stream currently called Caney Creek.

11-52 THENCE, in a general northwesterly and upstream direction  
11-53 along the said easterly gradient boundary of Caney Creek the  
11-54 following meanders;

- 11-55 1. North 23° 45' 51" West, 124.84 feet;
- 11-56 2. North 32° 54' 19" West, 217.08 feet;
- 11-57 3. North 54° 04' 14" West, a distance of 45.14 feet to a point  
11-58 for the westerly southwest corner of the herein  
11-59 described tract, said point being the intersection of  
11-60 said easterly gradient boundary of said Caney Creek and  
11-61 the said easterly right-of-way line of the H.E. & W.T.  
11-62 Railroad;

11-63 THENCE, along said easterly right-of-way line of the H.E. &  
11-64 W.T. Railroad the following three (3) courses:

- 11-65 1. North 14° 06' 09" East, a distance of 2,351.55 feet to a  
11-66 point of curvature to the right;
- 11-67 2. Along said curve to the right, concave southeast, having  
11-68 a radius of 2,714.83 feet, a central angle of 13° 25'  
11-69 48", a chord bearing North 21° 06' 31" East, 634.89 feet

and an arc length of 636.35 feet to the end of said curve;

3. North 27° 49' 25" East, a distance of 1469.71 feet to the POINT OF BEGINNING, containing a computed 381.3 acres of land.

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

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

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

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

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

\* \* \* \* \*