

By: Eissler

H.B. No. 3981

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Hardin Store Road Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 8245 to read as follows:

CHAPTER 8245. HARDIN STORE ROAD MUNICIPAL UTILITY DISTRICT

NO. 1 OF MONTGOMERY COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8245.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Hardin Store Road Municipal Utility District No. 1 of Montgomery County.

Sec. 8245.002. NATURE OF DISTRICT. The district is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8245.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8245.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011,

1 except that:

2 (A) any debts incurred shall be paid;

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

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

8 (2) this chapter expires September 1, 2014.

9 Sec. 8245.004. INITIAL DISTRICT TERRITORY. (a) The  
10 district is initially composed of the territory described by  
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of  
13 the Act creating this chapter form a closure. A mistake made in the  
14 field notes or in copying the field notes in the legislative process  
15 does not affect:

16 (1) the organization, existence, or validity of the  
17 district;

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

19 (3) the validity of the district's bonds, notes, or  
20 indebtedness; or

21 (4) the legality or operation of the district or the  
22 board.

23 [Sections 8245.005-8245.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 8245.021. TEMPORARY DIRECTORS. (a) On or after  
26 September 1, 2007, a person who owns land in the district may submit  
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the  
2 five persons named in the petition.

3 (b) The commission shall appoint as temporary directors the  
4 five persons named in the first petition received by the commission  
5 under Subsection (a).

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

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

9 (1) the date directors are elected under Section  
10 8245.024; or

11 (2) the date this subchapter expires under Section  
12 8245.026.

13 Sec. 8245.022. ORGANIZATIONAL MEETING OF TEMPORARY  
14 DIRECTORS. As soon as practicable after all the temporary  
15 directors have qualified under Section 49.055, Water Code, the  
16 temporary directors shall meet at a location in the district  
17 agreeable to a majority of the directors. At the meeting, the  
18 temporary directors shall elect officers from among the temporary  
19 directors and conduct any other district business.

20 Sec. 8245.023. CONSENT OF MUNICIPALITY REQUIRED. The  
21 temporary directors may not hold an election under Section 8245.024  
22 until each municipality in whose corporate limits or  
23 extraterritorial jurisdiction the district is located has adopted a  
24 resolution consenting to the creation of the district.

25 Sec. 8245.024. CONFIRMATION AND INITIAL DIRECTORS'  
26 ELECTION. The temporary directors shall hold an election to  
27 confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code.

2 Sec. 8245.025. INITIAL ELECTED DIRECTORS; TERMS. The  
3 directors elected under Section 8245.024 shall draw lots to  
4 determine which two shall serve until the first regularly scheduled  
5 election of directors under Section 8245.052 and which three shall  
6 serve until the second regularly scheduled election of directors.

7 Sec. 8245.026. EXPIRATION OF SUBCHAPTER. This subchapter  
8 expires September 1, 2014.

9 [Sections 8245.027-8245.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8245.051. DIRECTORS; TERMS. (a) The district is  
12 governed by a board of five directors.

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

14 Sec. 8245.052. ELECTION OF DIRECTORS. On the uniform  
15 election date in May of each even-numbered year, the appropriate  
16 number of directors shall be elected.

17 [Sections 8245.053-8245.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8245.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
20 DUTIES. The district has the powers and duties provided by the  
21 general law of this state, including Chapters 49 and 54, Water Code,  
22 applicable to municipal utility districts created under Section 59,  
23 Article XVI, Texas Constitution.

24 Sec. 8245.102. ROAD PROJECTS. (a) To the extent authorized  
25 by Section 52, Article III, Texas Constitution, the district may  
26 construct, acquire, improve, maintain, or operate macadamized,  
27 graveled, or paved roads, or improvements in aid of those roads,

1 inside the district.

2 (b) A road project must meet or exceed all applicable  
3 construction standards, zoning and subdivision requirements, and  
4 regulatory ordinances of each municipality in whose corporate  
5 limits or extraterritorial jurisdiction the district is located.  
6 If the district is located outside the extraterritorial  
7 jurisdiction of a municipality, a road project must meet all  
8 applicable construction standards, zoning and subdivision  
9 requirements, and regulatory ordinances of each county in which the  
10 district is located.

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

15 Sec. 8245.103. COMPLIANCE WITH MUNICIPAL CONSENT  
16 RESOLUTION. The district shall comply with all applicable  
17 requirements of any resolution, adopted by the governing body of a  
18 municipality under Section 54.016, Water Code, that consents to the  
19 creation of the district or to the inclusion of land in the  
20 district.

21 Sec. 8245.104. RECREATIONAL FACILITIES; LIMIT ON EMINENT  
22 DOMAIN POWER. (a) In this section, "recreational facilities" and  
23 "develop and maintain" have the meanings assigned by Section  
24 49.462, Water Code.

25 (b) The district may develop and maintain recreational  
26 facilities in the manner provided by Subchapter N, Chapter 49,  
27 Water Code.

1       (c) The district may not, for the development or maintenance  
2 of a recreational facility, acquire by condemnation land, an  
3 easement, or other property inside or outside the district.

4       [Sections 8245.105-8245.150 reserved for expansion]

5               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6       Sec. 8245.151. TAX TO REPAY BONDS. The district may impose  
7 a tax to pay the principal of or interest on bonds issued under  
8 Section 8245.201.

9       [Sections 8245.152-8245.200 reserved for expansion]

10               SUBCHAPTER E. BONDS

11       Sec. 8245.201. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS. (a) The district may issue bonds or other obligations  
13 as provided by Chapters 49 and 54, Water Code, to finance the  
14 construction, maintenance, or operation of projects under Sections  
15 8245.101 and 8245.102.

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 issue bonds payable from ad valorem taxes.

19       (c) The district may not issue bonds to finance projects  
20 authorized by Section 8245.102 unless the issuance is approved by a  
21 vote of a two-thirds majority of the voters of the district voting  
22 at an election called for that purpose.

23       (d) Bonds or other obligations issued or incurred to finance  
24 projects authorized by Section 8245.102 may not exceed one-fourth  
25 of the assessed value of the real property in the district.

26       Sec. 8245.202. BONDS FOR RECREATIONAL FACILITIES. If  
27 authorized at an election under Section 8245.201(b), the district

1 may issue bonds payable from ad valorem taxes to pay for the  
2 development and maintenance of recreational facilities under  
3 Section 8245.104.

4 SECTION 2. The Hardin Store Road Municipal Utility District  
5 No. 1 of Montgomery County includes all the territory contained in  
6 the following area:

7 TRACT ONE:

8 Being a 68.393 acre tract of land situated in the James Brown  
9 Survey, Abstract Number 78 and the Joseph Miller Survey. Abstract  
10 Number 27, of Montgomery County, Texas, and being all of Lot 8, in  
11 Block 9, of SPRING CREEK FOREST, Section 3, an unrecorded  
12 subdivision described in deed recorded in Film Code Number  
13 633-10-0760, all of Lot 7, in Block 1, of SPRING CREEK FOREST,  
14 Section 1, an unrecorded subdivision, described in deed recorded in  
15 Film Code Number 648-01-1826, and being out of and part of a called  
16 71.8079 acres, described in deed recorded in Film Code Number  
17 720-01-1864, all of the Real Property Records of Montgomery County,  
18 Texas; said 68.393 acres being more particularly described as  
19 follows with all bearings based on the North line of the 71.8079  
20 acres;

21 BEGINNING at a 1/2 inch iron rod, found for the lower Northwest  
22 corner of the herein described tract, common with the Northwest  
23 corner of the 71.8079 acres and the Southwest corner of Lot 17, in  
24 Block 9, Section 3, of said subdivision, described in deed recorded  
25 in Film Code Number 028-00-0902, of said Real Property Records,  
26 same being in the East line of the residual of a called 2253.2253  
27 acres, described in deed recorded in Film Code Number 543-10- 0707,

1 of said Real Property Records and proceeding:

2 THENCE N 89°20'00" E, a distance of 951.98 feet, along a North line  
3 of the herein described tract, common with the North line of the  
4 71.8079 acres, the South line of Lot 17, the South line of Lots 16  
5 and 15, in Block 9, Section 3, of said subdivision, described in  
6 deed recorded in Film Code Number 028-00-0902, the South line of  
7 Lots 14 and 13, in Block 9, Section 3, of said subdivision,  
8 described in deed recorded in Film Code Number 045-00-2159, the  
9 South line of Lots 12 and 11, in Block 9, Section 3, of said  
10 subdivision, described in deed recorded in Film Code Number  
11 090-00-0572, and the South line of Lots 10 and 9, in Block 9,  
12 Section 3, of said subdivision, described in deed recorded in Film  
13 Code Number 797-10-2425, all of said Real Property Records, to a  
14 point for an interior corner of the herein described tract, common  
15 with the Southeast corner of Lot 9 and the Southwest corner of Lot  
16 8;

17 THENCE N 00°30'54" W, a distance Of 360.97 feet, (Deed - N  
18 00°35'00"W, 360.00 feet), along the upper West line of the herein  
19 described tract, common with the West line of Lot 8 and the East  
20 line of Lot 9, to a 1/2 inch iron rod, found for the upper Northwest  
21 corner of the herein described tract, common with Northwest corner  
22 of Lot 8 and the Northeast corner of Lot 9, same being in the South  
23 right-of-way line of Caddo Drive, 60 feet wide;

24 THENCE N 89°33'47" E, a distance of 100.08 feet, (Deed N 89°20'00" E,  
25 100'), along the upper North line of the herein described tract,  
26 common with the North line of Lot 8 and the South right-of-way line  
27 of Caddo Drive, to a 1/2 inch iron rod, found for the upper

1 Northeast corner of the herein described tract, common with the  
2 Northeast corner of Lot 8 and the Northwest corner of Lot 7, in Block  
3 9, Section 3, of said subdivision, described in deed recorded in  
4 Film Code Number 652-01-1588, of said Real Property Records;  
5 THENCE S 00°33'53" E, (Deed - S 00°35'00" E), a distance of 827.87  
6 feet, along the upper East line of the herein described tract,  
7 common with the East line of Lot 8 and the West line of Lot 7, and  
8 then severing the 71.8079 acres, to a point for an interior corner  
9 of the herein described tract;  
10 THENCE N 89°20'00" E. a distance of 464.74 feet, along a North line  
11 of the herein described tract, to a point for a lower Northeast  
12 corner of the herein described tract, same being in the East line of  
13 the 71.8079 acres and the West line of Lot 9, in Block 6, Section 3,  
14 of said subdivision, described in deed recorded in Film Code Number  
15 981 10-2882 of said Real Property Records;  
16 THENCE S 00°14'11" E, (Deed, S 00°08'17" E), a distance of 1469.98  
17 feet, along the lower East line of the herein described tract,  
18 common with the East line of the 71.8079 acres, the West line of Lot  
19 9, the West line of Lots 8 and 7, in Block 6, Section 3, of said  
20 subdivision, described in deed recorded in Film Code Number  
21 981-10-2882, the West Line of Lots 6, 5, 4, and 3, in Block 6,  
22 Section 3, of said subdivision, described in deed recorded in Film  
23 Code Number 715-. 00-1158, the West line of Lots 2 and 1, in Block 6,  
24 Section 3, of said subdivision, described in deed recorded in Film  
25 Code Number 715-00-1163, the West line of Lots 1 and 2, in Block 1,  
26 Section 1, of said subdivision, described in deed recorded in Film  
27 Code Number 325-00-1227, the West line of Lots 3 and 4, in Block 1,

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1 Section I, of said subdivision, described in deed recorded in Film  
2 Code Number 336-01-0578, and the West line of Lots 5 and 6, in Block  
3 1 Section 2, of said subdivision, described in deed recorded in Film  
4 Code Number 986-01-2323, all of said Real Property Records, to a 1/2  
5 inch iron rod, found for an interior corner of the herein described  
6 tract, common with the Southwest corner of Lot 6 and the Northwest  
7 corner of Lot 7, in Block 1, Section 1, of said subdivision;  
8 THENCE S 89°32'14" E, a distance of 292.90 feet, (Deed. S 88°42' E,  
9 295.16 feet), along a North line of the herein described tract,  
10 common with the North line of Lot 7 and the South line of Lot 6, to a  
11 1/2 inch iron rod, found for the lower Northeast corner of the  
12 herein described tract, common with the Northeast corner of Lot 7  
13 and the Southeast corner of Lot 6, same being in the West right  
14 of-way-line of North Creek Drive, 60 feet wide;  
15 THENCE S 00°42'35" E, a distance of 100.18 feet, (Deed - S 00°05'00"  
16 E, 100 feet), along the outermost East line of the herein described  
17 tract, common with the East line of Lot 7 and the West right-of-way  
18 line of North Creek Drive, to a 1/2 inch iron rod, found for the  
19 upper Southeast corner of the herein described tract, common with  
20 the Southeast corner of Lot 7 and the Northeast corner of Lot 8 in  
21 Block 1, Section 1, of said subdivision, described in deed recorded  
22 in Film Code Number 788-00-2224, of said Real Property Records;  
23 THENCE N 89°26'40" W, a distance of 296.4 feet, (Deed - N 88°42' W,  
24 295.47 feet), along the upper South line of the herein described  
25 tract, common with the South line of Lot 7 and the North line of Lot  
26 8, to a 1/2 inch iron rod, found for an interior corner of the herein  
27 described tract, common with the Southwest corner of Lot 7 and the

1 Northwest corner of Lot 8, same being in the East line of the  
2 71.8079 acres;

3 THENCE S 00°52'01" W, (Deed - S 00°08'17" E), a distance of 44.02  
4 feet, along the lower East line of the herein described tract,  
5 common with the East line of the 71.8079 acres and the West line of  
6 Lot 8, to a 1 inch iron bar, found for the lower Southeast corner of  
7 the herein described tract, common with the Southeast corner of the  
8 71.8079 acres and the Northeast corner of a called 44.000 acres,  
9 described in deed recorded in Volume 102, Page 937, of the Deed  
10 Records of Montgomery County, Texas;

11 THENCE N 89°51'42" W, a distance of 1501.95 feet, along the lower  
12 South line of the herein described tract, common with the South line  
13 of the 71.8079 acres and the North line of the 44.000 acres, to a 1/2  
14 inch iron rod, found for the Southwest corner of the herein  
15 described tract, common with the Southwest corner of the 71.8079  
16 acres and the Northwest corner of the 44.000 acres, same being in  
17 the East line of the 2253.2253 acres;

18 THENCE N 00°38'00" W, a distance of 2059.77, along the West line of  
19 the herein described tract, common with the West line of the 71.8079  
20 acres and the East line of the 2253.2253 acres, hack to the POINT OF  
21 BEGINNING and containing 68.393 acres of land as computed based on  
22 the survey and plat prepared by C & C Surveying, Inc., dated May 22,  
23 2006.

24 TRACT TWO:

25 Being 172.60 acres (7,518,462 square feet) of land with 137.36  
26 acres being located in the Bartley Murrey Survey, Abstract Number  
27 343 and the remainder 35.24 acres being located in the John Foster

1 Survey, Abstract Number 205 Montgomery County, Texas, and being  
2 that same tract of land called 171.448 acres as recorded under  
3 Clerk's File Number 2003-047615 of the Montgomery County Official  
4 Public Records of Real Property; said 172.60 acres being more  
5 particularly described by metes and bounds as follows with all  
6 bearings being referenced to the Texas State Plane Coordinate  
7 System of 1983, Central Zone:

8 BEGINNING at a found 5/8 inch iron rod, for the southwest corner of  
9 Lot 1 of Decker Woods Ranchettes, a subdivision in Montgomery  
10 County, Texas according to the map or plat thereof recorded in  
11 Cabinet D, Sheet 192-A of the Montgomery County Map Records and the  
12 northwest corner of the herein described parcel;

13 THENCE North 87 degrees 06 minutes 54 seconds East, a distance of  
14 1633.78 feet, (Deed Call: West, 3,215.7 feet) along the south line  
15 of the aforementioned Lot 1 and the north line of the herein  
16 described parcel to a found 1/2 inch iron in the south line of a  
17 12.000 acre tract conveyed to Leo P. Boutte as recorded under  
18 Clerk's File Number 2003-107853 of the Montgomery County Official  
19 Public Records of Real Property, for an angle point in the north  
20 line of the herein described parcel;

21 THENCE North 87 degrees 32 minutes 44 seconds East, a distance of  
22 1504.07 feet, along the north line of the herein described parcel to  
23 a found 5/8 inch iron rod, in the east line of the aforementioned  
24 Bartley Murray Survey and the west line of the James Brown Survey,  
25 Abstract Number 78, Montgomery County, Texas, for the southeast  
26 corner of the aforementioned 12.000 acres and the northeast corner  
27 of the herein described parcel;

1 THENCE South 02 degrees 54 minutes 48 seconds East, a distance of  
2 326.26 feet, (Deed Call: North 2,113.03 feet) along the east line of  
3 the Bartley Murray Survey and the west line of the James Brown  
4 Survey, also being the east line of the herein described parcel to a  
5 found 1/2 inch iron rod, in the southeast line of Hardin Store Road,  
6 a County Prescriptive right-of-way, and in the east line of the  
7 herein described parcel and the west line of a called 11.224 acre  
8 tract conveyed to William Jack Dillon as recorded under Clerk's  
9 File Number 2000-007161 of the Montgomery County Official Public  
10 Records of Real Property;

11 THENCE South 02 degrees 38 minutes 26 seconds East, continuing  
12 along the east line of the herein described parcel, passing at  
13 133.12 feet a found concrete monument in the east line of the  
14 Bartley Murray Survey and the west line of the James Brown Survey,  
15 the same being the east line of the herein described parcel for a  
16 total distance 1,796.72 feet to a point in the centerline of Mill  
17 Creek;

18 THENCE along the centerline of Mill Creek with the following  
19 courses and distances:

20 South 84 degrees 12 minutes 54 seconds West, a distance of  
21 88.93 feet,

22 South 44 degrees 38 minutes 54 seconds West, a distance of  
23 106.00 feet,

24 South 72 degrees 31 minutes 54 seconds West, a distance of  
25 241.00 feet,

26 South 59 degrees 23 minutes 54 seconds West, a distance of  
27 145.00 feet,

1 North 73 degrees 21 minutes 06 seconds West, a distance of  
2 129.00 feet,

3 South 82 degrees 46 minutes 54 seconds West, a distance of  
4 130.00 feet,

5 North 79 degrees 39 minutes 06 seconds West, a distance of  
6 117.00 feet,

7 South 24 degrees 50 minutes 54 seconds West, a distance of  
8 141.00 feet,

9 South 04 degrees 59 minutes 06 seconds East, a distance of  
10 60.00 feet, to a point in the south line of the herein described  
11 parcel for the southwest corner of a certain 4.75 acre tract  
12 conveyed to Larry and Kathleen Zimmerman as recorded under Clerk's  
13 File Number 9101520 of the Montgomery County Official Public  
14 Records of Real Property;

15 THENCE South 87 degrees 00 minutes 51 seconds West, a distance of  
16 1,050.09 feet, (Deed Call: East, 2,207 feet) along the south line of  
17 the herein described parcel and the north line of a called 5.263  
18 acre tract conveyed to Ron Harpole as recorded under Clerk's File  
19 Number 9600629 of the Montgomery County Official Public Records of  
20 Real Property, the same tract being referenced as Lot 23 of Tall  
21 Pines Subdivision, an unrecorded subdivision in Montgomery County  
22 to a found 5/8 inch iron rod in the southeast line of the  
23 aforementioned Hardin Store Road for an angle point in the south  
24 line of the herein described parcel and the northwest corner of a  
25 called 4.7478 acre tract as recorded under Clerk's File Number  
26 2003-129355 of the Montgomery County Official Public Records of  
27 Real Property;

1 THENCE South 83 degrees 07 minutes 52 seconds West, a distance of  
2 91.59 feet, along the south line of the herein described parcel  
3 crossing the aforementioned Hardin Store Road to a point in the  
4 northwest line of Hardin Store Road;

5 THENCE South 87 degrees 33 minutes 24 seconds West, a distance of  
6 1,065.65 feet, along the south line of the herein described parcel  
7 and the north line of a certain 11.31 acre tract to a found 1/2 iron  
8 pipe in the east line of Anderson Road for the northwest corner of a  
9 0.75 acre tract of land conveyed to Carolyn Y. Davis as recorded  
10 under Clerk's File Number 2004-121398 of the Montgomery County  
11 Official Public Records of Real Property;

12 THENCE North 02 degrees 43 minutes 09 seconds West, a distance of  
13 1,005.89 feet, (Deed Call: South 1019.09 feet) along an old barbed  
14 wire fence and the west line of the herein described parcel and the  
15 east line of Anderson Road to a point for the beginning of a curve to  
16 the right;

17 THENCE along the east line of the aforementioned Anderson Road with  
18 a curve to the right having as its elements: a radius of 957.53  
19 feet, a central angle of 18 degrees 14 minutes 12 seconds, an arc  
20 length of 304.77 feet with a chord bearing North 06 degrees 31  
21 minutes 37 seconds East, a distance of 303.49 feet, to a point in  
22 the west line of the herein described parcel and the east line of  
23 Decker Woods Drive, a 60 foot right-of-way as described in Cabinet  
24 C, Sheet 109 of the Montgomery County Map Records and the beginning  
25 of a reverse curve;

26 THENCE continuing along the east line of Decker Woods Drive and an  
27 old barbed wire fence with a reverse curve having as its elements: a

1 radius of 436.14 feet, a central angle of 18 degrees 14 minutes 13  
2 seconds, an arc length of 138.82 feet with a chord bearing North 06  
3 degrees 31 minutes 36 seconds East a distance of 303.49 feet, to a  
4 point in the west line of the herein described parcel;

5 THENCE North 02 degrees 35 minutes 30 seconds West, a distance of  
6 509.56 feet, continuing with an old barbed wire fence in the east  
7 line of Decker Woods Drive and the west line of the herein described  
8 parcel to a found 3/4 inch iron rod for an angle point in the west  
9 line of the herein described parcel;

10 THENCE North 02 degrees 49 minutes 34 seconds West, a distance of  
11 247.82 feet, continuing along the aforementioned barbed wire fence  
12 and the east line of Decker Woods Drive to a point for the beginning  
13 of a curve to the left;

14 THENCE following the aforementioned barbed wire fence along a curve  
15 to the left having as its elements: a radius of 677.52 feet, a  
16 central angle of 22 degrees 47 minutes 34 seconds, an arc length of  
17 269.52 feet, with a chord bearing North 12 degrees 22 minutes 05  
18 seconds West, a distance of 267.75 feet, back to the POINT OF  
19 BEGINNING, CONTAINING 172.60 acres (7,518.462 square feet) of land  
20 in Montgomery County, Texas, in which 5 acres, more or less, is in  
21 the right of way of Hardin Store Road.

22 TRACT THREE:

23 Being a 73.71 acre (3,211,015 square feet) parcel situated in the  
24 Cyrus Dikeman Survey, Abstract 178, Montgomery County, Texas, being  
25 out of a called 73.7148 acre tract conveyed to Pioneer Realty and  
26 Investment Corporation by Warranty Deed with Vendor's Lien recorded  
27 under Clerk's File No. 8920784 of the Montgomery County Official

1 Public Records of Real Property, said 73.71 acre parcel more  
2 particularly described by the following metes and bounds;

3 BEGINNING at a 2-inch iron pipe found in the southerly right-of-way  
4 line of Neidigk Road, in the west line of a called 71.8 acre tract  
5 conveyed to Donald M. Wright by Deed recorded under Clerk's File No.  
6 2001-091306 of the Montgomery County Official Public Records of  
7 Real Property, for the northeast corner of said 73.7148 acre tract,  
8 and the herein described parcel;

9 THENCE, South 00°28'12" East, passing at a distance of 348.62 feet a  
10 1/2-inch iron rod found, in all a total distance of 2325.00 feet  
11 along the west line of said 71.8 acre tract, and the east line of  
12 said 73.7148 acre tract to a point in the centerline of Mill Creek,  
13 for a northeasterly corner of a called 186.0 acre tract conveyed to  
14 Dale Neidigk by Deed recorded under Clerk's File No. 2003-141009 of  
15 the Montgomery County Official Public Records of Real Property, and  
16 the southeast corner of said 73.7148 acre tract, and the herein  
17 described parcel;

18 THENCE, along the northerly line of said 186.0 acre tract, and the  
19 south line of said 73.7148 acre tract, and along the centerline of  
20 said Mill Creek the following courses and distances:

21 North 67°35'23" West, 194.15 feet;

22 North 70°08'35" West, 490.72 feet;

23 North 73°14'49" West, 277.80 feet;

24 North 37°04'16" West, 170.85 feet;

25 North 44°26'31" West, 203.17 feet;

26 North 50°48'45" West, 113.01 feet;

27 North 77°12'10" West, 100.89 feet;

1           North 84°22'45" West, 152.95 feet;  
2           North 86°47'10" West, 166.78 feet  
3 to a point in the east line of Lot 18, Block 3 of Tall Pines  
4 Subdivision (unrecorded) conveyed to John Caplinger and wife,  
5 Pamela Caplinger by Deed recorded under Clerk's File No. 9826623 of  
6 the Montgomery County Official Public Records of Real Property, for  
7 a northwesterly corner of said 186.0 acre tract, and the southwest  
8 corner of said 73.7148 acre tract, and the herein described parcel;  
9 THENCE, NORTH, 1604.21 feet along the east line of said Lot 18,  
10 along the east line of Lot 21 of said Block 3 conveyed to Gary B.  
11 Clark and wife, Debbie J. Clark by Deed recorded under Clerk's File  
12 No. 9640198 of the Montgomery County Official Public Records of  
13 Real Property, along the east line of Lot 22 of said Block 3  
14 conveyed to Larry Zimmerman and wife, Kathleen Zimmerman by Deed  
15 recorded under Clerk's File No. 2003-040957 of the Montgomery  
16 County Official Public Records of Real Property, along the east  
17 line of Lot 23 of said Block 3 conveyed to M&G Construction by Deed  
18 recorded under Clerk's File No. 9513263 of the Montgomery County  
19 Official Public Records of Real Property, along the east line of a  
20 called 178.77 acre tract conveyed to Margret G. Bybee by Deed  
21 recorded under Volume 651, Page 279 of the Montgomery County Deed  
22 Records, and along the west line of said 73.7148 acre tract to a  
23 5/8-inch iron rod set (with cap stamped "Montgomery and  
24 Associates") for the southwest corner of a called 5.0 acre tract  
25 conveyed to R. Hohl by Deed recorded under Volume 300, Page 13 of  
26 the Montgomery County Deed Records, for the northwest corner of  
27 said 73.7148 acre tract, and the herein described parcel;

1 THENCE, North 89°59'00" East, passing at a distance of 119.28 feet a  
2 1-inch iron pipe found, passing at a distance of 456.18 feet a  
3 5/8-inch iron rod found, in all a total distance of 1637.92 feet  
4 along the south line of said 5.0 acre tract, along the south line of  
5 a called 23.15 acre tract conveyed to Walter R. Leigh by Deed  
6 recorded under Volume 907, Page 556 of the Montgomery County Deed  
7 Records, and the north line of said 73.7148 acre tract to the POINT  
8 OF BEGINNING, CONTAINING 73.71 acres (3,211,015 square feet) of  
9 land in Montgomery County, Texas.

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

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

20 (c) The Texas Commission on Environmental Quality has filed  
21 its recommendations relating to this Act with the governor, the  
22 lieutenant governor, and the speaker of the House of  
23 Representatives within the required time.

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

1 SECTION 4. This Act takes effect September 1, 2007.