

By: Eissler

H.B. No. 4074

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Montgomery County Municipal Utility
3 District No. 102; providing authority to impose taxes and issue
4 bonds.

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 8263 to read as follows:

8 CHAPTER 8263. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 102

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8263.001. DEFINITIONS. In this chapter:

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

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

14 (3) "District" means the Montgomery County Municipal
15 Utility District No. 102.

16 Sec. 8263.002. NATURE OF DISTRICT. The district is a
17 municipal utility district in Montgomery County created under and
18 essential to accomplish the purposes of Section 59, Article XVI,
19 Texas Constitution.

20 Sec. 8263.003. CONFIRMATION ELECTION REQUIRED. If the
21 creation of the district is not confirmed at a confirmation
22 election held under Section 8263.023 before September 1, 2015:

23 (1) the district is dissolved September 1, 2015,
24 except that the district shall:

1 (A) pay any debts incurred;

2 (B) transfer to Montgomery County any assets that
3 remain after the payment of debts; and

4 (C) maintain the organization of the district
5 until all debts are paid and remaining assets are transferred; and

6 (2) this chapter expires September 1, 2016.

7 Sec. 8263.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

8 All land and other property included in the district will benefit
9 from the improvements and services to be provided by the district.

10 (b) The district is created to accomplish:

11 (1) the purposes of a municipal utility district as
12 provided by general law; and

13 (2) to the extent authorized by Section 52, Article
14 III, Texas Constitution, the construction, acquisition,
15 improvement, maintenance, or operation of arterial or main feeder
16 roads or improvements in aid of those roads.

17 Sec. 8263.005. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act creating this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act creating this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes
26 for which the district is created or to pay the principal of and
27 interest on a bond;

1 (3) right to impose or collect an assessment or tax; or

2 (4) legality or operation.

3 [Sections 8263.006-8263.020 reserved for expansion]

4 SUBCHAPTER A-1. TEMPORARY PROVISIONS

5 Sec. 8263.021. TEMPORARY DIRECTORS. (a) The temporary
6 board consists of:

7 (1) Kirk Laquarta;

8 (2) Jill Welmer;

9 (3) Brent Brentzel;

10 (4) Jenrose Foshee; and

11 (5) Nathan Giessinger.

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

13 (1) the date initial directors are elected under
14 Section 8263.023; or

15 (2) the date this subchapter expires under Section
16 8263.025.

17 Sec. 8263.022. ORGANIZATIONAL MEETING OF TEMPORARY
18 DIRECTORS. As soon as practicable after all the temporary
19 directors have qualified under Section 49.055, Water Code, the
20 temporary directors shall meet at a location in the district
21 agreeable to a majority of the directors. At the meeting, the
22 temporary directors shall elect officers from among the temporary
23 directors and conduct any other district business.

24 Sec. 8263.023. CONFIRMATION AND INITIAL DIRECTORS'
25 ELECTION. Not later than the second anniversary of the
26 organizational meeting held under Section 8263.022, the temporary
27 directors shall hold an election to confirm the creation of the

1 district and to elect five initial directors as provided by Section
2 49.102, Water Code.

3 Sec. 8263.024. INITIAL ELECTED DIRECTORS; TERMS. Unless
4 the initial board otherwise agrees, the directors elected under
5 Section 8263.023 shall draw lots to determine which two shall serve
6 until the first regularly scheduled election of directors under
7 Section 8263.052 and which three shall serve until the second
8 regularly scheduled election of directors.

9 Sec. 8263.025. EXPIRATION OF SUBCHAPTER. This subchapter
10 expires September 1, 2015.

11 [Sections 8263.026-8263.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8263.051. DIRECTORS; TERMS. (a) The district is
14 governed by a board of five directors.

15 (b) Except for temporary or initial directors, directors
16 serve staggered four-year terms.

17 Sec. 8263.052. ELECTION OF DIRECTORS. On the uniform
18 election date in May of each even-numbered year, the appropriate
19 number of directors shall be elected.

20 [Sections 8263.053-8263.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8263.101. MUNICIPAL UTILITY DISTRICT POWERS AND
23 DUTIES. (a) The district has the powers and duties provided by the
24 general law of this state, including Chapters 49 and 54, Water Code,
25 applicable to municipal utility districts created under Section 59,
26 Article XVI, Texas Constitution.

27 (b) The district has the powers and duties necessary to

1 accomplish the purposes for which the district is created.

2 Sec. 8263.102. ROAD PROJECTS. (a) To the extent authorized
3 by Section 52, Article III, Texas Constitution, the district may
4 acquire, construct, or finance a road that meets the criteria or
5 requirements for a thoroughfare, arterial, or collector road of the
6 county in which the road is located or the municipality in whose
7 corporate limits or extraterritorial jurisdiction the road is
8 located or improvements in aid of that road.

9 (b) A road project must meet all applicable standards,
10 regulations, and ordinances of the municipality or county in whose
11 jurisdiction the district is located.

12 Sec. 8263.103. RECREATIONAL FACILITIES; LIMIT ON EMINENT
13 DOMAIN POWER. (a) In this section, "recreational facilities" and
14 "develop and maintain" have the meanings assigned by Section
15 49.462, Water Code.

16 (b) The district may develop and maintain recreational
17 facilities.

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

21 Sec. 8263.104. COMPLIANCE WITH MUNICIPAL CONSENT
22 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
23 54.016, Water Code, the district shall comply with all applicable
24 requirements of any ordinance or resolution adopted by the
25 governing body of the municipality that consents to the creation of
26 the district or to the inclusion of lands within the district.

1 [Sections 8263.105-8263.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8263.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4 district may issue, without an election, bonds and other
5 obligations secured by revenue or contract payments from any source
6 other than ad valorem taxation.

7 (b) The district must hold an election in the manner
8 provided by Chapters 49 and 54, Water Code, to obtain voter approval
9 before the district may impose an operation and maintenance tax or
10 issue bonds payable from ad valorem taxes.

11 Sec. 8263.152. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized at an election held under Section 8263.151, the district
13 may impose an operation and maintenance tax on taxable property in
14 the district in accordance with Section 49.107, Water Code.

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

17 [Sections 8263.153-8263.200 reserved for expansion]

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8263.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, grants, or other district money, or any combination of
23 those sources, to pay for any authorized district purpose.

24 Sec. 8263.202. BONDS FOR ROAD PROJECTS. (a) The district
25 may not issue bonds to finance projects authorized by Section
26 8263.102 unless the issuance is approved by a vote of a two-thirds
27 majority of the voters of the district voting at an election called

1 for that purpose.

2 (b) Bonds or other obligations issued or incurred to finance
3 projects authorized by Section 8263.102 may not exceed one-fourth
4 of the assessed value of the real property in the district.

5 Sec. 8263.203. BONDS FOR RECREATIONAL FACILITIES. If
6 authorized at an election under Section 8263.151, the district may
7 issue bonds payable from ad valorem taxes to pay for the development
8 and maintenance of recreational facilities.

9 Sec. 8263.204. TAXES FOR BONDS. At the time bonds payable
10 wholly or partly from ad valorem taxes are issued:

11 (1) the board shall impose a continuing direct annual
12 ad valorem tax, without limit as to rate or amount, for each year
13 that all or part of the bonds are outstanding; and

14 (2) the district annually shall impose an ad valorem
15 tax on all taxable property in the district in an amount sufficient
16 to:

17 (A) pay the interest on the bonds as the interest
18 becomes due;

19 (B) create a sinking fund for the payment of the
20 principal of the bonds when due or the redemption price at any
21 earlier required redemption date; and

22 (C) pay the expenses of imposing the taxes.

23 SECTION 2. The Montgomery County Municipal Utility District
24 No. 102 initially includes all the territory contained in the
25 following area:

26 TRACT 1

27 All that certain 527.832 acre (22,992,348 square feet) parcel of

1 land situated in the Joseph A. Parker Survey, Abstract Number 418,
2 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery
3 County, Texas, and being a portion of that certain call 1,554.570
4 acre tract described in a Warranty Deed to Pacific Indio
5 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
6 Official Public Records of Real Property at Montgomery County,
7 Texas (O.P.R.R.P.M.C.T.), said 527.832 acre tract being more
8 particularly described by metes and bounds as follows: (All
9 bearings are referenced to the Texas State Plane Coordinate System,
10 South Central Zone)

11 BEGINNING at a 5/8 inch iron rod with plastic cap stamped "D L HARDY
12 RPLS 4847" found for the northwest corner of that certain call 640.6
13 acre tract described in a Warranty Deed with Reservation of
14 Minerals to J.R. Development, Inc., in Clerk's Number 2002-062840
15 of the O.P.R.R.P.M.C.T.;

16 THENCE, through and across said 1,554.570 acre tract, the following
17 five (5) courses:

- 18 1) South 56 Degrees 12 Minutes 55 Seconds West, a distance of
19 1,094.52 feet to an angle point;
- 20 2) South 68 Degrees 19 Minutes 38 Seconds West, a distance of
21 879.85 feet to an angle point;
- 22 3) South 29 Degrees 19 Minutes 18 Seconds West, a distance of
23 643.72 feet to an angle point;
- 24 4) South 43 Degrees 22 Minutes 37 Seconds West, a distance of
25 243.84 feet to an angle point;
- 26 5) South 76 Degrees 01 Minute 00 Seconds West, a distance of
27 404.61 feet to a point in the easterly right-of-way

1 (R.O.W.) line of proposed Townsen Road (100 feet wide);
2 THENCE, continuing through and across said 1,554.570 acre tract,
3 and with the easterly and northeasterly R.O.W. line of said Townsen
4 Road, the following five (5) courses:

- 5 1) 620.73 feet along the arc of a curve to the right having a
6 radius of 1,950.00 feet, a central angle of 18 Degrees 14
7 Minutes 19 Seconds, and a chord that bears North 13 Degrees
8 07 Minutes 32 Seconds West, a distance of 618.11 feet;
- 9 2) North 04 Degrees 00 Minutes 22 Seconds West, a distance of
10 478.81 feet to the beginning of a curve to the left;
- 11 3) 1,550.83 feet along the arc of said curve to the left
12 having a radius of 3,050.00 feet, a central angle of 29
13 Degrees 07 Minutes 59 Seconds, and a chord that bears North
14 18 Degrees 34 Minutes 22 Seconds West, a distance of
15 1,534.17 feet;
- 16 4) North 33 Degrees 08 Minutes 21 Seconds West, a distance of
17 428.13 feet to the beginning of a curve to the left;
- 18 5) 1,751.25 feet along the arc of said curve to the left
19 having a radius of 2,050.00 feet, a central angle of 48
20 Degrees 56 Minutes 46 Seconds, and a chord that bears North
21 57 Degrees 36 Minutes 44 Seconds West, a distance of
22 1,698.49 feet to the intersection of the northeasterly
23 R.O.W. line of proposed Townsen Road with the easterly
24 R.O.W. line of a proposed 100 foot wide R.O.W.;

25 THENCE, continuing through and across said 1,554.570 acre tract,
26 and with the easterly and northeasterly line of said proposed 100
27 foot wide R.O.W., the following four (4) courses:

- 1) North 06 Degrees 31 Minutes 01 Second East, a distance of 17.93 feet to the beginning of a curve to the left;
- 2) 3,090.25 feet along the arc of said curve to the left having a radius of 2,050.00 feet, a central angle of 86 Degrees 22 Minutes 12 Seconds, and a chord that bears North 36 Degrees 40 Minutes 05 Seconds West, a distance of 2,805.86 feet;
- 3) North 79 Degrees 51 Minutes 11 Seconds West, a distance of 366.40 feet to the beginning of a curve to the right;
- 4) 1,318.62 feet along the arc of said curve to the right having a radius of 1,950.00 feet, a central angle of 38 Degrees 44 Minutes 39 Seconds, and a chord that bears North 60 Degrees 28 Minutes 51 Seconds West, a distance of 1,293.64 feet to the intersection of the easterly line of said proposed 100 foot wide R.O.W. with the northerly line of said 1,554.570 acre tract;

THENCE, with the northerly line of said 1,554.570 acre tract, North 59 Degrees 49 Minutes 41 Seconds East, a distance of 2.21 feet to a 5/8 inch iron rod with plastic cap stamped "CDS/MUERY S.A. TX." found for the southwest corner of that certain call 915 acre Conservation Easement and an angle point in said 1,554.570 acre tract and the herein described tract;

THENCE, with the southerly line of said 915 acre Conservation Easement and the northerly line of said 1,554.570 acre tract and the herein described tract, North 50 Degrees 39 Minutes 59 Seconds East, a distance of 3,159.31 feet to a 5/8 inch iron rod with plastic cap stamped "CDS/MUERY S.A. TX." found for an angle point in

1 said 915 acre Conservation Easement and the herein described tract;
2 THENCE, continuing with the southerly line of said 915 acre
3 Conservation Easement and the northerly line of the herein
4 described tract, South 76 Degrees 45 Minutes 40 Seconds East, at
5 1,553.40 feet pass a 5/8 inch iron rod stamped "CDS/MUERY S.A. TX."
6 found for reference, and continue, in all, a distance of 1,753.61
7 feet to a point on the west high bank of the West Fork of the San
8 Jacinto River for an angle point of the herein described tract;
9 THENCE, with the meanders of the west bank of the West Fork of the
10 San Jacinto River, the following forty eight (48) courses:

- 11 1) South 30 Degrees 22 Minutes 24 Seconds West, a distance of
12 56.07 feet;
- 13 2) South 45 Degrees 58 Minutes 13 Seconds West, a distance of
14 40.83 feet;
- 15 3) South 46 Degrees 19 Minutes 57 Seconds West, a distance of
16 69.31 feet;
- 17 4) South 42 Degrees 10 Minutes 45 Seconds West, a distance of
18 76.52 feet;
- 19 5) South 40 Degrees 13 Minutes 52 Seconds West, a distance of
20 78.33 feet;
- 21 6) South 46 Degrees 53 Minutes 30 Seconds West, a distance of
22 79.44 feet;
- 23 7) South 53 Degrees 07 Minutes 53 Seconds West, a distance of
24 65.22 feet;
- 25 8) South 56 Degrees 09 Minutes 36 Seconds West, a distance of
26 65.51 feet;
- 27 9) South 58 Degrees 48 Minutes 22 Seconds West, a distance of

- 1 79.13 feet;
- 2 10) South 50 Degrees 41 Minutes 06 Seconds West, a distance of
- 3 86.81 feet;
- 4 11) South 38 Degrees 51 Minutes 13 Seconds West, a distance of
- 5 445.76 feet;
- 6 12) South 08 Degrees 36 Minutes 30 Seconds West, a distance of
- 7 155.51 feet;
- 8 13) South 04 Degrees 38 Minutes 42 Seconds East, a distance of
- 9 158.47 feet;
- 10 14) South 26 Degrees 22 Minutes 18 Seconds East, a distance of
- 11 464.19 feet;
- 12 15) South 41 Degrees 04 Minutes 43 Seconds East, a distance of
- 13 291.77 feet;
- 14 16) South 46 Degrees 32 Minutes 40 Seconds East, a distance of
- 15 166.24 feet;
- 16 17) South 63 Degrees 38 Minutes 58 Seconds East, a distance of
- 17 129.80 feet;
- 18 18) South 76 Degrees 54 Minutes 46 Seconds East, a distance of
- 19 183.21 feet;
- 20 19) South 76 Degrees 35 Minutes 35 Seconds East, a distance of
- 21 142.77 feet;
- 22 20) South 85 Degrees 17 Minutes 14 Seconds East, a distance of
- 23 91.08 feet;
- 24 21) North 73 Degrees 21 Minutes 11 Seconds East, a distance of
- 25 114.45 feet;
- 26 22) North 75 Degrees 00 Minutes 21 Seconds East, a distance of
- 27 82.76 feet;

- 1 23) North 75 Degrees 17 Minutes 10 Seconds East, a distance of
2 156.41 feet;
- 3 24) North 80 Degrees 37 Minutes 30 Seconds East, a distance of
4 179.16 feet;
- 5 25) South 88 Degrees 32 Minutes 27 Seconds East, a distance of
6 112.81 feet;
- 7 26) South 66 Degrees 19 Minutes 02 Seconds East, a distance of
8 252.55 feet;
- 9 27) South 46 Degrees 37 Minutes 09 Seconds East, a distance of
10 142.93 feet;
- 11 28) South 59 Degrees 26 Minutes 36 Seconds East, a distance of
12 71.26 feet;
- 13 29) South 49 Degrees 58 Minutes 30 Seconds East, a distance of
14 94.49 feet;
- 15 30) South 48 Degrees 25 Minutes 09 Seconds East, a distance of
16 94.68 feet;
- 17 31) South 52 Degrees 24 Minutes 30 Seconds East, a distance of
18 107.26 feet;
- 19 32) South 48 Degrees 14 Minutes 34 Seconds East, a distance of
20 98.37 feet;
- 21 33) South 51 Degrees 22 Minutes 58 Seconds East, a distance of
22 68.56 feet;
- 23 34) South 24 Degrees 15 Minutes 08 Seconds East, a distance of
24 88.72 feet;
- 25 35) South 18 Degrees 47 Minutes 45 Seconds East, a distance of
26 94.31 feet;
- 27 36) South 05 Degrees 46 Minutes 32 Seconds West, a distance of

- 1 90.96 feet;
- 2 37) South 01 Degree 09 Minutes 42 Seconds East, a distance of
- 3 83.27 feet;
- 4 38) South 15 Degrees 38 Minutes 15 Seconds West, a distance of
- 5 94.81 feet;
- 6 39) South 01 Degrees 38 Minutes 35 Seconds West, a distance of
- 7 89.05 feet;
- 8 40) South 12 Degrees 51 Minutes 45 Seconds West, a distance of
- 9 192.88 feet;
- 10 41) South 30 Degrees 35 Minutes 53 Seconds East, a distance of
- 11 184.94 feet;
- 12 42) South 47 Degrees 16 Minutes 08 Seconds East, a distance of
- 13 186.66 feet;
- 14 43) South 56 Degrees 42 Minutes 16 Seconds East, a distance of
- 15 211.00 feet;
- 16 44) South 59 Degrees 28 Minutes 08 Seconds East, a distance of
- 17 308.02 feet;
- 18 45) South 80 Degrees 02 Minutes 13 Seconds East, a distance of
- 19 172.28 feet;
- 20 46) South 87 Degrees 04 Minutes 25 Seconds East, a distance of
- 21 234.54 feet;
- 22 47) North 68 Degrees 19 Minutes 10 Seconds East, a distance of
- 23 263.23 feet;
- 24 48) North 58 Degrees 17 Minutes 31 Seconds East, a distance of
- 25 247.63 feet;

26 THENCE, departing the meanders of the west bank of Spring Creek and

27 with the easterly line of said 1,554.570 acre tract, South 31

1 Degrees 42 Minutes 29 Seconds East, a distance of 133.36 feet to a
2 5/8 inch iron rod with plastic cap stamped "D L HARDY RPLS 4847"
3 found for the northwest corner of that certain call 19.00 acre
4 Conservation Easement described in a deed to Legacy Land Trust,
5 Inc. in M.C.C.F. Number 2003-032879 for an angle point in the herein
6 described tract;

7 THENCE, with the northwesterly line of said 19.00 acre Conservation
8 Easement, South 15 Degrees 11 Minutes 58 Seconds West, a distance of
9 878.75 feet to a 5/8 inch iron rod with plastic cap stamped "D L
10 HARDY RPLS 4847" found in the northeasterly line of that certain
11 call 74.000 acre Conservation Easement described in a deed to
12 Legacy Land Trust, Inc. in M.C.C.F. Number 2002-017148 for an angle
13 point in the herein described tract;

14 THENCE, counterclockwise, with the northeasterly, westerly and
15 southwesterly boundary of said 74.000 acre Conservation Easement,
16 the following seven (7) courses:

17 1) North 65 Degrees 42 Minutes 43 Seconds West, a distance of
18 1,117.88 feet to a 5/8 inch iron rod with plastic cap
19 stamped "D L HARDY RPLS 4847" found for an angle point;

20 2) North 63 Degrees 01 Minute 15 Seconds West, a distance of
21 214.00 feet to a 5/8 inch iron rod with plastic cap stamped
22 "D L HARDY RPLS 4847" found for the upper northwest corner
23 of said 74.000 acre Conservation Easement and an angle
24 point for the herein described tract;

25 3) South 57 Degrees 07 Minutes 08 Seconds West, a distance of
26 727.10 feet to a 5/8 inch iron rod with plastic cap stamped
27 "CDS/MUERY S.A. TX." found for the lower northwest corner

1 of said 74.000 acre Conservation Easement and an angle
2 point in the herein described tract;

3 4) South 20 Degrees 38 Minutes 34 Seconds East, a distance of
4 196.61 feet to a 5/8 inch iron rod with plastic cap stamped
5 "BENCHMARK ENGR." set for an angle point in said 74.000
6 acre Conservation Easement and the herein described tract;

7 5) South 22 Degrees 11 Minutes 29 Seconds East, a distance of
8 893.86 feet to a 5/8 inch iron rod with plastic cap stamped
9 "CDS/MUERY S.A. TX." found for the southwest corner of
10 said 74.000 acre Conservation Easement and an angle point
11 in the herein described tract;

12 6) South 79 Degrees 17 Minutes 46 Seconds East, a distance of
13 525.67 feet to a 5/8 inch iron rod with plastic cap stamped
14 "CDS/MUERY S.A. TX." found for an angle point in the
15 southwesterly line of said 74.000 acre Conservation
16 Easement and the herein described tract;

17 7) South 78 Degrees 00 Minutes 36 Seconds East, at 994.32 feet
18 pass a 5/8 inch iron rod with plastic cap stamped
19 "CDS/MUERY S.A. TX." found for the call common line of said
20 R.N. Davis Survey said Joseph A. Parker Survey, and
21 continue, in all, a distance of 1,953.24 feet to a 5/8 inch
22 iron rod with plastic cap stamped "CDS/MUERY S.A. TX."
23 found for the southeast corner of said 74.000 acre
24 Conservation Easement and an angle point in the herein
25 described tract;

26 THENCE, departing the southeast corner of said 74.000 acre
27 Conservation Easement, and with the easterly line of said 1,554.570

1 acre tract, the following three (3) courses:

- 2 1) South 46 Degrees 21 Minutes 37 Seconds East, a distance of
3 263.57 feet to a 5/8 inch iron rod with plastic cap stamped
4 "BENCHMARK ENGR." found for an angle point;
- 5 2) North 43 Degrees 38 Minutes 23 Seconds East, a distance of
6 600.00 feet to a 5/8 inch iron rod with plastic cap stamped
7 "BENCHMARK ENGR." found for an angle point;
- 8 3) North 34 Degrees 46 Minutes 38 Seconds East, at 1,185.84
9 feet pass a 5/8 inch iron rod with plastic cap stamped
10 "BENCHMARK ENGR." set for reference, and continue, in all,
11 a distance of 1,385.84 feet to a to a point on the west bank
12 of the West Fork of the San Jacinto River for an angle
13 point in the herein described tract;

14 THENCE, with the meanders of the west bank of the West Fork of the
15 San Jacinto River, the following five (5) courses:

- 16 1) South 43 Degrees 38 Minutes 03 Seconds East, a distance of
17 65.88 feet;
- 18 2) South 48 Degrees 38 Minutes 46 Seconds East, a distance of
19 132.16 feet;
- 20 3) South 52 Degrees 19 Minutes 01 Second East, a distance of
21 87.17 feet;
- 22 4) South 47 Degrees 26 Minutes 02 Seconds East, a distance of
23 86.22 feet;
- 24 5) South 53 Degrees 17 Minutes 44 Seconds East, a distance of
25 73.27 feet;

26 THENCE, departing the meanders of the west bank of Spring Creek, and
27 with the northerly line of said 640.6 acre tract and the southerly

1 line of the herein described tract, South 43 Degrees 38 Minutes 23
2 Seconds West, at 99.85 feet pass a 5/8 inch iron rod with plastic
3 cap stamped "D L HARDY RPLS 4847" found for reference, and continue,
4 in all, a distance of 2,593.77 feet to the POINT OF BEGINNING and
5 containing 527.832 acres (22,992,348 square feet) of land.

6 TRACT 2

7 All that certain 169.830 acre (7,397,783 square feet) parcel of
8 land situated in the Joseph A. Parker Survey, Abstract Number 418,
9 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery
10 County, Texas, and being a portion of that certain call 1,554.570
11 acre tract described in a Warranty Deed to Pacific Indio
12 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
13 Official Public Records of Real Property at Montgomery County,
14 Texas (O.P.R.R.P.M.C.T.), said 169.830 acre tract being more
15 particularly described by metes and bounds as follows: (All
16 bearings are referenced to the Texas State Plane Coordinate System,
17 South Central Zone)

18 BEGINNING at a 3/4 inch iron pipe found in the recognized common
19 line of said R.N. Davis Survey and said Joseph A. Parker Survey for
20 the southeast corner of that certain call 2,883.06 acre tract
21 described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
22 2004-114162 of the O.P.R.R.P.M.C.T., an interior corner of said
23 1,554.570 acre tract, and the southwest corner of the herein
24 described tract, and from which a 100D nail found for reference
25 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
26 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
27 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of

1 8.04 feet;

2 THENCE, with the easterly line of said 2,883.06 acre tract, the
3 upper westerly line of the said 1,554.570 acre tract, and the
4 westerly line of the herein described tract, North 30 Degrees 10
5 Minutes 19 Seconds West, a distance of 4,002.79 feet to a 5/8-inch
6 iron rod with plastic cap stamped "BENCHMARK ENGR." set in the
7 southwesterly right-of-way (R.O.W.) line of proposed Townsen Road
8 (100 feet wide) for the northwest corner of the herein described
9 tract;

10 THENCE, through and across said 1,554.570 acre tract, and with the
11 southerly and westerly R.O.W. line of said proposed Townsen Road,
12 the following six (6) courses:

13 1) North 59 Degrees 50 Minutes 02 Seconds East, a distance of
14 147.67 feet to the beginning of a curve to the right;

15 2) 2,961.87 feet along the arc of said curve to the right
16 having a radius of 1,950.00 feet, a central angle of 87
17 Degrees 01 Minute 37 Seconds, and a chord that bears South
18 76 Degrees 39 Minutes 10 Seconds East, a distance of
19 2,685.25 feet;

20 3) South 33 Degrees 08 Minutes 21 Seconds East, a distance of
21 428.13 feet to the beginning of a curve to the right;

22 4) 1,499.98 feet along the arc of said curve to the right
23 having a radius of 2,950.00 feet, a central angle of 29
24 Degrees 07 Minutes 59 Seconds, and a chord that bears South
25 18 Degrees 34 Minutes 22 Seconds East, a distance of
26 1,483.87 feet;

27 5) South 04 Degrees 00 Minutes 22 Seconds East, a distance of

1 478.81 feet to the beginning of a curve to the left;

2 6) 139.68 feet along the arc of said curve to the left having
3 a radius of 2,050.00 feet, a central angle of 03 Degrees 54
4 Minutes 14 Seconds, and a chord that bears South 05 Degrees
5 57 Minutes 29 Seconds East, a distance of 139.65 feet to
6 the southeast corner;

7 THENCE, departing the westerly R.O.W. of proposed Townsen Road,
8 continuing through and across said 1,554.570 acre tract, and with
9 the southerly line of the herein described tract, the following two
10 (2) courses:

11 1) North 87 Degrees 41 Minutes 21 Seconds West, a distance of
12 797.17 feet to an angle point;

13 2) South 50 Degrees 32 Minutes 13 Seconds West, a distance of
14 889.47 feet to the POINT OF BEGINNING and containing
15 169.830 acres (7,397,783 square feet) of land.

16 TRACT 3

17 All that certain 100.750 acre (4,388,668 square feet) parcel of
18 land situated in the R.N. Davis Survey, Abstract Number 161,
19 Montgomery County, Texas, and being a portion of that certain call
20 1,554.570 acre tract described in a Warranty Deed to Pacific Indio
21 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
22 Official Public Records of Real Property at Montgomery County,
23 Texas (O.P.R.R.P.M.C.T.) said 100.750 acre tract being more
24 particularly described by metes and bounds as follows: (All
25 bearings are referenced to the Texas State Plane Coordinate System,
26 South Central Zone)

27 COMMENCING at a 3/4 inch iron pipe found in the recognized common

1 line of said R.N. Davis Survey and the Joseph A. Parker Survey for
2 the southeast corner of that certain call 2,883.06 acre tract
3 described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
4 2004-114162 of the O.P.R.R.P.M.C.T., and an interior corner of said
5 1,554.570 acre tract, and from which a 100D nail found for reference
6 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
7 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
8 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of
9 8.04 feet;

10 THENCE, with the easterly line of said 2,883.06 acre tract and the
11 upper westerly line of the said 1,554.570 acre tract, North 30
12 Degrees 10 Minutes 19 Seconds West, a distance of 4,102.79 feet to a
13 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." set in
14 the northeasterly right-of-way (R.O.W.) line of proposed Townsen
15 Road (100 feet wide) for the southwest corner and POINT OF BEGINNING
16 of the herein described tract;

17 THENCE, continuing with the easterly line of said 2,883.06 acre
18 tract, the upper westerly line of the said 1,554.570 acre tract, and
19 the westerly line of the herein described tract, North 30 Degrees 10
20 Minutes 19 Seconds West, a distance of 3,719.63 feet to a 5/8-inch
21 iron rod with plastic cap stamped "BENCHMARK ENGR." found for the
22 northwest corner of said 1,554.570 acre tract and the herein
23 described tract;

24 THENCE, with the northerly line of said 1,554.570 acre tract and the
25 herein described tract, North 59 Degrees 49 Minutes 41 Seconds
26 East, a distance of 71.31 feet to a point in the westerly line of a
27 proposed 100 foot wide right-of-way for the northeast corner of the

1 herein described tract;

2 THENCE, through and across said 1,554.570 acre tract, and with the
3 westerly line of said proposed 100 foot wide R.O.W. the following
4 four (4) courses:

5 1) 1,405.55 feet along the arc of a curve to the left having a
6 radius of 2,050.00 feet, a central angle of 39 Degrees 17
7 Minutes 02 Seconds, and a chord that bears South 60 Degrees
8 12 Minutes 40 Seconds East, a distance of 1,378.18 feet;

9 2) South 79 Degrees 51 Minutes 11 Seconds East, a distance of
10 366.40 feet to the beginning of a curve to the right;

11 3) 2,939.51 feet along the arc of said curve to the right
12 having a radius of 1,950.00 feet, a central angle of 86
13 Degrees 22 Minutes 12 Seconds, and a chord that bears South
14 36 Degrees 40 Minutes 05 Seconds East, a distance of
15 2,668.99 feet;

16 4) South 06 Degrees 31 Minutes 01 Second West, a distance of
17 17.93 feet to the intersection of the westerly line of said
18 proposed 100 foot wide R.O.W. with the northeasterly
19 R.O.W. line of proposed Townsen Road (100 feet wide) for
20 the southeast corner of the herein described tract;

21 THENCE, with the northerly R.O.W. line of said proposed Townsen
22 Road, the following two (2) courses:

23 1) 1,262.49 feet along the arc of a curve to the left having a
24 radius of 2,050.00 feet, a central angle of 35 Degrees 17
25 Minutes 08 Seconds, and a chord that bears South 77 Degrees
26 28 Minutes 36 Seconds West, a distance of 1,242.63 feet;

27 2) South 59 Degrees 50 Minutes 02 Seconds West, a distance of

1 147.68 feet to the POINT OF BEGINNING and containing
2 100.750 acres (4,388,668 square feet) of land.

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

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

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

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

21 SECTION 4. The legislature finds that:

22 (1) the Montgomery County Municipal Utility District
23 No. 102, as created by Chapter 8263, Special District Local Laws
24 Code, as added by this Act, is not officially created until
25 confirmed by a majority of the voters of the district voting at an
26 election held for that purpose;

27 (2) securing the consent of political subdivisions to

1 the creation of the district before the introduction or passage of
2 this Act may be impractical because of the uncertainties of the
3 legislative process; and

4 (3) the constitutional requirement for the district's
5 compliance with the provisions of the general laws relating to the
6 consent of political subdivisions to the creation of the district
7 and the inclusion of land within the district is satisfied if that
8 consent is secured before the date and hour of canvassing the
9 returns and declaring the results of the confirmation election.

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.