

1-1 By: Eissler (Senate Sponsor - Williams) H.B. No. 4074
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Montgomery County Municipal Utility
1-10 District No. 102; providing authority to impose taxes and issue
1-11 bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8263 to read as follows:

1-15 CHAPTER 8263. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 102

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8263.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Montgomery County Municipal
1-22 Utility District No. 102.

1-23 Sec. 8263.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Montgomery County created under and
1-25 essential to accomplish the purposes of Section 59, Article XVI,
1-26 Texas Constitution.

1-27 Sec. 8263.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 8263.023 before September 1, 2015:

1-30 (1) the district is dissolved September 1, 2015,
1-31 except that the district shall:

1-32 (A) pay any debts incurred;

1-33 (B) transfer to Montgomery County any assets that
1-34 remain after the payment of debts; and

1-35 (C) maintain the organization of the district
1-36 until all debts are paid and remaining assets are transferred; and

1-37 (2) this chapter expires September 1, 2016.

1-38 Sec. 8263.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
1-39 All land and other property included in the district will benefit
1-40 from the improvements and services to be provided by the district.

1-41 (b) The district is created to accomplish:

1-42 (1) the purposes of a municipal utility district as
1-43 provided by general law; and

1-44 (2) to the extent authorized by Section 52, Article
1-45 III, Texas Constitution, the construction, acquisition,
1-46 improvement, maintenance, or operation of arterial or main feeder
1-47 roads or improvements in aid of those roads.

1-48 Sec. 8263.005. INITIAL DISTRICT TERRITORY. (a) The
1-49 district is initially composed of the territory described by
1-50 Section 2 of the Act creating this chapter.

1-51 (b) The boundaries and field notes contained in Section 2 of
1-52 the Act creating this chapter form a closure. A mistake made in the
1-53 field notes or in copying the field notes in the legislative process
1-54 does not affect the district's:

1-55 (1) organization, existence, or validity;

1-56 (2) right to issue any type of bond for the purposes
1-57 for which the district is created or to pay the principal of and
1-58 interest on a bond;

1-59 (3) right to impose or collect an assessment or tax; or

1-60 (4) legality or operation.

1-61 [Sections 8263.006-8263.020 reserved for expansion]

1-62 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-63 Sec. 8263.021. TEMPORARY DIRECTORS. (a) The temporary
1-64 board consists of:

2-1 (1) Kirk Laguarda;
 2-2 (2) Jill Welmer;
 2-3 (3) Brent Brentzel;
 2-4 (4) Jenrose Foshee; and
 2-5 (5) Nathan Giessinger.
 2-6 (b) Temporary directors serve until the earlier of:
 2-7 (1) the date initial directors are elected under
 2-8 Section 8263.023; or
 2-9 (2) the date this subchapter expires under Section
 2-10 8263.025.
 2-11 Sec. 8263.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-12 DIRECTORS. As soon as practicable after all the temporary
 2-13 directors have qualified under Section 49.055, Water Code, the
 2-14 temporary directors shall meet at a location in the district
 2-15 agreeable to a majority of the directors. At the meeting, the
 2-16 temporary directors shall elect officers from among the temporary
 2-17 directors and conduct any other district business.
 2-18 Sec. 8263.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-19 ELECTION. Not later than the second anniversary of the
 2-20 organizational meeting held under Section 8263.022, the temporary
 2-21 directors shall hold an election to confirm the creation of the
 2-22 district and to elect five initial directors as provided by Section
 2-23 49.102, Water Code.
 2-24 Sec. 8263.024. INITIAL ELECTED DIRECTORS; TERMS. Unless
 2-25 the initial board otherwise agrees, the directors elected under
 2-26 Section 8263.023 shall draw lots to determine which two shall serve
 2-27 until the first regularly scheduled election of directors under
 2-28 Section 8263.052 and which three shall serve until the second
 2-29 regularly scheduled election of directors.
 2-30 Sec. 8263.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-31 expires September 1, 2015.
 2-32 [Sections 8263.026-8263.050 reserved for expansion]
 2-33 SUBCHAPTER B. BOARD OF DIRECTORS
 2-34 Sec. 8263.051. DIRECTORS; TERMS. (a) The district is
 2-35 governed by a board of five directors.
 2-36 (b) Except for temporary or initial directors, directors
 2-37 serve staggered four-year terms.
 2-38 Sec. 8263.052. ELECTION OF DIRECTORS. On the uniform
 2-39 election date in May of each even-numbered year, the appropriate
 2-40 number of directors shall be elected.
 2-41 [Sections 8263.053-8263.100 reserved for expansion]
 2-42 SUBCHAPTER C. POWERS AND DUTIES
 2-43 Sec. 8263.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-44 DUTIES. (a) The district has the powers and duties provided by the
 2-45 general law of this state, including Chapters 49 and 54, Water Code,
 2-46 applicable to municipal utility districts created under Section 59,
 2-47 Article XVI, Texas Constitution.
 2-48 (b) The district has the powers and duties necessary to
 2-49 accomplish the purposes for which the district is created.
 2-50 Sec. 8263.102. ROAD PROJECTS. (a) To the extent authorized
 2-51 by Section 52, Article III, Texas Constitution, the district may
 2-52 acquire, construct, or finance a road that meets the criteria or
 2-53 requirements for a thoroughfare, arterial, or collector road of the
 2-54 county in which the road is located or the municipality in whose
 2-55 corporate limits or extraterritorial jurisdiction the road is
 2-56 located or improvements in aid of that road.
 2-57 (b) A road project must meet all applicable standards,
 2-58 regulations, and ordinances of the municipality or county in whose
 2-59 jurisdiction the district is located.
 2-60 Sec. 8263.103. RECREATIONAL FACILITIES; LIMIT ON EMINENT
 2-61 DOMAIN POWER. (a) In this section, "recreational facilities" and
 2-62 "develop and maintain" have the meanings assigned by Section
 2-63 49.462, Water Code.
 2-64 (b) The district may develop and maintain recreational
 2-65 facilities.
 2-66 (c) The district may not, for the development or maintenance
 2-67 of a recreational facility, acquire by condemnation land, an
 2-68 easement, or other property inside or outside the district.
 2-69 Sec. 8263.104. COMPLIANCE WITH MUNICIPAL CONSENT

3-1 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
3-2 54.016, Water Code, the district shall comply with all applicable
3-3 requirements of any ordinance or resolution adopted by the
3-4 governing body of the municipality that consents to the creation of
3-5 the district or to the inclusion of lands within the district.

3-6 [Sections 8263.105-8263.150 reserved for expansion]

3-7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-8 Sec. 8263.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-9 district may issue, without an election, bonds and other
3-10 obligations secured by revenue or contract payments from any source
3-11 other than ad valorem taxation.

3-12 (b) The district must hold an election in the manner
3-13 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-14 before the district may impose an operation and maintenance tax or
3-15 issue bonds payable from ad valorem taxes.

3-16 Sec. 8263.152. OPERATION AND MAINTENANCE TAX. (a) If
3-17 authorized at an election held under Section 8263.151, the district
3-18 may impose an operation and maintenance tax on taxable property in
3-19 the district in accordance with Section 49.107, Water Code.

3-20 (b) The board shall determine the tax rate. The rate may not
3-21 exceed the rate approved at the election.

3-22 [Sections 8263.153-8263.200 reserved for expansion]

3-23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-24 Sec. 8263.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-25 OBLIGATIONS. The district may issue bonds or other obligations
3-26 payable wholly or partly from ad valorem taxes, impact fees,
3-27 revenue, grants, or other district money, or any combination of
3-28 those sources, to pay for any authorized district purpose.

3-29 Sec. 8263.202. BONDS FOR ROAD PROJECTS. (a) The district
3-30 may not issue bonds to finance projects authorized by Section
3-31 8263.102 unless the issuance is approved by a vote of a two-thirds
3-32 majority of the voters of the district voting at an election called
3-33 for that purpose.

3-34 (b) Bonds or other obligations issued or incurred to finance
3-35 projects authorized by Section 8263.102 may not exceed one-fourth
3-36 of the assessed value of the real property in the district.

3-37 Sec. 8263.203. BONDS FOR RECREATIONAL FACILITIES. If
3-38 authorized at an election under Section 8263.151, the district may
3-39 issue bonds payable from ad valorem taxes to pay for the development
3-40 and maintenance of recreational facilities.

3-41 Sec. 8263.204. TAXES FOR BONDS. At the time bonds payable
3-42 wholly or partly from ad valorem taxes are issued:

3-43 (1) the board shall impose a continuing direct annual
3-44 ad valorem tax, without limit as to rate or amount, for each year
3-45 that all or part of the bonds are outstanding; and

3-46 (2) the district annually shall impose an ad valorem
3-47 tax on all taxable property in the district in an amount sufficient
3-48 to:

3-49 (A) pay the interest on the bonds as the interest
3-50 becomes due;

3-51 (B) create a sinking fund for the payment of the
3-52 principal of the bonds when due or the redemption price at any
3-53 earlier required redemption date; and

3-54 (C) pay the expenses of imposing the taxes.

3-55 SECTION 2. The Montgomery County Municipal Utility District
3-56 No. 102 initially includes all the territory contained in the
3-57 following area:

3-58 TRACT 1

3-59 All that certain 527.832 acre (22,992,348 square feet) parcel of
3-60 land situated in the Joseph A. Parker Survey, Abstract Number 418,
3-61 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery
3-62 County, Texas, and being a portion of that certain call 1,554.570
3-63 acre tract described in a Warranty Deed to Pacific Indio
3-64 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
3-65 Official Public Records of Real Property at Montgomery County,
3-66 Texas (O.P.R.R.P.M.C.T.), said 527.832 acre tract being more
3-67 particularly described by metes and bounds as follows: (All
3-68 bearings are referenced to the Texas State Plane Coordinate System,
3-69 South Central Zone)

4-1 BEGINNING at a 5/8 inch iron rod with plastic cap stamped "D L HARDY
 4-2 RPLS 4847" found for the northwest corner of that certain call 640.6
 4-3 acre tract described in a Warranty Deed with Reservation of
 4-4 Minerals to J.R. Development, Inc., in Clerk's Number 2002-062840
 4-5 of the O.P.R.R.P.M.C.T.;

4-6 THENCE, through and across said 1,554.570 acre tract, the following
 4-7 five (5) courses:

- 4-8 1) South 56 Degrees 12 Minutes 55 Seconds West, a distance of
 4-9 1,094.52 feet to an angle point;
- 4-10 2) South 68 Degrees 19 Minutes 38 Seconds West, a distance of
 4-11 879.85 feet to an angle point;
- 4-12 3) South 29 Degrees 19 Minutes 18 Seconds West, a distance of
 4-13 643.72 feet to an angle point;
- 4-14 4) South 43 Degrees 22 Minutes 37 Seconds West, a distance of
 4-15 243.84 feet to an angle point;
- 4-16 5) South 76 Degrees 01 Minute 00 Seconds West, a distance of
 4-17 404.61 feet to a point in the easterly right-of-way
 4-18 (R.O.W.) line of proposed Townsen Road (100 feet wide);

4-19 THENCE, continuing through and across said 1,554.570 acre tract,
 4-20 and with the easterly and northeasterly R.O.W. line of said Townsen
 4-21 Road, the following five (5) courses:

- 4-22 1) 620.73 feet along the arc of a curve to the right having a
 4-23 radius of 1,950.00 feet, a central angle of 18 Degrees 14
 4-24 Minutes 19 Seconds, and a chord that bears North 13 Degrees
 4-25 07 Minutes 32 Seconds West, a distance of 618.11 feet;
- 4-26 2) North 04 Degrees 00 Minutes 22 Seconds West, a distance of
 4-27 478.81 feet to the beginning of a curve to the left;
- 4-28 3) 1,550.83 feet along the arc of said curve to the left
 4-29 having a radius of 3,050.00 feet, a central angle of 29
 4-30 Degrees 07 Minutes 59 Seconds, and a chord that bears North
 4-31 18 Degrees 34 Minutes 22 Seconds West, a distance of
 4-32 1,534.17 feet;
- 4-33 4) North 33 Degrees 08 Minutes 21 Seconds West, a distance of
 4-34 428.13 feet to the beginning of a curve to the left;
- 4-35 5) 1,751.25 feet along the arc of said curve to the left
 4-36 having a radius of 2,050.00 feet, a central angle of 48
 4-37 Degrees 56 Minutes 46 Seconds, and a chord that bears North
 4-38 57 Degrees 36 Minutes 44 Seconds West, a distance of
 4-39 1,698.49 feet to the intersection of the northeasterly
 4-40 R.O.W. line of proposed Townsen Road with the easterly
 4-41 R.O.W. line of a proposed 100 foot wide R.O.W.;

4-42 THENCE, continuing through and across said 1,554.570 acre tract,
 4-43 and with the easterly and northeasterly line of said proposed 100
 4-44 foot wide R.O.W., the following four (4) courses:

- 4-45 1) North 06 Degrees 31 Minutes 01 Second East, a distance of
 4-46 17.93 feet to the beginning of a curve to the left;
- 4-47 2) 3,090.25 feet along the arc of said curve to the left
 4-48 having a radius of 2,050.00 feet, a central angle of 86
 4-49 Degrees 22 Minutes 12 Seconds, and a chord that bears North
 4-50 36 Degrees 40 Minutes 05 Seconds West, a distance of
 4-51 2,805.86 feet;
- 4-52 3) North 79 Degrees 51 Minutes 11 Seconds West, a distance of
 4-53 366.40 feet to the beginning of a curve to the right;
- 4-54 4) 1,318.62 feet along the arc of said curve to the right
 4-55 having a radius of 1,950.00 feet, a central angle of 38
 4-56 Degrees 44 Minutes 39 Seconds, and a chord that bears North
 4-57 60 Degrees 28 Minutes 51 Seconds West, a distance of
 4-58 1,293.64 feet to the intersection of the easterly line of
 4-59 said proposed 100 foot wide R.O.W. with the northerly line
 4-60 of said 1,554.570 acre tract;

4-61 THENCE, with the northerly line of said 1,554.570 acre tract, North
 4-62 59 Degrees 49 Minutes 41 Seconds East, a distance of 2.21 feet to a
 4-63 5/8 inch iron rod with plastic cap stamped "CDS/MUERY S.A. TX."
 4-64 found for the southwest corner of that certain call 915 acre
 4-65 Conservation Easement and an angle point in said 1,554.570 acre
 4-66 tract and the herein described tract;

4-67 THENCE, with the southerly line of said 915 acre Conservation
 4-68 Easement and the northerly line of said 1,554.570 acre tract and the
 4-69 herein described tract, North 50 Degrees 39 Minutes 59 Seconds

5-1 East, a distance of 3,159.31 feet to a 5/8 inch iron rod with
5-2 plastic cap stamped "CDS/MUERY S.A. TX." found for an angle point in
5-3 said 915 acre Conservation Easement and the herein described tract;
5-4 THENCE, continuing with the southerly line of said 915 acre
5-5 Conservation Easement and the northerly line of the herein
5-6 described tract, South 76 Degrees 45 Minutes 40 Seconds East, at
5-7 1,553.40 feet pass a 5/8 inch iron rod stamped "CDS/MUERY S.A. TX."
5-8 found for reference, and continue, in all, a distance of 1,753.61
5-9 feet to a point on the west high bank of the West Fork of the San
5-10 Jacinto River for an angle point of the herein described tract;
5-11 THENCE, with the meanders of the west bank of the West Fork of the
5-12 San Jacinto River, the following forty eight (48) courses:
5-13 1) South 30 Degrees 22 Minutes 24 Seconds West, a distance of
5-14 56.07 feet;
5-15 2) South 45 Degrees 58 Minutes 13 Seconds West, a distance of
5-16 40.83 feet;
5-17 3) South 46 Degrees 19 Minutes 57 Seconds West, a distance of
5-18 69.31 feet;
5-19 4) South 42 Degrees 10 Minutes 45 Seconds West, a distance of
5-20 76.52 feet;
5-21 5) South 40 Degrees 13 Minutes 52 Seconds West, a distance of
5-22 78.33 feet;
5-23 6) South 46 Degrees 53 Minutes 30 Seconds West, a distance of
5-24 79.44 feet;
5-25 7) South 53 Degrees 07 Minutes 53 Seconds West, a distance of
5-26 65.22 feet;
5-27 8) South 56 Degrees 09 Minutes 36 Seconds West, a distance of
5-28 65.51 feet;
5-29 9) South 58 Degrees 48 Minutes 22 Seconds West, a distance of
5-30 79.13 feet;
5-31 10) South 50 Degrees 41 Minutes 06 Seconds West, a distance of
5-32 86.81 feet;
5-33 11) South 38 Degrees 51 Minutes 13 Seconds West, a distance of
5-34 445.76 feet;
5-35 12) South 08 Degrees 36 Minutes 30 Seconds West, a distance of
5-36 155.51 feet;
5-37 13) South 04 Degrees 38 Minutes 42 Seconds East, a distance of
5-38 158.47 feet;
5-39 14) South 26 Degrees 22 Minutes 18 Seconds East, a distance of
5-40 464.19 feet;
5-41 15) South 41 Degrees 04 Minutes 43 Seconds East, a distance of
5-42 291.77 feet;
5-43 16) South 46 Degrees 32 Minutes 40 Seconds East, a distance of
5-44 166.24 feet;
5-45 17) South 63 Degrees 38 Minutes 58 Seconds East, a distance of
5-46 129.80 feet;
5-47 18) South 76 Degrees 54 Minutes 46 Seconds East, a distance of
5-48 183.21 feet;
5-49 19) South 76 Degrees 35 Minutes 35 Seconds East, a distance of
5-50 142.77 feet;
5-51 20) South 85 Degrees 17 Minutes 14 Seconds East, a distance of
5-52 91.08 feet;
5-53 21) North 73 Degrees 21 Minutes 11 Seconds East, a distance of
5-54 114.45 feet;
5-55 22) North 75 Degrees 00 Minutes 21 Seconds East, a distance of
5-56 82.76 feet;
5-57 23) North 75 Degrees 17 Minutes 10 Seconds East, a distance of
5-58 156.41 feet;
5-59 24) North 80 Degrees 37 Minutes 30 Seconds East, a distance of
5-60 179.16 feet;
5-61 25) South 88 Degrees 32 Minutes 27 Seconds East, a distance of
5-62 112.81 feet;
5-63 26) South 66 Degrees 19 Minutes 02 Seconds East, a distance of
5-64 252.55 feet;
5-65 27) South 46 Degrees 37 Minutes 09 Seconds East, a distance of
5-66 142.93 feet;
5-67 28) South 59 Degrees 26 Minutes 36 Seconds East, a distance of
5-68 71.26 feet;
5-69 29) South 49 Degrees 58 Minutes 30 Seconds East, a distance of

- 6-1 94.49 feet;
6-2 30) South 48 Degrees 25 Minutes 09 Seconds East, a distance of
6-3 94.68 feet;
6-4 31) South 52 Degrees 24 Minutes 30 Seconds East, a distance of
6-5 107.26 feet;
6-6 32) South 48 Degrees 14 Minutes 34 Seconds East, a distance of
6-7 98.37 feet;
6-8 33) South 51 Degrees 22 Minutes 58 Seconds East, a distance of
6-9 68.56 feet;
6-10 34) South 24 Degrees 15 Minutes 08 Seconds East, a distance of
6-11 88.72 feet;
6-12 35) South 18 Degrees 47 Minutes 45 Seconds East, a distance of
6-13 94.31 feet;
6-14 36) South 05 Degrees 46 Minutes 32 Seconds West, a distance of
6-15 90.96 feet;
6-16 37) South 01 Degree 09 Minutes 42 Seconds East, a distance of
6-17 83.27 feet;
6-18 38) South 15 Degrees 38 Minutes 15 Seconds West, a distance of
6-19 94.81 feet;
6-20 39) South 01 Degrees 38 Minutes 35 Seconds West, a distance of
6-21 89.05 feet;
6-22 40) South 12 Degrees 51 Minutes 45 Seconds West, a distance of
6-23 192.88 feet;
6-24 41) South 30 Degrees 35 Minutes 53 Seconds East, a distance of
6-25 184.94 feet;
6-26 42) South 47 Degrees 16 Minutes 08 Seconds East, a distance of
6-27 186.66 feet;
6-28 43) South 56 Degrees 42 Minutes 16 Seconds East, a distance of
6-29 211.00 feet;
6-30 44) South 59 Degrees 28 Minutes 08 Seconds East, a distance of
6-31 308.02 feet;
6-32 45) South 80 Degrees 02 Minutes 13 Seconds East, a distance of
6-33 172.28 feet;
6-34 46) South 87 Degrees 04 Minutes 25 Seconds East, a distance of
6-35 234.54 feet;
6-36 47) North 68 Degrees 19 Minutes 10 Seconds East, a distance of
6-37 263.23 feet;
6-38 48) North 58 Degrees 17 Minutes 31 Seconds East, a distance of
6-39 247.63 feet;

6-40 THENCE, departing the meanders of the west bank of Spring Creek and
6-41 with the easterly line of said 1,554.570 acre tract, South 31
6-42 Degrees 42 Minutes 29 Seconds East, a distance of 133.36 feet to a
6-43 5/8 inch iron rod with plastic cap stamped "D L HARDY RPLS 4847"
6-44 found for the northwest corner of that certain call 19.00 acre
6-45 Conservation Easement described in a deed to Legacy Land Trust,
6-46 Inc. in M.C.C.F. Number 2003-032879 for an angle point in the herein
6-47 described tract;

6-48 THENCE, with the northwesterly line of said 19.00 acre Conservation
6-49 Easement, South 15 Degrees 11 Minutes 58 Seconds West, a distance of
6-50 878.75 feet to a 5/8 inch iron rod with plastic cap stamped "D L
6-51 HARDY RPLS 4847" found in the northeasterly line of that certain
6-52 call 74.000 acre Conservation Easement described in a deed to
6-53 Legacy Land Trust, Inc. in M.C.C.F. Number 2002-017148 for an angle
6-54 point in the herein described tract;

6-55 THENCE, counterclockwise, with the northeasterly, westerly and
6-56 southwesterly boundary of said 74.000 acre Conservation Easement,
6-57 the following seven (7) courses:

- 6-58 1) North 65 Degrees 42 Minutes 43 Seconds West, a distance of
6-59 1,117.88 feet to a 5/8 inch iron rod with plastic cap
6-60 stamped "D L HARDY RPLS 4847" found for an angle point;
6-61 2) North 63 Degrees 01 Minute 15 Seconds West, a distance of
6-62 214.00 feet to a 5/8 inch iron rod with plastic cap stamped
6-63 "D L HARDY RPLS 4847" found for the upper northwest corner
6-64 of said 74.000 acre Conservation Easement and an angle
6-65 point for the herein described tract;
6-66 3) South 57 Degrees 07 Minutes 08 Seconds West, a distance of
6-67 727.10 feet to a 5/8 inch iron rod with plastic cap stamped
6-68 "CDS/MUERY S.A. TX." found for the lower northwest corner
6-69 of said 74.000 acre Conservation Easement and an angle

- 7-1 point in the herein described tract;
- 7-2 4) South 20 Degrees 38 Minutes 34 Seconds East, a distance of
- 7-3 196.61 feet to a 5/8 inch iron rod with plastic cap stamped
- 7-4 "BENCHMARK ENGR." set for an angle point in said 74.000
- 7-5 acre Conservation Easement and the herein described tract;
- 7-6 5) South 22 Degrees 11 Minutes 29 Seconds East, a distance of
- 7-7 893.86 feet to a 5/8 inch iron rod with plastic cap stamped
- 7-8 "CDS/MUERY S.A. TX." found for the southwest corner of
- 7-9 said 74.000 acre Conservation Easement and an angle point
- 7-10 in the herein described tract;
- 7-11 6) South 79 Degrees 17 Minutes 46 Seconds East, a distance of
- 7-12 525.67 feet to a 5/8 inch iron rod with plastic cap stamped
- 7-13 "CDS/MUERY S.A. TX." found for an angle point in the
- 7-14 southwesterly line of said 74.000 acre Conservation
- 7-15 Easement and the herein described tract;
- 7-16 7) South 78 Degrees 00 Minutes 36 Seconds East, at 994.32 feet
- 7-17 pass a 5/8 inch iron rod with plastic cap stamped
- 7-18 "CDS/MUERY S.A. TX." found for the call common line of said
- 7-19 R.N. Davis Survey said Joseph A. Parker Survey, and
- 7-20 continue, in all, a distance of 1,953.24 feet to a 5/8 inch
- 7-21 iron rod with plastic cap stamped "CDS/MUERY S.A. TX."
- 7-22 found for the southeast corner of said 74.000 acre
- 7-23 Conservation Easement and an angle point in the herein
- 7-24 described tract;

7-25 THENCE, departing the southeast corner of said 74.000 acre

7-26 Conservation Easement, and with the easterly line of said 1,554.570

7-27 acre tract, the following three (3) courses:

- 7-28 1) South 46 Degrees 21 Minutes 37 Seconds East, a distance of
- 7-29 263.57 feet to a 5/8 inch iron rod with plastic cap stamped
- 7-30 "BENCHMARK ENGR." found for an angle point;
- 7-31 2) North 43 Degrees 38 Minutes 23 Seconds East, a distance of
- 7-32 600.00 feet to a 5/8 inch iron rod with plastic cap stamped
- 7-33 "BENCHMARK ENGR." found for an angle point;
- 7-34 3) North 34 Degrees 46 Minutes 38 Seconds East, at 1,185.84
- 7-35 feet pass a 5/8 inch iron rod with plastic cap stamped
- 7-36 "BENCHMARK ENGR." set for reference, and continue, in all,
- 7-37 a distance of 1,385.84 feet to a to a point on the west bank
- 7-38 of the West Fork of the San Jacinto River for an angle
- 7-39 point in the herein described tract;

7-40 THENCE, with the meanders of the west bank of the West Fork of the

7-41 San Jacinto River, the following five (5) courses:

- 7-42 1) South 43 Degrees 38 Minutes 03 Seconds East, a distance of
- 7-43 65.88 feet;
- 7-44 2) South 48 Degrees 38 Minutes 46 Seconds East, a distance of
- 7-45 132.16 feet;
- 7-46 3) South 52 Degrees 19 Minutes 01 Second East, a distance of
- 7-47 87.17 feet;
- 7-48 4) South 47 Degrees 26 Minutes 02 Seconds East, a distance of
- 7-49 86.22 feet;
- 7-50 5) South 53 Degrees 17 Minutes 44 Seconds East, a distance of
- 7-51 73.27 feet;

7-52 THENCE, departing the meanders of the west bank of Spring Creek, and

7-53 with the northerly line of said 640.6 acre tract and the southerly

7-54 line of the herein described tract, South 43 Degrees 38 Minutes 23

7-55 Seconds West, at 99.85 feet pass a 5/8 inch iron rod with plastic

7-56 cap stamped "D L HARDY RPLS 4847" found for reference, and continue,

7-57 in all, a distance of 2,593.77 feet to the POINT OF BEGINNING and

7-58 containing 527.832 acres (22,992,348 square feet) of land.

7-59 TRACT 2

7-60 All that certain 169.830 acre (7,397,783 square feet) parcel of

7-61 land situated in the Joseph A. Parker Survey, Abstract Number 418,

7-62 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery

7-63 County, Texas, and being a portion of that certain call 1,554.570

7-64 acre tract described in a Warranty Deed to Pacific Indio

7-65 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the

7-66 Official Public Records of Real Property at Montgomery County,

7-67 Texas (O.P.R.R.P.M.C.T.), said 169.830 acre tract being more

7-68 particularly described by metes and bounds as follows: (All

7-69 bearings are referenced to the Texas State Plane Coordinate System,

8-1 South Central Zone)
8-2 BEGINNING at a 3/4 inch iron pipe found in the recognized common
8-3 line of said R.N. Davis Survey and said Joseph A. Parker Survey for
8-4 the southeast corner of that certain call 2,883.06 acre tract
8-5 described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
8-6 2004-114162 of the O.P.R.R.P.M.C.T., an interior corner of said
8-7 1,554.570 acre tract, and the southwest corner of the herein
8-8 described tract, and from which a 100D nail found for reference
8-9 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
8-10 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
8-11 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of
8-12 8.04 feet;
8-13 THENCE, with the easterly line of said 2,883.06 acre tract, the
8-14 upper westerly line of the said 1,554.570 acre tract, and the
8-15 westerly line of the herein described tract, North 30 Degrees 10
8-16 Minutes 19 Seconds West, a distance of 4,002.79 feet to a 5/8-inch
8-17 iron rod with plastic cap stamped "BENCHMARK ENGR." set in the
8-18 southwesterly right-of-way (R.O.W.) line of proposed Townsen Road
8-19 (100 feet wide) for the northwest corner of the herein described
8-20 tract;
8-21 THENCE, through and across said 1,554.570 acre tract, and with the
8-22 southerly and westerly R.O.W. line of said proposed Townsen Road,
8-23 the following six (6) courses:
8-24 1) North 59 Degrees 50 Minutes 02 Seconds East, a distance of
8-25 147.67 feet to the beginning of a curve to the right;
8-26 2) 2,961.87 feet along the arc of said curve to the right
8-27 having a radius of 1,950.00 feet, a central angle of 87
8-28 Degrees 01 Minute 37 Seconds, and a chord that bears South
8-29 76 Degrees 39 Minutes 10 Seconds East, a distance of
8-30 2,685.25 feet;
8-31 3) South 33 Degrees 08 Minutes 21 Seconds East, a distance of
8-32 428.13 feet to the beginning of a curve to the right;
8-33 4) 1,499.98 feet along the arc of said curve to the right
8-34 having a radius of 2,950.00 feet, a central angle of 29
8-35 Degrees 07 Minutes 59 Seconds, and a chord that bears South
8-36 18 Degrees 34 Minutes 22 Seconds East, a distance of
8-37 1,483.87 feet;
8-38 5) South 04 Degrees 00 Minutes 22 Seconds East, a distance of
8-39 478.81 feet to the beginning of a curve to the left;
8-40 6) 139.68 feet along the arc of said curve to the left having
8-41 a radius of 2,050.00 feet, a central angle of 03 Degrees 54
8-42 Minutes 14 Seconds, and a chord that bears South 05 Degrees
8-43 57 Minutes 29 Seconds East, a distance of 139.65 feet to
8-44 the southeast corner;
8-45 THENCE, departing the westerly R.O.W. of proposed Townsen Road,
8-46 continuing through and across said 1,554.570 acre tract, and with
8-47 the southerly line of the herein described tract, the following two
8-48 (2) courses:
8-49 1) North 87 Degrees 41 Minutes 21 Seconds West, a distance of
8-50 797.17 feet to an angle point;
8-51 2) South 50 Degrees 32 Minutes 13 Seconds West, a distance of
8-52 889.47 feet to the POINT OF BEGINNING and containing
8-53 169.830 acres (7,397,783 square feet) of land.
8-54 TRACT 3
8-55 All that certain 100.750 acre (4,388,668 square feet) parcel of
8-56 land situated in the R.N. Davis Survey, Abstract Number 161,
8-57 Montgomery County, Texas, and being a portion of that certain call
8-58 1,554.570 acre tract described in a Warranty Deed to Pacific Indio
8-59 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
8-60 Official Public Records of Real Property at Montgomery County,
8-61 Texas (O.P.R.R.P.M.C.T.) said 100.750 acre tract being more
8-62 particularly described by metes and bounds as follows: (All
8-63 bearings are referenced to the Texas State Plane Coordinate System,
8-64 South Central Zone)
8-65 COMMENCING at a 3/4 inch iron pipe found in the recognized common
8-66 line of said R.N. Davis Survey and the Joseph A. Parker Survey for
8-67 the southeast corner of that certain call 2,883.06 acre tract
8-68 described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
8-69 2004-114162 of the O.P.R.R.P.M.C.T., and an interior corner of said

9-1 1,554.570 acre tract, and from which a 100D nail found for reference
 9-2 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
 9-3 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
 9-4 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of
 9-5 8.04 feet;

9-6 THENCE, with the easterly line of said 2,883.06 acre tract and the
 9-7 upper westerly line of the said 1,554.570 acre tract, North 30
 9-8 Degrees 10 Minutes 19 Seconds West, a distance of 4,102.79 feet to a
 9-9 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." set in
 9-10 the northeasterly right-of-way (R.O.W.) line of proposed Townsen
 9-11 Road (100 feet wide) for the southwest corner and POINT OF BEGINNING
 9-12 of the herein described tract;

9-13 THENCE, continuing with the easterly line of said 2,883.06 acre
 9-14 tract, the upper westerly line of the said 1,554.570 acre tract, and
 9-15 the westerly line of the herein described tract, North 30 Degrees 10
 9-16 Minutes 19 Seconds West, a distance of 3,719.63 feet to a 5/8-inch
 9-17 iron rod with plastic cap stamped "BENCHMARK ENGR." found for the
 9-18 northwest corner of said 1,554.570 acre tract and the herein
 9-19 described tract;

9-20 THENCE, with the northerly line of said 1,554.570 acre tract and the
 9-21 herein described tract, North 59 Degrees 49 Minutes 41 Seconds
 9-22 East, a distance of 71.31 feet to a point in the westerly line of a
 9-23 proposed 100 foot wide right-of-way for the northeast corner of the
 9-24 herein described tract;

9-25 THENCE, through and across said 1,554.570 acre tract, and with the
 9-26 westerly line of said proposed 100 foot wide R.O.W. the following
 9-27 four (4) courses:

9-28 1) 1,405.55 feet along the arc of a curve to the left having a
 9-29 radius of 2,050.00 feet, a central angle of 39 Degrees 17
 9-30 Minutes 02 Seconds, and a chord that bears South 60 Degrees
 9-31 12 Minutes 40 Seconds East, a distance of 1,378.18 feet;

9-32 2) South 79 Degrees 51 Minutes 11 Seconds East, a distance of
 9-33 366.40 feet to the beginning of a curve to the right;

9-34 3) 2,939.51 feet along the arc of said curve to the right
 9-35 having a radius of 1,950.00 feet, a central angle of 86
 9-36 Degrees 22 Minutes 12 Seconds, and a chord that bears South
 9-37 36 Degrees 40 Minutes 05 Seconds East, a distance of
 9-38 2,668.99 feet;

9-39 4) South 06 Degrees 31 Minutes 01 Second West, a distance of
 9-40 17.93 feet to the intersection of the westerly line of said
 9-41 proposed 100 foot wide R.O.W. with the northeasterly
 9-42 R.O.W. line of proposed Townsen Road (100 feet wide) for
 9-43 the southeast corner of the herein described tract;

9-44 THENCE, with the northerly R.O.W. line of said proposed Townsen
 9-45 Road, the following two (2) courses:

9-46 1) 1,262.49 feet along the arc of a curve to the left having a
 9-47 radius of 2,050.00 feet, a central angle of 35 Degrees 17
 9-48 Minutes 08 Seconds, and a chord that bears South 77 Degrees
 9-49 28 Minutes 36 Seconds West, a distance of 1,242.63 feet;

9-50 2) South 59 Degrees 50 Minutes 02 Seconds West, a distance of
 9-51 147.68 feet to the POINT OF BEGINNING and containing
 9-52 100.750 acres (4,388,668 square feet) of land.

9-53 SECTION 3. (a) The legal notice of the intention to
 9-54 introduce this Act, setting forth the general substance of this
 9-55 Act, has been published as provided by law, and the notice and a
 9-56 copy of this Act have been furnished to all persons, agencies,
 9-57 officials, or entities to which they are required to be furnished
 9-58 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 9-59 Government Code.

9-60 (b) The governor, one of the required recipients, has
 9-61 submitted the notice and Act to the Texas Commission on
 9-62 Environmental Quality.

9-63 (c) The Texas Commission on Environmental Quality has filed
 9-64 its recommendations relating to this Act with the governor, the
 9-65 lieutenant governor, and the speaker of the house of
 9-66 representatives within the required time.

9-67 (d) All requirements of the constitution and laws of this
 9-68 state and the rules and procedures of the legislature with respect
 9-69 to the notice, introduction, and passage of this Act are fulfilled

10-1 and accomplished.

10-2 SECTION 4. The legislature finds that:

10-3 (1) the Montgomery County Municipal Utility District
10-4 No. 102, as created by Chapter 8263, Special District Local Laws
10-5 Code, as added by this Act, is not officially created until
10-6 confirmed by a majority of the voters of the district voting at an
10-7 election held for that purpose;

10-8 (2) securing the consent of political subdivisions to
10-9 the creation of the district before the introduction or passage of
10-10 this Act may be impractical because of the uncertainties of the
10-11 legislative process; and

10-12 (3) the constitutional requirement for the district's
10-13 compliance with the provisions of the general laws relating to the
10-14 consent of political subdivisions to the creation of the district
10-15 and the inclusion of land within the district is satisfied if that
10-16 consent is secured before the date and hour of canvassing the
10-17 returns and declaring the results of the confirmation election.

10-18 SECTION 5. This Act takes effect immediately if it receives
10-19 a vote of two-thirds of all the members elected to each house, as
10-20 provided by Section 39, Article III, Texas Constitution. If this
10-21 Act does not receive the vote necessary for immediate effect, this
10-22 Act takes effect September 1, 2007.

10-23 * * * * *