

By: Eissler

H.B. No. 4083

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Montgomery County Municipal Utility
3 District No. 117; 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 8268 to read as follows:

8 CHAPTER 8268. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 117

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8268.001. 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. 117.

16 Sec. 8268.002. 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. 8268.003. CONFIRMATION ELECTION REQUIRED. If the
21 creation of the district is not confirmed at a confirmation
22 election held under Section 8268.023 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. 8268.004. 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. 8268.005. 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 8268.006-8268.020 reserved for expansion]

4 SUBCHAPTER A-1. TEMPORARY PROVISIONS

5 Sec. 8268.021. TEMPORARY DIRECTORS. (a) The temporary
6 board consists of:

7 (1) Arthur J. Sullivan, III;

8 (2) Linda Grant Jones;

9 (3) James H. Pouns;

10 (4) Lee Luper; and

11 (5) Thomas Vann.

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

13 (1) the date initial directors are elected under
14 Section 8268.023; or

15 (2) the date this subchapter expires under Section
16 8268.025.

17 Sec. 8268.022. 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. 8268.023. CONFIRMATION AND INITIAL DIRECTORS'
25 ELECTION. Not later than the second anniversary of the
26 organizational meeting held under Section 8268.022, 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. 8268.024. INITIAL ELECTED DIRECTORS; TERMS. Unless
4 the initial board otherwise agrees, the directors elected under
5 Section 8268.023 shall draw lots to determine which two shall serve
6 until the first regularly scheduled election of directors under
7 Section 8268.052 and which three shall serve until the second
8 regularly scheduled election of directors.

9 Sec. 8268.025. EXPIRATION OF SUBCHAPTER. This subchapter
10 expires September 1, 2015.

11 [Sections 8268.026-8268.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8268.051. 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. 8268.052. 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 8268.053-8268.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8268.101. 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. 8268.102. 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. 8268.103. 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. 8268.104. 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 8268.105-8268.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8268.151. 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. 8268.152. OPERATION AND MAINTENANCE TAX. (a) If
12 authorized at an election held under Section 8268.151, 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 8268.153-8268.200 reserved for expansion]

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8268.201. 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. 8268.202. BONDS FOR ROAD PROJECTS. (a) The district
25 may not issue bonds to finance projects authorized by Section
26 8268.102 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 8268.102 may not exceed one-fourth
4 of the assessed value of the real property in the district.

5 Sec. 8268.203. BONDS FOR RECREATIONAL FACILITIES. If
6 authorized at an election under Section 8268.151, the district may
7 issue bonds payable from ad valorem taxes to pay for the development
8 and maintenance of recreational facilities.

9 Sec. 8268.204. 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. 117 initially includes all the territory contained in the
25 following area:

26 TRACT 1

27 All that certain 735.094 acre (32,020,707 Square Feet) parcel of

1 land situated in the Joseph A. Parker Survey, Abstract Number 418,
2 in Montgomery County, Texas, and being out of and a portion of that
3 certain call 2,086.441 acre tract of land described in a Warranty
4 Deed to Pacific Indio Properties, Inc., in Clerk's File Number
5 2005-116793 of the Official Public Records of Real Property at
6 Montgomery County, Texas (O.P.R.R.P.M.C.T.), and out of and a
7 portion of that certain call 877.775 acre tract of land as described
8 in a Warranty Deed to Pacific Indio Properties, Inc., in Clerk's
9 File Number 2005-116796 of the O.P.R.R.P.M.C.T., said 735.094 tract
10 being more particularly described by metes and bounds as follows:
11 (All bearings are referenced to the Texas State Plane Coordinate
12 System, South Central Zone)
13 COMMENCING at a 5/8-inch iron rod with plastic cap stamped
14 "BENCHMARK ENGR." found in the southerly line of said 877.775 acre
15 tract for the upper northeast corner of said 2,086.441 acre tract
16 and the northwest corner of that certain call 435.784 acre tract
17 described in a Warranty Deed to Pacific Indio Properties, Inc., in
18 Clerk's File Number 2005-116798 of the O.P.R.R.P.M.C.T. ;
19 THENCE, with the southerly line of said 877.775 acre tract and the
20 northerly line of said 2,086.441 acre tract, South 56 Degrees 46
21 Minutes 11 Seconds West, a distance of 5,077.32 feet to the
22 intersection of the northerly line of said 2,086.441 acre tract
23 with the northerly line of the of the herein described tract for the
24 POINT OF BEGINNING;
25 THENCE, through and across said 2,086.441 acre tract and with the
26 northerly line of the herein described tract, North 90 Degrees 00
27 Minutes 00 Seconds East, a distance of 3,323.25 feet to the

1 intersection of the northerly line of the herein described tract
2 with the westerly right-of-way of proposed Townsen Road (100 feet
3 wide) for the upper northeast corner of the herein described tract;
4 THENCE, continuing through and across said 2,086.441 acre tract,
5 and with the westerly R.O.W. line of said proposed Townsen Road, the
6 following three (3) courses:

- 7 1) 1,137.04 feet along the arc of a curve to the left having
8 a radius of 2,050.00 feet, a central angle of 31 Degrees
9 46 Minutes 45 Seconds, and a chord that bears South 33
10 Degrees 17 Minutes 04 Seconds East, a distance of
11 1,122.52 feet;
- 12 2) South 49 Degrees 10 Minutes 27 Seconds East, a distance
13 of 805.47 feet to the beginning of a curve to the right;
- 14 3) 781.30 feet along the arc of said curve to the right
15 having a radius of 2,950.00 feet, a central angle of 15
16 Degrees 10 Minutes 28 Seconds, and a chord that bears
17 South 41 Degrees 35 Minutes 12 Seconds East, a distance
18 of 779.02 feet to the intersection of the westerly
19 R.O.W. of said proposed Townsen Road with a west line of
20 the he City of Houston City Limits, as prepared by the
21 City of Houston Geographic Information System Office
22 and made available to the public in Release 12, dated
23 June 2006 for the lower northeast corner of the herein
24 described tract;

25 THENCE, continuing through and across said 2,086.441 acre tract and
26 with said west City of Houston City Limit line, the following two
27 (2) courses:

- 1 1) South 02 Degrees 47 Minutes 24 Seconds East, a distance
2 of 1,313.89 feet to an angle point;
3 2) South 02 Degrees 47 Minutes 12 Seconds East, a distance
4 of 3,425.25 feet to the intersection of the west City of
5 Houston City Limit Line with the north bank of Spring
6 Creek;

7 THENCE, with the meanders of the north and east bank of Spring
8 Creek, the following one hundred eight (108) courses:

- 9 1) North 49 Degrees 05 Minutes 53 Seconds West, a distance
10 of 19.99 feet:
11 2) North 57 Degrees 20 Minutes 48 Seconds West, a distance
12 of 135.77 feet;
13 3) North 62 Degrees 25 Minutes 32 Seconds West, a distance
14 of 137.51 feet;
15 4) North 65 Degrees 43 Minutes 11 Seconds West, a distance
16 of 84.57 feet;
17 5) North 64 Degrees 48 Minutes 29 Seconds West, a distance
18 of 137.90 feet;
19 6) North 58 Degrees 37 Minutes 43 Seconds West, a distance
20 of 176.05 feet;
21 7) North 60 Degrees 41 Minutes 48 Seconds West, a distance
22 of 117.33 feet;
23 8) North 56 Degrees 46 Minutes 25 Seconds West, a distance
24 of 77.06 feet;
25 9) North 55 Degrees 51 Minutes 52 Seconds West, a distance
26 of 101.56 feet;
27 10) North 56 Degrees 09 Minutes 58 Seconds West, a distance

- 1 of 155.42 feet;
- 2 11) North 65 Degrees 48 Minutes 53 Seconds West, a distance
3 of 74.18 feet;
- 4 12) North 58 Degrees 45 Minutes 09 Seconds West, a distance
5 of 107.02 feet;
- 6 13) North 67 Degrees 56 Minutes 47 Seconds West, a distance
7 of 60.93 feet;
- 8 14) North 67 Degrees 02 Minutes 03 Seconds West, a distance
9 of 71.72 feet;
- 10 15) North 72 Degrees 24 Minutes 16 Seconds West, a distance
11 of 68.26 feet;
- 12 16) North 76 Degrees 27 Minutes 38 Seconds West, a distance
13 of 61.13 feet;
- 14 17) North 77 Degrees 37 Minutes 24 Seconds West, a distance
15 of 58.17 feet;
- 16 18) North 81 Degrees 12 Minutes 43 Seconds West, a distance
17 of 61.49 feet;
- 18 19) North 76 Degrees 14 Minutes 05 Seconds West, a distance
19 of 75.16 feet;
- 20 20) North 76 Degrees 21 Minutes 11 Seconds West, a distance
21 of 49.48 feet;
- 22 21) North 69 Degrees 36 Minutes 09 Seconds West, a distance
23 of 37.50 feet;
- 24 22) North 43 Degrees 21 Minutes 14 Seconds West, a distance
25 of 54.11 feet;
- 26 23) North 50 Degrees 23 Minutes 53 Seconds West, a distance
27 of 33.81 feet;

- 1 24) North 51 Degrees 23 Minutes 51 Seconds West, a distance
2 of 61.36 feet;
- 3 25) North 63 Degrees 35 Minutes 38 Seconds West, a distance
4 of 90.19 feet;
- 5 26) North 67 Degrees 47 Minutes 52 Seconds West, a distance
6 of 100.45 feet;
- 7 27) North 68 Degrees 11 Minutes 20 Seconds West, a distance
8 of 108.69 feet;
- 9 28) North 73 Degrees 13 Minutes 32 Seconds West, a distance
10 of 117.05 feet;
- 11 29) North 70 Degrees 00 Minutes 22 Seconds West, a distance
12 of 151.55 feet;
- 13 30) North 78 Degrees 02 Minutes 09 Seconds West, a distance
14 of 103.31 feet;
- 15 31) South 87 Degrees 00 Minutes 49 Seconds West, a distance
16 of 83.97 feet;
- 17 32) North 87 Degrees 56 Minutes 37 Seconds West, a distance
18 of 88.95 feet;
- 19 33) South 81 Degrees 04 Minutes 57 Seconds West, a distance
20 of 106.98 feet;
- 21 34) South 68 Degrees 37 Minutes 37 Seconds West, a distance
22 of 93.90 feet;
- 23 35) South 60 Degrees 46 Minutes 32 Seconds West, a distance
24 of 87.27 feet;
- 25 36) South 56 Degrees 50 Minutes 14 Seconds West, a distance
26 of 145.92 feet;
- 27 37) South 43 Degrees 19 Minutes 52 Seconds West, a distance

- 1 of 129.53 feet;
- 2 38) South 11 Degrees 41 Minutes 16 Seconds West, a distance
3 of 63.73 feet;
- 4 39) South 14 Degrees 06 Minutes 39 Seconds West, a distance
5 of 35.47 feet;
- 6 40) South 11 Degrees 31 Minutes 36 Seconds West, a distance
7 of 135.92 feet;
- 8 41) South 07 Degrees 33 Minutes 39 Seconds West, a distance
9 of 173.98 feet;
- 10 42) South 16 Degrees 35 Minutes 36 Seconds West, a distance
11 of 202.30 feet;
- 12 43) South 20 Degrees 46 Minutes 19 Seconds West, a distance
13 of 60.02 feet;
- 14 44) South 13 Degrees 41 Minutes 13 Seconds West, a distance
15 of 69.86 feet;
- 16 45) South 11 Degrees 54 Minutes 31 Seconds West, a distance
17 of 90.00 feet;
- 18 46) South 41 Degrees 05 Minutes 52 Seconds West, a distance
19 of 105.79 feet;
- 20 47) South 44 Degrees 29 Minutes 50 Seconds West, a distance
21 of 144.95 feet;
- 22 48) South 70 Degrees 17 Minutes 01 Second West, a distance
23 of 86.14 feet;
- 24 49) South 80 Degrees 22 Minutes 04 Seconds West, a distance
25 of 72.00 feet;
- 26 50) South 83 Degrees 55 Minutes 32 Seconds West, a distance
27 of 55.78 feet;

- 1 51) North 62 Degrees 32 Minutes 12 Seconds West, a distance
2 of 55.35 feet;
- 3 52) North 46 Degrees 07 Minutes 56 Seconds West, a distance
4 of 50.63 feet;
- 5 53) North 60 Degrees 53 Minutes 30 Seconds West, a distance
6 of 91.05 feet;
- 7 54) North 43 Degrees 48 Minutes 09 Seconds West, a distance
8 of 68.28 feet;
- 9 55) North 38 Degrees 31 Minutes 17 Seconds West, a distance
10 of 94.63 feet;
- 11 56) North 36 Degrees 31 Minutes 53 Seconds West, a distance
12 of 129.74 feet;
- 13 57) North 33 Degrees 10 Minutes 58 Seconds West, a distance
14 of 149.99 feet;
- 15 58) North 39 Degrees 11 Minutes 59 Seconds West, a distance
16 of 148.77 feet;
- 17 59) North 46 Degrees 30 Minutes 43 Seconds West, a distance
18 of 132.39 feet;
- 19 60) North 50 Degrees 47 Minutes 36 Seconds West, a distance
20 of 128.98 feet;
- 21 61) North 57 Degrees 41 Minutes 23 Seconds West, a distance
22 of 116.30 feet;
- 23 62) North 59 Degrees 09 Minutes 40 Seconds West, a distance
24 of 109.25 feet;
- 25 63) North 63 Degrees 32 Minutes 05 Seconds West, a distance
26 of 107.54 feet;
- 27 64) North 68 Degrees 17 Minutes 10 Seconds West, a distance

- 1 of 93.47 feet;
- 2 65) North 47 Degrees 28 Minutes 49 Seconds West, a distance
- 3 of 157.27 feet;
- 4 66) North 63 Degrees 12 Minutes 00 Seconds West, a distance
- 5 of 197.97 feet;
- 6 67) South 87 Degrees 59 Minutes 56 Seconds West, a distance
- 7 of 253.67 feet;
- 8 68) North 88 Degrees 56 Minutes 41 Seconds West, a distance
- 9 of 205.97 feet;
- 10 69) North 51 Degrees 29 Minutes 07 Seconds West, a distance
- 11 of 198.79 feet;
- 12 70) North 39 Degrees 26 Minutes 04 Seconds West, a distance
- 13 of 161.54 feet;
- 14 71) North 29 Degrees 31 Minutes 37 Seconds West, a distance
- 15 of 191.59 feet;
- 16 72) North 26 Degrees 12 Minutes 58 Seconds West, a distance
- 17 of 158.00 feet;
- 18 73) North 26 Degrees 53 Minutes 05 Seconds West, a distance
- 19 of 130.95 feet;
- 20 74) North 15 Degrees 30 Minutes 53 Seconds West, a distance
- 21 of 156.75 feet;
- 22 75) North 10 Degrees 25 Minutes 12 Seconds West, a distance
- 23 of 244.97 feet;
- 24 76) North 00 Degrees 33 Minutes 19 Seconds East, a distance
- 25 of 352.07 feet;
- 26 77) North 02 Degrees 25 Minutes 41 Seconds East, a distance
- 27 of 187.85 feet;

- 1 78) North 03 Degrees 05 Minutes 08 Seconds East, a distance
2 of 202.17 feet;
- 3 79) North 07 Degrees 15 Minutes 30 Seconds East, a distance
4 of 183.96 feet;
- 5 80) North 09 Degrees 11 Minutes 15 Seconds East, a distance
6 of 181.92 feet;
- 7 81) North 14 Degrees 16 Minutes 58 Seconds East, a distance
8 of 185.88 feet;
- 9 82) North 19 Degrees 53 Minutes 49 Seconds East, a distance
10 of 146.95 feet;
- 11 83) North 07 Degrees 51 Minutes 38 Seconds East, a distance
12 of 198.72 feet;
- 13 84) North 14 Degrees 47 Minutes 18 Seconds East, a distance
14 of 190.46 feet;
- 15 85) North 09 Degrees 25 Minutes 46 Seconds East, a distance
16 of 201.96 feet;
- 17 86) North 23 Degrees 08 Minutes 43 Seconds East, a distance
18 of 163.58 feet;
- 19 87) North 26 Degrees 59 Minutes 51 Seconds East, a distance
20 of 103.85 feet;
- 21 88) North 61 Degrees 15 Minutes 09 Seconds East, a distance
22 of 197.16 feet;
- 23 89) North 52 Degrees 56 Minutes 56 Seconds East, a distance
24 of 175.88 feet;
- 25 90) North 50 Degrees 29 Minutes 41 Seconds East, a distance
26 of 191.99 feet;
- 27 91) North 48 Degrees 50 Minutes 23 Seconds East, a distance

- 1 of 166.90 feet;
- 2 92) North 23 Degrees 13 Minutes 09 Seconds East, a distance
3 of 171.31 feet;
- 4 93) North 12 Degrees 23 Minutes 15 Seconds East, a distance
5 of 208.72 feet;
- 6 94) North 04 Degrees 25 Minutes 08 Seconds West, a distance
7 of 182.71 feet;
- 8 95) North 12 Degrees 31 Minutes 27 Seconds West, a distance
9 of 142.73 feet;
- 10 96) North 21 Degrees 11 Minutes 58 Seconds West, a distance
11 of 123.87 feet;
- 12 97) North 33 Degrees 29 Minutes 34 Seconds West, a distance
13 of 103.15 feet;
- 14 98) North 59 Degrees 45 Minutes 36 Seconds West, a distance
15 of 174.32 feet;
- 16 99) North 46 Degrees 47 Minutes 40 Seconds West, a distance
17 of 143.33 feet;
- 18 100) North 45 Degrees 52 Minutes 37 Seconds West, a distance
19 of 209.78 feet;
- 20 101) North 50 Degrees 35 Minutes 13 Seconds West, a distance
21 of 160.08 feet;
- 22 102) North 50 Degrees 56 Minutes 49 Seconds West, a distance
23 of 194.50 feet;
- 24 103) North 51 Degrees 36 Minutes 47 Seconds West, a distance
25 of 190.95 feet;
- 26 104) North 42 Degrees 40 Minutes 45 Seconds West, at 82.74
27 feet pass the northwest corner of said 2,086.441 acre

1 tract and the southwest corner of said 877.775 acre
2 tract, and continue, a distance of 170.71 feet;
3 105) North 34 Degrees 11 Minutes 22 Seconds West, a distance
4 of 120.56 feet;
5 106) North 24 Degrees 33 Minutes 24 Seconds West, a distance
6 of 115.82 feet;
7 107) North 14 Degrees 29 Minutes 23 Seconds West, a distance
8 of 106.78 feet;
9 108) North 07 Degrees 36 Minutes 39 Seconds West, a distance
10 of 76.06 feet to northeast corner of the herein
11 described tract;

12 THENCE, through and across said 877.775 acre tract and with the
13 northerly line of the herein described tract, North 90 Degrees 00
14 Minutes 00 Seconds East, a distance of 896.92 to the POINT OF
15 BEGINNING and containing 735.094 acres (32,020,707 square feet) of
16 land.

17 TRACT 2

18 All that certain 676.356 acre (29,462,071 Square Feet) parcel of
19 land situated in the Joseph A. Parker Survey, Abstract Number 418,
20 in Montgomery County, Texas, and being out of and a portion of that
21 certain call 2,086.441 acre tract of land described in a Warranty
22 Deed to Pacific Indio Properties, Inc., in Clerk's File Number
23 2005-116793 of the Official Public Records of Real Property at
24 Montgomery County Texas (O.P.R.R.P.M.C.T.), out of and a portion of
25 that certain call 877.775 acre tract of land as described in a
26 Warranty Deed to Pacific Indio Properties, Inc., in Clerk's File
27 Number 2005-116796 of the O.P.R.R.P.M.C.T., and out of and a

1 portion of that certain 435.784 acre tract of land described in a
2 Warranty Deed to Pacific Indio Properties, Inc., in Clerk's File
3 Number 2005-116798 of the O.P.R.R.P.M.C.T., said 676.356 tract
4 being more particularly described by metes and bounds as follows:
5 (All bearings are referenced to the Texas State Plane Coordinate
6 System, South Central Zone)

7 COMMENCING at a 5/8-inch iron rod with plastic cap stamped
8 "BENCHMARK ENGR." found in the southerly line of said 877.775 acre
9 tract for the upper northeast corner of said 2,086.441 acre tract
10 and the northwest corner of said 435.784 acre tract;

11 THENCE, with the southerly line of said 877.775 acre tract and the
12 northerly line of said 435.784 acre tract, North 56 Degrees 46
13 Minutes 11 Seconds East, a distance of 216.03 feet to the
14 intersection of the northerly line of said 435.784 acre tract with
15 the southeasterly line of a proposed 100 foot wide right-of-way
16 (R.O.W.) for the POINT OF BEGINNING of the herein described tract;

17 THENCE, with the southeasterly line of said proposed 100 foot wide
18 R.O.W., the following three (3) courses:

19 1) South 49 Degrees 02 Minutes 17 Seconds East, a distance
20 of 2,530.65 feet to the beginning of a curve to the
21 left;

22 2) 2,871.92 feet along the arc of said curve to the left
23 having a radius of 3,050.00 feet, a central angle of 53
24 Degrees 57 Minutes 02 Seconds, and a chord that bears
25 South 76 Degrees 00 Minutes 47 Seconds East, a distance
26 of 2,766.99 feet;

27 3) North 77 Degrees 00 Minutes 42 Seconds East, a distance

1 of 2,590.10 feet to the intersection of the
2 southeasterly R.O.W. line of said proposed 100 foot
3 wide R.O.W. with the west bank of the West Fork of the
4 San Jacinto River for the northeast corner of the herein
5 described tract;

6 THENCE, southerly, with the meanders of the west bank of the west
7 Fork of the San Jacinto River, the following thirty five (35)
8 courses:

- 9 1) South 20 Degrees 54 Minutes 34 Seconds East, a distance
10 of 90.07 feet;
- 11 2) South 15 Degrees 10 Minutes 46 Seconds East, a distance
12 of 94.85 feet;
- 13 3) South 05 Degrees 11 Minutes 27 Seconds East, a distance
14 of 138.40 feet;
- 15 4) South 13 Degrees 20 Minutes 15 Seconds East, a distance
16 of 106.90 feet;
- 17 5) South 17 Degrees 02 Minutes 24 Seconds East, a distance
18 of 184.74 feet;
- 19 6) South 18 Degrees 31 Minutes 37 Seconds East, a distance
20 of 72.83 feet;
- 21 7) South 21 Degrees 18 Minutes 30 Seconds East, a distance
22 of 96.94 feet;
- 23 8) South 20 Degrees 27 Minutes 25 Seconds East, a distance
24 of 135.53 feet;
- 25 9) South 23 Degrees 48 Minutes 02 Seconds East, a distance
26 of 89.22 feet;
- 27 10) South 31 Degrees 48 Minutes 44 Seconds East, a distance

- 1 of 155.41 feet;
- 2 11) South 51 Degrees 54 Minutes 43 Seconds East, a distance
3 of 87.30 feet;
- 4 12) South 49 Degrees 45 Minutes 54 Seconds East, a distance
5 of 86.80 feet;
- 6 13) South 54 Degrees 16 Minutes 12 Seconds East, a distance
7 of 124.37 feet;
- 8 14) South 70 Degrees 16 Minutes 35 Seconds East, a distance
9 of 118.51 feet;
- 10 15) South 75 Degrees 03 Minutes 39 Seconds East, a distance
11 of 159.40 feet;
- 12 16) South 65 Degrees 46 Minutes 25 Seconds East, a distance
13 of 191.57 feet;
- 14 17) South 49 Degrees 33 Minutes 59 Seconds East, a distance
15 of 76.96 feet;
- 16 18) South 46 Degrees 37 Minutes 26 Seconds East, a distance
17 of 78.69 feet;
- 18 19) South 41 Degrees 30 Minutes 29 Seconds East, a distance
19 of 87.46 feet;
- 20 20) South 38 Degrees 14 Minutes 33 Seconds East, a distance
21 of 117.42 feet;
- 22 21) South 28 Degrees 14 Minutes 23 Seconds East, a distance
23 of 68.75 feet;
- 24 22) South 25 Degrees 30 Minutes 55 Seconds East, a distance
25 of 78.09 feet;
- 26 23) South 17 Degrees 53 Minutes 26 Seconds East, a distance
27 of 73.60 feet;

- 1 24) South 02 Degrees 04 Minutes 27 Seconds East, a distance
2 of 65.61 feet;
- 3 25) South 16 Degrees 40 Minutes 41 Seconds West, a distance
4 of 54.58 feet;
- 5 26) South 24 Degrees 40 Minutes 20 Seconds West, a distance
6 of 175.36 feet;
- 7 27) South 34 Degrees 59 Minutes 05 Seconds West, a distance
8 of 91.48 feet;
- 9 28) South 41 Degrees 19 Minutes 30 Seconds West, a distance
10 of 97.55 feet;
- 11 29) South 34 Degrees 13 Minutes 57 Seconds West, a distance
12 of 80.78 feet;
- 13 30) South 40 Degrees 11 Minutes 16 Seconds West, a distance
14 of 126.37 feet;
- 15 31) South 40 Degrees 02 Minutes 09 Seconds West, a distance
16 of 106.90 feet;
- 17 32) South 38 Degrees 22 Minutes 31 Seconds West, a distance
18 of 124.90 feet;
- 19 33) South 44 Degrees 29 Minutes 56 Seconds West, a distance
20 of 171.72 feet;
- 21 34) South 38 Degrees 00 Minutes 29 Seconds West, a distance
22 of 230.93 feet;
- 23 35) South 24 Degrees 34 Minutes 53 Seconds West, a distance
24 of 5.05 feet to the intersection of the west bank of the
25 west fork of the San Jacinto River with a northerly line
26 of the City of Houston City Limits, as prepared by the
27 City of Houston Geographic Information System Office

1 and made available to the public in Release 12, dated
2 June 2006;

3 THENCE, departing the meanders of the west bank of the west Fork of
4 the San Jacinto River, through and across said 2,086.441 acre
5 tract, and with said northerly City of Houston City Limit Line, the
6 following three (3) courses:

7 1) South 88 Degrees 08 Minutes 36 Seconds West, a distance
8 of 1,430.41 feet to an angle point;

9 2) South 87 Degrees 57 Minutes 42 Seconds West, a distance
10 of 6.34 feet to an angle point;

11 3) South 88 Degrees 42 Minutes 54 Seconds West, a distance
12 of 5,604.84 feet to the intersection of said City of
13 Houston City Limit Line with the easterly R.O.W. line of
14 proposed Townsen Road (100 foot wide) for the southwest
15 corner of the herein described tract;

16 THENCE, continuing through and across said 2,086.441 acre tract and
17 said 877.775 acre tract, respectively, and with the with the
18 easterly R.O.W. line of said proposed Townsen Road, the following
19 eight (8) courses;

20 1) 810.33 feet along the arc of a curve to the left having a
21 radius of 3,050.00 feet, a central angle of 15 Degrees
22 13 Minutes 21 Seconds, and a chord that bears North 41
23 Degrees 33 Minutes 46 Seconds West, a distance of 807.95
24 feet;

25 2) North 49 Degrees 10 Minutes 27 Seconds West, a distance
26 of 805.47 feet to the beginning of a curve to the right;

27 3) 1,543.71 feet along the arc of said curve to the right

1 having a radius of 1,950.00 feet, a central angle of 45
2 Degrees 21 Minutes 29 Seconds, and a chord that bears
3 North 26 Degrees 29 Minutes 42 Seconds West, a distance
4 of 1,503.72 feet;

5 4) North 03 Degrees 48 Minutes 58 Seconds West, a distance
6 of 458.87 feet to the beginning of a curve to the left;

7 5) 1,157.93 feet along the arc of said curve to the left
8 having a radius of 2,050.00 feet, a central angle of 32
9 Degrees 21 Minutes 47 Seconds, and a chord that bears
10 North 19 Degrees 59 Minutes 51 Seconds West, a distance
11 of 1,142.60 feet;

12 6) North 36 Degrees 10 Minutes 45 Seconds West, a distance
13 of 425.92 feet to the beginning of a curve to the right;

14 7) 1,254.73 feet along the arc of said curve to the right
15 having a radius of 1,950.00 feet, a central angle of 36
16 Degrees 52 Minutes 01 Second, and a chord that bears
17 North 17 Degrees 44 Minutes 44 Seconds West, a distance
18 of 1,233.19 feet;

19 8) North 00 Degrees 41 Minutes 16 Seconds East, a distance
20 of 200.00 feet to the intersection of easterly R.O.W.
21 line of said proposed Townsen Road with the southerly
22 R.O.W. line of a said proposed 100 foot wide R.O.W. for
23 the north corner of the herein described tract;

24 THENCE, with the southerly and southeasterly R.O.W. line of said
25 proposed 100 foot wide R.O.W, the following three (3) courses:

26 1) South 89 Degrees 18 Minutes 44 Seconds East, a distance
27 of 116.49 feet to the beginning of a curve to the right;

1 2) 2,073.61 feet along the arc of said curve to the right
2 having a radius of 2,950.00 feet, a central angle of 40
3 Degrees 16 Minutes 27 Seconds, and a chord that bears
4 South 69 Degrees 10 Minutes 30 Seconds East, a distance
5 of 2,031.18 feet;

6 3) South 49 Degrees 02 Minutes 17 Seconds East, a distance
7 of 165.70 feet to the POINT OF BEGINNING and containing
8 676.356 acres (29,462,071 square feet) of land.

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

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

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

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

27 SECTION 4. The legislature finds that:

1 (1) the Montgomery County Municipal Utility District
2 No. 117, as created by Chapter 8268, Special District Local Laws
3 Code, as added by this Act, is not officially created until
4 confirmed by a majority of the voters of the district voting at an
5 election held for that purpose;

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

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

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