

By: Eissler

H.B. No. 4084

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Montgomery County Municipal Utility  
3 District No. 120; 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 8267 to read as follows:

8 CHAPTER 8267. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 120

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8267.001. 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. 120.

16 Sec. 8267.002. 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. 8267.003. CONFIRMATION ELECTION REQUIRED. If the  
21 creation of the district is not confirmed at a confirmation  
22 election held under Section 8267.023 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. 8267.004. 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. 8267.005. 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 8267.006-8267.020 reserved for expansion]

4           SUBCHAPTER A-1. TEMPORARY PROVISIONS

5           Sec. 8267.021. TEMPORARY DIRECTORS. (a) The temporary  
6 board consists of:

7           (1) Kent Puckett;

8           (2) Tammy Evans;

9           (3) Andy Taylor;

10          (4) Roy Knowles; and

11          (5) Keith Behrens.

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

13           (1) the date initial directors are elected under  
14 Section 8267.023; or

15           (2) the date this subchapter expires under Section  
16 8267.025.

17          Sec. 8267.022. 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. 8267.023. CONFIRMATION AND INITIAL DIRECTORS'  
25 ELECTION. Not later than the second anniversary of the  
26 organizational meeting held under Section 8267.022, 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. 8267.024. INITIAL ELECTED DIRECTORS; TERMS. Unless  
4 the initial board otherwise agrees, the directors elected under  
5 Section 8267.023 shall draw lots to determine which two shall serve  
6 until the first regularly scheduled election of directors under  
7 Section 8267.052 and which three shall serve until the second  
8 regularly scheduled election of directors.

9 Sec. 8267.025. EXPIRATION OF SUBCHAPTER. This subchapter  
10 expires September 1, 2015.

11 [Sections 8267.026-8267.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8267.051. 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. 8267.052. 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 8267.053-8267.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8267.101. 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. 8267.102. 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. 8267.103. 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. 8267.104. 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 8267.105-8267.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8267.151. 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. 8267.152. OPERATION AND MAINTENANCE TAX. (a) If  
12 authorized at an election held under Section 8267.151, 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 8267.153-8267.200 reserved for expansion]

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8267.201. 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. 8267.202. BONDS FOR ROAD PROJECTS. (a) The district  
25 may not issue bonds to finance projects authorized by Section  
26 8267.102 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 8267.102 may not exceed one-fourth  
4 of the assessed value of the real property in the district.

5 Sec. 8267.203. BONDS FOR RECREATIONAL FACILITIES. If  
6 authorized at an election under Section 8267.151, the district may  
7 issue bonds payable from ad valorem taxes to pay for the development  
8 and maintenance of recreational facilities.

9 Sec. 8267.204. 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. 120 initially includes all the territory contained in the  
25 following area:

26 BEING A 545.93 ACRE (23,780,883 SQUARE FOOT) PARCEL SITUATED IN THE  
27 MONTGOMERY COUNTY SCHOOL LAND SURVEY, ABSTRACT 351, MONTGOMERY

1 COUNTY, TEXAS, OUT OF A CALLED 1,023.05 ACRE TRACT CONVEYED TO LAND  
2 TEJAS SPRING TRAILS, LTD. BY DEED RECORDED UNDER CLERK'S FILE NO.  
3 2006-102227 OF THE MONTGOMERY COUNTY OFFICIAL PUBLIC RECORDS OF  
4 REAL PROPERTY, SAID 545.93 ACRE TRACT MORE PARTICULARLY DESCRIBED  
5 BY METES AND BOUNDS AS FOLLOWS;

6 COMMENCING at a 5/8-inch iron rod found with cap in the south  
7 right-of-way line of Riley Fuzzel Road (width varies), for the most  
8 westerly corner of a 60.25 acre tract conveyed to Sowell  
9 Equities-Lockeridge, L.P. by Deed recorded under Clerks' File No.  
10 2005-070370 of the Montgomery County Official Public Records of  
11 Real Property, and a northwesterly corner of said 1,023.05 acre  
12 tract;

13 THENCE, South 48°22'09" East, 1628.43 feet along the southwest line  
14 of said 60.25 acre tract, and a northerly line of said 1,023.05  
15 acres to a 1-3/4 inch axle found for the most southerly corner of  
16 said 78.5 acre tract;

17 THENCE, North 40°56'58" East, 2,384.78 feet along the southeast line  
18 of said 60.25 acre tract, and a northerly line of said 1,023.05 acre  
19 tract to a 3/4-inch iron rod found with cap in the southwest line of  
20 Benders Landing Section 1 according to the map or plat thereof  
21 recorded under Cabinet P, Sheets 140-146 of the Montgomery County  
22 Map Records;

23 THENCE, South 46°25'01" East, 6,701.58 feet along the southwest line  
24 of said Benders Landing Section 1, and Benders Landing Section 2  
25 according to the map or plat thereof recorded under Cabinet R,  
26 Sheets 142-149 of the Montgomery County Map Records, and a  
27 northeasterly line of said 1,023.05 acres to a 5/8-inch iron rod



1 found with cap;

2 THENCE, South 39°38'05" West, 134.12 feet to a 5/8-inch iron rod set  
3 (with cap stamped "Montgomery and Associates") for a northeasterly  
4 corner and POINT OF BEGINNING of the herein described parcel;

5 THENCE, along the westerly line of said Benders Landing Section 2,  
6 and an easterly line of said 1,023.05 acre tract the following  
7 courses and distances:

8 South 39°38'05" West, 864.71 feet to a 5/8-inch iron rod found  
9 with cap;

10 South 18°40'11" West, 945.72 feet to a 5/8-inch iron rod found  
11 with cap;

12 South 06°57'50" West, 538.98 feet to a 5/8-inch iron rod found  
13 with cap;

14 South 00°37'32" East, 639.78 feet to a 5/8-inch iron rod found  
15 with cap;

16 South 34°25'08" West, 261.49 feet to a 5/8-inch iron rod found  
17 with cap;

18 South 00°45'04" East, 455.55 feet to a 5/8-inch iron rod found  
19 with cap;

20 South 16°54'59" East, 260.08 feet to a 5/8-inch iron rod found  
21 with cap;

22 South 39°25'26" East, 91.46 feet to a 5/8-inch iron rod found  
23 with cap;

24 South 16°53'19" East, 475.42 feet to a 5/8-inch iron rod found  
25 with cap;

26 South 78°13'35" East, 749.53 feet to a 5/8-inch iron rod found  
27 with cap;

1 South 40°35'45" East, 1,096.38 feet to a 5/8-inch iron rod found  
2 with cap;

3 North 49°17'52" East, 306.41 feet to a 5/8-inch iron rod found  
4 with cap in the southwesterly line of Benders Landing estates  
5 Section 1 according to the map or plat thereof recorded under  
6 Cabinet X, Sheet 157-165 of the Montgomery County Map Records;

7 THENCE, South 40°32'09" East, 3,520.80 feet to a point in the  
8 centerline of Spring Creek for a southeasterly corner of the herein  
9 described parcel;

10 THENCE, in a westerly direction along the south line of said  
11 1,023.05 acres, and along the centerline of said Spring Creek the  
12 following courses and distances;

- 13 North 58°27'16" West, 67.02 feet;
- 14 North 65°47'28" West, 79.43 feet;
- 15 South 87°45'24" West, 98.65 feet;
- 16 South 86°18'05" West, 112.17 feet;
- 17 South 74°34'12" West, 107.49 feet;
- 18 South 67°37'57" West, 96.64 feet;
- 19 South 69°08'33" West, 87.21 feet;
- 20 South 78°17'27" West, 61.17 feet;
- 21 South 86°54'50" West, 53.19 feet;
- 22 South 63°38'03" West, 89.66 feet;
- 23 South 63°42'43": West, 90.99 feet;
- 24 South 52°38'43" West, 109.56 feet;
- 25 South 66°16'35" West, 104.22 feet;
- 26 South 59°39'29"West, 101.53 feet;
- 27 South 78°44'54" West, 69.23 feet

- 1 North 69°54'12" West, 60.22 feet;
- 2 North 70°17'19" West, 60.20 feet;
- 3 North 39°45'54" West, 89.91 feet;
- 4 North 28°31'01" West, 130.66 feet;
- 5 North 37°25'52" West, 81.24 feet;
- 6 North 23°29'15" West, 110.37 feet;
- 7 North 40°28'00" West, 50.10 feet;
- 8 North 41°09'40" West, 79.98 feet;
- 9 North 46°55'19" West, 86.64 feet;
- 10 North 64°57'37" West, 110.45 feet;
- 11 North 57°25'24" West, 105.72 feet;
- 12 North 77°19'52" West, 86.19 feet;
- 13 North 65°11'30" West, 121.39 feet;
- 14 South 67°59'24" West, 66.46 feet;
- 15 South 65°16'51" West, 91.66 feet;
- 16 South 71°05'48" West, 109.76 feet;
- 17 South 70°55'36" West, 84.10 feet;
- 18 South 63°59'21" West, 107.46 feet;
- 19 South 41°58'45" West, 88.22 feet;
- 20 South 55°24'41" West, 134.36 feet;
- 21 South 34°44'42" West, 107.29 feet;
- 22 South 33°46'12" West, 88.55 feet;
- 23 South 40°53'08" West, 67.02 feet;
- 24 South 84°08'22" West, 48.85 feet;
- 25 North 81°48'14" West, 80.25 feet;
- 26 North 60°56'37" West, 83.79 feet;
- 27 North 81°47'33" West, 107.63 feet;

1 North 67°42'36" West, 96.65 feet;  
2 North 75°46'15" West, 117.30 feet;  
3 North 63°56'54" West, 107.32 feet;  
4 North 75°51'46" West, 87.19 feet;  
5 North 75°40'47" West, 98.56 feet;  
6 North 70°30'22" West, 108.24 feet;  
7 North 86°01'14" West, 114.79 feet;  
8 South 80°55'22" West, 77.17 feet;  
9 North 65°31'45" West, 50.61 feet to a point in the northeasterly  
10 line of a called 4.386 acre tract conveyed to Patricia Carothers by  
11 Deed Clerk's File No. 2000-070063 of the Montgomery County Official  
12 Public Records of Real Property, for a southerly corner of the  
13 herein described parcel;  
14 THENCE, North 34°25'42" West, 1,314.18 feet along the northeasterly  
15 line of said 4.386 acre tract, a called 16.2 acre tract conveyed to  
16 Carl Brendgen by Deed recorded under Clerk's File No. 8726592 of the  
17 Montgomery County Official Public Records of Real Property, and a  
18 southwesterly line of said 1,023.05 acre tract to a 5/8-inch iron  
19 rod found for an angle point in the southwesterly line of the herein  
20 described parcel;  
21 THENCE, North 34°14'25" West, 855.12 feet along the northeasterly  
22 line of a called 22 acre tract conveyed to Leroy Dreggors by Deed  
23 recorded under Clerk's File No. 8632433 of the Montgomery County  
24 Official Public Records of Real Property, and a southwesterly line  
25 of said 1,023.05 acre tract to a 3/4-inch iron rod found for an  
26 angle point in the southwesterly line of the herein described  
27 parcel;

1 THENCE, North 34°33'24" West, 868.59 feet along the northeasterly  
2 line of a called 5.91 acre tract conveyed to the Immanuel United  
3 Church of Christ by Deed recorded under Clerk's File No.  
4 2001-077792 of the Montgomery County Official Public Records of  
5 Real Property, a called 5.91 acre tract conveyed to Donald Wunsche  
6 by Deed recorded under Clerk's File No. 83538809 of the Montgomery  
7 County Official Public Records of Real Property, the remainder of a  
8 called 101 acre tract conveyed to William Wunsche by Deed recorded  
9 under Volume 844, Page 303 of the Montgomery County Deed Records, a  
10 called 6.1466 acre tract conveyed to Ralph Shirley by Deed recorded  
11 under Clerk's File No. 8300577 of the Montgomery County Official  
12 Public Records of Real Property, a called 6.6876 acre tract  
13 conveyed to Ralph Shirley by Deed recorded under Clerk's File No.  
14 8353185 of the Montgomery County Official Public Records of Real  
15 Property, and a southwesterly line of said 1,023.05 acre tract to a  
16 1-inch axle found for an angle point in the southwesterly line of  
17 the herein described parcel;

18 THENCE, North 34°39'00" West, 878.70 feet along the northeasterly  
19 line of a called 8.2613 acre tract conveyed to Ralph Shirley by Deed  
20 recorded under Clerk's File No. 8300574 of the Montgomery County  
21 Official Public Records of Real Property, a called 7.7258 acre  
22 tract conveyed to Ralph Shirley by Deed recorded under Clerk's File  
23 No. 8300579 of the Montgomery County Official Public Records of  
24 Real Property, a called 2.1 acre tract conveyed to Houston Lighting  
25 and Power by Deed recorded under Clerk's File No. 8108035 of the  
26 Montgomery County Official Public Records of Real Property, and a  
27 called 7.44 acre tract conveyed to L.T. Wunsche by Deed recorded

1 under Volume 630, Page 198 of the Montgomery County Deed Records,  
2 and a southwesterly line of said 1,023.05 acre tract to a 1-inch  
3 axle found for an angle point in the southwesterly line of the  
4 herein described parcel;

5 THENCE, North 35°09'47" West, 254.61 feet to a 1-1/2" axle found for  
6 an angle point in the southwesterly line of the herein described  
7 parcel;

8 THENCE, North 34°11'55" West, 586.07 feet along the northeasterly  
9 line of a called 11.057 acre tract conveyed to the Houston Audubon  
10 Society by Deed recorded under Clerk's File No. 8243154 of the  
11 Montgomery County Official Public Records of Real Property, and a  
12 southwesterly line of said 1,023.05 acre tract to a 3/4-inch iron  
13 pipe inside a 1-inch iron pipe found for an angle point in the  
14 southwesterly line of the herein described parcel;

15 THENCE, North 34°38'25" West, 848.51 feet along the northeasterly  
16 line of a called 20.1 acre tract conveyed to Diana Dushkin by Deed  
17 recorded under Clerk's File No. 8328156 of the Montgomery County  
18 Official Public Records of Real Property, and a southwesterly line  
19 of said 1,023.05 acre tract to an angle point in the southwesterly  
20 line of the herein described parcel;

21 THENCE, along the northeasterly line of a called 998.5360 acre  
22 tract conveyed to Midway Spring Trails Partners, L.P. by Deed  
23 recorded under Clerk's File No. 2000-081148 of the Montgomery  
24 County Official Public Records of Real Property the following  
25 courses and distances:

26 North 34°04'57" West, 1024.35 feet to a 5/8-inch iron rod  
27 found with cap;

1 South 79°24'08" West, 32.60 feet to a point;  
2 North 67°44'22" West, 136.84 feet to a 5/8-inch iron rod found  
3 with cap;  
4 North 30°40'58" West, 204.47 feet to a 5/8-inch iron rod found  
5 with cap;  
6 North 17°23'50" West, 409.17 feet to a 3/4-inch iron rod in  
7 concrete;  
8 North 43°10'54" East, 105.00 feet to a 5/8-inch iron rod found  
9 with cap for a northwesterly corner of the herein described parcel;  
10 THENCE, North 51°31'37" East, 450.95 feet to a 5/8-inch iron rod set  
11 (with cap stamped "Montgomery and Associates") for a northerly  
12 corner of the herein described parcel;  
13 THENCE, South 42°47'40" East, 236.36 feet to a 5/8-inch iron rod set  
14 (with cap stamped "Montgomery and Associates") for a northerly  
15 corner of the herein described parcel;  
16 THENCE, North 87°33'13" East, 557.05 feet to a 5/8-inch iron rod set  
17 (with cap stamped "Montgomery and Associates") for a northerly  
18 corner of the herein described parcel;  
19 THENCE, North 21°37'03" East, 827.36 feet to a 5/8-inch iron rod set  
20 (with cap stamped "Montgomery and Associates") for a northerly  
21 corner of the herein described parcel beginning a curve to the  
22 right;  
23 THENCE, along the arc of said curve to the right having a radius of  
24 25.00 feet, an arc length of 38.61 feet, through a delta of  
25 88°28'52", and a chord bearing North 65°51'29" East, 34.88 feet to a  
26 5/8-inch iron rod set (with cap stamped "Montgomery and  
27 Associates") beginning a curve to the left;

1 THENCE, along the arc of said curve to the left having a radius of  
2 2050.00 feet, an arc length of 1242.72 feet, through a delta of  
3 34°43'59", and a chord bearing South 87°16'04" East, 1223.78 feet to  
4 a 5/8-inch iron rod set (with cap stamped "Montgomery and  
5 Associates") for a northerly corner of the herein described parcel;  
6 THENCE, North 75°21'56" East, 1587.09 feet to a 5/8-inch iron rod  
7 set (with cap stamped "Montgomery and Associates") for a northerly  
8 corner of the herein described parcel beginning a curve to the  
9 right;

10 THENCE, along the arc of said curve to the right having a radius of  
11 1950.00 feet, an arc length of 433.26 feet, through a delta of  
12 12°43'49", and a chord bearing North 81°43'51" East, 432.37 feet to a  
13 5/8-inch iron rod set (with cap stamped "Montgomery and  
14 Associates") for a northerly corner of the herein described parcel;  
15 THENCE, North 88°05'45" East, 245.40 feet to the POINT OF BEGINNING,  
16 CONTAINING 545.93 acres (23,780,883 square feet) of land in  
17 Montgomery County, Texas.

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

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



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

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

9           SECTION 4. The legislature finds that:

10           (1) the Montgomery County Municipal Utility District  
11 No. 120, as created by Chapter 8267, Special District Local Laws  
12 Code, as added by this Act, is not officially created until  
13 confirmed by a majority of the voters of the district voting at an  
14 election held for that purpose;

15           (2) securing the consent of political subdivisions to  
16 the creation of the district before the introduction or passage of  
17 this Act may be impractical because of the uncertainties of the  
18 legislative process; and

19           (3) the constitutional requirement for the district's  
20 compliance with the provisions of the general laws relating to the  
21 consent of political subdivisions to the creation of the district  
22 and the inclusion of land within the district is satisfied if that  
23 consent is secured before the date and hour of canvassing the  
24 returns and declaring the results of the confirmation election.

25           SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.