

By: Nichols

S.B. No. 1946

A BILL TO BE ENTITLED

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AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter \_\_\_\_\_ to read as follows:

CHAPTER \_\_\_\_\_. HARDIN STORE ROAD MUNICIPAL UTILITY DISTRICT NO. 1 OF MONTGOMERY COUNTY, TEXAS.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. \_\_\_\_\_.001. DEFINITIONS. In this chapter

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

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

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

Sec. \_\_\_\_\_.002. NATURE OF DISTRICT. The district is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI Texas Constitution.

Sec. \_\_\_\_\_.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section \_\_\_\_\_.025 before September 1, 2011.

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

1 except that:

2 (A) any debts incurred shall be paid;

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

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

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

9 Sec. \_\_\_\_\_.004. INITIAL DISTRICT TERRITORY.

10 (a) The district is initially composed of the territory described  
11 by Section 2 of the Act creating this chapter.

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

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

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

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

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

23 Sections [ \_\_\_\_\_.005-\_\_\_\_\_.020 reserved for expansion]

24 SUBCHAPTER\_A1. TEMPORARY PROVISIONS

25 Sec. \_\_\_\_\_.021. TEMPORARY DIRECTORS. (a) On or after  
26 September 1, 2007, a person who owns land in the district may submit  
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the Commission appoint as temporary directors the  
2 five persons name in the petition.

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

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

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

9 (1) the date directors are elected under Section  
10 \_\_\_\_\_.024; or

11 (2) the date this chapter expires under Section  
12 \_\_\_\_\_.026.

13 Sec. \_\_\_\_\_.022. ORGANIZATIONAL MEETING OF TEMPORARY  
14 DIRECTORS. As soon as practicable after all the temporary  
15 directors have qualified under Section 49.055, Water Code, the  
16 temporary directors shall meet at a location in the district  
17 agreeable to a majority of the directors.

18 At the meeting, the temporary directors shall elect officers  
19 from among the temporary directors and conduct any other district  
20 business.

21 Sec. \_\_\_\_\_.023. CONSENT OF MUNICIPALITY REQUIRED. The  
22 temporary directors may not hold an election under Section \_\_\_\_\_.024  
23 until each municipality in whose corporate limits or  
24 extraterritorial jurisdiction the district is located, if any, has  
25 adopted a resolution consenting to the creation of the district.

26 Sec. \_\_\_\_\_.024. CONFIRMATION AND INITIAL DIRECTORS'  
27 ELECTION. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five directors as  
2 provided by Section 49.102, Water Code.

3           Sec. \_\_\_\_\_.025. INITIAL ELECTED DIRECTORS; TERMS.  
4 The directors elected under Section \_\_\_\_\_.024 shall draw lots to  
5 determine which two shall serve until the first regularly scheduled  
6 election of directors under Section \_\_\_\_\_.052 and which three shall  
7 serve until the second regularly scheduled election of directors.

8           Sec. \_\_\_\_\_.026. EXPIRATION OF SUBCHAPTER. This  
9 subchapter expires September 1, 2014.

10           Sections [ \_\_\_\_\_.027-\_\_\_\_\_.050 reserved for expansion]

11                           SUBCHAPTER B. BOARD OF DIRECTORS

12           Sec. \_\_\_\_\_.051. BOARD OF DIRECTORS; TERMS. (a) The  
13 district is governed by a board of five directors.

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

15           Sec. \_\_\_\_\_.052. ELECTION OF DIRECTORS. On the uniform  
16 election date in May of each even-numbered year, the appropriate  
17 number of directors shall be elected.

18           Sections [ \_\_\_\_\_.053-\_\_\_\_\_.100 reserved for expansion]

19                           SUBCHAPTER C. POWERS AND DUTIES

20           Sec. \_\_\_\_\_.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
21 DUTIES. The district has the powers and duties provided by the  
22 general law of this state, including Chapters 49 and 54, Water Code,  
23 applicable to municipal utility districts created under Section 59,  
24 Article XVI, Texas Constitution.

25           Sec. \_\_\_\_\_.102. ROAD PROJECTS. (a) To the extent  
26 authorized by Section 52, Article III, Texas Constitution, the  
27 district may construct, acquire, improve, maintain, or operate

1 macadamized, graveled, or paved roads or turnpikes, or improvements  
2 in aid of those roads or turnpikes, inside the district.

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

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

16 Sec. \_\_\_\_ .103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
17 RESOLUTIONS. The district shall comply with all applicable  
18 requirements of any ordinance or resolution adopted by the city  
19 council of the city of \_\_\_\_\_.

20 [Sections \_\_\_\_ .104 \_\_\_\_ .150 reserved for expansion]

21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

22 Sec. \_\_\_\_ .151. TAX TO REPAY BONDS. The district may  
23 impose a tax to pay the principal of or interest on bonds issued  
24 under Section \_\_\_\_ .201.

25 [Sections \_\_\_\_ .152-\_\_\_\_ .200 reserved for expansion]

26 SUBCHAPTER E. BONDS

27 Sec. \_\_\_\_ .201. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. (a) The district may issue bonds or other  
2 obligations as provided by chapters 49 and 54, Water Code, to  
3 finance the construction, maintenance, or operation of projects  
4 under Sections \_\_\_\_\_.101 and \_\_\_\_\_.102.

5 (b) The district may not issue bonds to finance projects  
6 authorized by Section \_\_\_\_\_. 102 unless the issuance is approved by a  
7 vote of a two-thirds majority of the voters of the district voting  
8 at an election called for that purpose.

9 (c) Bonds or other obligations issued or incurred to  
10 finance projects authorized by Section \_\_\_\_\_.102 may not exceed  
11 one-fourth of the assessed value of the real property in the  
12 district.

13 SECTION 2. Hardin Store Road Municipal Utility  
14 District No. 1 of Montgomery County, Texas includes all the  
15 territory contained in the following area:

16 TRACT ONE:

17 Being a 68.393 acre tract of land situated in the James Brown  
18 Survey, Abstract Number 78 and the Joseph Miller Survey. Abstract  
19 Number 27, of Montgomery County, Texas, and being all of Lot 8, in  
20 Block 9, of SPRING CREEK FOREST, Section 3, an unrecorded  
21 subdivision described in deed recorded in Film Code Number  
22 633-10-0760, all of Lot 7, in Block 1, of SPRING CREEK FOREST,  
23 Section 1, an unrecorded subdivision, described in deed recorded in  
24 Film Code Number 648-01-1826, and being out of and part of a called  
25 71.8079 acres, described in deed recorded in Film Code Number  
26 720-01-1864, all of the Real Property Records of Montgomery County,  
27 Texas; said 68.393 acres being more particularly described as

1 follows with all bearings based on the North line of the 71.8079  
2 acres;  
3 BEGINNING at a 1/2 inch iron rod, found for the lower Northwest  
4 corner of the herein described tract, common with the Northwest  
5 corner of the 71.8079 acres and the Southwest corner of Lot 17, in  
6 Block 9, Section 3, of said subdivision, described in deed recorded  
7 in Film Code Number 028-00-0902, of said Real Property Records,  
8 same being in the East line of the residual of a called 2253.2253  
9 acres, described in deed recorded in Film Code Number 543-10- 0707,  
10 of said Real Property Records and proceeding:  
11 THENCE N 89°20'00" E, a distance of 951.98 feet, along a North line  
12 of the herein described tract, common with the North line of the  
13 71.8079 acres, the South line of Lot 17, the South line of Lots 16  
14 and 15, in Block 9, Section 3, of said subdivision, described in  
15 deed recorded in Film Code Number 028-00-0902, the South line of  
16 Lots 14 and 13, in Block 9, Section 3, of said subdivision,  
17 described in deed recorded in Film Code Number 045-00-2159, the  
18 South line of Lots 12 and 11, in Block 9, Section 3, of said  
19 subdivision, described in deed recorded in Film Code Number  
20 090-00-0572, and the South line of Lots 10 and 9, in Block 9,  
21 Section 3, of said subdivision, described in deed recorded in Film  
22 Code Number 797-10-2425, all of said Real Property Records, to a  
23 point for an interior corner of the herein described tract, common  
24 with the Southeast corner of Lot 9 and the Southwest corner of Lot  
25 8;  
26 THENCE N 00°30'54" W, a distance Of 360.97 feet, (Deed - N  
27 00°35'00"W, 360.00 feet), along the upper West line of the herein

1 described tract, common with the West line of Lot 8 and the East  
2 line of Lot 9, to a 1/2 inch iron rod, found for the upper Northwest  
3 corner of the herein described tract, common with Northwest corner  
4 of Lot 8 and the Northeast corner of Lot 9, same being in the South  
5 right-of-way line of Caddo Drive, 60 feet wide;  
6 THENCE N 89°33'47" E, a distance of 100.08 feet, (Deed N 89°20'00" E,  
7 100'), along the upper North line of the herein described tract,  
8 common with the North line of Lot 8 and the South right-of-way line  
9 of Caddo Drive, to a 1/2 inch iron rod, found for the upper  
10 Northeast corner of the herein described tract, common with the  
11 Northeast corner of Lot 8 and the Northwest corner of Lot 7, in Block  
12 9, Section 3, of said subdivision, described in deed recorded its  
13 Film Code Number 652-01-1588, of said Real Property Records;  
14 THENCE S 00°33'53" E, (Deed - S 00°35'00" E), a distance of 827.87  
15 feet, along the upper East line of the herein described tract,  
16 common with the East line of Lot 8 and the West line of Lot 7, and  
17 then severing the 71.8079 acres, to a point for an interior corner  
18 of the herein described tract;  
19 THENCE N 89°20'00" E. a distance of 464.74 feet, along a North line  
20 of the herein described tract, to a point for a lower Northeast  
21 corner of the herein described tract, same being in the East line of  
22 the 71.8079 acres and the West line of Lot 9, in Block 6, Section 3,  
23 of said subdivision, described in deed recorded in Film Code Number  
24 981 10-2882 of said Real Property Records;  
25 THENCE S 00°14'11" E, (Deed, S 00°08'17" E), a distance of 1469.98  
26 feet, along the lower East line of the herein described tract,  
27 common with the East line of the 71.8079 acres, the West line of Lot

1 9, the West line of Lots 8 and 7, in Block 6, Section 3, of said  
2 subdivision, described in deed recorded in Film Code Number  
3 981-10-2882, the West Line of Lots 6, 5, 4, and 3, in Block 6,  
4 Section 3, of said subdivision, described in deed recorded in Film  
5 Code Number 715-. 00-1158, the West line of Lots 2 and 1, in Block 6,  
6 Section 3, of said subdivision, described in deed recorded in Film  
7 Code Number 715-00-1163, the West line of Lots I and 2, in Block 1,  
8 Section 1, of said subdivision, described in deed recorded in Film  
9 Code Number 325-00-1227, the West line of Lots 3 and 4, in Block 1,  
10 Section I, of said subdivision, described in deed recorded in Film  
11 Code Number 336-01-0578, and the West line of Lots 5 and 6, in Block  
12 1 Section 2, of said subdivision, described in deed recorded in Film  
13 Code Number 986-01-2323, all of said Real Property Records, to a 1/2  
14 inch iron rod, found for an interior corner of the herein described  
15 tract, common with the Southwest corner of Lot 6 and the Northwest  
16 corner of Lot 7, in Block 1, Section 1, of said subdivision;  
17 THENCE S 89°32'14" E, a distance of 292.90 feet, (Deed. S 88°42' E,  
18 295.16 feet), along a North line of the herein described tract,  
19 common with the North line of Lot 7 and the South line of Lot 6, to a  
20 1/2 inch iron rod, found for the lower Northeast corner of the  
21 herein described tract, common with the Northeast corner of Lot 7  
22 and the Southeast corner of Lot 6, same being in the West right  
23 of-way-line of North Creek Drive, 60 feet wide;  
24 THENCE S 00°42'35" E, a distance of 100.18 feet, (Deed - S 00°05'00"  
25 E, 100 feet), along the outermost East line of the herein described  
26 tract, common with the East line of Lot 7 and the West right-of-way  
27 line of North Creek Drive, to a 1/2 inch iron rod, found for the

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1 upper Southeast corner of the herein described tract, common with  
2 the Southeast corner of Lot 7 and the Northeast corner of Lot 8 in  
3 Block 1, Section 1, of said subdivision, described in deed recorded  
4 in Film Code Number 788-00-2224, of said Real Property Records;  
5 THENCE N 89°26'40" W, a distance of 296.4 feet, (Deed - N 88°42' W,  
6 295.47 feet), along the upper South line of the herein described  
7 tract, common with the South line of Lot 7 and the North line of Lot  
8 8, to a 1/2 inch iron rod, found for an interior corner of the herein  
9 described tract, common with the Southwest corner of Lot 7 and the  
10 Northwest corner of Lot 8, same being in the East line of the  
11 71.8079 acres;  
12 THENCE S 00°52'01" W, (Deed - S 00°08'17" E), a distance of 44.02  
13 feet, along the lower East line of the herein described tract,  
14 common with the East line of the 71.8079 acres and the West line of  
15 Lot 8, to a 1 inch iron bar, found for the lower Southeast corner of  
16 the herein described tract, common with the Southeast corner of the  
17 71.8079 acres and the Northeast corner of a called 44.000 acres,  
18 described in deed recorded in Volume 102, Page 937, of the Deed  
19 Records of Montgomery County, Texas;  
20 THENCE N 89°51'42" W, a distance of 1501.95 feet, along the lower  
21 South line of the herein described tract, common with the South line  
22 of the 71.8079 acres and the North line of the 44.000 acres, to a 1/2  
23 inch iron rod, found for the Southwest corner of the herein  
24 described tract, common with the Southwest corner of the 71.8079  
25 acres and the Northwest corner of the 44.000 acres, same being in  
26 the East line of the 2253.2253 acres;  
27 THENCE N 00°38'00" W, a distance of 2059.77, along the West line of

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1 the herein described tract, common with the West line of the 71.8079  
2 acres and the East line of the 2253.2253 acres, hack to the POINT OF  
3 BEGINNING and containing 68.393 acres of land as computed based on  
4 the survey and plat prepared by C & C Surveying, Inc., dated May 22,  
5 2006.

6 TRACT TWO:

7 Being 172.60 acres (7,518,462 square feet) of land with 137.36  
8 acres being located in the Bartley Murrey Survey, Abstract Number  
9 343 and the remainder 35.24 acres being located in the John Foster  
10 Survey, Abstract Number 205 Montgomery County, Texas, and being  
11 that same tract of land called 171.448 acres as recorded under  
12 Clerk's File Number 2003-047615 of the Montgomery County Official  
13 Public Records of Real Property; said 172.60 acres being more  
14 particularly described by metes and bounds as follows with all  
15 bearings being referenced to the Texas State Plane Coordinate  
16 System of 1983, Central Zone:

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

22 THENCE North 87 degrees 06 minutes 54 seconds East, a distance of  
23 1633.78 feet, (Deed Call: West, 3,215.7 feet) along the south line  
24 of the aforementioned Lot 1 and the north line of the herein  
25 described parcel to a found 1/2 inch iron in the south line of a  
26 12.000 acre tract conveyed to Leo P. Boutte as recorded under  
27 Clerk's File Number 2003-107853 of the Montgomery County Official

1 Public Records of Real Property, for an angle point in the north  
2 line of the herein described parcel;  
3 THENCE North 87 degrees 32 minutes 44 seconds East, a distance of  
4 1504.07 feet, along the north line of the herein described parcel to  
5 a found 5/8 inch iron rod, in the east line of the aforementioned  
6 Bartley Murray Survey and the west line of the James Brown Survey,  
7 Abstract Number 78, Montgomery County, Texas, for the southeast  
8 corner of the aforementioned 12.000 acres and the northeast corner  
9 of the herein described parcel;  
10 THENCE South 02 degrees 54 minutes 48 seconds East, a distance of  
11 326.26 feet, (Deed Call: North 2,113.03 feet) along the east line of  
12 the Bartley Murray Survey and the west line of the James Brown  
13 Survey, also being the east line of the herein described parcel to a  
14 found 1/2 inch iron rod, in the southeast line of Hardin Store Road,  
15 a County Prescriptive right-of-way, and in the east line of the  
16 herein described parcel and the west line of a called 11.224 acre  
17 tract conveyed to William Jack Dillon as recorded under Clerk's  
18 File Number 2000-007161 of the Montgomery County Official Public  
19 Records of Real Property;  
20 THENCE South 02 degrees 38 minutes 26 seconds East, continuing  
21 along the east line of the herein described parcel, passing at  
22 133.12 feet a found concrete monument in the east line of the  
23 Bartley Murray Survey and the west line of the James Brown Survey,  
24 the same being the east line of the herein described parcel for a  
25 total distance 1,796.72 feet to a point in the centerline of Mill  
26 Creek;  
27 THENCE along the centerline of Mill Creek with the following

1 courses and distances:

2 South 84 degrees 12 minutes 54 seconds West, a distance of  
3 88.93 feet,

4 South 44 degrees 38 minutes 54 seconds West, a distance of  
5 106.00 feet,

6 South 72 degrees 31 minutes 54 seconds West, a distance of  
7 241.00 feet,

8 South 59 degrees 23 minutes 54 seconds West, a distance of  
9 145.00 feet,

10 North 73 degrees 21 minutes 06 seconds West, a distance of  
11 129.00 feet,

12 South 82 degrees 46 minutes 54 seconds West, a distance of  
13 130.00 feet,

14 North 79 degrees 39 minutes 06 seconds West, a distance of  
15 117.00 feet,

16 South 24 degrees 50 minutes 54 seconds West, a distance of  
17 141.00 feet,

18 South 04 degrees 59 minutes 06 seconds East, a distance of  
19 60.00 feet, to a point in the south line of the herein described  
20 parcel for the southwest corner of a certain 4.75 acre tract  
21 conveyed to Larry and Kathleen Zimmerman as recorded under Clerk's  
22 File Number 9101520 of the Montgomery County Official Public  
23 Records of Real Property;

24 THENCE South 87 degrees 00 minutes 51 seconds West, a distance of  
25 1,050.09 feet, (Deed Call: East, 2,207 feet) along the south line of  
26 the herein described parcel and the north line of a called 5.263  
27 acre tract conveyed to Ron Harpole as recorded under Clerk's File

1 Number 9600629 of the Montgomery County Official Public Records of  
2 Real Property, the same tract being referenced as Lot 23 of Tall  
3 Pines Subdivision, an unrecorded subdivision in Montgomery County  
4 to a found 5/8 inch iron rod in the southeast line of the  
5 aforementioned Hardin Store Road for an angle point in the south  
6 line of the herein described parcel and the northwest corner of a  
7 called 4.7478 acre tract as recorded under Clerk's File Number  
8 2003-129355 of the Montgomery County Official Public Records of  
9 Real Property;

10 THENCE South 83 degrees 07 minutes 52 seconds West, a distance of  
11 91.59 feet, along the south line of the herein described parcel  
12 crossing the aforementioned Hardin Store Road to a point in the  
13 northwest line of Hardin Store Road;

14 THENCE South 87 degrees 33 minutes 24 seconds West, a distance of  
15 1,065.65 feet, along the south line of the herein described parcel  
16 and the north line of a certain 11.31 acre tract to a found 1/2 iron  
17 pipe in the east line of Anderson Road for the northwest corner of a  
18 0.75 acre tract of land conveyed to Carolyn Y. Davis as recorded  
19 under Clerk's File Number 2004-121398 of the Montgomery County  
20 Official Public Records of Real Property;

21 THENCE North 02 degrees 43 minutes 09 seconds West, a distance of  
22 1,005.89 feet, (Deed Call: South 1019.09 feet) along an old barbed  
23 wire fence and the west line of the herein described parcel and the  
24 east line of Anderson Road to a point for the beginning of a curve to  
25 the right;

26 THENCE along the east line of the aforementioned Anderson Road with  
27 a curve to the right having as its elements: a radius of 957.53

1 feet, a central angle of 18 degrees 14 minutes 12 seconds, an arc  
2 length of 304.77 feet with a chord bearing North 06 degrees 31  
3 minutes 37 seconds East, a distance of 303.49 feet, to a point in  
4 the west line of the herein described parcel an the east line of  
5 Decker Woods Drive, a 60 foot right-of-way as described in Cabinet  
6 C, Sheet 109 of the Montgomery County Map Records and the beginning  
7 of a reverse curve;

8 THENCE continuing along the east line of Decker Woods Drive and an  
9 old barbed wire fence with a reverse curve having as its elements: a  
10 radius of 436.14 feet, a central angle of 18 degrees 14 minutes 13  
11 seconds, an arc length of 138.82 feet with a chord bearing North 06  
12 degrees 31minutes 36 seconds East a distance of 303.49 feet, to a  
13 point in the west line of the herein described parcel;

14 THENCE North 02 degrees 35 minutes 30 seconds West, a distance of  
15 509.56 feet, continuing with an old barbed wire fence in the east  
16 line of Decker Woods Drive and the west line of the herein described  
17 parcel to a found 3/4 inch iron rod for an angle point in the west  
18 line of the herein described parcel;

19 THENCE North 02 degrees 49 minutes 34 seconds West, a distance of  
20 247.82 feet, continuing along the aforementioned barbed wire fence  
21 and the east line of Decker Woods Drive to a point for the beginning  
22 of a curve to the left;

23 THENCE following the aforementioned barbed wire fence along a curve  
24 to the left having as its elements: a radius of 677.52 feet, a  
25 central angle of 22 degrees 47 minutes 34 seconds, an arc length of  
26 269.52 feet, with a chord bearing North 12 degrees 22 minutes 05  
27 seconds West, a distance of 267.75 feet, back to the POINT OF

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1 BEGINNING, CONTAINING 172.60 acres (7,518.462 square feet) of land  
2 in Montgomery County, Texas, in which 5 acres, more or less, is in  
3 the right of way of Hardin Store Road.

4 TRACT THREE:

5 Being a 73.71 acre (3,211,015 square feet) parcel situated in the  
6 Cyrus Dikeman Survey, Abstract 178, Montgomery County, Texas, being  
7 out of a called 73.7148 acre tract conveyed to Pioneer Realty and  
8 Investment Corporation by Warranty Deed with Vendor's Lien recorded  
9 under Clerk's File No. 8920784 of the Montgomery County Official  
10 Public Records of Real Property, said 73.71 acre parcel more  
11 particularly described by the following metes and bounds;

12 BEGINNING at a 2-inch iron pipe found in the southerly right-of-way  
13 line of Neidigk Road, in the west line of a called 71.8 acre tract  
14 conveyed to Donald M. Wright by Deed recorded under Clerk's File No.  
15 2001-091306 of the Montgomery County Official Public Records of  
16 Real Property, for the northeast corner of said 73.7148 acre tract,  
17 and the herein described parcel;

18 THENCE, South 00°28'12" East, passing at a distance of 348.62 feet a  
19 1/2-inch iron rod found, in all a total distance of 2325.00 feet  
20 along the west line of said 71.8 acre tract, and the east line of  
21 said 73.7148 acre tract to a point in the centerline of Mill Creek,  
22 for a northeasterly corner of a called 186.0 acre tract conveyed to  
23 Dale Neidigk by Deed recorded under Clerk's File No. 2003-141009 of  
24 the Montgomery County Official Public Records of Real Property, and  
25 the southeast corner of said 73.7148 acre tract, and the herein  
26 described parcel;

27 THENCE, along the northerly line of said 186.0 acre tract, and the

1 south line of said 73.7148 acre tract, and along the centerline of  
2 said Mill Creek the following courses and distances:

3 North 67°35'23" West, 194.15 feet;

4 North 70°08'35" West, 490.72 feet;

5 North 73°14'49" West, 277.80 feet;

6 North 37°04'16" West, 170.85 feet;

7 North 44°26'31" West, 203.17 feet;

8 North 50°48'45" West, 113.01 feet;

9 North 77°12'10" West, 100.89 feet;

10 North 84°22'45" West, 152.95 feet;

11 North 86°47'10" West, 166.78 feet

12 to a point in the east line of Lot 18, Block 3 of Tall Pines  
13 Subdivision (unrecorded) conveyed to John Caplinger and wife,  
14 Pamela Caplinger by Deed recorded under Clerk's File No. 9826623 of  
15 the Montgomery County Official Public Records of Real Property, for  
16 a northwesterly corner of said 186.0 acre tract, and the southwest  
17 corner of said 73.7148 acre tract, and the herein described parcel;  
18 THENCE, NORTH, 1604.21 feet along the east line of said Lot 18,  
19 along the east line of Lot 21 of said Block 3 conveyed to Gary B.  
20 Clark and wife, Debbie J. Clark by Deed recorded under Clerk's File  
21 No. 9640198 of the Montgomery County Official Public Records of  
22 Real Property, along the east line of Lot 22 of said Block 3  
23 conveyed to Larry Zimmerman and wife, Kathleen Zimmerman by Deed  
24 recorded under Clerk's File No. 2003-040957 of the Montgomery  
25 County Official Public Records of Real Property, along the east  
26 line of Lot 23 of said Block 3 conveyed to M&G Construction by Deed  
27 recorded under Clerk's File No. 9513263 of the Montgomery County

1 Official Public Records of Real Property, along the east line of a  
2 called 178.77 acre tract conveyed to Margret G. Bybee by Deed  
3 recorded under Volume 651, Page 279 of the Montgomery County Deed  
4 Records, and along the west line of said 73.7148 acre tract to a  
5 5/8-inch iron rod set (with cap stamped "Montgomery and  
6 Associates") for the southwest corner of a called 5.0 acre tract  
7 conveyed to R. Hohl by Deed recorded under Volume 300, Page 13 of  
8 the Montgomery County Deed Records, for the northwest corner of  
9 said 73.7148 acre tract, and the herein described parcel;  
10 THENCE, North 89°59'00" East, passing at a distance of 119.28 feet a  
11 1-inch iron pipe found, passing at a distance of 456.18 feet a  
12 5/8-inch iron rod found, in all a total distance of 1637.92 feet  
13 along the south line of said 5.0 acre tract, along the south line of  
14 a called 23.15 acre tract conveyed to Walter R. Leigh by Deed  
15 recorded under Volume 907, Page 556 of the Montgomery County Deed  
16 Records, and the north line of said 73.7148 acre tract to the POINT  
17 OF BEGINNING, CONTAINING 73.71 acres (3,211,015 square feet) of  
18 land in Montgomery County, Texas.

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

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

1 Environmental Quality.

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

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

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