

1-1 By: Nichols S.B. No. 1946
1-2 (In the Senate - Filed March 13, 2007; March 27, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 16, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 16, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1946 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Hardin Store Road Municipal Utility
1-11 District No. 1 of Montgomery County; providing authority to impose
1-12 a tax and issue bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8245 to read as follows:

1-16 CHAPTER 8245. HARDIN STORE ROAD MUNICIPAL UTILITY DISTRICT
1-17 NO. 1 OF MONTGOMERY COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8245.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the board of directors of the
1-21 district.

1-22 (2) "Director" means a member of the board.

1-23 (3) "District" means the Hardin Store Road Municipal
1-24 Utility District No. 1 of Montgomery County.

1-25 Sec. 8245.002. NATURE OF DISTRICT. The district is a
1-26 municipal utility district in Montgomery County created under and
1-27 essential to accomplish the purposes of Section 59, Article XVI,
1-28 Texas Constitution.

1-29 Sec. 8245.003. CONFIRMATION ELECTION REQUIRED. If the
1-30 creation of the district is not confirmed at a confirmation
1-31 election held under Section 8245.024 before September 1, 2011:

1-32 (1) the district is dissolved September 1, 2011,
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of
1-36 debts shall be transferred to Montgomery County; and

1-37 (C) the organization of the district shall be
1-38 maintained until all debts are paid and remaining assets are
1-39 transferred; and

1-40 (2) this chapter expires September 1, 2014.

1-41 Sec. 8245.004. INITIAL DISTRICT TERRITORY. (a) The
1-42 district is initially composed of the territory described by
1-43 Section 2 of the Act creating this chapter.

1-44 (b) The boundaries and field notes contained in Section 2 of
1-45 the Act creating this chapter form a closure. A mistake made in the
1-46 field notes or in copying the field notes in the legislative process
1-47 does not affect:

1-48 (1) the organization, existence, or validity of the
1-49 district;

1-50 (2) the right of the district to impose taxes;

1-51 (3) the validity of the district's bonds, notes, or
1-52 indebtedness; or

1-53 (4) the legality or operation of the district or the
1-54 board.

1-55 [Sections 8245.005-8245.020 reserved for expansion]

1-56 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-57 Sec. 8245.021. TEMPORARY DIRECTORS. (a) On or after
1-58 September 1, 2007, a person who owns land in the district may submit
1-59 a petition to the Texas Commission on Environmental Quality
1-60 requesting that the commission appoint as temporary directors the
1-61 five persons named in the petition.

1-62 (b) The commission shall appoint as temporary directors the
1-63 five persons named in the first petition received by the commission

2-1 under Subsection (a).

2-2 (c) If a temporary director fails to qualify for office, the
2-3 commission shall appoint a person to fill the vacancy.

2-4 (d) Temporary directors serve until the earlier of:

2-5 (1) the date directors are elected under Section
2-6 8245.024; or

2-7 (2) the date this chapter expires under Section
2-8 8245.003.

2-9 Sec. 8245.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-10 DIRECTORS. As soon as practicable after all the temporary
2-11 directors have qualified under Section 49.055, Water Code, the
2-12 temporary directors shall meet at a location in the district
2-13 agreeable to a majority of the directors. At the meeting, the
2-14 temporary directors shall elect officers from among the temporary
2-15 directors and conduct any other district business.

2-16 Sec. 8245.023. CONSENT OF MUNICIPALITY REQUIRED. The
2-17 temporary directors may not hold an election under Section 8245.024
2-18 until each municipality in whose corporate limits or
2-19 extraterritorial jurisdiction the district is located has adopted a
2-20 resolution consenting to the creation of the district.

2-21 Sec. 8245.024. CONFIRMATION AND INITIAL DIRECTORS'
2-22 ELECTION. The temporary directors shall hold an election to
2-23 confirm the creation of the district and to elect five directors as
2-24 provided by Section 49.102, Water Code.

2-25 Sec. 8245.025. INITIAL ELECTED DIRECTORS; TERMS. The
2-26 directors elected under Section 8245.024 shall draw lots to
2-27 determine which two shall serve until the first regularly scheduled
2-28 election of directors under Section 8245.052 and which three shall
2-29 serve until the second regularly scheduled election of directors.

2-30 Sec. 8245.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-31 expires September 1, 2014.

2-32 [Sections 8245.027-8245.050 reserved for expansion]

2-33 SUBCHAPTER B. BOARD OF DIRECTORS

2-34 Sec. 8245.051. DIRECTORS; TERMS. (a) The district is
2-35 governed by a board of five directors.

2-36 (b) Directors serve staggered four-year terms.

2-37 Sec. 8245.052. ELECTION OF DIRECTORS. On the uniform
2-38 election date in May of each even-numbered year, the appropriate
2-39 number of directors shall be elected.

2-40 [Sections 8245.053-8245.100 reserved for expansion]

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8245.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-43 DUTIES. The district has the powers and duties provided by the
2-44 general law of this state, including Chapters 49 and 54, Water Code,
2-45 applicable to municipal utility districts created under Section 59,
2-46 Article XVI, Texas Constitution.

2-47 Sec. 8245.102. ROAD PROJECTS. (a) To the extent
2-48 authorized by Section 52, Article III, Texas Constitution, the
2-49 district may construct, acquire, improve, maintain, or operate
2-50 macadamized, graveled, or paved roads or turnpikes, or improvements
2-51 in aid of those roads or turnpikes, inside the district.

2-52 (b) A road project must meet or exceed all applicable
2-53 construction standards, zoning and subdivision requirements, and
2-54 regulatory ordinances of each municipality in whose corporate
2-55 limits or extraterritorial jurisdiction the district is located.
2-56 If the district is located outside the extraterritorial
2-57 jurisdiction of a municipality, a road project must meet all
2-58 applicable construction standards, zoning and subdivision
2-59 requirements, and regulatory ordinances of each county in which the
2-60 district is located.

2-61 (c) The district may not undertake a road project unless
2-62 each municipality in whose corporate limits or extraterritorial
2-63 jurisdiction the district is located consents by ordinance or
2-64 resolution.

2-65 Sec. 8245.103. COMPLIANCE WITH MUNICIPAL CONSENT
2-66 RESOLUTION. The district shall comply with all applicable
2-67 requirements of any resolution adopted by the governing body of a
2-68 municipality under Section 54.016, Water Code, that consents to the
2-69 creation of the district or to the inclusion of land in the

3-1 district.
3-2 Sec. 8245.104. RECREATIONAL FACILITIES; LIMIT ON EMINENT
3-3 DOMAIN POWER. (a) In this section, "recreational facilities" and
3-4 "develop and maintain" have the meanings assigned by Section
3-5 49.462, Water Code.

3-6 (b) The district may develop and maintain recreational
3-7 facilities in the manner provided by Subchapter N, Chapter 49,
3-8 Water Code.

3-9 (c) The district may not, for the development or maintenance
3-10 of a recreational facility, acquire by condemnation land, an
3-11 easement, or other property inside or outside the district.

3-12 [Sections 8245.105-8245.150 reserved for expansion]

3-13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-14 Sec. 8245.151. TAX TO REPAY BONDS. The district may impose
3-15 a tax to pay the principal of or interest on bonds issued under
3-16 Section 8245.201.

3-17 [Sections 8245.152-8245.200 reserved for expansion]

3-18 SUBCHAPTER E. BONDS

3-19 Sec. 8245.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-20 OBLIGATIONS. (a) The district may issue bonds or other
3-21 obligations as provided by Chapters 49 and 54, Water Code, to
3-22 finance the construction, maintenance, or operation of projects
3-23 under Sections 8245.101 and 8245.102.

3-24 (b) The district must hold an election in the manner
3-25 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-26 before the district may issue bonds payable from ad valorem taxes.

3-27 (c) The district may not issue bonds to finance projects
3-28 authorized by Section 8245.102 unless the issuance is approved by a
3-29 vote of a two-thirds majority of the voters of the district voting
3-30 at an election called for that purpose.

3-31 (d) Bonds or other obligations issued or incurred to finance
3-32 projects authorized by Section 8245.102 may not exceed one-fourth
3-33 of the assessed value of the real property in the district.

3-34 Sec. 8245.202. BONDS FOR RECREATIONAL FACILITIES. If
3-35 authorized at an election under Section 8245.201(b), the district
3-36 may issue bonds payable from ad valorem taxes to pay for the
3-37 development and maintenance of recreational facilities under
3-38 Section 8245.104.

3-39 SECTION 2. The Hardin Store Road Municipal Utility District
3-40 No. 1 of Montgomery County includes all the territory contained in
3-41 the following area:

3-42 TRACT ONE:

3-43 Being a 68.393 acre tract of land situated in the James Brown
3-44 Survey, Abstract Number 78 and the Joseph Miller Survey. Abstract
3-45 Number 27, of Montgomery County, Texas, and being all of Lot 8, in
3-46 Block 9, of SPRING CREEK FOREST, Section 3, an unrecorded
3-47 subdivision described in deed recorded in Film Code Number
3-48 633-10-0760, all of Lot 7, in Block 1, of SPRING CREEK FOREST,
3-49 Section 1, an unrecorded subdivision, described in deed recorded in
3-50 Film Code Number 648-01-1826, and being out of and part of a called
3-51 71.8079 acres, described in deed recorded in Film Code Number
3-52 720-01-1864, all of the Real Property Records of Montgomery County,
3-53 Texas; said 68.393 acres being more particularly described as
3-54 follows with all bearings based on the North line of the 71.8079
3-55 acres;

3-56 BEGINNING at a 1/2 inch iron rod, found for the lower Northwest
3-57 corner of the herein described tract, common with the Northwest
3-58 corner of the 71.8079 acres and the Southwest corner of Lot 17, in
3-59 Block 9, Section 3, of said subdivision, described in deed recorded
3-60 in Film Code Number 028-00-0902, of said Real Property Records,
3-61 same being in the East line of the residual of a called 2253.2253
3-62 acres, described in deed recorded in Film Code Number 543-10- 0707,
3-63 of said Real Property Records and proceeding:

3-64 THENCE N 89°20'00" E, a distance of 951.98 feet, along a North line
3-65 of the herein described tract, common with the North line of the
3-66 71.8079 acres, the South line of Lot 17, the South line of Lots 16
3-67 and 15, in Block 9, Section 3, of said subdivision, described in
3-68 deed recorded in Film Code Number 028-00-0902, the South line of
3-69 Lots 14 and 13, in Block 9, Section 3, of said subdivision,

4-1 described in deed recorded in Film Code Number 045-00-2159, the
4-2 South line of Lots 12 and 11, in Block 9, Section 3, of said
4-3 subdivision, described in deed recorded in Film Code Number
4-4 090-00-0572, and the South line of Lots 10 and 9, in Block 9,
4-5 Section 3, of said subdivision, described in deed recorded in Film
4-6 Code Number 797-10-2425, all of said Real Property Records, to a
4-7 point for an interior corner of the herein described tract, common
4-8 with the Southeast corner of Lot 9 and the Southwest corner of Lot
4-9 8;
4-10 THENCE N 00°30'54" W, a distance Of 360.97 feet, (Deed - N
4-11 00°35'00"W, 360.00 feet), along the upper West line of the herein
4-12 described tract, common with the West line of Lot 8 and the East
4-13 line of Lot 9, to a 1/2 inch iron rod, found for the upper Northwest
4-14 corner of the herein described tract, common with Northwest corner
4-15 of Lot 8 and the Northeast corner of Lot 9, same being in the South
4-16 right-of-way line of Caddo Drive, 60 feet wide;
4-17 THENCE N 89°33'47" E, a distance of 100.08 feet, (Deed N 89°20'00" E,
4-18 100'), along the upper North line of the herein described tract,
4-19 common with the North line of Lot 8 and the South right-of-way line
4-20 of Caddo Drive, to a 1/2 inch iron rod, found for the upper
4-21 Northeast corner of the herein described tract, common with the
4-22 Northeast corner of Lot 8 and the Northwest corner of Lot 7, in Block
4-23 9, Section 3, of said subdivision, described in deed recorded its
4-24 Film Code Number 652-01-1588, of said Real Property Records;
4-25 THENCE S 00°33'53" E, (Deed - S 00°35'00" E), a distance of 827.87
4-26 feet, along the upper East line of the herein described tract,
4-27 common with the East line of Lot 8 and the West line of Lot 7, and
4-28 then severing the 71.8079 acres, to a point for an interior corner
4-29 of the herein described tract;
4-30 THENCE N 89°20'00" E. a distance of 464.74 feet, along a North line
4-31 of the herein described tract, to a point for a lower Northeast
4-32 corner of the herein described tract, same being in the East line of
4-33 the 71.8079 acres and the West line of Lot 9, in Block 6, Section 3,
4-34 of said subdivision, described in deed recorded in Film Code Number
4-35 981 10-2882 of said Real Property Records;
4-36 THENCE S 00°14'11" E, (Deed, S 00°08'17" E), a distance of 1469.98
4-37 feet, along the lower East line of the herein described tract,
4-38 common with the East line of the 71.8079 acres, the West line of Lot
4-39 9, the West line of Lots 8 and 7, in Block 6, Section 3, of said
4-40 subdivision, described in deed recorded in Film Code Number
4-41 981-10-2882, the West Line of Lots 6, 5, 4, and 3, in Block 6,
4-42 Section 3, of said subdivision, described in deed recorded in Film
4-43 Code Number 715-. 00-1158, the West line of Lots 2 and 1, in Block 6,
4-44 Section 3, of said subdivision, described in deed recorded in Film
4-45 Code Number 715-00-1163, the West line of Lots I and 2, in Block 1,
4-46 Section 1, of said subdivision, described in deed recorded in Film
4-47 Code Number 325-00-1227, the West line of Lots 3 and 4, in Block 1,
4-48 Section I, of said subdivision, described in deed recorded in Film
4-49 Code Number 336-01-0578, and the West line of Lots 5 and 6, in Block
4-50 1 Section 2, of said subdivision, described in deed recorded in Film
4-51 Code Number 986-01-2323, all of said Real Property Records, to a 1/2
4-52 inch iron rod, found for an interior corner of the herein described
4-53 tract, common with the Southwest corner of Lot 6 and the Northwest
4-54 corner of Lot 7, in Block 1, Section 1, of said subdivision;
4-55 THENCE S 89°32'14" E, a distance of 292.90 feet, (Deed. S 88°42' E,
4-56 295.16 feet), along a North line of the herein described tract,
4-57 common with the North line of Lot 7 and the South line of Lot 6, to a
4-58 1/2 inch iron rod, found for the lower Northeast corner of the
4-59 herein described tract, common with the Northeast corner of Lot 7
4-60 and the Southeast corner of Lot 6, same being in the West right
4-61 of-way-line of North Creek Drive, 60 feet wide;
4-62 THENCE S 00°42'35" E, a distance of 100.18 feet, (Deed - S 00°05'00"
4-63 E, 100 feet), along the outermost East line of the herein described
4-64 tract, common with the East line of Lot 7 and the West right-of-way
4-65 line of North Creek Drive, to a 1/2 inch iron rod, found for the
4-66 upper Southeast corner of the herein described tract, common with
4-67 the Southeast corner of Lot 7 and the Northeast corner of Lot 8 in
4-68 Block 1, Section 1, of said subdivision, described in deed recorded
4-69 in Film Code Number 788-00-2224, of said Real Property Records;

5-1 THENCE N 89°26'40" W, a distance of 296.4 feet, (Deed - N 88°42' W,
5-2 295.47 feet), along the upper South line of the herein described
5-3 tract, common with the South line of Lot 7 and the North line of Lot
5-4 8, to a 1/2 inch iron rod, found for an interior corner of the herein
5-5 described tract, common with the Southwest corner of Lot 7 and the
5-6 Northwest corner of Lot 8, same being in the East line of the
5-7 71.8079 acres;
5-8 THENCE S 00°52'01" W, (Deed - S 00°08'17" E), a distance of 44.02
5-9 feet, along the lower East line of the herein described tract,
5-10 common with the East line of the 71.8079 acres and the West line of
5-11 Lot 8, to a 1 inch iron bar, found for the lower Southeast corner of
5-12 the herein described tract, common with the Southeast corner of the
5-13 71.8079 acres and the Northeast corner of a called 44.000 acres,
5-14 described in deed recorded in Volume 102, Page 937, of the Deed
5-15 Records of Montgomery County, Texas;
5-16 THENCE N 89°51'42" W, a distance of 1501.95 feet, along the lower
5-17 South line of the herein described tract, common with the South line
5-18 of the 71.8079 acres and the North line of the 44.000 acres, to a 1/2
5-19 inch iron rod, found for the Southwest corner of the herein
5-20 described tract, common with the Southwest corner of the 71.8079
5-21 acres and the Northwest corner of the 44.000 acres, same being in
5-22 the East line of the 2253.2253 acres;
5-23 THENCE N 00°38'00" W, a distance of 2059.77, along the West line of
5-24 the herein described tract, common with the West line of the 71.8079
5-25 acres and the East line of the 2253.2253 acres, hack to the POINT OF
5-26 BEGINNING and containing 68.393 acres of land as computed based on
5-27 the survey and plat prepared by C & C Surveying, Inc., dated May 22,
5-28 2006.
5-29 TRACT TWO:
5-30 Being 172.60 acres (7,518,462 square feet) of land with 137.36
5-31 acres being located in the Bartley Murrey Survey, Abstract Number
5-32 343 and the remainder 35.24 acres being located in the John Foster
5-33 Survey, Abstract Number 205 Montgomery County, Texas, and being
5-34 that same tract of land called 171.448 acres as recorded under
5-35 Clerk's File Number 2003-047615 of the Montgomery County Official
5-36 Public Records of Real Property; said 172.60 acres being more
5-37 particularly described by metes and bounds as follows with all
5-38 bearings being referenced to the Texas State Plane Coordinate
5-39 System of 1983, Central Zone:
5-40 BEGINNING at a found 5/8 inch iron rod, for the southwest corner of
5-41 Lot 1 of Decker Woods Ranchettes, a subdivision in Montgomery
5-42 County, Texas according to the map or plat thereof recorded in
5-43 Cabinet D, Sheet 192-A of the Montgomery County Map Records and the
5-44 northwest corner of the herein described parcel;
5-45 THENCE North 87 degrees 06 minutes 54 seconds East, a distance of
5-46 1633.78 feet, (Deed Call: West, 3,215.7 feet) along the south line
5-47 of the aforementioned Lot 1 and the north line of the herein
5-48 described parcel to a found 1/2 inch iron in the south line of a
5-49 12.000 acre tract conveyed to Leo P. Boutte as recorded under
5-50 Clerk's File Number 2003-107853 of the Montgomery County Official
5-51 Public Records of Real Property, for an angle point in the north
5-52 line of the herein described parcel;
5-53 THENCE North 87 degrees 32 minutes 44 seconds East, a distance of
5-54 1504.07 feet, along the north line of the herein described parcel to
5-55 a found 5/8 inch iron rod, in the east line of the aforementioned
5-56 Bartley Murray Survey and the west line of the James Brown Survey,
5-57 Abstract Number 78, Montgomery County, Texas, for the southeast
5-58 corner of the aforementioned 12.000 acres and the northeast corner
5-59 of the herein described parcel;
5-60 THENCE South 02 degrees 54 minutes 48 seconds East, a distance of
5-61 326.26 feet, (Deed Call: North 2,113.03 feet) along the east line of
5-62 the Bartley Murray Survey and the west line of the James Brown
5-63 Survey, also being the east line of the herein described parcel to a
5-64 found 1/2 inch iron rod, in the southeast line of Hardin Store Road,
5-65 a County Prescriptive right-of-way, and in the east line of the
5-66 herein described parcel and the west line of a called 11.224 acre
5-67 tract conveyed to William Jack Dillon as recorded under Clerk's
5-68 File Number 2000-007161 of the Montgomery County Official Public
5-69 Records of Real Property;

6-1 THENCE South 02 degrees 38 minutes 26 seconds East, continuing
6-2 along the east line of the herein described parcel, passing at
6-3 133.12 feet a found concrete monument in the east line of the
6-4 Bartley Murray Survey and the west line of the James Brown Survey,
6-5 the same being the east line of the herein described parcel for a
6-6 total distance 1,796.72 feet to a point in the centerline of Mill
6-7 Creek;
6-8 THENCE along the centerline of Mill Creek with the following
6-9 courses and distances:
6-10 South 84 degrees 12 minutes 54 seconds West, a distance of
6-11 88.93 feet,
6-12 South 44 degrees 38 minutes 54 seconds West, a distance of
6-13 106.00 feet,
6-14 South 72 degrees 31 minutes 54 seconds West, a distance of
6-15 241.00 feet,
6-16 South 59 degrees 23 minutes 54 seconds West, a distance of
6-17 145.00 feet,
6-18 North 73 degrees 21 minutes 06 seconds West, a distance of
6-19 129.00 feet,
6-20 South 82 degrees 46 minutes 54 seconds West, a distance of
6-21 130.00 feet,
6-22 North 79 degrees 39 minutes 06 seconds West, a distance of
6-23 117.00 feet,
6-24 South 24 degrees 50 minutes 54 seconds West, a distance of
6-25 141.00 feet,
6-26 South 04 degrees 59 minutes 06 seconds East, a distance of
6-27 60.00 feet, to a point in the south line of the herein described
6-28 parcel for the southwest corner of a certain 4.75 acre tract
6-29 conveyed to Larry and Kathleen Zimmerman as recorded under Clerk's
6-30 File Number 9101520 of the Montgomery County Official Public
6-31 Records of Real Property;
6-32 THENCE South 87 degrees 00 minutes 51 seconds West, a distance of
6-33 1,050.09 feet, (Deed Call: East, 2,207 feet) along the south line of
6-34 the herein described parcel and the north line of a called 5.263
6-35 acre tract conveyed to Ron Harpole as recorded under Clerk's File
6-36 Number 9600629 of the Montgomery County Official Public Records of
6-37 Real Property, the same tract being referenced as Lot 23 of Tall
6-38 Pines Subdivision, an unrecorded subdivision in Montgomery County
6-39 to a found 5/8 inch iron rod in the southeast line of the
6-40 aforementioned Hardin Store Road for an angle point in the south
6-41 line of the herein described parcel and the northwest corner of a
6-42 called 4.7478 acre tract as recorded under Clerk's File Number
6-43 2003-129355 of the Montgomery County Official Public Records of
6-44 Real Property;
6-45 THENCE South 83 degrees 07 minutes 52 seconds West, a distance of
6-46 91.59 feet, along the south line of the herein described parcel
6-47 crossing the aforementioned Hardin Store Road to a point in the
6-48 northwest line of Hardin Store Road;
6-49 THENCE South 87 degrees 33 minutes 24 seconds West, a distance of
6-50 1,065.65 feet, along the south line of the herein described parcel
6-51 and the north line of a certain 11.31 acre tract to a found 1/2 iron
6-52 pipe in the east line of Anderson Road for the northwest corner of a
6-53 0.75 acre tract of land conveyed to Carolyn Y. Davis as recorded
6-54 under Clerk's File Number 2004-121398 of the Montgomery County
6-55 Official Public Records of Real Property;
6-56 THENCE North 02 degrees 43 minutes 09 seconds West, a distance of
6-57 1,005.89 feet, (Deed Call: South 1019.09 feet) along an old barbed
6-58 wire fence and the west line of the herein described parcel and the
6-59 east line of Anderson Road to a point for the beginning of a curve to
6-60 the right;
6-61 THENCE along the east line of the aforementioned Anderson Road with
6-62 a curve to the right having as its elements: a radius of 957.53
6-63 feet, a central angle of 18 degrees 14 minutes 12 seconds, an arc
6-64 length of 304.77 feet with a chord bearing North 06 degrees 31
6-65 minutes 37 seconds East, a distance of 303.49 feet, to a point in
6-66 the west line of the herein described parcel an the east line of
6-67 Decker Woods Drive, a 60 foot right-of-way as described in Cabinet
6-68 C, Sheet 109 of the Montgomery County Map Records and the beginning
6-69 of a reverse curve;

7-1 THENCE continuing along the east line of Decker Woods Drive and an
7-2 old barbed wire fence with a reverse curve having as its elements: a
7-3 radius of 436.14 feet, a central angle of 18 degrees 14 minutes 13
7-4 seconds, an arc length of 138.82 feet with a chord bearing North 06
7-5 degrees 31 minutes 36 seconds East a distance of 303.49 feet, to a
7-6 point in the west line of the herein described parcel;
7-7 THENCE North 02 degrees 35 minutes 30 seconds West, a distance of
7-8 509.56 feet, continuing with an old barbed wire fence in the east
7-9 line of Decker Woods Drive and the west line of the herein described
7-10 parcel to a found 3/4 inch iron rod for an angle point in the west
7-11 line of the herein described parcel;
7-12 THENCE North 02 degrees 49 minutes 34 seconds West, a distance of
7-13 247.82 feet, continuing along the aforementioned barbed wire fence
7-14 and the east line of Decker Woods Drive to a point for the beginning
7-15 of a curve to the left;
7-16 THENCE following the aforementioned barbed wire fence along a curve
7-17 to the left having as its elements: a radius of 677.52 feet, a
7-18 central angle of 22 degrees 47 minutes 34 seconds, an arc length of
7-19 269.52 feet, with a chord bearing North 12 degrees 22 minutes 05
7-20 seconds West, a distance of 267.75 feet, back to the POINT OF
7-21 BEGINNING, CONTAINING 172.60 acres (7,518.462 square feet) of land
7-22 in Montgomery County, Texas, in which 5 acres, more or less, is in
7-23 the right of way of Hardin Store Road.
7-24 TRACT THREE:
7-25 Being a 73.71 acre (3,211,015 square feet) parcel situated in the
7-26 Cyrus Dikeman Survey, Abstract 178, Montgomery County, Texas, being
7-27 out of a called 73.7148 acre tract conveyed to Pioneer Realty and
7-28 Investment Corporation by Warranty Deed with Vendor's Lien recorded
7-29 under Clerk's File No. 8920784 of the Montgomery County Official
7-30 Public Records of Real Property, said 73.71 acre parcel more
7-31 particularly described by the following metes and bounds;
7-32 BEGINNING at a 2-inch iron pipe found in the southerly right-of-way
7-33 line of Neidigk Road, in the west line of a called 71.8 acre tract
7-34 conveyed to Donald M. Wright by Deed recorded under Clerk's File No.
7-35 2001-091306 of the Montgomery County Official Public Records of
7-36 Real Property, for the northeast corner of said 73.7148 acre tract,
7-37 and the herein described parcel;
7-38 THENCE, South 00°28'12" East, passing at a distance of 348.62 feet a
7-39 1/2-inch iron rod found, in all a total distance of 2325.00 feet
7-40 along the west line of said 71.8 acre tract, and the east line of
7-41 said 73.7148 acre tract to a point in the centerline of Mill Creek,
7-42 for a northeasterly corner of a called 186.0 acre tract conveyed to
7-43 Dale Neidigk by Deed recorded under Clerk's File No. 2003-141009 of
7-44 the Montgomery County Official Public Records of Real Property, and
7-45 the southeast corner of said 73.7148 acre tract, and the herein
7-46 described parcel;
7-47 THENCE, along the northerly line of said 186.0 acre tract, and the
7-48 south line of said 73.7148 acre tract, and along the centerline of
7-49 said Mill Creek the following courses and distances:
7-50 North 67°35'23" West, 194.15 feet;
7-51 North 70°08'35" West, 490.72 feet;
7-52 North 73°14'49" West, 277.80 feet;
7-53 North 37°04'16" West, 170.85 feet;
7-54 North 44°26'31" West, 203.17 feet;
7-55 North 50°48'45" West, 113.01 feet;
7-56 North 77°12'10" West, 100.89 feet;
7-57 North 84°22'45" West, 152.95 feet;
7-58 North 86°47'10" West, 166.78 feet
7-59 to a point in the east line of Lot 18, Block 3 of Tall Pines
7-60 Subdivision (unrecorded) conveyed to John Caplinger and wife,
7-61 Pamela Caplinger by Deed recorded under Clerk's File No. 9826623 of
7-62 the Montgomery County Official Public Records of Real Property, for
7-63 a northwesterly corner of said 186.0 acre tract, and the southwest
7-64 corner of said 73.7148 acre tract, and the herein described parcel;
7-65 THENCE, NORTH, 1604.21 feet along the east line of said Lot 18,
7-66 along the east line of Lot 21 of said Block 3 conveyed to Gary B.
7-67 Clark and wife, Debbie J. Clark by Deed recorded under Clerk's File
7-68 No. 9640198 of the Montgomery County Official Public Records of
7-69 Real Property, along the east line of Lot 22 of said Block 3

8-1 conveyed to Larry Zimmerman and wife, Kathleen Zimmerman by Deed
8-2 recorded under Clerk's File No. 2003-040957 of the Montgomery
8-3 County Official Public Records of Real Property, along the east
8-4 line of Lot 23 of said Block 3 conveyed to M&G Construction by Deed
8-5 recorded under Clerk's File No. 9513263 of the Montgomery County
8-6 Official Public Records of Real Property, along the east line of a
8-7 called 178.77 acre tract conveyed to Margret G. Bybee by Deed
8-8 recorded under Volume 651, Page 279 of the Montgomery County Deed
8-9 Records, and along the west line of said 73.7148 acre tract to a
8-10 5/8-inch iron rod set (with cap stamped "Montgomery and
8-11 Associates") for the southwest corner of a called 5.0 acre tract
8-12 conveyed to R. Hohl by Deed recorded under Volume 300, Page 13 of
8-13 the Montgomery County Deed Records, for the northwest corner of
8-14 said 73.7148 acre tract, and the herein described parcel;
8-15 THENCE, North 89°59'00" East, passing at a distance of 119.28 feet a
8-16 1-inch iron pipe found, passing at a distance of 456.18 feet a
8-17 5/8-inch iron rod found, in all a total distance of 1637.92 feet
8-18 along the south line of said 5.0 acre tract, along the south line of
8-19 a called 23.15 acre tract conveyed to Walter R. Leigh by Deed
8-20 recorded under Volume 907, Page 556 of the Montgomery County Deed
8-21 Records, and the north line of said 73.7148 acre tract to the POINT
8-22 OF BEGINNING, CONTAINING 73.71 acres (3,211,015 square feet) of
8-23 land in Montgomery County, Texas.

8-24 SECTION 3. (a) The legal notice of the intention to
8-25 introduce this Act, setting forth the general substance of this
8-26 Act, has been published as provided by law, and the notice and a
8-27 copy of this Act have been furnished to all persons, agencies,
8-28 officials, or entities to which they are required to be furnished
8-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-30 Government Code.

8-31 (b) The governor, one of the required recipients, has
8-32 submitted the notice and Act to the Texas Commission on
8-33 Environmental Quality.

8-34 (c) The Texas Commission on Environmental Quality has filed
8-35 its recommendations relating to this Act with the governor, the
8-36 lieutenant governor, and the speaker of the house of
8-37 representatives within the required time.

8-38 (d) All requirements of the constitution and laws of this
8-39 state and the rules and procedures of the legislature with respect
8-40 to the notice, introduction, and passage of this Act are fulfilled
8-41 and accomplished.

8-42 SECTION 4. This Act takes effect September 1, 2007.

8-43 * * * * *