

By: Nichols

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A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 113; 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 8212 to read as follows:

CHAPTER 8212. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 113

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8212.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Montgomery County Municipal Utility District No. 113.

Sec. 8212.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section 8212.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8212.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

1 Sec. 8212.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
2 land and other property in the district will benefit from the
3 improvements and services to be provided by the district.

4 Sec. 8212.005. INITIAL DISTRICT TERRITORY. (a) The
5 district is initially composed of the territory described by
6 Section 2 of the Act creating this chapter.

7 (b) The boundaries and field notes contained in Section 2 of
8 the Act creating this chapter form a closure. A mistake in the
9 field notes or in copying the field notes in the legislative process
10 does not affect the district's:

11 (1) organization, existence, or validity;

12 (2) right to issue any type of bond for a purpose for
13 which the district is created or to pay the principal of and
14 interest on the bond;

15 (3) right to impose an assessment or tax; or

16 (4) legality or operation.

17 [Sections 8212.006-8212.050 reserved for expansion]

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8212.051. GOVERNING BODY; TERMS. (a) The district is
20 governed by a board of five elected directors.

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

22 Sec. 8212.052. INITIAL DIRECTORS. (a) The initial board
23 consists of:

24 (1) Albert Joshua Barouh;

25 (2) Ashley Short Grigsby;

26 (3) Genevieve Strang;

27 (4) Jeffrey T. Nielsen; and

1 (5) David Garrett.

2 **(b) Unless the initial board agrees otherwise, the initial**
3 **directors shall draw lots to determine which two shall serve until**
4 **the first regularly scheduled election of directors and which three**
5 **shall serve until the second regularly scheduled election of**
6 **directors.**

7 **(c) This section expires September 1, 2014.**

8 **[Sections 8212.053-8212.100 reserved for expansion]**

9 **SUBCHAPTER C. POWERS AND DUTIES**

10 **Sec. 8212.101. GENERAL POWERS AND DUTIES. The district has**
11 **the powers and duties necessary to accomplish the purposes for**
12 **which the district is created.**

13 **Sec. 8212.102. MUNICIPAL UTILITY DISTRICT POWERS AND**
14 **DUTIES. The district has the powers and duties provided by the**
15 **general law of this state, including Chapters 49 and 54, Water Code,**
16 **applicable to municipal utility districts created under Section 59,**
17 **Article XVI, Texas Constitution.**

18 **Sec. 8212.103. ROAD PROJECTS. (a) Under Section 52,**
19 **Article III, Texas Constitution, the district may finance,**
20 **construct, or acquire a road project as provided by this section.**

21 **(b) The district shall employ or contract with a licensed**
22 **engineer to certify whether a proposed road project meets the**
23 **criteria for a thoroughfare, arterial, or collector road of:**

24 **(1) a county in whose jurisdiction the proposed road**
25 **project is located; or**

26 **(2) a municipality in whose corporate limits or**
27 **extraterritorial jurisdiction the proposed road project is**

1 located.

2 (c) The district may finance, construct, or acquire a road
3 that has been certified by the licensed engineer as a thoroughfare,
4 arterial, or collector road, or any improvements in aid of the
5 certified road.

6 (d) A road project must be located:

7 (1) in the district; or

8 (2) in another municipal utility district that serves
9 a master planned community the district also serves.

10 (e) A road project must meet all applicable standards,
11 regulations, ordinances, or orders of:

12 (1) each municipality in whose corporate limits or
13 extraterritorial jurisdiction the road project is located; and

14 (2) each county in which the road project is located if
15 the road project is not located in the corporate limits of a
16 municipality.

17 (f) The district may, with the consent of the municipality
18 or county, convey a completed road project to:

19 (1) a municipality in whose corporate limits or
20 extraterritorial jurisdiction the road project is located; or

21 (2) a county in which the road project is located.

22 Sec. 8212.104. COMPLIANCE WITH MUNICIPAL CONSENT
23 RESOLUTION. The district shall comply with all applicable
24 requirements of any resolution, adopted by the governing body of a
25 municipality under Section 54.016, Water Code, that consents to the
26 creation of the district or to the inclusion of land in the
27 district.

1 Sec. 8212.105. RECREATIONAL FACILITIES; LIMIT ON EMINENT
2 DOMAIN POWER. (a) In this section, "recreational facilities" and
3 "develop and maintain" have the meanings assigned by Section
4 49.462, Water Code.

5 (b) The district may develop and maintain recreational
6 facilities.

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

10 [Sections 8212.106-8212.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8212.151. ELECTIONS REGARDING TAXES OR BONDS.

13 (a) The district may issue, without an election, bonds and other
14 obligations secured by revenue or contract payments from a source
15 other than ad valorem taxation.

16 (b) The district must hold an election in the manner
17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
18 before the district may impose an ad valorem tax or issue bonds
19 payable from ad valorem taxes.

20 (c) The district may not issue bonds payable from ad valorem
21 taxes to finance a road project unless the issuance is approved by a
22 vote of a two-thirds majority of district voters voting at an
23 election held for that purpose.

24 Sec. 8212.152. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held under Section 8212.151, the district
26 may impose an operation and maintenance tax on taxable property in
27 the district as provided by Chapter 49.107, Water Code.

1 (b) The board shall determine the tax rate. The rate may not
2 exceed the rate approved at the election.

3 [Sections 8212.153-8212.200 reserved for expansion]

4 SUBCHAPTER E. BONDS

5 Sec. 8212.201. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, grants, or other district money, or any combination of
9 those sources, to pay for any authorized district purpose.

10 Sec. 8212.202. BONDS FOR ROAD PROJECTS. At the time of
11 issuance, the total principal amount of a bond, note, or other
12 obligation issued or incurred to finance a road project may not
13 exceed one-fourth of the assessed value of real property in the
14 district according to the most recent certified tax appraisal roll
15 for Montgomery County.

16 Sec. 8212.203. BONDS FOR RECREATIONAL FACILITIES. If
17 authorized at an election under Section 8212.151, the district may
18 issue bonds payable from ad valorem taxes to pay for the development
19 and maintenance of recreational facilities.

20 Sec. 8212.204. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
21 the time bonds or other obligations payable wholly or partly from ad
22 valorem taxes are issued:

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

26 (2) the district annually shall impose an ad valorem
27 tax on all taxable property in the district in an amount sufficient

1 to:

2 (A) pay the interest on the bonds or other
3 obligations as the interest becomes due;

4 (B) create a sinking fund for the payment of the
5 principal of the bonds or other obligations when due or the
6 redemption price at any earlier required redemption date; and

7 (C) pay the expenses of imposing the taxes.

8 SECTION 2. The Montgomery County Municipal Utility District
9 No. 113 initially includes all the territory contained in the
10 following area:

11 Being 745.224 acres of land located in the Archibald Hodge Survey,
12 Abstract 18, the James Pevehouse Survey, Abstract 29, the John
13 Sealy Survey, Abstract 759, and the Thomas Curry Survey, Abstract
14 136, Montgomery County, Texas, more particularly being those tracts
15 of land conveyed to Woodforest Partners, L.P., by instrument of
16 record under File No. 2006-103723, Official Public Records of Real
17 Property at Montgomery County, Texas (M.C.O.P.R.R.P.) as follows:
18 all of that certain called 22.96 acre tract (described as Tract V,
19 therein), all of that certain called 62.76 acre tract (described as
20 Tract VIII, therein), all of that certain called 100.971 acres
21 (described as Tract XI, therein), a portion of that certain called
22 934.56 acre tract (described as Tract I, therein), a portion of that
23 certain called 50.19 acre tract (described as Tract II, therein), a
24 portion of that certain called 251.14 acre tract (described as
25 Tract IV, therein), a portion of that certain called 98.29 acres
26 tract (described as Tract VII, therein), a portion of that certain
27 tract (described as Tract IX, therein), a portion of that certain

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1 called 56.7354 acre tract conveyed to Woodforest Golf Club, LLC by
2 instrument of record under File No. 2004-111100, M.C.O.P.R.R.P., a
3 portion of that certain called 10.00 acre tract conveyed from
4 Mid-South Electric Cooperative Association to Woodforest Partners,
5 L.P. by instrument by instrument dated November 29, 2006, a portion
6 of that certain called 379.05 acre tract conveyed to Woodforest
7 Partners, L.P., by instrument of record under File No. 2006-138302,
8 M.C.O.P.R.R.P., a portion of Street Dedication Plat of Fish Creek
9 Thoroughfare Phase I, a plat of record in Cabinet P, Sheets 64-65,
10 Map Records of Montgomery County, Texas (M.C.M.R.), a portion of
11 Street Dedication Plat of Fish Creek Thoroughfare Phase II, a plat
12 of record in Cabinet P, Sheets 62-63, M.C.M.R., and a portion of
13 Elk-Trace Golf Estates Section One, a subdivision of record in
14 Cabinet P, Sheets 66-67, M.C.M.R.; said 745.224 acres being more
15 particularly described by metes and bounds as follows; all bearings
16 referenced to aforementioned Fish Creek Thoroughfare Phase II;
17 BEGINNING at the northwest corner of the aforementioned 50.19 acre
18 tract, same being on the easterly right-of-way line of Fish Creek
19 Thoroughfare (150-feet wide) as shown on aforementioned Fish Creek
20 Thoroughfare Phase II;
21 Thence, with the north line of said 50.19 acres, North 88° 07' 35"
22 East, at 1189.82 feet pass the northeast corner of said 50.19 acres,
23 same being the northwest corner of the aforementioned 22.96 acres,
24 and continuing in all a distance of 2189.82 feet to a point for
25 corner, being the northeast corner of said 22.96 acres, also being
26 on the common line of aforementioned James Pevehouse Survey and the
27 Thomas Curry Survey;

1 Thence, with the east line of said 22.96 acres and said common
2 survey line, South 02° 35' 40" East, at 1000.00 feet pass the
3 southeast corner of said 22.96 acres, same being the most easterly
4 northeast corner of aforementioned 50.19 acres, and continuing with
5 the east line of said 50.19 acres, in all a distance of 1024.20 feet
6 to a point for corner, being the northwest corner of the
7 aforementioned 100.971 acres;

8 Thence, leaving said east line and common survey line, with the
9 north line of said 100.971 acres, North 86° 32' 41" East, passing at
10 2949.44 feet the northeast corner of said 100.971 acres, same being
11 an angle point on the west line of aforementioned 379.05 acres, and
12 continuing in all a distance of 3175.30 feet to a point for corner;

13 Thence, South 14° 31' 18" East, 228.60 feet to a point for corner;

14 Thence, South 01° 17' 53" East, 297.10 feet to a point for corner;

15 Thence, South 18° 10' 41" West, 183.20 feet to a point for corner;

16 Thence, South 01° 17' 07" East, 257.08 feet to a point for corner;

17 Thence, South 07° 14' 45" East, 165.32 feet to a point for corner;

18 Thence, South 09° 57' 27" East, 258.89 feet to a point for corner;

19 Thence, South 08° 39' 51" West, 166.94 feet to a point for corner;

20 Thence, South 21° 50' 16" West, 91.61 feet to a point for corner;

21 Thence, South 34° 14' 57" West, 117.42 feet to a point for corner;

22 Thence, South 24° 43' 23" West, 95.82 feet to a point for corner;

23 Thence, South 19° 46' 32" West, 139.26 feet to a point for corner;

24 Thence, South 21° 18' 58" West, 102.02 feet to a point for corner;

25 Thence, South 18° 19' 00" West, 114.86 feet to a point for corner;

26 Thence, South 34° 58' 28" West, 137.99 feet to a point for corner;

27 Thence, South 34° 27' 24" West, 127.42 feet to a point for corner;

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1 Thence, South 12° 10' 58" West, 95.17 feet to a point for corner;
2 Thence, South 07° 42' 25" West, 120.11 feet to a point for corner;
3 Thence, South 06° 18' 47" West, 165.03 feet to a point for corner;
4 Thence, South 04° 39' 06" East, 74.53 feet to a point for corner,
5 being on the common line of aforementioned 934.56 and 56.7354
6 acres;
7 Thence, with said common line, South 85° 18' 31" East, 659.06 feet to
8 a point for corner, being a common angle point of said 934.56 acres
9 and that certain called 218.2370 acre tract conveyed to Elk Trace
10 Golf Club by instrument of record under File No. 2000-030725,
11 M.C.O.P.R.R.P.;
12 Thence, leaving said common line, with the common line of said
13 218.2370 and 56.7354 acres, South 56° 12' 39" West, 355.28 feet to a
14 point for corner;
15 Thence, leaving said common line, South 57° 35' 11" West, 656.56
16 feet to a point for corner;
17 Thence, South 08° 21' 41" East, 168.07 feet to a point for corner,
18 being on aforementioned common line of 218.2370 and 56.7354 acres;
19 Thence, with said common line, South 06° 56' 37" West, 229.57 feet to
20 a point for corner, being the most easterly northeast corner of
21 Block 2 as shown on aforementioned Elk-Trace Golf Estates Section
22 One;
23 Thence, with the common line of said 218.2370 acres and Block 2,
24 South 17° 56' 41" West, 650.36 feet to a point for corner;
25 Thence, leaving said common line, with a southeasterly line of said
26 Block 2, South 47° 20' 56" West, 61.70 feet to a point for corner on
27 the aforementioned common line of 218.2370 acres and Block 2;

Thence, with said common line the following three (3) courses;

1. North 67° 20' 55" West, 363.49 feet to a point for corner;

2. North 86° 12' 26" West, 377.79 feet to a point for corner;

3. North 39° 12' 50" West, 534.86 feet to a point for corner;

Thence, leaving said common line, with a westerly line of said Block 2, the following three (3) courses:

1. North 12° 23' 29" West, 238.03 feet to a point for corner;

2. North 28° 38' 18" West, 93.24 feet to a point for corner;

3. South 80° 37' 13" West, 8.95 feet to a point for corner on the aforementioned common line of 218.2370 acres and Block 2;

Thence, with said common line, North 15° 35' 12" West, 461.11 feet to a point for corner;

Thence, leaving said common line, with a westerly line of said Block 2, North 05° 08' 25" West, 97.89 feet to a point for corner;

Thence, continuing with said westerly line, North 36° 15' 04" West, 50.30 feet to a point for corner on the aforementioned common line of 218.2370 acres and Block 2;

Thence, with said common line, North 15° 35' 12" West, 348.54 feet to a point for corner;

Thence, continuing with said common line, South 51° 27' 53" West, 221.47 feet to a point for corner;

Thence, leaving said common line, with a southerly line of said Block 2, South 79° 01' 56" West, 33.03 feet to a point for corner;

Thence, continuing with said southerly line, South 41° 55' 38" West, 92.25 feet to a point for corner, being on the aforementioned common line of 218.2370 acres and Block 2;

Thence, with said common line, South 51° 27' 53" West, 669.50 feet to

1 a point for corner;

2 Thence, continuing with said common line, South 47° 24' 23" West, at
3 853.29 feet pass the most southerly corner of said Block 2, same
4 being the northwest corner of said 218.2370 acres, also being on the
5 easterly right-of-way line of aforementioned Fish Creek
6 Thoroughfare, and continuing in all a distance of 1033.62 feet to a
7 point for corner, being on the west right-of-way line of said Fish
8 Creek Thoroughfare, same being an easterly line of that certain
9 called 103.0101 acre tract conveyed to Elk Trace Golf Club, L.P., by
10 instrument of record under File No. 2000-030725, M.C.O.P.R.R.P.,
11 and being on the arc of a curve;

12 Thence, with the common line of said Fish Creek Thoroughfare and
13 103.0101 acres, the following 4 courses:

14 1. 183.53 feet along the arc of a non-tangent curve to the right
15 having a radius of 2075.00 feet, a central angle of 05° 04' 04, and a
16 chord that bears North 07° 45' 13" West, 183.47 feet to a point for
17 corner;

18 2. North 05° 13' 11" West, 254.51 feet to a point for corner, the
19 beginning of a curve;

20 3. 853.78 feet along the arc of a tangent curve to the left having a
21 radius of 1925.00 feet, a central angle of 25° 24' 43, and a chord
22 that bears North 17° 55' 33" West, 846.80 feet to a point for corner;

23 4. North 30° 37' 54" West, 295.75 feet to a point for corner, being
24 an angle point on the east line of aforementioned 98.29 acres;

25 Thence, with the common line of said 103.0101 and 98.29 acres, South
26 71° 58' 45" West, 169.12 feet to a point for corner;

27 Thence, continuing with said common line, South 54° 33' 51" West,

1 195.65 feet to a point for corner;
2 Thence, leaving said common line, South 31° 36' 19" West, 57.23 feet
3 to a point for corner;
4 Thence, South 02° 30' 24" West, 316.42 feet to a point for corner;
5 Thence, South 18° 26' 30" East, 235.42 feet to a point for corner;
6 Thence, South 44° 10' 35" East, 198.42 feet to a point for corner,
7 being on the aforementioned common line of said 103.0101 and 98.29
8 acres;
9 Thence, with said common line, South 14° 37' 57" East, 929.20 feet to
10 a point for corner;
11 Thence, leaving said common line, South 33° 24' 56" West, 36.44 feet
12 to a point for corner;
13 Thence, South 22° 40' 22" East, 366.05 feet to a point for corner,
14 being on the aforementioned common line of said 103.0101 and 98.29
15 acres;
16 Thence, with said common line, South 18° 11' 51" East, 401.56 feet to
17 a point for corner;
18 Thence, continuing with said common line, South 40° 17' 46" East, at
19 300.13 feet pass the southeast corner of said 98.29 acres, same
20 being the northeast corner of aforementioned 10.00 acres, and
21 continuing, with the common line of said 103.0101 and 10.00 acres,
22 in all a distance of 802.84 feet to a point for corner;
23 Thence, leaving said common line, South 81° 03' 35" West, 192.36
24 feet to a point for corner, being on the common line of said
25 103.0101 and 10.00 acres;
26 Thence, with said common line, South 86° 10' 50" West, 617.42 feet to
27 a point for corner;

1 Thence, continuing with said common line, South 66° 03' 00" West,
2 554.45 feet to a point for corner;

3 Thence, leaving said common line, South 83° 32' 05" West, 92.99 feet
4 to a point for corner, being on the common line of said 103.0101 and
5 10.00 acres;

6 Thence, with said common line, North 16° 45' 34" East, 387.65 feet to
7 a point for corner;

8 Thence, continuing with said common line, North 16° 57' 30" West, at
9 22.51 feet pass the northwest corner of said 10.00 acres, same being
10 the southwest corner of aforementioned 98.29 acres, and
11 continuing, with the common line of said 98.29 and 103.0101 acres,
12 in all a distance of 1116.53 feet to a point for corner;

13 Thence, with said common line, the following six (6) courses:

14 1. South 89° 07' 26" West, 445.57 feet to a point for corner;

15 2. North 09° 27' 25" East, 337.44 feet to a point for corner;

16 3. North 31° 20' 59" West, 393.23 feet to a point for corner;

17 4. North 10° 13' 41" West, 682.81 feet to a point for corner;

18 5. North 77° 28' 12" West, 116.44 feet to a point for corner;

19 6. North 03° 22' 57" East, 357.10 feet to a point for corner;

20 Thence, leaving said common line, North 04° 47' 18" East, 1043.56
21 feet to a point for corner, being on the common line of said 98.29
22 and 103.0101 acres;

23 Thence, with said common line, North 62° 59' 28" East, 197.47 feet to
24 a point for corner;

25 Thence, continuing with said common line, South 74° 13' 15" East,
26 513.20 feet to a point for corner;

27 Thence, leaving said common line, South 28° 49' 54" East, 235.27

1 feet to a point for corner;
2 Thence, South 31° 19' 21" East, 612.89 feet to a point for corner,
3 being a common angle point of said 98.29 and 103.0101 acres;
4 Thence, with the common line of said 98.29 and 103.0101 acres, North
5 65° 18' 02" East, 195.96 feet to a point for corner;
6 Thence, continuing with said common line, North 47° 21' 02" East,
7 168.80 feet to a point for corner, being on the aforementioned
8 westerly right-of-way line of Fish Creek Thoroughfare;
9 Thence, with the common line of said Fish Creek Thoroughfare and
10 103.0101 acres, North 30° 37' 54" West, 693.00 feet to a point for
11 corner, the beginning of a curve;
12 Thence, 248.38 feet along the arc of a tangent curve to the right
13 having a radius of 2075.00 feet, a central angle of 06° 51' 30", and
14 a chord that bears North 27° 12' 09" West, 248.23 feet to a point for
15 corner, being the most westerly corner of aforementioned 251.14
16 acres;
17 Thence, leaving said common line, with the common line of said
18 103.0101 and 251.14 acres, the following six (6) courses:
19 1. North 73° 14' 23" West, 834.80 feet to a point for corner;
20 2. South 56° 07' 29" West, 604.40 feet to a point for corner;
21 3. South 21° 30' 50" West, 242.70 feet to a point for corner;
22 4. South 38° 09' 17" East, 193.27 feet to a point for corner;
23 5. South 07° 58' 19" West, 822.17 feet to a point for corner;
24 6. South 11° 09' 50" East, 199.80 feet to a point for corner;
25 Thence, leaving said common line, with a southerly and westerly
26 line of said 251.14 acres, the following seventeen (17) courses:
27 1. North 35° 43' 17" West, 228.48 feet to a point for corner;

1 2. North 44° 58' 49" West, 396.13 feet to a point for corner;
2 3. South 82° 52' 14" West, 53.75 feet to a point for corner;
3 4. North 47° 28' 11" West, 217.12 feet to a point for corner;
4 5. North 78° 21' 31" West, 231.43 feet to a point for corner;
5 6. North 87° 23' 44" West, 293.64 feet to a point for corner;
6 7. North 72° 03' 38" West, 238.26 feet to a point for corner;
7 8. North 19° 38' 28" West, 99.17 feet to a point for corner;
8 9. North 61° 52' 54" West, 190.83 feet to a point for corner;
9 10. North 85° 56' 55" East, 50.64 feet to a point for corner;
10 11. North 35° 20' 45" West, 122.49 feet to a point for corner;
11 12. North 68° 14' 30" West, 61.64 feet to a point for corner;
12 13. North 03° 37' 12" West, 209.29 feet to a point for corner;
13 14. South 86° 38' 28" West, 49.98 feet to a point for corner, being
14 on the common line of aforementioned Thomas Curry Survey and the
15 Matthew Cartwright Survey, Abstract 151, Montgomery County, Texas;
16 15. With said common survey line, North 03° 19' 28" West, 2972.19
17 feet to a point for corner;
18 16. Leaving said common survey line, North 69° 34' 56" East, 440.00
19 feet to a point for corner;
20 17. North 03° 19' 28" West, 863.20 feet to a point for corner, being
21 on the approximate Extra Territorial Jurisdiction (ETJ) line of the
22 City of Conroe;
23 Thence, with said approximate ETJ line, North 84° 33' 28" East,
24 271.56 feet to a point for corner;
25 Thence, continuing with said approximate ETJ line, South 87° 27' 01"
26 East, at 968.66 feet pass a point on the aforementioned westerly
27 right-of-way line of Fish Creek Thoroughfare, and continuing in all

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1 a distance of 1149.12 feet to a point for corner;

2 Thence, continuing with said approximate ETJ line, South 88° 10' 11"
3 East, 12.78 feet to a point for corner, being on the easterly
4 right-of-way line of said Fish Creek Thoroughfare;

5 Thence, with said easterly right-of-way line, the following five
6 (5) courses:

7 1. South 36° 34' 46" East, 493.30 feet to a point for corner, the
8 beginning of a curve;

9 2. 217.91 feet along the arc of a tangent curve to the right having
10 a radius of 2075.00 feet, a central angle of 06° 01' 01", and a chord
11 that bears South 33° 34' 16" East, 217.81 feet to a point for corner;

12 3. South 30° 33' 45" East, 430.07 feet to a point for corner, the
13 beginning of a curve;

14 4. 287.14 feet along the arc of a tangent curve to the right having
15 a radius of 2075.00 feet, a central angle of 07° 55' 43", and a chord
16 that bears South 26° 35' 54" East, 286.91 feet to a point for corner;

17 5. South 22° 38' 02" East, 258.95 feet to the POINT OF BEGINNING and
18 containing 760.604 acres of land.

19 Save and except however, the following nine (9) tracts of land.

20 SAVE AND EXCEPT TRACT NO. 1

21 1.003 acres being Lot 6, Block 1, Elk-Trace Golf Estates Section
22 One, a subdivision of record in Cabinet P, Sheets 66-67, M.C.M.R.

23 SAVE AND EXCEPT TRACT NO. 2

24 3.995 acres being comprised of Lots 18, 19 and 20, Block 1,
25 Elk-Trace Golf Estates Section One, a subdivision of record in
26 Cabinet P, Sheets 66-67, M.C.M.R.

27 SAVE AND EXCEPT TRACT NO. 3

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1 1.005 acres being Lot 5, Block 2, Elk-Trace Golf Estates Section
2 One, a subdivision of record in Cabinet P, Sheets 66-67, M.C.M.R.

3 SAVE AND EXCEPT TRACT NO. 4

4 4.045 acres being comprised of Lots 7, 8, 9 and 10, Block 2,
5 Elk-Trace Golf Estates Section One, a subdivision of record in
6 Cabinet P, Sheets 66-67, M.C.M.R.

7 SAVE AND EXCEPT TRACT NO. 5

8 2.077 acres being comprised of Lots 12 and 13, Block 2, Elk-Trace
9 Golf Estates Section One, a subdivision of record in Cabinet P,
10 Sheets 66-67, M.C.M.R.

11 SAVE AND EXCEPT TRACT NO. 6

12 2.018 acres being comprised of Lots 26 and 27, Block 2, Elk-Trace
13 Golf Estates Section One, a subdivision of record in Cabinet P,
14 Sheets 66-67, M.C.M.R.

15 SAVE AND EXCEPT TRACT NO. 7

16 1.237 acres being Lot 32, Block 2, Elk-Trace Golf Estates Section
17 One, a subdivision of record in Cabinet P, Sheets 66-67, M.C.M.R.

18 SAVE AND EXCEPT TRACT NO. 8

19 Being 5.000 acres of land situated in Thomas Curry Survey, Abstract
20 136, Montgomery County, Texas, and being a portion the
21 aforementioned 50.19 acres, said 5.00 acres being more particularly
22 described by metes and bounds as follows;

23 COMMENCING at the southeast corner of said 50.19 acres, same being
24 the northeast corner of aforementioned 62.76 acres, also being on
25 the common line of the aforementioned James Pevehouse Survey and
26 the Thomas Curry Survey;

27 Thence, with the east line of said 50.19 acres, North 02° 35' 40"

1 West, 28.15 feet to a point;
2 Thence, leaving said east line, South 87° 24' 24" West, 266.60 feet
3 to the POINT OF BEGINNING;
4 Thence, South 87° 24' 24" West, 466.69 feet to a point for corner;
5 Thence, North 02° 35' 36" West, 466.69 feet to a point for corner;
6 Thence, North 87° 24' 24" East, 466.69 feet to a point for corner;
7 Thence, South 02° 35' 36" East, 466.69 feet to the POINT OF BEGINNING
8 and containing 5.000 acres of land.

9 SAVE AND EXCEPT TRACT NO. 9

10 Being 5.000 acres of land situated in Thomas Curry Survey, Abstract
11 136, Montgomery County, Texas, and being a portion the
12 aforementioned 251.15 acres, said 5.00 acres being more
13 particularly described by metes and bounds as follows;

14 COMMENCING for reference at an angle point in the west line of
15 aforementioned 251.14 acres, also being the common line of
16 aforementioned Thomas Curry Survey and the Matthew Cartwright
17 Survey; from which an angle point in said west line bears South 03°
18 19' 28" East, 2972.19 feet;

19 Thence, South 64° 54' 32" East, 400.09 feet to the POINT OF
20 BEGINNING;

21 Thence, North 87° 24' 20" East, 466.69 feet to a point for corner;
22 Thence, South 02° 35' 40" East, 466.69 feet to a point for corner;
23 Thence, South 87° 24' 20" West, 466.69 feet to a point for corner;
24 Thence, North 02° 35' 40" West, 466.69 feet to the POINT OF BEGINNING
25 and containing 5.000 acres of land.

26 Resulting a net area of 745.224 acres.

27 SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6 Government Code.

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

10 (c) The Texas Commission on Environmental Quality has filed
11 its recommendations relating to this Act with the governor, the
12 lieutenant governor, and the speaker of the house of
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act are fulfilled
17 and accomplished.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.