

By: Eissler

H.B. No. 4770

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9041 to read as follows:

CHAPTER 9041. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9041.001. 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 Water Control and Improvement District No. 2.

Sec. 9041.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9041.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9041.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9041.003

1 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 9041.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
6 The district is created to serve a public purpose and benefit.

7 (b) The district is created to accomplish the purposes of a
8 water control and improvement district as provided by general law
9 and Section 59, Article XVI, Texas Constitution.

10 Sec. 9041.006. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

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

17 (1) organization, existence, or validity;

18 (2) right to issue any type of bond for the purposes
19 for which the district is created or to pay the principal of and
20 interest on a bond;

21 (3) right to impose a tax; or

22 (4) legality or operation.

23 [Sections 9041.007-9041.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 9041.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 9041.052, directors serve

1 staggered four-year terms.

2 Sec. 9041.052. TEMPORARY DIRECTORS. (a) On or after the
3 effective date of the Act creating this chapter, the owner or owners
4 of a majority of the assessed value of the real property in the
5 district may submit a petition to the Texas Commission on
6 Environmental Quality requesting that the commission appoint as
7 temporary directors the five persons named in the petition. The
8 commission shall appoint as temporary directors the five persons
9 named in the petition.

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

11 (1) the date permanent directors are elected under
12 Section 9041.003; or

13 (2) the fourth anniversary of the effective date of
14 the Act creating this chapter.

15 (c) If permanent directors have not been elected under
16 Section 9041.003 and the terms of the temporary directors have
17 expired, successor temporary directors shall be appointed or
18 reappointed as provided by Subsection (d) to serve terms that
19 expire on the earlier of:

20 (1) the date permanent directors are elected under
21 Section 9041.003; or

22 (2) the fourth anniversary of the date of the
23 appointment or reappointment.

24 (d) If Subsection (c) applies, the owner or owners of a
25 majority of the assessed value of the real property in the district
26 may submit a petition to the Texas Commission on Environmental
27 Quality requesting that the commission appoint as successor

1 temporary directors the five persons named in the petition. The
2 commission shall appoint as successor temporary directors the five
3 persons named in the petition.

4 [Sections 9041.053-9041.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 9041.101. GENERAL POWERS AND DUTIES. The district has
7 the powers and duties necessary to accomplish the purposes for
8 which the district is created.

9 Sec. 9041.102. WATER CONTROL AND IMPROVEMENT DISTRICT
10 POWERS AND DUTIES. (a) The district has the powers and duties
11 provided by the general law of this state, including Chapters 49 and
12 51, Water Code, applicable to water control and improvement
13 districts created under Section 59, Article XVI, Texas
14 Constitution.

15 (b) The powers and duties authorized under Subsection (a)
16 shall specifically include the powers authorized under Subchapter
17 H, Chapter 51, Water Code.

18 Sec. 9041.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
19 OR RESOLUTION. The district shall comply with all applicable
20 requirements of any ordinance or resolution that is adopted under
21 Section 42.042 or 42.0425, Local Government Code, and that consents
22 to the creation of the district or to the inclusion of land in the
23 district.

24 Sec. 9041.104. LIMITATION ON USE OF EMINENT DOMAIN. The
25 district may not exercise the power of eminent domain outside the
26 district to acquire a site or easement for a recreational facility
27 as defined by Section 49.462, Water Code.

1 [Sections 9041.105-9041.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 9041.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4 district may issue, without an election, bonds and other
5 obligations secured by:

6 (1) revenue other than ad valorem taxes; or

7 (2) contract payments described by Section 9041.153.

8 (b) The district must hold an election in the manner
9 provided by Chapters 49 and 51, Water Code, to obtain voter approval
10 before the district may impose an ad valorem tax or issue bonds
11 payable from ad valorem taxes.

12 Sec. 9041.152. OPERATION AND MAINTENANCE TAX. (a) If
13 authorized at an election held under Section 9041.151, the district
14 may impose an operation and maintenance tax on taxable property in
15 the district in accordance with Section 49.107, Water Code.

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

18 Sec. 9041.153. CONTRACT TAXES. (a) In accordance with
19 Section 49.108, Water Code, the district may impose a tax other than
20 an operation and maintenance tax and use the revenue derived from
21 the tax to make payments under a contract after the provisions of
22 the contract have been approved by a majority of the district voters
23 voting at an election held for that purpose.

24 (b) A contract approved by the district voters may contain a
25 provision stating that the contract may be modified or amended by
26 the board without further voter approval.

27 [Sections 9041.154-9041.200 reserved for expansion]

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 9041.201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 9041.202. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct ad valorem tax, without limit as to rate or amount, while all
12 or part of the bonds are outstanding as required and in the manner
13 provided by Chapter 51, Water Code.

14 Sec. 9041.203. BONDS FOR RECREATIONAL FACILITIES. (a) The
15 district may develop recreational facilities and issue bonds for
16 the facilities under Chapter 49, Water Code, notwithstanding any
17 overlap of the district's territory with the territory of one or
18 more political subdivisions authorized to develop recreational
19 facilities and issue bonds under Chapter 49, Water Code.

20 (b) The authority of the district to develop recreational
21 facilities and issue bonds under this section does not limit the
22 authority of any other political subdivision whose territory the
23 territory of the district may overlap, wholly or partly, to develop
24 recreational facilities and issue bonds under Chapter 49, Water
25 Code.

26 SECTION 2. The Montgomery County Water Control and
27 Improvement District No. 2 initially includes all the territory

1 contained in the following area:

2 TRACT 1

3 All that certain 527.832 acre (22,992,348 square feet) parcel of
4 land situated in the Joseph A. Parker Survey, Abstract Number 418,
5 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery
6 County, Texas, and being a portion of that certain call 1,554.570
7 acre tract described in a Warranty Deed to Pacific Indio
8 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
9 Official Public Records of Real Property at Montgomery County,
10 Texas (O.P.R.R.P.M.C.T.), said 527.832 acre tract being more
11 particularly described by metes and bounds as follows: (All
12 bearings are referenced to the Texas State Plane Coordinate System,
13 South Central Zone)

14 BEGINNING at a 5/8 inch iron rod with plastic cap stamped "D L
15 HARDY RPLS 4847" found for the northwest corner of that certain call
16 640.6 acre tract described in a Warranty Deed with Reservation of
17 Minerals to J.R. Development, Inc., in Clerk's Number 2002-062840
18 of the O.P.R.R.P.M.C.T.;

19 THENCE, through and across said 1,554.570 acre tract, the
20 following five (5) courses:

21 1) South 56 Degrees 12 Minutes 55 Seconds West, a
22 distance of 1,094.52 feet to an angle point;

23 2) South 68 Degrees 19 Minutes 38 Seconds West, a
24 distance of 879.85 feet to an angle point;

25 3) South 29 Degrees 19 Minutes 18 Seconds West, a
26 distance of 643.72 feet to an angle point;

27 4) South 43 Degrees 22 Minutes 37 Seconds West, a

1 distance of 243.84 feet to an angle point;

2 5) South 76 Degrees 01 Minute 00 Seconds West, a
3 distance of 404.61 feet to a point in the easterly right-of-way
4 (R.O.W.) line of proposed Townsen Road (100 feet wide);

5 THENCE, continuing through and across said 1,554.570 acre
6 tract, and with the easterly and northeasterly R.O.W. line of said
7 Townsen Road, the following five (5) courses:

8 1) 620.73 feet along the arc of a curve to the right
9 having a radius of 1,950.00 feet, a central angle of 18 Degrees 14
10 Minutes 19 Seconds, and a chord that bears North 13 Degrees 07
11 Minutes 32 Seconds West, a distance of 618.11 feet;

12 2) North 04 Degrees 00 Minutes 22 Seconds West, a
13 distance of 478.81 feet to the beginning of a curve to the left;

14 3) 1,550.83 feet along the arc of said curve to the
15 left having a radius of 3,050.00 feet, a central angle of 29 Degrees
16 07 Minutes 59 Seconds, and a chord that bears North 18 Degrees 34
17 Minutes 22 Seconds West, a distance of 1,534.17 feet;

18 4) North 33 Degrees 08 Minutes 21 Seconds West, a
19 distance of 428.13 feet to the beginning of a curve to the left;

20 5) 1,751.25 feet along the arc of said curve to the
21 left having a radius of 2,050.00 feet, a central angle of 48 Degrees
22 56 Minutes 46 Seconds, and a chord that bears North 57 Degrees 36
23 Minutes 44 Seconds West, a distance of 1,698.49 feet to the
24 intersection of the northeasterly R.O.W. line of proposed Townsen
25 Road with the easterly R.O.W. line of a proposed 100 foot wide
26 R.O.W.;

27 THENCE, continuing through and across said 1,554.570 acre

1 tract, and with the easterly and northeasterly line of said
2 proposed 100 foot wide R.O.W., the following four (4) courses:

3 1) North 06 Degrees 31 Minutes 01 Second East, a
4 distance of 17.93 feet to the beginning of a curve to the left;

5 2) 3,090.25 feet along the arc of said curve to the
6 left having a radius of 2,050.00 feet, a central angle of 86 Degrees
7 22 Minutes 12 Seconds, and a chord that bears North 36 Degrees 40
8 Minutes 05 Seconds West, a distance of 2,805.86 feet;

9 3) North 79 Degrees 51 Minutes 11 Seconds West, a
10 distance of 366.40 feet to the beginning of a curve to the right;

11 4) 1,318.62 feet along the arc of said curve to the
12 right having a radius of 1,950.00 feet, a central angle of 38
13 Degrees 44 Minutes 39 Seconds, and a chord that bears North 60
14 Degrees 28 Minutes 51 Seconds West, a distance of 1,293.64 feet to
15 the intersection of the easterly line of said proposed 100 foot wide
16 R.O.W. with the northerly line of said 1,554.570 acre tract;

17 THENCE, with the northerly line of said 1,554.570 acre tract,
18 North 59 Degrees 49 Minutes 41 Seconds East, a distance of 2.21 feet
19 to a 5/8 inch iron rod with plastic cap stamped "CDS/MUERY S.A. TX."
20 found for the southwest corner of that certain call 915 acre
21 Conservation Easement and an angle point in said 1,554.570 acre
22 tract and the herein described tract;

23 THENCE, with the southerly line of said 915 acre Conservation
24 Easement and the northerly line of said 1,554.570 acre tract and the
25 herein described tract, North 50 Degrees 39 Minutes 59 Seconds
26 East, a distance of 3,159.31 feet to a 5/8 inch iron rod with
27 plastic cap stamped "CDS/MUERY S.A. TX." found for an angle point in

1 said 915 acre Conservation Easement and the herein described tract;
2 THENCE, continuing with the southerly line of said 915 acre
3 Conservation Easement and the northerly line of the herein
4 described tract, South 76 Degrees 45 Minutes 40 Seconds East, at
5 1,553.40 feet pass a 5/8 inch iron rod stamped "CDS/MUERY S.A. TX."
6 found for reference, and continue, in all, a distance of 1,753.61
7 feet to a point on the west high bank of the West Fork of the San
8 Jacinto River for an angle point of the herein described tract;
9 THENCE, with the meanders of the west bank of the West Fork of the
10 San Jacinto River, the following forty eight (48) courses:
11 1) South 30 Degrees 22 Minutes 24 Seconds West, a
12 distance of 56.07 feet;
13 2) South 45 Degrees 58 Minutes 13 Seconds West, a
14 distance of 40.83 feet;
15 3) South 46 Degrees 19 Minutes 57 Seconds West, a
16 distance of 69.31 feet;
17 4) South 42 Degrees 10 Minutes 45 Seconds West, a
18 distance of 76.52 feet;
19 5) South 40 Degrees 13 Minutes 52 Seconds West, a
20 distance of 78.33 feet;
21 6) South 46 Degrees 53 Minutes 30 Seconds West, a
22 distance of 79.44 feet;
23 7) South 53 Degrees 07 Minutes 53 Seconds West, a
24 distance of 65.22 feet;
25 8) South 56 Degrees 09 Minutes 36 Seconds West, a
26 distance of 65.51 feet;
27 9) South 58 Degrees 48 Minutes 22 Seconds West, a

1 distance of 79.13 feet;
2 10) South 50 Degrees 41 Minutes 06 Seconds West, a
3 distance of 86.81 feet;
4 11) South 38 Degrees 51 Minutes 13 Seconds West, a
5 distance of 445.76 feet;
6 12) South 08 Degrees 36 Minutes 30 Seconds West, a
7 distance of 155.51 feet;
8 13) South 04 Degrees 38 Minutes 42 Seconds East, a
9 distance of 158.47 feet;
10 14) South 26 Degrees 22 Minutes 18 Seconds East, a
11 distance of 464.19 feet;
12 15) South 41 Degrees 04 Minutes 43 Seconds East, a
13 distance of 291.77 feet;
14 16) South 46 Degrees 32 Minutes 40 Seconds East, a
15 distance of 166.24 feet;
16 17) South 63 Degrees 38 Minutes 58 Seconds East, a
17 distance of 129.80 feet;
18 18) South 76 Degrees 54 Minutes 46 Seconds East, a
19 distance of 183.21 feet;
20 19) South 76 Degrees 35 Minutes 35 Seconds East, a
21 distance of 142.77 feet;
22 20) South 85 Degrees 17 Minutes 14 Seconds East, a
23 distance of 91.08 feet;
24 21) North 73 Degrees 21 Minutes 11 Seconds East, a
25 distance of 114.45 feet;
26 22) North 75 Degrees 00 Minutes 21 Seconds East, a
27 distance of 82.76 feet;

- 1 23) North 75 Degrees 17 Minutes 10 Seconds East, a
2 distance of 156.41 feet;
- 3 24) North 80 Degrees 37 Minutes 30 Seconds East, a
4 distance of 179.16 feet;
- 5 25) South 88 Degrees 32 Minutes 27 Seconds East, a
6 distance of 112.81 feet;
- 7 26) South 66 Degrees 19 Minutes 02 Seconds East, a
8 distance of 252.55 feet;
- 9 27) South 46 Degrees 37 Minutes 09 Seconds East, a
10 distance of 142.93 feet;
- 11 28) South 59 Degrees 26 Minutes 36 Seconds East, a
12 distance of 71.26 feet;
- 13 29) South 49 Degrees 58 Minutes 30 Seconds East, a
14 distance of 94.49 feet;
- 15 30) South 48 Degrees 25 Minutes 09 Seconds East, a
16 distance of 94.68 feet;
- 17 31) South 52 Degrees 24 Minutes 30 Seconds East, a
18 distance of 107.26 feet;
- 19 32) South 48 Degrees 14 Minutes 34 Seconds East, a
20 distance of 98.37 feet;
- 21 33) South 51 Degrees 22 Minutes 58 Seconds East, a
22 distance of 68.56 feet;
- 23 34) South 24 Degrees 15 Minutes 08 Seconds East, a
24 distance of 88.72 feet;
- 25 35) South 18 Degrees 47 Minutes 45 Seconds East, a
26 distance of 94.31 feet;
- 27 36) South 05 Degrees 46 Minutes 32 Seconds West, a

1 distance of 90.96 feet;
2 37) South 01 Degree 09 Minutes 42 Seconds East, a
3 distance of 83.27 feet;
4 38) South 15 Degrees 38 Minutes 15 Seconds West, a
5 distance of 94.81 feet;
6 39) South 01 Degrees 38 Minutes 35 Seconds West, a
7 distance of 89.05 feet;
8 40) South 12 Degrees 51 Minutes 45 Seconds West, a
9 distance of 192.88 feet;
10 41) South 30 Degrees 35 Minutes 53 Seconds East, a
11 distance of 184.94 feet;
12 42) South 47 Degrees 16 Minutes 08 Seconds East, a
13 distance of 186.66 feet;
14 43) South 56 Degrees 42 Minutes 16 Seconds East, a
15 distance of 211.00 feet;
16 44) South 59 Degrees 28 Minutes 08 Seconds East, a
17 distance of 308.02 feet;
18 45) South 80 Degrees 02 Minutes 13 Seconds East, a
19 distance of 172.28 feet;
20 46) South 87 Degrees 04 Minutes 25 Seconds East, a
21 distance of 234.54 feet;
22 47) North 68 Degrees 19 Minutes 10 Seconds East, a
23 distance of 263.23 feet;
24 48) North 58 Degrees 17 Minutes 31 Seconds East, a
25 distance of 247.63 feet;

26 THENCE, departing the meanders of the west bank of Spring
27 Creek and with the easterly line of said 1,554.570 acre tract, South

1 31 Degrees 42 Minutes 29 Seconds East, a distance of 133.36 feet to
2 a 5/8 inch iron rod with plastic cap stamped "D L HARDY RPLS 4847"
3 found for the northwest corner of that certain call 19.00 acre
4 Conservation Easement described in a deed to Legacy Land Trust,
5 Inc. in M.C.C.F. Number 2003-032879 for an angle point in the herein
6 described tract;

7 THENCE, with the northwesterly line of said 19.00 acre
8 Conservation Easement, South 15 Degrees 11 Minutes 58 Seconds West,
9 a distance of 878.75 feet to a 5/8 inch iron rod with plastic cap
10 stamped "D L HARDY RPLS 4847" found in the northeasterly line of
11 that certain call 74.000 acre Conservation Easement described in a
12 deed to Legacy Land Trust, Inc. in M.C.C.F. Number 2002-017148 for
13 an angle point in the herein described tract;

14 THENCE, counterclockwise, with the northeasterly, westerly
15 and southwesterly boundary of said 74.000 acre Conservation
16 Easement, the following seven (7) courses:

17 1) North 65 Degrees 42 Minutes 43 Seconds West, a
18 distance of 1,117.88 feet to a 5/8 inch iron rod with plastic cap
19 stamped "D L HARDY RPLS 4847" found for an angle point;

20 2) North 63 Degrees 01 Minute 15 Seconds West, a
21 distance of 214.00 feet to a 5/8 inch iron rod with plastic cap
22 stamped "D L HARDY RPLS 4847" found for the upper northwest corner
23 of said 74.000 acre Conservation Easement and an angle point for the
24 herein described tract;

25 3) South 57 Degrees 07 Minutes 08 Seconds West, a
26 distance of 727.10 feet to a 5/8 inch iron rod with plastic cap
27 stamped "CDS/MUERY S.A. TX." found for the lower northwest corner

1 of said 74.000 acre Conservation Easement and an angle point in the
2 herein described tract;

3 4) South 20 Degrees 38 Minutes 34 Seconds East, a
4 distance of 196.61 feet to a 5/8 inch iron rod with plastic cap
5 stamped "BENCHMARK ENGR." set for an angle point in said 74.000 acre
6 Conservation Easement and the herein described tract;

7 5) South 22 Degrees 11 Minutes 29 Seconds East, a
8 distance of 893.86 feet to a 5/8 inch iron rod with plastic cap
9 stamped "CDS/MUERY S.A. TX." found for the southwest corner of said
10 74.000 acre Conservation Easement and an angle point in the herein
11 described tract;

12 6) South 79 Degrees 17 Minutes 46 Seconds East, a
13 distance of 525.67 feet to a 5/8 inch iron rod with plastic cap
14 stamped "CDS/MUERY S.A. TX." found for an angle point in the
15 southwesterly line of said 74.000 acre Conservation Easement and
16 the herein described tract;

17 7) South 78 Degrees 00 Minutes 36 Seconds East, at
18 994.32 feet pass a 5/8 inch iron rod with plastic cap stamped
19 "CDS/MUERY S.A. TX." found for the call common line of said R.N.
20 Davis Survey said Joseph A. Parker Survey, and continue, in all, a
21 distance of 1,953.24 feet to a 5/8 inch iron rod with plastic cap
22 stamped "CDS/MUERY S.A. TX." found for the southeast corner of said
23 74.000 acre Conservation Easement and an angle point in the herein
24 described tract;

25 THENCE, departing the southeast corner of said 74.000 acre
26 Conservation Easement, and with the easterly line of said 1,554.570
27 acre tract, the following three (3) courses:

1 1) South 46 Degrees 21 Minutes 37 Seconds East, a
2 distance of 263.57 feet to a 5/8 inch iron rod with plastic cap
3 stamped "BENCHMARK ENGR." found for an angle point;

4 2) North 43 Degrees 38 Minutes 23 Seconds East, a
5 distance of 600.00 feet to a 5/8 inch iron rod with plastic cap
6 stamped "BENCHMARK ENGR." found for an angle point;

7 3) North 34 Degrees 46 Minutes 38 Seconds East, at
8 1,185.84 feet pass a 5/8 inch iron rod with plastic cap stamped
9 "BENCHMARK ENGR." set for reference, and continue, in all, a
10 distance of 1,385.84 feet to a to a point on the west bank of the
11 West Fork of the San Jacinto River for an angle point in the herein
12 described tract;

13 THENCE, with the meanders of the west bank of the West Fork of
14 the San Jacinto River, the following five (5) courses:

15 1) South 43 Degrees 38 Minutes 03 Seconds East, a
16 distance of 65.88 feet;

17 2) South 48 Degrees 38 Minutes 46 Seconds East, a
18 distance of 132.16 feet;

19 3) South 52 Degrees 19 Minutes 01 Second East, a
20 distance of 87.17 feet;

21 4) South 47 Degrees 26 Minutes 02 Seconds East, a
22 distance of 86.22 feet;

23 5) South 53 Degrees 17 Minutes 44 Seconds East, a
24 distance of 73.27 feet;

25 THENCE, departing the meanders of the west bank of Spring
26 Creek, and with the northerly line of said 640.6 acre tract and the
27 southerly line of the herein described tract, South 43 Degrees 38

1 Minutes 23 Seconds West, at 99.85 feet pass a 5/8 inch iron rod with
2 plastic cap stamped "D L HARDY RPLS 4847" found for reference, and
3 continue, in all, a distance of 2,593.77 feet to the POINT OF
4 BEGINNING and containing 527.832 acres (22,992,348 square feet) of
5 land.

6 TRACT 2

7 All that certain 169.830 acre (7,397,783 square feet) parcel of
8 land situated in the Joseph A. Parker Survey, Abstract Number 418,
9 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery
10 County, Texas, and being a portion of that certain call 1,554.570
11 acre tract described in a Warranty Deed to Pacific Indio
12 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
13 Official Public Records of Real Property at Montgomery County,
14 Texas (O.P.R.R.P.M.C.T.), said 169.830 acre tract being more
15 particularly described by metes and bounds as follows: (All
16 bearings are referenced to the Texas State Plane Coordinate System,
17 South Central Zone)

18 BEGINNING at a 3/4 inch iron pipe found in the recognized
19 common line of said R.N. Davis Survey and said Joseph A. Parker
20 Survey for the southeast corner of that certain call 2,883.06 acre
21 tract described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
22 2004-114162 of the O.P.R.R.P.M.C.T., an interior corner of said
23 1,554.570 acre tract, and the southwest corner of the herein
24 described tract, and from which a 100D nail found for reference
25 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
26 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
27 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of

1 8.04 feet;

2 THENCE, with the easterly line of said 2,883.06 acre tract,
3 the upper westerly line of the said 1,554.570 acre tract, and the
4 westerly line of the herein described tract, North 30 Degrees 10
5 Minutes 19 Seconds West, a distance of 4,002.79 feet to a 5/8-inch
6 iron rod with plastic cap stamped "BENCHMARK ENGR." set in the
7 southwesterly right-of-way (R.O.W.) line of proposed Townsen Road
8 (100 feet wide) for the northwest corner of the herein described
9 tract;

10 THENCE, through and across said 1,554.570 acre tract, and
11 with the southerly and westerly R.O.W. line of said proposed
12 Townsen Road, the following six (6) courses:

13 1) North 59 Degrees 50 Minutes 02 Seconds East, a
14 distance of 147.67 feet to the beginning of a curve to the right;

15 2) 2,961.87 feet along the arc of said curve to the
16 right having a radius of 1,950.00 feet, a central angle of 87
17 Degrees 01 Minute 37 Seconds, and a chord that bears South 76
18 Degrees 39 Minutes 10 Seconds East, a distance of 2,685.25 feet;

19 3) South 33 Degrees 08 Minutes 21 Seconds East, a
20 distance of 428.13 feet to the beginning of a curve to the right;

21 4) 1,499.98 feet along the arc of said curve to the
22 right having a radius of 2,950.00 feet, a central angle of 29
23 Degrees 07 Minutes 59 Seconds, and a chord that bears South 18
24 Degrees 34 Minutes 22 Seconds East, a distance of 1,483.87 feet;

25 5) South 04 Degrees 00 Minutes 22 Seconds East, a
26 distance of 478.81 feet to the beginning of a curve to the left;

27 6) 139.68 feet along the arc of said curve to the left

1 having a radius of 2,050.00 feet, a central angle of 03 Degrees 54
2 Minutes 14 Seconds, and a chord that bears South 05 Degrees 57
3 Minutes 29 Seconds East, a distance of 139.65 feet to the southeast
4 corner;

5 THENCE, departing the westerly R.O.W. of proposed Townsen
6 Road, continuing through and across said 1,554.570 acre tract, and
7 with the southerly line of the herein described tract, the
8 following two (2) courses:

9 1) North 87 Degrees 41 Minutes 21 Seconds West, a
10 distance of 797.17 feet to an angle point;

11 2) South 50 Degrees 32 Minutes 13 Seconds West, a
12 distance of 889.47 feet to the POINT OF BEGINNING and containing
13 169.830 acres (7,397,783 square feet) of land.

14 TRACT 3

15 All that certain 100.750 acre (4,388,668 square feet) parcel of
16 land situated in the R.N. Davis Survey, Abstract Number 161,
17 Montgomery County, Texas, and being a portion of that certain call
18 1,554.570 acre tract described in a Warranty Deed to Pacific Indio
19 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the
20 Official Public Records of Real Property at Montgomery County,
21 Texas (O.P.R.R.P.M.C.T.) said 100.750 acre tract being more
22 particularly described by metes and bounds as follows: (All
23 bearings are referenced to the Texas State Plane Coordinate System,
24 South Central Zone)

25 COMMENCING at a 3/4 inch iron pipe found in the recognized
26 common line of said R.N. Davis Survey and the Joseph A. Parker
27 Survey for the southeast corner of that certain call 2,883.06 acre

1 tract described in a Deed to LGI LAND, L.L.C. in Clerk's File Number
2 2004-114162 of the O.P.R.R.P.M.C.T., and an interior corner of said
3 1,554.570 acre tract, and from which a 100D nail found for reference
4 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of
5 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post
6 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of
7 8.04 feet;

8 THENCE, with the easterly line of said 2,883.06 acre tract
9 and the upper westerly line of the said 1,554.570 acre tract, North
10 30 Degrees 10 Minutes 19 Seconds West, a distance of 4,102.79 feet
11 to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR."
12 set in the northeasterly right-of-way (R.O.W.) line of proposed
13 Townsen Road (100 feet wide) for the southwest corner and POINT OF
14 BEGINNING of the herein described tract;

15 THENCE, continuing with the easterly line of said 2,883.06
16 acre tract, the upper westerly line of the said 1,554.570 acre
17 tract, and the westerly line of the herein described tract, North 30
18 Degrees 10 Minutes 19 Seconds West, a distance of 3,719.63 feet to a
19 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found
20 for the northwest corner of said 1,554.570 acre tract and the herein
21 described tract;

22 THENCE, with the northerly line of said 1,554.570 acre tract
23 and the herein described tract, North 59 Degrees 49 Minutes 41
24 Seconds East, a distance of 71.31 feet to a point in the westerly
25 line of a proposed 100 foot wide right-of-way for the northeast
26 corner of the herein described tract;

27 THENCE, through and across said 1,554.570 acre tract, and

1 with the westerly line of said proposed 100 foot wide R.O.W. the
2 following four (4) courses:

3 1) 1,405.55 feet along the arc of a curve to the left
4 having a radius of 2,050.00 feet, a central angle of 39 Degrees 17
5 Minutes 02 Seconds, and a chord that bears South 60 Degrees 12
6 Minutes 40 Seconds East, a distance of 1,378.18 feet;

7 2) South 79 Degrees 51 Minutes 11 Seconds East, a
8 distance of 366.40 feet to the beginning of a curve to the right;

9 3) 2,939.51 feet along the arc of said curve to the
10 right having a radius of 1,950.00 feet, a central angle of 86
11 Degrees 22 Minutes 12 Seconds, and a chord that bears South 36
12 Degrees 40 Minutes 05 Seconds East, a distance of 2,668.99 feet;

13 4) South 06 Degrees 31 Minutes 01 Second West, a
14 distance of 17.93 feet to the intersection of the westerly line of
15 said proposed 100 foot wide R.O.W. with the northeasterly R.O.W.
16 line of proposed Townsen Road (100 feet wide) for the southeast
17 corner of the herein described tract;

18 THENCE, with the northerly R.O.W. line of said proposed
19 Townsen Road, the following two (2) courses:

20 1) 1,262.49 feet along the arc of a curve to the left
21 having a radius of 2,050.00 feet, a central angle of 35 Degrees 17
22 Minutes 08 Seconds, and a chord that bears South 77 Degrees 28
23 Minutes 36 Seconds West, a distance of 1,242.63 feet;

24 2) South 59 Degrees 50 Minutes 02 Seconds West, a
25 distance of 147.68 feet to the POINT OF BEGINNING and containing
26 100.750 acres (4,388,668 square feet) of land.

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, 2009.