

By: Nichols

S.B. No. 1979

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Blaketree Municipal Utility District No. 1 of Montgomery County; 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8316 to read as follows:

CHAPTER 8316. BLAKETREE MUNICIPAL UTILITY DISTRICT NO. 1 OF MONTGOMERY COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8316.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Blaketree Municipal Utility District No. 1 of Montgomery County.

Sec. 8316.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8316.003. 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. 8316.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8316.003

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. 8316.005. 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:

8 (1) a municipal utility district as provided by
9 general law and Section 59, Article XVI, Texas Constitution; and

10 (2) Section 52, Article III, Texas Constitution, that
11 relate to the construction, acquisition, improvement, maintenance,
12 or operation of macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8316.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8316.007-8316.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8316.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8316.052, directors serve
5 staggered four-year terms.

6 Sec. 8316.052. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

8 (1) Robb Clark;

9 (2) Lorie Varnas;

10 (3) Rand Arbuckle;

11 (4) Alfredo Saenz; and

12 (5) Tammy Pizzitola.

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

14 (1) the date permanent directors are elected under
15 Section 8316.003; or

16 (2) the fourth anniversary of the effective date of
17 the Act creating this chapter.

18 (c) If permanent directors have not been elected under
19 Section 8316.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8316.003; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 [Sections 8316.053-8316.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8316.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8316.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8316.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8316.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 8316.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 Sec. 8316.106. LIMITATION ON USE OF EMINENT DOMAIN. The
16 district may not exercise the power of eminent domain outside the
17 district to acquire a site or easement for:

- 18 (1) a road project authorized by Section 8316.103; or
19 (2) a recreational facility as defined by Section
20 49.462, Water Code.

21 Sec. 8316.107. DIVISION OF DISTRICT. (a) The district may
22 be divided into two or more new districts only if the district:

- 23 (1) has no outstanding bonded debt; and
24 (2) is not imposing ad valorem taxes.

25 (b) This chapter applies to any new district created by the
26 division of the district, and a new district has all the powers and
27 duties of the district.

1 (c) Any new district created by the division of the district
2 may not, at the time the new district is created, contain any land
3 outside the area described by Section 2 of the Act creating this
4 chapter.

5 (d) The board, on its own motion or on receipt of a petition
6 signed by the owner or owners of a majority of the assessed value of
7 the real property in the district, may adopt an order dividing the
8 district.

9 (e) The board may adopt an order dividing the district
10 before or after the date the board holds an election under Section
11 8316.003 to confirm the district's creation.

12 (f) An order dividing the district shall:

13 (1) name each new district;

14 (2) include the metes and bounds description of the
15 territory of each new district;

16 (3) appoint temporary directors for each new district;

17 and

18 (4) provide for the division of assets and liabilities
19 between or among the new districts.

20 (g) On or before the 30th day after the date of adoption of
21 an order dividing the district, the district shall file the order
22 with the Texas Commission on Environmental Quality and record the
23 order in the real property records of each county in which the
24 district is located.

25 (h) Any new district created by the division of the district
26 shall hold a confirmation and directors' election as required by
27 Section 8316.003.

1 (i) Municipal consent to the creation of the district and to
2 the inclusion of land in the district granted under Section
3 8316.004 acts as municipal consent to the creation of any new
4 district created by the division of the district and to the
5 inclusion of land in the new district.

6 (j) Any new district created by the division of the district
7 must hold an election as required by this chapter to obtain voter
8 approval before the district may impose a maintenance tax or issue
9 bonds payable wholly or partly from ad valorem taxes.

10 [Sections 8316.108-8316.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8316.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
13 district may issue, without an election, bonds and other
14 obligations secured by:

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

16 (2) contract payments described by Section 8316.153.

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

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

25 Sec. 8316.152. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8316.151, the district
27 may impose an operation and maintenance tax on taxable property in

1 the district in accordance with Section 49.107, Water Code.

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

4 Sec. 8316.153. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 [Sections 8316.154-8316.200 reserved for expansion]

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8316.201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 8316.202. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 8316.203. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Blaketree Municipal Utility District No. 1
6 of Montgomery County initially includes all the territory contained
7 in the following area:

8 TRACT 1

9 Being 469.383 acres of land, situated in the Noah Griffith Survey,
10 Abstract Number 16, in Montgomery County, Texas and being that same
11 tract called 469.57 acres as described in Deed from Positivus, LP to
12 469 Blaketree, L.P., dated December 1, 2006 and recorded under
13 Montgomery County Clerk's File Number 2007-007236 of the Official
14 Public Records of Real Property, Montgomery County, Texas; said
15 469.383 acres being more particularly described by metes and bounds
16 as follows with all bearings referenced to the Texas State Plane
17 Coordinate System, Central Zone (NAD 83):

18 BEGINNING at a 3/4 inch iron pipe, found for the Southwest corner of
19 the herein described tract and Southwest corner of the 469.57 acre
20 tract, in the South line of the Noah Griffith Survey, Abstract
21 Number 16 and the North line of the Thomas Bradbury Survey, Abstract
22 Number 91, being the Southwest corner of that certain 513 acres as
23 described in Deed from Joe Robinowitz to Robert W. Henderson,
24 recorded in Volume 171, Page 597 of the Montgomery County Deed
25 Records, at the Southeast corner a called 168 acre tract described
26 as Tract 8, Blake Ranch L.P., recorded under Montgomery County
27 Clerk's File Number 9366055, and being in the North line of Tract 5

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1 and 6 of said Blake Ranch, L.P.; said point having a coordinate
2 value of X = 3,732,239.49 and Y = 10,104,887.10;
3 THENCE North 03 degrees 35 minutes 31 seconds West, a distance of
4 4466.55 feet, along the West line of the 513 acre tract and East
5 line of Tract 8, and the East line of a called 322.712 acre tract as
6 described in Deed to Blaketree Corporation, recorded under
7 Montgomery County Clerk's File Number 2000-032636, and the East
8 line of a called 260.3 acre tract described as Tract 1, of the
9 aforesaid Blake Ranch, L.P., common to the West line of the 469.57
10 acre tract (Deed call: North 03 degrees 32 minutes 24 seconds West),
11 to a 5/8 inch iron rod with a survey cap marked "Glezman, RPLS
12 4627", set for the most Westerly Northwest corner of the herein
13 described tract, at the Southwest corner of a 3.53 acre tract, being
14 the residual area of a 474.006 acre tract of land described in Deed
15 to Endeavor Interests, L.L.C., recorded under Montgomery County
16 Clerk's File Number 2003-060417;
17 THENCE North 87 degrees 16 minutes 03 seconds East, passing at
18 118.40 feet, a 1/2 inch iron rod with a survey cap, found for the
19 Southeast corner of the residual 3.53 acre tract and being the
20 Southwest corner of the 138.72 acre tract as described in Deed to
21 St. Paul's United Methodist Church, recorded under Montgomery
22 County Clerk's File Number 2000-099886, continuing along the most
23 Westerly North line of the 469.57 acre tract, a total distance of
24 4096.27 feet (Deed call: North 87 degrees 16 minutes 17 seconds
25 East, 4093.72 feet, to a 1/2 inch iron rod, found at fence corner
26 post for an interior corner of the herein described tract, at the
27 Southeast corner of the 138.72 acre tract;

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1 THENCE North 02 degrees 40 minutes 08 seconds West along the East
2 line of the 138.72 acre tract and the most Easterly West line of the
3 469.57 acre tract, a distance of 1590.96 feet (Deed call: North 02
4 degrees 40 minutes 08 seconds West, 1591.08 feet) to a 5/8 inch iron
5 rod with a survey cap, set for the most Northerly Northwest corner
6 of the herein described tract and Northwest corner of the 469.57
7 acre tract, in the South line of a called 100 acre tract as
8 described in Deed from "Minnock, et al to Rankin", recorded in
9 Volume 548, Page 625 of the Deed Records, and being the South line
10 of a 79.25 acre tract as described in Deed recorded in Volume 687,
11 Page 305 of the Deed Records and called 75.474 acres by resurvey,
12 recorded in Deed under Clerk's File Number 9304319 and further
13 called the South line of Henderson-Blake Road, now known as Moon
14 Camp Road, a called 40 foot wide prescriptive county right-of-way;
15 THENCE South 69 degrees 50 minutes 40 seconds East, a distance of
16 4.92 feet along the South line of Moon Camp Road, to a 5/8 inch iron
17 rod with survey cap, set for an angle point;
18 THENCE South 84 degrees 21 minutes 18 seconds East, a distance of
19 56.74 feet along the South line of the Rankin 100 acre tract and
20 79.25 acre tract, common to the South line of Moon Camp Road and
21 South line of the Joseph Duffy 6.828 acre tract as described in Deed
22 recorded under Clerk's File Number 2004-048105, and North line of
23 the 469.57 acre tract (Deed call: South 86 degrees 22 minutes 35
24 seconds East, 56.59 feet to the most Westerly corner of Excepted
25 Tract 1, a 0.23 acre tract out of the 469.57 acre tract;
26 THENCE with the following bearings and distances along the South
27 line of the 0.23 acre tract, severing the 469.57 acres:

1 South 76 degrees 21 minutes 31 seconds East, a distance of
2 36.53 feet to a point for angle (Deed call: North 73 degrees
3 20 minutes 21 seconds West, 37.04 feet);
4 South 80 degrees 18 minutes 44 seconds East, a distance of
5 198.79 feet to a point for angle;
6 South 89 degrees 14 minutes 34 seconds East, a distance of
7 215.50 feet to a point for angle (Deed call: North 89 degrees
8 46 minutes 34 seconds West);
9 North 86 degrees 14 minutes 36 seconds East, a distance of
10 129.06 feet to a 5/8 inch iron rod with survey cap, set for an
11 angle point in the South line of Moon Camp Road and the North
12 line of the 469.57 acre tract;
13 THENCE North 76 degrees 08 minutes 18 seconds East, a distance of
14 6.64 feet along the North line of the 469.57 acre tract and South
15 line of Moon Camp Road (Deed call: North 80 degrees 26 minutes 32
16 seconds East, 8.2 feet) to a point for angle;
17 THENCE North 80 degrees 26 minutes 34 seconds East, a distance of
18 8.20 feet to a point for the West corner of Excepted Tract 2, a 104.0
19 square foot tract out of the 469.75 acre tract;
20 THENCE with the following bearings and distance along the South
21 line of the 104.0 square foot tract, severing the 469.57 acres:
22 North 86 degrees 14 minutes 50 seconds East, a distance of
23 20.60 feet to a point for angle;
24 North 78 degrees 56 minutes 16 seconds East, a distance of
25 79.34 feet to a point for angle in the North line of the
26 469.57 acre tract and South line of the 100 acre tract, in the
27 South line of Moon Camp Road;

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1 THENCE North 80 degrees 26 minutes 34 seconds East, a distance of
2 604.86 feet along the North line of the 469.57 acre tract, the South
3 line of the 100 acre tract and called for South line of Moon Camp
4 Road, to a 5/8 inch iron rod with survey cap, set for the Northeast
5 corner of the herein described tract in the West line of F. M. 1486,
6 an 80 foot right-of-way as shown on Texas Department of Highways and
7 Public Transportation (TxDOT) right-of-way drawing No. R-1416-3-1,
8 dated February 11, 1960;

9 THENCE with the following courses and distances along the West line
10 of F. M. 1486:

11 South 03 degrees 45 minutes 17 seconds East, a distance of
12 1051.73 feet to a 5/8 inch iron rod, set for the beginning of
13 a curve to the right, having as its elements: a central angle
14 of 36 degrees 28 minutes 00 seconds, a radius of 1392.48 feet,
15 an arc length of 886.26 feet and a chord bearing South 14
16 degrees 28 minutes 43 seconds West, a distance of 871.38 feet
17 to a 5/8 inch iron rod with survey cap, set for the end of said
18 curve;

19 South 32 degrees 42 minutes 43 seconds West, a distance of
20 1622.60 feet to a 5/8 inch iron rod, set for a corner;

21 North 57 degrees 17 minutes 17 seconds West, a distance of
22 10.00 feet to a 5/8 inch iron with survey cap, set for a
23 corner;

24 South 32 degrees 42 minutes 43 seconds West, a distance of
25 539.35 feet to a transition to a 100 foot wide right-of-way
26 and the beginning of a curve to the left, having as its
27 elements: a central angle of 35 degrees 10 minutes 54

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1 seconds, a radius of 1482.48 feet, an arc length of 910.29
2 feet and a chord bearing South 15 degrees 07 minutes 16
3 seconds West, a distance of 896.06 feet to the end of said
4 curve and continuing South 02 degrees 28 minutes 11 seconds
5 East, a distance of 1570.30 feet to a 3/4 inch iron pipe,
6 found for the Southeast corner of the herein described tract
7 and Southeast corner of the 469.57 acre tract, at the
8 Northeast corner of the aforementioned Tract 5 and 6, Blake
9 Ranch L.P., and being located in the South line of the Noah
10 Griffith Survey and North line of the Thomas Bradbury Survey;
11 THENCE South 87 degrees 09 minutes 59 seconds West, a distance of
12 3596.50 feet along the South line of the 469.57 acre tract (Deed
13 call: South 87 degrees 10 minutes 05 seconds West, 3598.05 feet) and
14 the common line of the Noah Griffith Survey and Thomas Bradbury
15 Survey, and North line of Tract 5 and 6, back to the Point of
16 Beginning and containing 469.383 acres of land, based on the survey
17 and plat prepared by Glezman Surveying, Inc., dated March 29, 2007.

18 TRACT 2

19 Being 934.501 acres of land, having 251.939 acres situated in the
20 Noah Griffith Survey, Abstract Number 16; 543.689 acres situated in
21 the Thomas C. Bradbury Survey, Abstract Number 91; 48.109 acres
22 situated in the Charles Weaver Survey, Abstract Number 624; 45.348
23 acres situated in the Ambrose Tinny Survey, Abstract Number 551;
24 45.417 acres situated in the William Miller Survey, Abstract Number
25 384; Montgomery County, Texas, and being all 322.712 acres of land
26 conveyed to Blaketree Corporation as recorded under Clerk's File
27 Number 2000-032636 of the Real Property Records of Montgomery

1 County, Texas; part of that certain tract of land conveyed to Blake
2 Ranch, L.P. as recorded under Clerk's File Numbers 9366055 and
3 9715936 of the Real Property Records, also part of a certain tract
4 of land conveyed to Thomas W. Blake, doing business as Lone Star
5 Development Company of Houston, Texas, by Deed recorded under
6 Clerk's File Number 8509099 of the Real Property Records; said
7 934.501 acres being more particularly described by metes and bounds
8 as follows with all bearings being referenced to the South line of
9 said Thomas C. Bradbury Survey and the North line of the Joseph G.
10 Ferguson Survey, Abstract Number 227, as monumented on the ground:
11 BEGINNING at a 3/4 inch iron pipe in concrete, found in the Easterly
12 North line of the aforementioned Thomas C. Bradbury Survey and the
13 South line of the aforementioned Noah Griffith Survey, being in the
14 North line of a tract of land conveyed to Blake Ranch, L.P. set out
15 in Deed recorded in Volume 236, Page 199 of the Deed Records of
16 Montgomery County, Texas, being the Southeast corner of the
17 aforementioned tract recorded under Clerk's File Number 9366055 of
18 the Real Property Records and the Southwest corner of a 469.57 acre
19 tract of land conveyed to Blaketree Estates, L.P. as recorded under
20 Clerk's File Number 2004-129245 of the Real Property Records; said
21 iron pipe being an interior corner for the herein described tract;
22 THENCE North 87 degrees 09 minutes 59 seconds East, a distance of
23 3596.50 feet, (Deed Call: North 87 degrees 10 minutes 05 seconds
24 East, 3598.05 feet) along the South line of the Noah Griffith Survey
25 and the North line of the Thomas C. Bradbury Survey, the same being
26 the South line of the aforementioned 496.57 acre tract and the
27 Easterly North line of the aforementioned tract of land recorded in

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1 Volume 236, Page 199 of the Deed Records, to a 3/4 inch iron pipe in
2 concrete, found in the West line of F.M. 1486, a 100 foot
3 right-of-way transitioning to a 110 foot right-of-way as set out in
4 TxDOT right-of-way drawing R-1416-3-1, dated 02-11-60, for the
5 Southeast corner of the 469.57 acre tract of land and the Easterly
6 Northeast corner of the herein described tract;

7 THENCE South 02 degrees 28 minutes 22 seconds East, a distance of
8 1202.60 feet, (Deed Call: South 02 degrees 46 minutes 06 seconds
9 East, 1201.70 feet), along the West line of F.M. 1486 and the most
10 Easterly line of the aforementioned tract of land recorded in
11 Volume 236, page 199 of the Deed Records, the same being the most
12 Easterly line of the herein described tract to a concrete monument,
13 found in the West line of F.M. 1486 and the North line of the
14 aforementioned Joseph G. Ferguson Survey, for the Northeast corner
15 of a 1936.077 acre tract of land conveyed to Affiliated Crown
16 Developments, LTD as recorded under Clerk's File Number 2005-036975
17 of the Real Property Records and the Southeast corner of the herein
18 described tract;

19 THENCE South 86 degrees 10 minutes 18 seconds West, a distance of
20 9543.22 feet, (Deed Call: 9602.96 feet), along the South line of the
21 Thomas C. Bradbury Survey and the North line of the Joseph G.
22 Ferguson Survey the same being the North line of the aforementioned
23 1936.077 acre tract of land and the South line of the aforementioned
24 tract of land recorded in Volume 236, Page 199 of the Deed Records
25 and the South line of the herein described tract to a concrete
26 monument, found in the East line of the aforementioned Charles
27 Weaver Survey for the Northwest corner of the Joseph G. Ferguson

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1 Survey and the Southwest corner of the Thomas C. Bradbury Survey;
2 said monument also being an interior corner of the aforementioned
3 1936.077 acre tract and the Southwest corner of the herein
4 described tract;

5 THENCE North 02 degrees 42 minutes 50 seconds West, a distance of
6 1349.07 feet, (Deed Call: North 02 degrees 42 minutes 38 seconds
7 West, 1349.10 feet), along the West line of the Thomas C. Bradbury
8 Survey and the East line of the Charles Weaver Survey; the same
9 being the Southerly West line of the herein described tract and the
10 Northerly East line of the 1936.077 acre tract to a concrete
11 monument, found in the West line of the Thomas C. Bradbury Survey
12 and the East line of the Charles Weaver Survey, for the Southwest
13 corner of a 226 acre tract of land conveyed to Thomas W. Blake as
14 recorded in Volume 423, Page 303 of the Deed Records, the Southeast
15 corner of a 60 acre tract conveyed to Lone Star Development Company
16 as recorded in Volume 221, Page 536 of the Deed Records and an
17 interior corner for the herein described tract;

18 THENCE South 87 degrees 03 minutes 31 seconds West, a distance of
19 653.33 feet, (Deed Call: South 87 degrees 02 minutes 39 seconds
20 West, 653.37 feet), along the South line of the aforementioned 60
21 acre tract of land and a Northerly line of the 1936.077 acre tract
22 to a concrete monument, found in the West line of the Charles Weaver
23 Survey for the Southwest corner of the William Montgomery Survey,
24 Abstract Number 43, Grimes County, Texas; said monument also being
25 an interior corner for the 1936.077 acre tract, located in the
26 common line between Montgomery County and Grimes County for the
27 most Westerly Southwest corner of the herein described tract;

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1 THENCE North 02 degrees 37 minutes 08 seconds West, a distance of
2 3209.00 feet, (Deed Call: North 02 degrees 25 minutes 35 seconds
3 West, 3196.48 feet), along the West line of the Charles Weaver
4 Survey and the East line of the aforementioned Montgomery Survey,
5 the same being the West line of the aforementioned 60 acre tract,
6 the East line of the 1936.077 acre tract and the West line of the
7 herein described tract to an 8 inch round fence post, found in the
8 common line between Montgomery County and Grimes County for the
9 Northwest corner of the Charles Weaver Survey and the Southwest
10 corner of the aforementioned Ambrose Tinny Survey, for the most
11 Westerly Northwest corner of the herein described tract;

12 THENCE North 60 degrees 07 minutes 35 seconds East, severing a tract
13 of land conveyed to Lone Star Development Company as recorded in
14 Volume 202, Page 470 of the Deed Records along the Northwest line of
15 the herein described tract; passing at 2425.90 feet an 8 inch round
16 fence post, found for the Northwest corner of the aforementioned
17 322.712 acres; passing at 3124.50 feet the East line of the Ambrose
18 Tinny Survey and the West line of the William Miller Survey, the
19 same being the East line of the tract of land recorded in Volume
20 202, Page 470 of the Deed Records and the West line of a 260.3 acre
21 tract of land conveyed to Lone Star Development Company as recorded
22 in Volume 203, Page 86 of the Deed Records; continuing along said
23 line severing said 260.3 acre tract for a total distance of 3286.18
24 feet to a 5/8 inch iron rod with survey cap stamped "Glezman RPLS
25 4627", set for a turning point in the North line of the herein
26 described tract;

27 THENCE South 69 degrees 44 minutes 10 seconds East, a distance of

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1 961.14 feet, continuing to sever the 260.3 acre tract of land to a
2 1/2 inch iron rod, found for the most Northerly Northeast corner of
3 the aforementioned 322.712 acre tract and a turning point in the
4 North line of the herein described tract;

5 THENCE East, a distance of 123.62 feet, continuing to sever the
6 260.3 acre tract of land along the North line of the herein
7 described tract to a point, located in a pond 45 feet West of the
8 East shoreline, for a Northerly interior corner for the herein
9 described tract;

10 THENCE North, a distance of 783.50 feet, continuing to sever the
11 260.3 acre tract of land to a 5/8 inch iron rod with survey cap
12 stamped "Glezman RPLS 4627", set for a turning point in the North
13 line of the herein described tract;

14 THENCE North 87 degrees 15 minutes 58 seconds East, a distance of
15 34.99 feet, continuing to sever the 260.3 acre tract along the
16 North line of the herein described tract to a 5/8 inch iron rod with
17 survey cap stamped "Glezman RPLS 4627", set for the most Northerly
18 corner and a turning point in the North line of the herein described
19 tract;

20 THENCE South 76 degrees 29 minutes 01 seconds East, along the North
21 line of the herein described tract, continuing to sever the 260.3
22 acre tract; passing at 186.1 feet the East line of the William
23 Miller Survey and the West line of the Noah Griffith Survey;
24 continuing along said line for a total distance of 2632.08 feet to a
25 5/8 inch iron rod with survey cap stamped "Glezman RPLS 4627", set
26 in the East line of the 260.3 acre tract and the West line of the
27 aforementioned 469.57 acre tract for the Northeast corner of the

1 herein described tract and having for reference a 30 inch dead pine
2 tree bearing South 26 degrees 48 minutes 39 seconds West, 6.67 feet;
3 THENCE South 03 degrees 35 minutes 31 seconds East, (Deed Call:
4 South 03 degrees 32 minutes 24 seconds East), along the East line of
5 the 260.3 acre tract the West line of the aforementioned 469.57 acre
6 tract and the East line of the herein described tract; passing at
7 474.4 feet a fence post, found for the Northeast corner of the
8 aforementioned 322.712 acre tract and the Southeast corner of the
9 260.3 acre tract; passing at 1589.4 feet the most Easterly
10 Southeast corner of the 322.712 acre tract; continuing along said
11 line for a total distance of 4341.49 feet back to the POINT OF
12 BEGINNING and containing 934.501 acres of land based on the survey
13 and plat prepared by Glezman Surveying Inc., dated September 26,
14 2006.

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

22 (b) The governor, one of the required recipients, has
23 submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.