

1-1 By: Williams S.B. No. 2509  
1-2 (In the Senate - Filed April 7, 2009; April 8, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 28, 2009, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; April 28, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Montgomery County Water Control and  
1-9 Improvement District No. 2; providing authority to impose a tax and  
1-10 issue bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 9041 to read as follows:

1-14 CHAPTER 9041. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT  
1-15 DISTRICT NO. 2

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 9041.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Montgomery County Water  
1-21 Control and Improvement District No. 2.

1-22 Sec. 9041.002. NATURE OF DISTRICT. The district is a water  
1-23 control and improvement district created under Section 59, Article  
1-24 XVI, Texas Constitution.

1-25 Sec. 9041.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-26 REQUIRED. The temporary directors shall hold an election to  
1-27 confirm the creation of the district and to elect five permanent  
1-28 directors as provided by Section 49.102, Water Code.

1-29 Sec. 9041.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-30 temporary directors may not hold an election under Section 9041.003  
1-31 until each municipality in whose corporate limits or  
1-32 extraterritorial jurisdiction the district is located has  
1-33 consented by ordinance or resolution to the creation of the  
1-34 district and to the inclusion of land in the district.

1-35 Sec. 9041.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-36 (a) The district is created to serve a public purpose and benefit.

1-37 (b) The district is created to accomplish the purposes of a  
1-38 water control and improvement district as provided by general law  
1-39 and Section 59, Article XVI, Texas Constitution.

1-40 Sec. 9041.006. INITIAL DISTRICT TERRITORY. (a) The  
1-41 district is initially composed of the territory described by  
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of  
1-44 the Act creating this chapter form a closure. A mistake made in the  
1-45 field notes or in copying the field notes in the legislative process  
1-46 does not affect the district's:

1-47 (1) organization, existence, or validity;

1-48 (2) right to issue any type of bond for the purposes  
1-49 for which the district is created or to pay the principal of and  
1-50 interest on a bond;

1-51 (3) right to impose a tax; or

1-52 (4) legality or operation.

1-53 [Sections 9041.007-9041.050 reserved for expansion]

1-54 SUBCHAPTER B. BOARD OF DIRECTORS

1-55 Sec. 9041.051. GOVERNING BODY; TERMS. (a) The district is  
1-56 governed by a board of five elected directors.

1-57 (b) Except as provided by Section 9041.052, directors serve  
1-58 staggered four-year terms.

1-59 Sec. 9041.052. TEMPORARY DIRECTORS. (a) On or after the  
1-60 effective date of the Act creating this chapter, the owner or owners  
1-61 of a majority of the assessed value of the real property in the  
1-62 district may submit a petition to the Texas Commission on  
1-63 Environmental Quality requesting that the commission appoint as  
1-64 temporary directors the five persons named in the petition. The

2-1 commission shall appoint as temporary directors the five persons  
2-2 named in the petition.

2-3 (b) Temporary directors serve until the earlier of:  
2-4 (1) the date permanent directors are elected under  
2-5 Section 9041.003; or  
2-6 (2) the fourth anniversary of the effective date of  
2-7 the Act creating this chapter.

2-8 (c) If permanent directors have not been elected under  
2-9 Section 9041.003 and the terms of the temporary directors have  
2-10 expired, successor temporary directors shall be appointed or  
2-11 reappointed as provided by Subsection (d) to serve terms that  
2-12 expire on the earlier of:

2-13 (1) the date permanent directors are elected under  
2-14 Section 9041.003; or  
2-15 (2) the fourth anniversary of the date of the  
2-16 appointment or reappointment.

2-17 (d) If Subsection (c) applies, the owner or owners of a  
2-18 majority of the assessed value of the real property in the district  
2-19 may submit a petition to the Texas Commission on Environmental  
2-20 Quality requesting that the commission appoint as successor  
2-21 temporary directors the five persons named in the petition. The  
2-22 commission shall appoint as successor temporary directors the five  
2-23 persons named in the petition.

2-24 [Sections 9041.053-9041.100 reserved for expansion]

2-25 SUBCHAPTER C. POWERS AND DUTIES

2-26 Sec. 9041.101. GENERAL POWERS AND DUTIES. The district has  
2-27 the powers and duties necessary to accomplish the purposes for  
2-28 which the district is created.

2-29 Sec. 9041.102. WATER CONTROL AND IMPROVEMENT DISTRICT  
2-30 POWERS AND DUTIES. (a) The district has the powers and duties  
2-31 provided by the general law of this state, including Chapters 49 and  
2-32 51, Water Code, applicable to water control and improvement  
2-33 districts created under Section 59, Article XVI, Texas  
2-34 Constitution.

2-35 (b) The powers and duties authorized under Subsection (a)  
2-36 shall specifically include the powers authorized under Subchapter  
2-37 H, Chapter 51, Water Code.

2-38 Sec. 9041.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-39 OR RESOLUTION. The district shall comply with all applicable  
2-40 requirements of any ordinance or resolution that is adopted under  
2-41 Section 42.042 or 42.0425, Local Government Code, and that consents  
2-42 to the creation of the district or to the inclusion of land in the  
2-43 district.

2-44 Sec. 9041.104. LIMITATION ON USE OF EMINENT DOMAIN. The  
2-45 district may not exercise the power of eminent domain outside the  
2-46 district to acquire a site or easement for a recreational facility  
2-47 as defined by Section 49.462, Water Code.

2-48 [Sections 9041.105-9041.150 reserved for expansion]

2-49 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-50 Sec. 9041.151. ELECTIONS REGARDING TAXES OR BONDS.  
2-51 (a) The district may issue, without an election, bonds and other  
2-52 obligations secured by:

2-53 (1) revenue other than ad valorem taxes; or  
2-54 (2) contract payments described by Section 9041.153.

2-55 (b) The district must hold an election in the manner  
2-56 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
2-57 before the district may impose an ad valorem tax or issue bonds  
2-58 payable from ad valorem taxes.

2-59 Sec. 9041.152. OPERATION AND MAINTENANCE TAX. (a) If  
2-60 authorized at an election held under Section 9041.151, the district  
2-61 may impose an operation and maintenance tax on taxable property in  
2-62 the district in accordance with Section 49.107, Water Code.

2-63 (b) The board shall determine the tax rate. The rate may not  
2-64 exceed the rate approved at the election.

2-65 Sec. 9041.153. CONTRACT TAXES. (a) In accordance with  
2-66 Section 49.108, Water Code, the district may impose a tax other than  
2-67 an operation and maintenance tax and use the revenue derived from  
2-68 the tax to make payments under a contract after the provisions of  
2-69 the contract have been approved by a majority of the district voters

3-1 voting at an election held for that purpose.  
3-2 (b) A contract approved by the district voters may contain a  
3-3 provision stating that the contract may be modified or amended by  
3-4 the board without further voter approval.

3-5 [Sections 9041.154-9041.200 reserved for expansion]

3-6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-7 Sec. 9041.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-8 OBLIGATIONS. The district may issue bonds or other obligations  
3-9 payable wholly or partly from ad valorem taxes, impact fees,  
3-10 revenue, contract payments, grants, or other district money, or any  
3-11 combination of those sources, to pay for any authorized district  
3-12 purpose.

3-13 Sec. 9041.202. TAXES FOR BONDS. At the time the district  
3-14 issues bonds payable wholly or partly from ad valorem taxes, the  
3-15 board shall provide for the annual imposition of a continuing  
3-16 direct ad valorem tax, without limit as to rate or amount, while all  
3-17 or part of the bonds are outstanding as required and in the manner  
3-18 provided by Chapter 51, Water Code.

3-19 Sec. 9041.203. BONDS FOR RECREATIONAL FACILITIES. (a) The  
3-20 district may develop recreational facilities and issue bonds for  
3-21 the facilities under Chapter 49, Water Code, notwithstanding any  
3-22 overlap of the district's territory with the territory of one or  
3-23 more political subdivisions authorized to develop recreational  
3-24 facilities and issue bonds under Chapter 49, Water Code.

3-25 (b) The authority of the district to develop recreational  
3-26 facilities and issue bonds under this section does not limit the  
3-27 authority of any other political subdivision whose territory the  
3-28 territory of the district may overlap, wholly or partly, to develop  
3-29 recreational facilities and issue bonds under Chapter 49, Water  
3-30 Code.

3-31 SECTION 2. The Montgomery County Water Control and  
3-32 Improvement District No. 2 initially includes all the territory  
3-33 contained in the following area:

3-34 TRACT 1

3-35 All that certain 527.832 acre (22,992,348 square feet) parcel of  
3-36 land situated in the Joseph A. Parker Survey, Abstract Number 418,  
3-37 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery  
3-38 County, Texas, and being a portion of that certain call 1,554.570  
3-39 acre tract described in a Warranty Deed to Pacific Indio  
3-40 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the  
3-41 Official Public Records of Real Property at Montgomery County,  
3-42 Texas (O.P.R.R.P.M.C.T.), said 527.832 acre tract being more  
3-43 particularly described by metes and bounds as follows: (All  
3-44 bearings are referenced to the Texas State Plane Coordinate System,  
3-45 South Central Zone)

3-46 BEGINNING at a 5/8 inch iron rod with plastic cap stamped "D L  
3-47 HARDY RPLS 4847" found for the northwest corner of that certain call  
3-48 640.6 acre tract described in a Warranty Deed with Reservation of  
3-49 Minerals to J.R. Development, Inc., in Clerk's Number 2002-062840  
3-50 of the O.P.R.R.P.M.C.T.;

3-51 THENCE, through and across said 1,554.570 acre tract, the  
3-52 following five (5) courses:

- 3-53 1) South 56 Degrees 12 Minutes 55 Seconds West, a  
3-54 distance of 1,094.52 feet to an angle point;
- 3-55 2) South 68 Degrees 19 Minutes 38 Seconds West, a  
3-56 distance of 879.85 feet to an angle point;
- 3-57 3) South 29 Degrees 19 Minutes 18 Seconds West, a  
3-58 distance of 643.72 feet to an angle point;
- 3-59 4) South 43 Degrees 22 Minutes 37 Seconds West, a  
3-60 distance of 243.84 feet to an angle point;
- 3-61 5) South 76 Degrees 01 Minute 00 Seconds West, a  
3-62 distance of 404.61 feet to a point in the easterly right-of-way  
3-63 (R.O.W.) line of proposed Townsen Road (100 feet wide);

3-64 THENCE, continuing through and across said 1,554.570 acre  
3-65 tract, and with the easterly and northeasterly R.O.W. line of said  
3-66 Townsen Road, the following five (5) courses:

- 3-67 1) 620.73 feet along the arc of a curve to the right  
3-68 having a radius of 1,950.00 feet, a central angle of 18 Degrees 14  
3-69 Minutes 19 Seconds, and a chord that bears North 13 Degrees 07

4-1 Minutes 32 Seconds West, a distance of 618.11 feet;

4-2 2) North 04 Degrees 00 Minutes 22 Seconds West, a  
4-3 distance of 478.81 feet to the beginning of a curve to the left;

4-4 3) 1,550.83 feet along the arc of said curve to the  
4-5 left having a radius of 3,050.00 feet, a central angle of 29 Degrees  
4-6 07 Minutes 59 Seconds, and a chord that bears North 18 Degrees 34  
4-7 Minutes 22 Seconds West, a distance of 1,534.17 feet;

4-8 4) North 33 Degrees 08 Minutes 21 Seconds West, a  
4-9 distance of 428.13 feet to the beginning of a curve to the left;

4-10 5) 1,751.25 feet along the arc of said curve to the  
4-11 left having a radius of 2,050.00 feet, a central angle of 48 Degrees  
4-12 56 Minutes 46 Seconds, and a chord that bears North 57 Degrees 36  
4-13 Minutes 44 Seconds West, a distance of 1,698.49 feet to the  
4-14 intersection of the northeasterly R.O.W. line of proposed Townsen  
4-15 Road with the easterly R.O.W. line of a proposed 100 foot wide  
4-16 R.O.W.;

4-17 THENCE, continuing through and across said 1,554.570 acre  
4-18 tract, and with the easterly and northeasterly line of said  
4-19 proposed 100 foot wide R.O.W., the following four (4) courses:

4-20 1) North 06 Degrees 31 Minutes 01 Second East, a  
4-21 distance of 17.93 feet to the beginning of a curve to the left;

4-22 2) 3,090.25 feet along the arc of said curve to the  
4-23 left having a radius of 2,050.00 feet, a central angle of 86 Degrees  
4-24 22 Minutes 12 Seconds, and a chord that bears North 36 Degrees 40  
4-25 Minutes 05 Seconds West, a distance of 2,805.86 feet;

4-26 3) North 79 Degrees 51 Minutes 11 Seconds West, a  
4-27 distance of 366.40 feet to the beginning of a curve to the right;

4-28 4) 1,318.62 feet along the arc of said curve to the  
4-29 right having a radius of 1,950.00 feet, a central angle of 38  
4-30 Degrees 44 Minutes 39 Seconds, and a chord that bears North 60  
4-31 Degrees 28 Minutes 51 Seconds West, a distance of 1,293.64 feet to  
4-32 the intersection of the easterly line of said proposed 100 foot wide  
4-33 R.O.W. with the northerly line of said 1,554.570 acre tract;

4-34 THENCE, with the northerly line of said 1,554.570 acre tract,  
4-35 North 59 Degrees 49 Minutes 41 Seconds East, a distance of 2.21 feet  
4-36 to a 5/8 inch iron rod with plastic cap stamped "CDS/MUERY S.A. TX."  
4-37 found for the southwest corner of that certain call 915 acre  
4-38 Conservation Easement and an angle point in said 1,554.570 acre  
4-39 tract and the herein described tract;

4-40 THENCE, with the southerly line of said 915 acre Conservation  
4-41 Easement and the northerly line of said 1,554.570 acre tract and the  
4-42 herein described tract, North 50 Degrees 39 Minutes 59 Seconds  
4-43 East, a distance of 3,159.31 feet to a 5/8 inch iron rod with  
4-44 plastic cap stamped "CDS/MUERY S.A. TX." found for an angle point in  
4-45 said 915 acre Conservation Easement and the herein described tract;

4-46 THENCE, continuing with the southerly line of said 915 acre  
4-47 Conservation Easement and the northerly line of the herein  
4-48 described tract, South 76 Degrees 45 Minutes 40 Seconds East, at  
4-49 1,553.40 feet pass a 5/8 inch iron rod stamped "CDS/MUERY S.A. TX."  
4-50 found for reference, and continue, in all, a distance of 1,753.61  
4-51 feet to a point on the west high bank of the West Fork of the San  
4-52 Jacinto River for an angle point of the herein described tract;

4-53 THENCE, with the meanders of the west bank of the West Fork of the  
4-54 San Jacinto River, the following forty eight (48) courses:

4-55 1) South 30 Degrees 22 Minutes 24 Seconds West, a  
4-56 distance of 56.07 feet;

4-57 2) South 45 Degrees 58 Minutes 13 Seconds West, a  
4-58 distance of 40.83 feet;

4-59 3) South 46 Degrees 19 Minutes 57 Seconds West, a  
4-60 distance of 69.31 feet;

4-61 4) South 42 Degrees 10 Minutes 45 Seconds West, a  
4-62 distance of 76.52 feet;

4-63 5) South 40 Degrees 13 Minutes 52 Seconds West, a  
4-64 distance of 78.33 feet;

4-65 6) South 46 Degrees 53 Minutes 30 Seconds West, a  
4-66 distance of 79.44 feet;

4-67 7) South 53 Degrees 07 Minutes 53 Seconds West, a  
4-68 distance of 65.22 feet;

4-69 8) South 56 Degrees 09 Minutes 36 Seconds West, a

5-1 distance of 65.51 feet;  
 5-2 9) South 58 Degrees 48 Minutes 22 Seconds West, a  
 5-3 distance of 79.13 feet;  
 5-4 10) South 50 Degrees 41 Minutes 06 Seconds West, a  
 5-5 distance of 86.81 feet;  
 5-6 11) South 38 Degrees 51 Minutes 13 Seconds West, a  
 5-7 distance of 445.76 feet;  
 5-8 12) South 08 Degrees 36 Minutes 30 Seconds West, a  
 5-9 distance of 155.51 feet;  
 5-10 13) South 04 Degrees 38 Minutes 42 Seconds East, a  
 5-11 distance of 158.47 feet;  
 5-12 14) South 26 Degrees 22 Minutes 18 Seconds East, a  
 5-13 distance of 464.19 feet;  
 5-14 15) South 41 Degrees 04 Minutes 43 Seconds East, a  
 5-15 distance of 291.77 feet;  
 5-16 16) South 46 Degrees 32 Minutes 40 Seconds East, a  
 5-17 distance of 166.24 feet;  
 5-18 17) South 63 Degrees 38 Minutes 58 Seconds East, a  
 5-19 distance of 129.80 feet;  
 5-20 18) South 76 Degrees 54 Minutes 46 Seconds East, a  
 5-21 distance of 183.21 feet;  
 5-22 19) South 76 Degrees 35 Minutes 35 Seconds East, a  
 5-23 distance of 142.77 feet;  
 5-24 20) South 85 Degrees 17 Minutes 14 Seconds East, a  
 5-25 distance of 91.08 feet;  
 5-26 21) North 73 Degrees 21 Minutes 11 Seconds East, a  
 5-27 distance of 114.45 feet;  
 5-28 22) North 75 Degrees 00 Minutes 21 Seconds East, a  
 5-29 distance of 82.76 feet;  
 5-30 23) North 75 Degrees 17 Minutes 10 Seconds East, a  
 5-31 distance of 156.41 feet;  
 5-32 24) North 80 Degrees 37 Minutes 30 Seconds East, a  
 5-33 distance of 179.16 feet;  
 5-34 25) South 88 Degrees 32 Minutes 27 Seconds East, a  
 5-35 distance of 112.81 feet;  
 5-36 26) South 66 Degrees 19 Minutes 02 Seconds East, a  
 5-37 distance of 252.55 feet;  
 5-38 27) South 46 Degrees 37 Minutes 09 Seconds East, a  
 5-39 distance of 142.93 feet;  
 5-40 28) South 59 Degrees 26 Minutes 36 Seconds East, a  
 5-41 distance of 71.26 feet;  
 5-42 29) South 49 Degrees 58 Minutes 30 Seconds East, a  
 5-43 distance of 94.49 feet;  
 5-44 30) South 48 Degrees 25 Minutes 09 Seconds East, a  
 5-45 distance of 94.68 feet;  
 5-46 31) South 52 Degrees 24 Minutes 30 Seconds East, a  
 5-47 distance of 107.26 feet;  
 5-48 32) South 48 Degrees 14 Minutes 34 Seconds East, a  
 5-49 distance of 98.37 feet;  
 5-50 33) South 51 Degrees 22 Minutes 58 Seconds East, a  
 5-51 distance of 68.56 feet;  
 5-52 34) South 24 Degrees 15 Minutes 08 Seconds East, a  
 5-53 distance of 88.72 feet;  
 5-54 35) South 18 Degrees 47 Minutes 45 Seconds East, a  
 5-55 distance of 94.31 feet;  
 5-56 36) South 05 Degrees 46 Minutes 32 Seconds West, a  
 5-57 distance of 90.96 feet;  
 5-58 37) South 01 Degree 09 Minutes 42 Seconds East, a  
 5-59 distance of 83.27 feet;  
 5-60 38) South 15 Degrees 38 Minutes 15 Seconds West, a  
 5-61 distance of 94.81 feet;  
 5-62 39) South 01 Degrees 38 Minutes 35 Seconds West, a  
 5-63 distance of 89.05 feet;  
 5-64 40) South 12 Degrees 51 Minutes 45 Seconds West, a  
 5-65 distance of 192.88 feet;  
 5-66 41) South 30 Degrees 35 Minutes 53 Seconds East, a  
 5-67 distance of 184.94 feet;  
 5-68 42) South 47 Degrees 16 Minutes 08 Seconds East, a  
 5-69 distance of 186.66 feet;

6-1 43) South 56 Degrees 42 Minutes 16 Seconds East, a  
 6-2 distance of 211.00 feet;  
 6-3 44) South 59 Degrees 28 Minutes 08 Seconds East, a  
 6-4 distance of 308.02 feet;  
 6-5 45) South 80 Degrees 02 Minutes 13 Seconds East, a  
 6-6 distance of 172.28 feet;  
 6-7 46) South 87 Degrees 04 Minutes 25 Seconds East, a  
 6-8 distance of 234.54 feet;  
 6-9 47) North 68 Degrees 19 Minutes 10 Seconds East, a  
 6-10 distance of 263.23 feet;  
 6-11 48) North 58 Degrees 17 Minutes 31 Seconds East, a  
 6-12 distance of 247.63 feet;

6-13 THENCE, departing the meanders of the west bank of Spring  
 6-14 Creek and with the easterly line of said 1,554.570 acre tract, South  
 6-15 31 Degrees 42 Minutes 29 Seconds East, a distance of 133.36 feet to  
 6-16 a 5/8 inch iron rod with plastic cap stamped "D L HARDY RPLS 4847"  
 6-17 found for the northwest corner of that certain call 19.00 acre  
 6-18 Conservation Easement described in a deed to Legacy Land Trust,  
 6-19 Inc. in M.C.C.F. Number 2003-032879 for an angle point in the herein  
 6-20 described tract;

6-21 THENCE, with the northwesterly line of said 19.00 acre  
 6-22 Conservation Easement, South 15 Degrees 11 Minutes 58 Seconds West,  
 6-23 a distance of 878.75 feet to a 5/8 inch iron rod with plastic cap  
 6-24 stamped "D L HARDY RPLS 4847" found in the northeasterly line of  
 6-25 that certain call 74.000 acre Conservation Easement described in a  
 6-26 deed to Legacy Land Trust, Inc. in M.C.C.F. Number 2002-017148 for  
 6-27 an angle point in the herein described tract;

6-28 THENCE, counterclockwise, with the northeasterly, westerly  
 6-29 and southwesterly boundary of said 74.000 acre Conservation  
 6-30 Easement, the following seven (7) courses:

6-31 1) North 65 Degrees 42 Minutes 43 Seconds West, a  
 6-32 distance of 1,117.88 feet to a 5/8 inch iron rod with plastic cap  
 6-33 stamped "D L HARDY RPLS 4847" found for an angle point;

6-34 2) North 63 Degrees 01 Minute 15 Seconds West, a  
 6-35 distance of 214.00 feet to a 5/8 inch iron rod with plastic cap  
 6-36 stamped "D L HARDY RPLS 4847" found for the upper northwest corner  
 6-37 of said 74.000 acre Conservation Easement and an angle point for the  
 6-38 herein described tract;

6-39 3) South 57 Degrees 07 Minutes 08 Seconds West, a  
 6-40 distance of 727.10 feet to a 5/8 inch iron rod with plastic cap  
 6-41 stamped "CDS/MUERY S.A. TX." found for the lower northwest corner  
 6-42 of said 74.000 acre Conservation Easement and an angle point in the  
 6-43 herein described tract;

6-44 4) South 20 Degrees 38 Minutes 34 Seconds East, a  
 6-45 distance of 196.61 feet to a 5/8 inch iron rod with plastic cap  
 6-46 stamped "BENCHMARK ENGR." set for an angle point in said 74.000 acre  
 6-47 Conservation Easement and the herein described tract;

6-48 5) South 22 Degrees 11 Minutes 29 Seconds East, a  
 6-49 distance of 893.86 feet to a 5/8 inch iron rod with plastic cap  
 6-50 stamped "CDS/MUERY S.A. TX." found for the southwest corner of said  
 6-51 74.000 acre Conservation Easement and an angle point in the herein  
 6-52 described tract;

6-53 6) South 79 Degrees 17 Minutes 46 Seconds East, a  
 6-54 distance of 525.67 feet to a 5/8 inch iron rod with plastic cap  
 6-55 stamped "CDS/MUERY S.A. TX." found for an angle point in the  
 6-56 southwesterly line of said 74.000 acre Conservation Easement and  
 6-57 the herein described tract;

6-58 7) South 78 Degrees 00 Minutes 36 Seconds East, at  
 6-59 994.32 feet pass a 5/8 inch iron rod with plastic cap stamped  
 6-60 "CDS/MUERY S.A. TX." found for the call common line of said R.N.  
 6-61 Davis Survey said Joseph A. Parker Survey, and continue, in all, a  
 6-62 distance of 1,953.24 feet to a 5/8 inch iron rod with plastic cap  
 6-63 stamped "CDS/MUERY S.A. TX." found for the southeast corner of said  
 6-64 74.000 acre Conservation Easement and an angle point in the herein  
 6-65 described tract;

6-66 THENCE, departing the southeast corner of said 74.000 acre  
 6-67 Conservation Easement, and with the easterly line of said 1,554.570  
 6-68 acre tract, the following three (3) courses:

6-69 1) South 46 Degrees 21 Minutes 37 Seconds East, a

7-1 distance of 263.57 feet to a 5/8 inch iron rod with plastic cap  
 7-2 stamped "BENCHMARK ENGR." found for an angle point;  
 7-3 2) North 43 Degrees 38 Minutes 23 Seconds East, a  
 7-4 distance of 600.00 feet to a 5/8 inch iron rod with plastic cap  
 7-5 stamped "BENCHMARK ENGR." found for an angle point;  
 7-6 3) North 34 Degrees 46 Minutes 38 Seconds East, at  
 7-7 1,185.84 feet pass a 5/8 inch iron rod with plastic cap stamped  
 7-8 "BENCHMARK ENGR." set for reference, and continue, in all, a  
 7-9 distance of 1,385.84 feet to a to a point on the west bank of the  
 7-10 West Fork of the San Jacinto River for an angle point in the herein  
 7-11 described tract;

7-12 THENCE, with the meanders of the west bank of the West Fork of  
 7-13 the San Jacinto River, the following five (5) courses:

7-14 1) South 43 Degrees 38 Minutes 03 Seconds East, a  
 7-15 distance of 65.88 feet;  
 7-16 2) South 48 Degrees 38 Minutes 46 Seconds East, a  
 7-17 distance of 132.16 feet;  
 7-18 3) South 52 Degrees 19 Minutes 01 Second East, a  
 7-19 distance of 87.17 feet;  
 7-20 4) South 47 Degrees 26 Minutes 02 Seconds East, a  
 7-21 distance of 86.22 feet;  
 7-22 5) South 53 Degrees 17 Minutes 44 Seconds East, a  
 7-23 distance of 73.27 feet;

7-24 THENCE, departing the meanders of the west bank of Spring  
 7-25 Creek, and with the northerly line of said 640.6 acre tract and the  
 7-26 southerly line of the herein described tract, South 43 Degrees 38  
 7-27 Minutes 23 Seconds West, at 99.85 feet pass a 5/8 inch iron rod with  
 7-28 plastic cap stamped "D L HARDY RPLS 4847" found for reference, and  
 7-29 continue, in all, a distance of 2,593.77 feet to the POINT OF  
 7-30 BEGINNING and containing 527.832 acres (22,992,348 square feet) of  
 7-31 land.

7-32 TRACT 2

7-33 All that certain 169.830 acre (7,397,783 square feet) parcel of  
 7-34 land situated in the Joseph A. Parker Survey, Abstract Number 418,  
 7-35 and the R.N. Davis Survey, Abstract Number 161, both in Montgomery  
 7-36 County, Texas, and being a portion of that certain call 1,554.570  
 7-37 acre tract described in a Warranty Deed to Pacific Indio  
 7-38 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the  
 7-39 Official Public Records of Real Property at Montgomery County,  
 7-40 Texas (O.P.R.R.P.M.C.T.), said 169.830 acre tract being more  
 7-41 particularly described by metes and bounds as follows: (All  
 7-42 bearings are referenced to the Texas State Plane Coordinate System,  
 7-43 South Central Zone)

7-44 BEGINNING at a 3/4 inch iron pipe found in the recognized  
 7-45 common line of said R.N. Davis Survey and said Joseph A. Parker  
 7-46 Survey for the southeast corner of that certain call 2,883.06 acre  
 7-47 tract described in a Deed to LGI LAND, L.L.C. in Clerk's File Number  
 7-48 2004-114162 of the O.P.R.R.P.M.C.T., an interior corner of said  
 7-49 1,554.570 acre tract, and the southwest corner of the herein  
 7-50 described tract, and from which a 100D nail found for reference  
 7-51 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of  
 7-52 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post  
 7-53 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of  
 7-54 8.04 feet;

7-55 THENCE, with the easterly line of said 2,883.06 acre tract,  
 7-56 the upper westerly line of the said 1,554.570 acre tract, and the  
 7-57 westerly line of the herein described tract, North 30 Degrees 10  
 7-58 Minutes 19 Seconds West, a distance of 4,002.79 feet to a 5/8-inch  
 7-59 iron rod with plastic cap stamped "BENCHMARK ENGR." set in the  
 7-60 southwesterly right-of-way (R.O.W.) line of proposed Townsen Road  
 7-61 (100 feet wide) for the northwest corner of the herein described  
 7-62 tract;

7-63 THENCE, through and across said 1,554.570 acre tract, and  
 7-64 with the southerly and westerly R.O.W. line of said proposed  
 7-65 Townsen Road, the following six (6) courses:

7-66 1) North 59 Degrees 50 Minutes 02 Seconds East, a  
 7-67 distance of 147.67 feet to the beginning of a curve to the right;  
 7-68 2) 2,961.87 feet along the arc of said curve to the  
 7-69 right having a radius of 1,950.00 feet, a central angle of 87

8-1 Degrees 01 Minute 37 Seconds, and a chord that bears South 76  
 8-2 Degrees 39 Minutes 10 Seconds East, a distance of 2,685.25 feet;  
 8-3 3) South 33 Degrees 08 Minutes 21 Seconds East, a  
 8-4 distance of 428.13 feet to the beginning of a curve to the right;  
 8-5 4) 1,499.98 feet along the arc of said curve to the  
 8-6 right having a radius of 2,950.00 feet, a central angle of 29  
 8-7 Degrees 07 Minutes 59 Seconds, and a chord that bears South 18  
 8-8 Degrees 34 Minutes 22 Seconds East, a distance of 1,483.87 feet;  
 8-9 5) South 04 Degrees 00 Minutes 22 Seconds East, a  
 8-10 distance of 478.81 feet to the beginning of a curve to the left;  
 8-11 6) 139.68 feet along the arc of said curve to the left  
 8-12 having a radius of 2,050.00 feet, a central angle of 03 Degrees 54  
 8-13 Minutes 14 Seconds, and a chord that bears South 05 Degrees 57  
 8-14 Minutes 29 Seconds East, a distance of 139.65 feet to the southeast  
 8-15 corner;

8-16 THENCE, departing the westerly R.O.W. of proposed Townsen  
 8-17 Road, continuing through and across said 1,554.570 acre tract, and  
 8-18 with the southerly line of the herein described tract, the  
 8-19 following two (2) courses:

8-20 1) North 87 Degrees 41 Minutes 21 Seconds West, a  
 8-21 distance of 797.17 feet to an angle point;  
 8-22 2) South 50 Degrees 32 Minutes 13 Seconds West, a  
 8-23 distance of 889.47 feet to the POINT OF BEGINNING and containing  
 8-24 169.830 acres (7,397,783 square feet) of land.

8-25 TRACT 3

8-26 All that certain 100.750 acre (4,388,668 square feet) parcel of  
 8-27 land situated in the R.N. Davis Survey, Abstract Number 161,  
 8-28 Montgomery County, Texas, and being a portion of that certain call  
 8-29 1,554.570 acre tract described in a Warranty Deed to Pacific Indio  
 8-30 Properties, Inc. recorded in Clerk's File Number 2006-013955 of the  
 8-31 Official Public Records of Real Property at Montgomery County,  
 8-32 Texas (O.P.R.R.P.M.C.T.) said 100.750 acre tract being more  
 8-33 particularly described by metes and bounds as follows: (All  
 8-34 bearings are referenced to the Texas State Plane Coordinate System,  
 8-35 South Central Zone)

8-36 COMMENCING at a 3/4 inch iron pipe found in the recognized  
 8-37 common line of said R.N. Davis Survey and the Joseph A. Parker  
 8-38 Survey for the southeast corner of that certain call 2,883.06 acre  
 8-39 tract described in a Deed to LGI LAND, L.L.C. in Clerk's File Number  
 8-40 2004-114162 of the O.P.R.R.P.M.C.T., and an interior corner of said  
 8-41 1,554.570 acre tract, and from which a 100D nail found for reference  
 8-42 bears North 35 Degrees 02 Minutes 54 Seconds East, a distance of  
 8-43 12.69 feet, and from which a "PK" nail found in a 4 inch wooden post  
 8-44 bears South 51 Degrees 13 Minutes 29 Seconds West, a distance of  
 8-45 8.04 feet;

8-46 THENCE, with the easterly line of said 2,883.06 acre tract  
 8-47 and the upper westerly line of the said 1,554.570 acre tract, North  
 8-48 30 Degrees 10 Minutes 19 Seconds West, a distance of 4,102.79 feet  
 8-49 to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR."  
 8-50 set in the northeasterly right-of-way (R.O.W.) line of proposed  
 8-51 Townsen Road (100 feet wide) for the southwest corner and POINT OF  
 8-52 BEGINNING of the herein described tract;

8-53 THENCE, continuing with the easterly line of said 2,883.06  
 8-54 acre tract, the upper westerly line of the said 1,554.570 acre  
 8-55 tract, and the westerly line of the herein described tract, North 30  
 8-56 Degrees 10 Minutes 19 Seconds West, a distance of 3,719.63 feet to a  
 8-57 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found  
 8-58 for the northwest corner of said 1,554.570 acre tract and the herein  
 8-59 described tract;

8-60 THENCE, with the northerly line of said 1,554.570 acre tract  
 8-61 and the herein described tract, North 59 Degrees 49 Minutes 41  
 8-62 Seconds East, a distance of 71.31 feet to a point in the westerly  
 8-63 line of a proposed 100 foot wide right-of-way for the northeast  
 8-64 corner of the herein described tract;

8-65 THENCE, through and across said 1,554.570 acre tract, and  
 8-66 with the westerly line of said proposed 100 foot wide R.O.W. the  
 8-67 following four (4) courses:

8-68 1) 1,405.55 feet along the arc of a curve to the left  
 8-69 having a radius of 2,050.00 feet, a central angle of 39 Degrees 17



9-1 Minutes 02 Seconds, and a chord that bears South 60 Degrees 12  
9-2 Minutes 40 Seconds East, a distance of 1,378.18 feet;

9-3 2) South 79 Degrees 51 Minutes 11 Seconds East, a  
9-4 distance of 366.40 feet to the beginning of a curve to the right;

9-5 3) 2,939.51 feet along the arc of said curve to the  
9-6 right having a radius of 1,950.00 feet, a central angle of 86  
9-7 Degrees 22 Minutes 12 Seconds, and a chord that bears South 36  
9-8 Degrees 40 Minutes 05 Seconds East, a distance of 2,668.99 feet;

9-9 4) South 06 Degrees 31 Minutes 01 Second West, a  
9-10 distance of 17.93 feet to the intersection of the westerly line of  
9-11 said proposed 100 foot wide R.O.W. with the northeasterly R.O.W.  
9-12 line of proposed Townsen Road (100 feet wide) for the southeast  
9-13 corner of the herein described tract;

9-14 THENCE, with the northerly R.O.W. line of said proposed  
9-15 Townsen Road, the following two (2) courses:

9-16 1) 1,262.49 feet along the arc of a curve to the left  
9-17 having a radius of 2,050.00 feet, a central angle of 35 Degrees 17  
9-18 Minutes 08 Seconds, and a chord that bears South 77 Degrees 28  
9-19 Minutes 36 Seconds West, a distance of 1,242.63 feet;

9-20 2) South 59 Degrees 50 Minutes 02 Seconds West, a  
9-21 distance of 147.68 feet to the POINT OF BEGINNING and containing  
9-22 100.750 acres (4,388,668 square feet) of land.

9-23 SECTION 3. (a) The legal notice of the intention to  
9-24 introduce this Act, setting forth the general substance of this  
9-25 Act, has been published as provided by law, and the notice and a  
9-26 copy of this Act have been furnished to all persons, agencies,  
9-27 officials, or entities to which they are required to be furnished  
9-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
9-29 Government Code.

9-30 (b) The governor, one of the required recipients, has  
9-31 submitted the notice and Act to the Texas Commission on  
9-32 Environmental Quality.

9-33 (c) The Texas Commission on Environmental Quality has filed  
9-34 its recommendations relating to this Act with the governor, the  
9-35 lieutenant governor, and the speaker of the house of  
9-36 representatives within the required time.

9-37 (d) All requirements of the constitution and laws of this  
9-38 state and the rules and procedures of the legislature with respect  
9-39 to the notice, introduction, and passage of this Act are fulfilled  
9-40 and accomplished.

9-41 SECTION 4. This Act takes effect immediately if it receives  
9-42 a vote of two-thirds of all the members elected to each house, as  
9-43 provided by Section 39, Article III, Texas Constitution. If this  
9-44 Act does not receive the vote necessary for immediate effect, this  
9-45 Act takes effect September 1, 2009.

9-46 \* \* \* \* \*