

By: Bell

H.B. No. 1157

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 136; granting a limited power of eminent domain; providing authority to issue bonds and impose a tax.

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 8433 to read as follows:

CHAPTER 8433. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 136

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8433.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 136.

Sec. 8433.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8433.003. 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. 8433.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8433.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8433.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

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

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, or improvement of
13 macadamized, graveled, or paved roads described by Section 54.234,
14 Water Code, or improvements, including storm drainage, in aid of
15 those roads.

16 Sec. 8433.006. INITIAL DISTRICT TERRITORY. (a) The

17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8433.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8433.052, directors serve
6 staggered four-year terms.

7 Sec. 8433.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8433.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8433.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8433.003; or

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8433.101. 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. 8433.102. 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. 8433.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve, and
20 convey to this state, a county, or a municipality for operation and
21 maintenance macadamized, graveled, or paved roads described by
22 Section 54.234, Water Code, or improvements, including storm
23 drainage, in aid of those roads.

24 (b) The district may exercise the powers provided by this
25 section without submitting a petition to or obtaining approval from
26 the commission as required by Section 54.234, Water Code.

27 Sec. 8433.104. APPROVAL OF ROAD PROJECT. (a) The district

1 may not undertake a road project authorized by Section 8433.103
2 unless:

3 (1) each municipality or county that will operate and
4 maintain the road has approved the plans and specifications of the
5 road project, if a municipality or county will operate and maintain
6 the road; or

7 (2) the Texas Transportation Commission has approved
8 the plans and specifications of the road project, if the state will
9 operate and maintain the road.

10 (b) Except as provided by Subsection (a), the district is
11 not required to obtain approval from the Texas Transportation
12 Commission to design, acquire, construct, finance, issue bonds for,
13 improve, or convey a road project.

14 Sec. 8433.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
15 OR RESOLUTION. The district shall comply with all applicable
16 requirements of any ordinance or resolution that is adopted under
17 Section 54.016 or 54.0165, Water Code, and that consents to the
18 creation of the district or to the inclusion of land in the
19 district.

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 8433.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
22 district may issue, without an election, bonds and other
23 obligations secured by:

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

25 (2) contract payments described by Section 8433.153.

26 (b) The district must hold an election in the manner
27 provided by Chapters 49 and 54, Water Code, to obtain voter approval

1 before the district may impose an ad valorem tax or issue bonds
2 payable from ad valorem taxes.

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

7 Sec. 8433.152. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 8433.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district in accordance with Section 49.107, Water Code.

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

13 Sec. 8433.153. CONTRACT TAXES. (a) In accordance with
14 Section 49.108, Water Code, the district may impose a tax other than
15 an operation and maintenance tax and use the revenue derived from
16 the tax to make payments under a contract after the provisions of
17 the contract have been approved by a majority of the district voters
18 voting at an election held for that purpose.

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

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

23 Sec. 8433.201. AUTHORITY TO ISSUE BONDS AND OTHER
24 OBLIGATIONS. The district may issue bonds or other obligations
25 payable wholly or partly from ad valorem taxes, impact fees,
26 revenue, contract payments, grants, or other district money, or any
27 combination of those sources, to pay for any authorized district

1 purpose.

2 Sec. 8433.202. TAXES FOR BONDS. At the time the district
3 issues bonds payable wholly or partly from ad valorem taxes, the
4 board shall provide for the annual imposition of a continuing
5 direct ad valorem tax, without limit as to rate or amount, while all
6 or part of the bonds are outstanding as required and in the manner
7 provided by Sections 54.601 and 54.602, Water Code.

8 Sec. 8433.203. BONDS FOR ROAD PROJECTS. At the time of
9 issuance, the total principal amount of bonds or other obligations
10 issued or incurred to finance road projects and payable from ad
11 valorem taxes may not exceed one-fourth of the assessed value of the
12 real property in the district.

13 SECTION 2. The Montgomery County Municipal Utility District
14 No. 136 initially includes all the territory contained in the
15 following area:

16 Being a 302.00 acre (13,155,064 square feet) parcel situated
17 in the John M. Smith Survey, Abstract 533 and the John Foster
18 Survey, Abstract 205, Montgomery County, Texas, being all of a
19 called 292.0 acre tract conveyed to Lakes At Mill Creek, L.P. by
20 General Warranty Deed recorded under Clerk's File No. 2006-092982
21 of the Official Public Records of Real Property, Montgomery County,
22 Texas, all of a called 10.0088 acre tract conveyed to Lakes at Mill
23 Creek, L.P. by Deed recorded under Clerk's File No. 2009-010587 of
24 the Official Public Records of Real Property, Montgomery County,
25 Texas, containing Unrestricted Reserve "A", Unrestricted Reserve
26 "B" and Unrestricted Reserve "C" of Silverado Ranches according to
27 the map or plat recorded under Cabinet G, Sheet 135 of the Map

1 Records of Montgomery County, Texas, said 302.00 acre parcel more
2 particularly described by metes and bounds as follows with all
3 bearings referenced to the Texas State Plane Coordinate System,
4 Central Zone;

5 BEGINNING, at a concrete monument found for the most easterly
6 corner of a called 2,420.0166 acre tract conveyed to Terra
7 Investments, L.P. by Special Warranty Deed recorded under Clerk's
8 File No. 2004-023496 of the Official Public Records of Real
9 Property, Montgomery County, Texas, for an interior corner of said
10 292.0 acre tract, and the herein described parcel, from which a
11 1-inch iron pipe found bears South 66°05'10" East, 23.42 feet;

12 THENCE, North 47°33'32" West, 2965.11 feet along the
13 northeasterly line of said 2,420.0166 acre tract, and a
14 southwesterly line of said 292.0 acre tract to a 5/8-inch iron rod
15 found in the southeasterly line of a called 44.3605 acre tract
16 conveyed to L. Frankie Hughes by Warranty Deed recorded under
17 Clerk's File No. 9342675 of the Official Public Records of Real
18 Property, Montgomery County, Texas, for the northerly most corner
19 of said 2,420.0166 acre tract, a southwesterly corner of said 292.0
20 acre tract, and the herein described parcel;

21 THENCE, North 48°16'19" East, 115.62 feet along a
22 southeasterly line of said 44.3605 acre tract, and a westerly line
23 of said 292.0 acre tract to a 1/2-inch iron rod found with cap for
24 the most easterly corner of said 44.3605 acre tract, and a
25 southwesterly corner of said 292.0 acre tract, and the herein
26 described parcel;

27 THENCE, North 49°09'16" West, 111.59 feet along the

1 northeasterly line of said 44.3605 acre tract, and a westerly line
2 of said 292.0 acre tract to a 1/2-inch iron rod found for the most
3 southerly corner of Lot 18 of Silverado Ranches according to the map
4 or plat thereof recorded under Cabinet G, Sheet 135 of the Map
5 Records of Montgomery County, Texas, for angle point in the west
6 line of said 292.0 acre tract, and the herein described parcel;

7 THENCE, North 06°38'19" East, 299.51 feet along the east line
8 of said Lot 18, and a westerly line of said 292.0 acre tract to a
9 1/2-inch iron rod found for an angle point in the east line of said
10 Lot 18, and an angle point in the westerly line of said 292.0 acre
11 tract, and the herein described parcel;

12 THENCE, North 16°56'26" East, 298.99 feet along the east line
13 of said Lot 18, and a westerly line of said 292.0 acre tract to a
14 1/2-inch iron rod found for the most southerly corner of Lot 16 of
15 said Silverado Ranches, for an angle point in the westerly line of
16 said 292.0 acre tract;

17 THENCE, North 27°25'49" East, 406.81 feet along the east line
18 of said Lot 16, and a westerly line of said 292.0 acre tract to a
19 1/2-inch iron rod found for an angle point in the east line of said
20 Lot 16, for an angle point in the west line of said 292.0 acre tract,
21 and the herein described parcel;

22 THENCE, North 03°40'26" West, 9.91 feet along the east line of
23 said Lot 16, and a westerly line of said 292.0 acre tract, to a
24 1/2-inch iron rod found for the southeast corner of said
25 Unrestricted Reserve "A", for the northeast corner of said Lot 16,
26 and an angle point in the westerly line of said 292.0 acre tract,
27 and the herein described parcel;

1 THENCE, South 87°48'31" West, 1032.81 feet along the north
2 line of said Lot 16, the north line of Lot 17 of said Silverado
3 Ranches, the south line of said Unrestricted Reserve "A", the
4 southerly line of said 292.0 acre tract to a 1/2-inch iron rod found
5 in the east right-of-way line of Collier Smith Road (called 60 feet
6 wide), for the northwest corner of said Lot 17, the southwest corner
7 of said Unrestricted Reserve "A", for a southwesterly corner of
8 said 292.0 acre tract, and the herein described parcel;

9 THENCE, North 02°03'22" West, 70.00 feet along the east
10 right-of-way line of said Collier Smith Road, and the west line of
11 said Unrestricted Reserve "A", and said 292.0 acre tract to a
12 1/2-inch iron rod found for the southwest corner of Lot 14 of said
13 Silverado Ranches, for the northwest corner of said Unrestricted
14 Reserve "A", for a southwesterly corner of said 292.0 acre tract,
15 and the herein described parcel;

16 THENCE, North 87°48'31" East 1030.83 feet along the south line
17 of said Lot 14, south line of Lot 15 of said Silverado Ranches, and
18 the north line of said Unrestricted Reserve "A", and a northerly
19 line of said 292.0 acre tract to a 1/2-inch iron rod found for the
20 southeast corner of said Lot 15, the northeast corner of said
21 Unrestricted Reserve "A", for an angle point in the west line of
22 said 292.0 acre tract, and the herein described parcel;

23 THENCE, North 03°40'26" West, along the east line of said
24 Silverado Ranches, the west line of said 292.0 acres, and the west
25 line of said Unrestricted Reserve "B", passing at a distance of
26 259.52 feet a 1/2-inch iron rod for the southeast corner of Lot 12
27 of said Silverado Ranches and the northeast corner of Lot 15 of said

1 Silverado Ranches, passing at a distance of 469.34 feet a 1/2-inch
2 iron rod found with cap for the southeast corner of Lot 11 of said
3 Silverado Ranches and the northeast corner of said Lot 12, passing
4 at a distance of 1188.598 feet a 1/2-inch iron rod found for the
5 southeast corner of Lot 6 of said Silverado Ranches the northeast
6 corner of Lot 7 of said Silverado Ranches, passing at 1425.87 feet a
7 1/2-inch iron rod found for the southeast corner of Lot 4 of said
8 Silverado Ranches and the northeast corner of Lot 6 of said
9 Silverado Ranches, continuing for a total distance of 1885.03 feet
10 to a 5/8-inch iron rod found in the south right-of-way line of
11 Dobbin Huffsmith Road (called 100 feet wide) for the northeast
12 corner of said Lot 4, the northwest corner of said Unrestricted
13 Reserve "B", for a northerly corner of said 292.0 acre tract, and
14 the herein described parcel;

15 THENCE, South 88°35'26" East, 80.29 feet along the south
16 right-of-way line of Dobbin Huffsmith Road, the north line of said
17 Unrestricted Reserve "B", and a northerly line of said 292.0 acre
18 tract to a 5/8-inch iron rod found for the northwest corner of the
19 residue of a called 7.6697 acre tract conveyed to Hollis Marlow by
20 Warranty Deed with Vendor's Lien recorded under Clerk's File No.
21 8133571 of the Official Public Records of Real Property, Montgomery
22 County, Texas, for the northeast corner of said Unrestricted
23 Reserve "C", for a northwesterly corner of said 292.0 acre tract,
24 and the herein described parcel;

25 THENCE, South 03°33'04" East, 321.12 feet along the west line
26 of said 7.6697 acre tract, the easterly line of said Unrestricted
27 Reserve "C" to a 5/8-inch iron rod set with cap (stamped "4833 Town

1 & Country") for the southwest corner of said 7.6697 acres, for an
2 interior corner of said Unrestricted Reserve "C", for a
3 northwesterly corner of said 292.0 acre tract, and the herein
4 described parcel;

5 THENCE, North 87°42'38" East, 688.90 feet along the south line
6 of said 7.6697 acre tract, the north line of said Unrestricted
7 Reserve "C", and a northerly line of said 292.0 acre tract to a
8 5/8-inch iron rod found for a northwesterly corner of a called 7.82
9 acre tract conveyed to Outback Ventures, LLC by Deed recorded under
10 Clerk's File No. 2006-086282 of the Official Public Records of Real
11 Property, Montgomery County, Texas, for the northeast corner of
12 said Unrestricted Reserve "C", for a northwesterly corner of said
13 292.0 acre tract, and the herein described parcel;

14 THENCE, South 02°29'36" East, 203.28 feet along the west line
15 of said 7.82 acre tract, along the east line of said Unrestricted
16 Reserve "C", and an easterly line of said 292.0 acre tract, to a
17 5/8-inch iron rod found with cap for the southwest corner of said
18 7.82 acres, for the northwest corner of said 10.0088 acre tract, for
19 a northwesterly corner of the herein described parcel;

20 THENCE, North 87°51'00" East, 786.99 feet along the south line
21 of said 7.82 acre tract, north line of said 10.0088 acre tract to a
22 5/8-inch iron rod found with cap for an angle point in the south
23 line of said 7.82 acre tract, the north line of said 10.0088 acre
24 tract, and an angle point in the north line of the herein described
25 parcel;

26 THENCE, South 61°50'46" East, 91.47 feet along the south line
27 of said 7.82 acre tract, the north line of said 10.0088 acre tract

1 to a 5/8-inch iron rod for an angle point in the south line of said
2 7.82 acre tract, and the northerly line of said 10.0088 acre tract,
3 and the herein described parcel;

4 THENCE, South 07°50'00" East, 211.57 feet along a westerly
5 line of 7.82 acre tract, and an easterly line of said 10.0088 acre
6 tract, to a 5/8-inch iron rod found for a southeasterly corner of
7 said 7.82 acre tract, and an angle point in the northerly line of
8 said 10.0088 acre tract, and the herein described parcel;

9 THENCE, North 85°27'26" East, 172.05 feet along the southerly
10 line of said 7.82 acre tract, and a northerly line of said 10.0088
11 acre tract to a 5/8-inch iron rod set with cap (stamped "4833 Town &
12 Country) in the west line of a called 10.00 acre tract conveyed to
13 R.M. Prince Inc. by Deed recorded under Clerk's File No. 8709356 of
14 the Official Public Records of Real Property, Montgomery County,
15 Texas, for the southeast corner of said 7.82 acre tract, for a
16 northeasterly corner of said 10.0088 acre tract, for an angle point
17 in northerly line of the herein described parcel;

18 THENCE, South 03°08'05" East, 379.05 feet along the westerly
19 line of said 10.00 acre tract, the west line of the residue of a
20 called 3.00 acre tract conveyed to R.M. Prince Inc. by Deed recorded
21 under Clerk's File No. 9509057 of the Official Public Records of
22 Real Property, Montgomery County, Texas, and the east line of said
23 10.0088 acre tract to a 1/2-inch iron rod found in the northerly
24 line of said 292.0 acre tract, for the southwest corner of said 3.00
25 acre tract, for the southeast corner of said 10.0088 acre tract, for
26 an angle point in the northerly line of said 292.0 acre tract, and
27 the herein described parcel;

1 THENCE, North 87°42'04" East, along the south line of said
2 3.00 acre tract, and a northerly line of said 292.0 acre tract,
3 passing at a distance of 53.72 feet a 5/8-inch iron rod, continuing
4 for a total distance of 342.79 feet to a 1/2-inch iron rod found for
5 the northwest corner of a called 3.00 acre tract conveyed to R.M.
6 Prince Inc. by Deed recorded under Clerk' File No. 9651886 of the
7 Official Public Records of Real Property, Montgomery County, Texas,
8 for the southwest corner of a called 3.00 acre tract conveyed to
9 R.M. Prince Inc. by Deed recorded under Clerk's File No. 9322880 of
10 the Official Public Records of Real Property, Montgomery County,
11 Texas, for the southeast corner of said 3.00 acres (C.F. No.
12 9509057), for an angle point in the northerly line of said 292.0
13 acre tract, and the herein described parcel;

14 THENCE, South 02°08'47" East, 343.83 feet along the west line
15 of said 3.00 acre tract (C.F. No. 9651886), an easterly line of said
16 292.0 acre tract to a 5/8-inch iron rod set with cap (stamped "4833
17 Town & Country) for the southwest corner of said 3.00 acre tract
18 (C.F. No. 9651886), for an angle point in the northerly line of said
19 292.0 acre tract, and the herein described parcel;

20 THENCE, North 87°51'09" East, 268.60 feet along the south line
21 of said 3.00 acre tract (C.F. No. 9651886), and the northerly line
22 of said 292.0 acre tract to a 5/8-inch iron rod set with cap
23 (stamped "4833 Town & Country) for the southeast corner of said 3.00
24 acre tract (C.F. No. 9651886), for an angle point in the northerly
25 line of said 292.0 acre tract, and the herein described parcel;

26 THENCE, North 20°10'18" East, 1062.91 feet along the east line
27 of said 3.00 acre tract (C.F. No. 9651886), and a westerly line of

1 292.0 acre tract to a 1/2-inch iron rod in the south right-of-way
2 line of said Dobbin Huffsmith Road, for the most northeasterly
3 corner of said 3.00 acre tract (C.F. No. 9651886) for a
4 northeasterly corner of said 292.0 acre tract, and the herein
5 described parcel;

6 THENCE, South 61°25'49" East, 1029.91 feet along the south
7 right-of-way line of said Dobbin Huffsmith Road, for the northerly
8 line of said 292.0 acre tract to a 5/8-inch iron rod set with cap
9 (stamped "4833 Town & Country) for the most northerly corner of
10 Decker Hills Section 3 according to the map or plat thereof recorded
11 under Cabinet D, Sheet 116-B of the Map Records of Montgomery
12 County, Texas, for the most northeasterly corner of said 292.0 acre
13 tract, and the herein described parcel;

14 THENCE, South 17°27'17" West, along the westerly line of said
15 Decker Hills Section 3, along the easterly line of said 292.0 acre
16 tract, passing at a distance of 887.47 feet a 1/2-inch iron rod
17 found for the southwest corner of Lot 2 of Block 10C of said Decker
18 Hills Section 3, for the northeast corner of Lot 26, Block 4C of
19 said Decker Hills Section 3, passing at a distance of 1274.93 feet
20 the southwest corner of Lot 2, Block 4C of said Decker Hills Section
21 3, for the northwest corner of Lot 25, Block 5C of said Decker Hills
22 Section 3, passing at a distance of 1919.97 feet a 1/2-inch iron rod
23 found for the southwest corner of Lot 27, Block 6C, and the
24 northwest corner of Lot 1, Block 6C of said Decker Hills Section 3,
25 passing at a distance of 2365.65 feet a 1/2-inch iron rod for the
26 southwest corner of Lot 26, Block 7C of said Decker Hills Section 3,
27 for the northwest corner of Lot 1, Block 7C of said Decker Hills

1 Section 3, passing at a distance of 2885.37 feet a 1/2-inch iron rod
2 found for the southwest corner of Lot 1, Block 8C of said Decker
3 Hills Section 3, for the northwest corner of Lot 2, Block 8C of said
4 Decker Hills Section 3, passing at a distance of 3015.05 feet a
5 1-1/2 inch iron pipe for the southwest corner of said Lot 2, for the
6 northwest corner of Lot 28, Block 8C of said Decker Hills Section 3,
7 passing at a distance of 3167.88 feet a 1/2-inch iron rod found for
8 the southwest corner of said Lot 28, for the northwest corner of Lot
9 2, Block 9C of said Decker Hills Section 3, passing at a distance of
10 3325.90 feet a 1/2-inch iron rod found for the southwest corner of
11 said Lot 1, and the northwest corner of Lot 2 of said Block 9C,
12 continuing for a total distance of 3746.83 feet to a fence corner
13 found in the west line of Lot 2, Block 10C of said Decker Hills
14 Section 3, for a southeasterly corner of said 292.0 acre tract, and
15 the herein described parcel, beginning a curve to the left;

16 THENCE, along the westerly line of said Lot 2, the westerly
17 line of Lot 3 of said Block 10C, and an easterly line of said 292.0
18 acre tract, along the arc of said curve to the left with a radius of
19 180.00 feet, an arc length of 173.99 feet, through a delta of
20 55°22'54", and a chord bearing South 10°12'26" East, 167.29 feet to a
21 power pole found for a northwesterly corner of said Lot 3, for a
22 southeasterly corner of said 292.0 acre tract, and the herein
23 described parcel;

24 THENCE, South 37°53'53" East, 190.29 feet along the
25 southwesterly line of said Block 10C, and an easterly line of said
26 292.0 acre tract to a fence corner found for the most southerly
27 corner of Lot 4 of said Block C, for the most westerly corner of Lot

1 5 of said Block 10C, for a southeasterly corner of said 292.0 acre
2 tract, and the herein described parcel, beginning a curve to the
3 right;

4 THENCE, continuing along the west line of said Block 10C, and
5 an easterly line of said 292.0 acre tract, along the arc of said
6 curve to the right with a radius of 175.00 feet, an arc length of
7 168.47 feet, through a delta of 55°09'34", and a chord bearing South
8 10°19'06" East, 162.04 feet to a 5/8-inch iron rod found in the south
9 right-of-way line of Wichita Falls Street (called 60 feet wide),
10 for the most northerly corner of a Sewer Plant Site in said Decker
11 Hills Section 3, for a southeasterly corner of said 292.0 acre
12 tract, and the herein described parcel;

13 THENCE, South 17°15'41" West, along a westerly line of said
14 Sewer Plant Site and a tract Reserved for Ranchette Tracts, and an
15 easterly line of said 292.0 acre tract, passing at a distance of
16 292.76 feet a 5/8-inch iron rod found, continuing for a total
17 distance of 1811.09 feet to a point in the center of Mill Creek, in
18 the northerly line of Decker Woods Ranchettes according to the map
19 or plat thereof recorded under Cabinet D, Sheet 112 of the Map
20 Records of Montgomery County, Texas, for a southwesterly corner of
21 said tract Reserved for Ranchette Tracts, for a southeasterly
22 corner of said 292.0 acre tract, and the herein described parcel;

23 THENCE, along the northerly line of said Decker Woods
24 Ranchettes, along a southwesterly line of said 292.0 acre tract,
25 along the centerline of said Mill Creek the following courses and
26 distances:

27 North 28°40'20" West, 15.81 feet;

1 North 72°05'01" West, 25.18 feet
2 South 34°21'33" West, 39.78 feet;
3 South 79°04'29" West, 126.76 feet;
4 North 71°24'37" West, 48.48 feet;
5 North 42°52'57" West, 69.21 feet;
6 North 03°18'28" West, 265.84 feet;
7 North 33°32'33" East, 157.09 feet;
8 North 21°37'23" East, 196.46 feet;
9 North 14°41'01" West, 179.25 feet;
10 North 28°11'12" West, 104.46 feet;
11 North 02°27'44" West, 121.90 feet;
12 North 82°54'33" West, 54.32 feet;
13 North 33°59'19" West, 130.65 feet;
14 North 53°40'15" West, 132.72 feet;
15 South 47°14'33" West, 80.96 feet;
16 South 87°29'16" West, 45.61 feet;
17 North 55°46'50" West, 120.20 feet to a point in the
18 center of said Mill Creek, in the southeasterly line of said
19 2,420.0166 acre tract, for the most northerly corner of Lot 21 of
20 said Decker Woods Ranchettes, for a southeasterly corner of said
21 292.0 acre tract and the herein described parcel;

22 THENCE, North 41°38'57" East, 563.33 feet along the
23 southeasterly line of said 2,420.0166 acre tract, and a westerly
24 line of said 292.0 acre tract to the POINT OF BEGINNING, CONTAINING
25 302.0 acres (13,155,064 square feet) of land in Montgomery County,
26 Texas.

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. (a) If this Act does not receive a two-thirds
19 vote of all the members elected to each house, Subchapter C, Chapter
20 8433, Special District Local Laws Code, as added by Section 1 of
21 this Act, is amended by adding Section 8433.106 to read as follows:

22 Sec. 8433.106. NO EMINENT DOMAIN POWER. The district may
23 not exercise the power of eminent domain.

24 (b) This section is not intended to be an expression of a
25 legislative interpretation of the requirements of Section 17(c),
26 Article I, Texas Constitution.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.