

By: Creighton

H.B. No. 1260

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 132; 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 8414 to read as follows:

CHAPTER 8414. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 132

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8414.001. 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. 132.

Sec. 8414.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8414.003. 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.

1 Sec. 8414.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8414.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8414.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

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

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

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

16 Sec. 8414.006. 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 Sec. 8414.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT
3 REINVESTMENT ZONE. (a) The district is eligible to be included in
4 a tax increment reinvestment zone created under Chapter 311, Tax
5 Code.

6 (b) If the City of Conroe has created or creates a tax
7 increment reinvestment zone described by Subsection (a) that
8 includes all or part of the territory of the district, the City of
9 Conroe and the board of directors of the zone or a developer of
10 property within the tax increment reinvestment zone that receives
11 or will receive money from the tax increment fund, by contract with
12 the district, may grant money to the district from the tax increment
13 fund to be used for a permissible purpose of the district,
14 including:

15 (1) the right to pledge the money as security for a
16 bond or other obligation issued by the district; and

17 (2) any permissible purpose of a corporation under
18 Section 380.002(b), Local Government Code.

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8414.051. GOVERNING BODY; TERMS. (a) The district is
21 governed by a board of five elected directors.

22 (b) Except as provided by Section 8414.052, directors serve
23 staggered four-year terms.

24 Sec. 8414.052. TEMPORARY DIRECTORS. (a) The temporary
25 board consists of:

26 (1) Bill Odle;

27 (2) Brandon Macey;

1 (3) Troy Koterak;

2 (4) Greg Snider; and

3 (5) Abby McMahon.

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

5 (1) the date permanent directors are elected under
6 Section 8414.003; or

7 (2) the fourth anniversary of the effective date of
8 the Act enacting this chapter.

9 (c) If permanent directors have not been elected under
10 Section 8414.003 and the terms of the temporary directors have
11 expired, successor temporary directors shall be appointed or
12 reappointed as provided by Subsection (d) to serve terms that
13 expire on the earlier of:

14 (1) the date permanent directors are elected under
15 Section 8414.003; or

16 (2) the fourth anniversary of the date of the
17 appointment or reappointment.

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

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8414.101. GENERAL POWERS AND DUTIES. The district has
27 the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 8414.102. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8414.103. AUTHORITY FOR ROAD PROJECTS. Under Section
8 52, Article III, Texas Constitution, the district may design,
9 acquire, construct, finance, issue bonds for, improve, operate,
10 maintain, and convey to this state, a county, or a municipality for
11 operation and maintenance macadamized, graveled, or paved roads, or
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 8414.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
14 project must meet all applicable construction standards, zoning and
15 subdivision requirements, and regulations of each municipality in
16 whose corporate limits or extraterritorial jurisdiction the road
17 project is located.

18 (b) If a road project is not located in the corporate limits
19 or extraterritorial jurisdiction of a municipality, the road
20 project must meet all applicable construction standards,
21 subdivision requirements, and regulations of each county in which
22 the road project is located.

23 (c) If the state will maintain and operate the road, the
24 Texas Transportation Commission must approve the plans and
25 specifications of the road project.

26 Sec. 8414.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
27 OR RESOLUTION. (a) The district shall comply with all applicable

1 requirements of any ordinance or resolution that is adopted under
2 Section 54.016 or 54.0165, Water Code, and that consents to the
3 creation of the district or to the inclusion of land in the
4 district.

5 (b) In addition to all the rights and remedies provided by
6 other law, if the district violates the terms of an ordinance or
7 resolution described by Subsection (a), the municipality is
8 entitled to injunctive relief or a writ of mandamus issued by a
9 court requiring the district and the district's officials to
10 observe and comply with the terms of the ordinance or resolution.

11 Sec. 8414.106. EFFECT OF ANNEXATION OR INCLUSION WITHIN THE
12 CORPORATE BOUNDARIES OF THE CITY OF CONROE. Notwithstanding Section
13 54.016(f)(2), Water Code, an allocation agreement between the City
14 of Conroe and the district that provides for the allocation of the
15 taxes or revenues of the district and the city following the date of
16 inclusion of all the district's territory in the corporate limits
17 of the city may provide that the total annual ad valorem taxes
18 collected by the city and the district from taxable property in the
19 district may exceed the city's ad valorem tax on that property.

20 Sec. 8414.107. LIMITATION ON USE OF EMINENT DOMAIN. The
21 district may not exercise the power of eminent domain outside the
22 district without the written consent of the City of Conroe.

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 8414.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
25 district may issue, without an election, bonds and other
26 obligations secured by revenue other than ad valorem taxes.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

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

8 Sec. 8414.152. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 8414.151, the district
10 may impose an operation and maintenance tax on taxable property in
11 the district in accordance with Section 49.107, Water Code.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8414.201. 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, tax increment payments, grants, or
19 other district money, or any combination of those sources, to pay
20 for any authorized district purpose.

21 Sec. 8414.202. 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. 8414.203. 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. Montgomery County Municipal Utility District No.
6 132 initially includes all the territory contained in the following
7 area: TRACT I (23.69 acres):

8 Metes and bounds description of all that certain 23.69 acre tract or
9 parcel of land, lying and being situated in the John McDillon
10 Survey, A-347, Conroe, Montgomery County, Texas, and being a
11 portion out of that same 57.98 acre tract conveyed to Wedgewood
12 Falls, Ltd., as described by deed recorded in Volume 589.10, Page
13 1036 of the Deed of Records of Montgomery County ("DRMC") and also
14 being formerly referred to as "Tract III", as depicted on drawing
15 entitled "Composite Map of 135.750 Acres", said 23.69 acre tract
16 being more particularly described as follows:

17 BEGINNING at a 1/2" iron rod found for the northwest corner of this
18 tract, being also the northwest corner of said 57.98 acre tract, and
19 lying in the south line of the P.H. Herndon Survey, A-256 and also
20 being in the south line of the Aaron Pasternak Estate (No Citation);
21 THENCE N 72° 13' 41" E - 526.41 feet with the said common line to a
22 plastic capped 1/2" iron (stamped Taggart, RPLS #5676) found for
23 the northeasterly corner of this tract and being in the westerly
24 right-of-way line of Longmire Road (variable width ROW), a public
25 road;

26 THENCE S 39 ° 52' 51" E - 381.09 feet with the said right-of-way line
27 to a 1/2" iron rod found for an angel point; said point common with

1 the Carolyn A. Ditore called 7.4682 acre tract recorded in Volume
2 192.00 Page 1355 (CCFN9519083) of the said DRMC;

3 THENCE S 16 ° 58' 57" E - 1,066.76 feet with the said common line to a
4 plastic capped 1/2" iron (stamped Taggart, RPLS #5676) set for the
5 southeasterly corner of this tract, a 1/2" iron rod found marking an
6 east corner of said 57.98 acre tract, and lying in the northwest
7 right-of-way line of FM 3083 bears S 16 ° 58' 57" E - 865.51 feet;

8 Thence the following calls across the said 57.98 acre tract:

9 S 6 ° 52' 19" W- 449.66 feet to a plastic capped 1/2" iron
10 (stamped Taggart, RPLS # 5676) set for corner;

11 S 24° 00'13" E - 3.19 feet to a plastic capped 1/2" iron
12 (stamped Taggart, RPLS # 5676) set for corner;

13 S 66° 00' 12" W - 120.00 feet to a plastic capped 1/2" (stamped
14 Taggart, RPLS # 5676) set for corner in the west line of said 57.98
15 acre tract from which a 1/2" iron rod found for a point of curvature
16 in the west boundary line of said 57.98 acre tract bears S 23 °
17 59'48" E - 282.79 feet for reference;

18 Thence the following calls along the said westerly boundary line:

19 N 23° 59' 48" W - 129.37 feet to a 1/2" iron rod found for an
20 angle point;

21 N 36° 28' 06" W- 699.32 feet to a 1/2" iron rod found for an angle
22 point;

23 N 14° 51' 50" W- 405.17 feet to a 1/2" iron rod found for an angle
24 point;

25 N 09° 18' 12" E- 278.32 feet to a 1/2" iron rod found for an angle
26 point;

27 N 18° 07' 05" W- 57.77 feet to the PLACE OF BEGINNING and containing

1 23.69 acres of land.

2 Tract II (31 acres):

3 Metes and bounds description of all that is certain 35.00 acre tract
4 or parcel of land, lying and being situated in the John McDillon
5 Survey, A-347, Conroe, Montgomery County, Texas, and being a
6 portion out of that same 57.98 acre tract conveyed to Wedgwood
7 Falls, Ltd., as described by deed recorded in Volume 589.10, Page
8 1036 of the said DRMC, and also being formerly referred to as "Tract
9 III", as depicted on a drawing entitled "Composite Map of 135.750
10 Acres", said 35.00 acre tract being more particularly described as
11 follows:

12 BEGINNING at a capped 1/2" iron rod set in the northeast line of
13 said 57.98 acre tract for the north corner of this tract. A capped
14 1/2" iron rod found at an angle point in the southwest right-of-way
15 line of Longmire Road (Variable width ROW), bears N 16° 58' 57" W-
16 1058.28 feet for reference;

17 THENCE S 16° 58' 57" E- 873.99 feet with said northeast line to a
18 capped 1/2" iron found for corner in the northwest right-of-way
19 line of FM 3083, and being the beginning of a curve to the left;

20 THENCE in a southwesterly direction for a distance of 447.74 feet
21 along the arc of said curve (Curve data: central angle = 20° 16' 46",
22 radius = 1265.00 feet, tangent = 226.24 feet, the chord bears S 26°
23 44' 49" W- 445.40 feet), to a capped 1/2" iron rod set for end of
24 said curve and being and angle point in said right-of-way line;

25 THENCE S 09° 28' 56" W - 201.56 feet with said right-of-way line to a
26 capped 1/2" iron rod set for angle point;

27 THENCE S 16° 36' 26" W - 151.34 feet with said right-of-way line to a

1 capped 5/8" iron rod found for the southeast corner of this tract,
2 and being also the northeast corner of an 8.23 acre tract, formerly
3 referred to as "Tract IV" as depicted of said "Composite Map";
4 THENCE S 72° 08' 32" W- 892.01 feet with the common line between said
5 57.98 acre tract and said 8.23 acre tract to a 1- 1/4" iron pipe
6 found for the southwest corner of this tract;
7 THENCE N 17° 56' 22" W - 935.28 feet with the west line of said 57.98
8 acre tract to a 1- 1/4" iron pipe found for angle point;
9 THENCE N 17° 45' 50" W- 282.18 feet to a 1/2" iron rod found for
10 corner, and being also the east corner of that same 12.65 acre tract
11 conveyed to Allen Acquisitions, Ltd. as described by deed recorded
12 in Volume 625.10, Page 128 of the said DRMC, and being in the
13 southerly boundary line of Wedgewood Golf Course;
14 THENCE S 60° 51' 46" E - 179.11 feet to a 1/2" iron rod found for
15 angle point;
16 THENCE N 81° 11' 43" E - 608.43 feet to a 1/2" iron rod found for
17 beginning of a curve to the left;
18 THENCE in the northeasterly direction along a distance of 224.31
19 feet along the arc of said curve (Curve data: central angle = 105°
20 36' 21", radius = 121.70 feet, tangent = 160.35 feet, the chord
21 bears N 28° 31' 35" E - 193.88 feet) to a 1/2" iron rod found for end
22 of said curve;
23 THENCE N 23° 59' 48" W - 381.30 feet with the southwest line of said
24 57.98 acre tract to a capped 1/2" iron rod set for the northwest
25 corner of this tract, from which a 1/2" iron rod found marking an
26 angle point in the line of said 57.98 acre tract bears N 23° 59' 48"
27 W- 30.86 feet;

1 THENCE N 73° 01' 03" E - 574.69 feet across the said 57.98 acre tract
2 to the PLACE OF BEGINNING and containing 35.00 acres of land.

3 Save and Except the following:

4 Metes and bound description of all that certain 2.33 acre tract or
5 parcel of land, lying and being situated in the John McDillon
6 Survey, A - 347, Conroe, Montgomery County, Texas, and being a part
7 of a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd., and
8 recorded as County Clerk Film Code No. 2004-05-5312 and Clerk File
9 No. 5891035 of the Official Public Records of Real Property of
10 Montgomery County, Texas; said tract being Restricted Commercial
11 Reserve "D" as graphically depicted on the proposed plat of
12 Wedgewood Falls, Phase 1; said 2.33 acre tract being more
13 particularly described as follows:

14 COMMENCING: at a 5/8" iron rod with cap stamped "Carter & Burgess,
15 Inc." found for the southeasterly corner of the said 57.98 acre
16 tract and being in the westerly right-of-way line of FM 3083 (Carter
17 Moore Drive), being a 180 foot public street as depicted by
18 right-of-way map prepared by Carter & Burgess, dated August, 1995,
19 and being an exterior corner; said point being common with a 51.440
20 acre tract conveyed to 55 ACRE JOINT VENTURE and recorded as Film
21 Code No. 635-01-0333 of the said Official Records;

22 THENCE: N 16° 36' 26" E - 170.15 feet (N 15° 50' 40" E Record) along
23 the said right-of-way line to a plastic capped 1/2" iron rod
24 (stamped Taggart, RPLS # 5676) set for angle point; a 5/8" iron rod
25 found with plastic cap stamped "Carter Burgess, Inc." for reference
26 bears S 13° 01' 11" W - 0.42 feet;

27 THENCE: N 09° 28' 56" E - 201.56 feet (N 08° 43' 10" E Record) along

1 the aforementioned right-of-way line to a plastic capped 1/2" iron
2 rod (stamped Taggart, RPLS # 5676) set for the beginning of a curve
3 to the right; a 5/8" iron rod found with plastic cap stamped "Carter
4 Burgess, Inc." for reference bears S 01° 25' 07" W - 0.45 feet;

5 THENCE: 103.60 feet along the west right-of-way of said FM 3083
6 being the arc of said curve, in a northeasterly direction (Curve
7 data: Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent =
8 51.83 feet, the Long Chord bears N 18° 57' 33" E - 103.57 feet) to a
9 plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for
10 an exterior corner and southeast corner and being the PLACE OF
11 BEGINNING:

12 Thence the following six (6) calls across the said 57.98 acre tract:

13 N 65° 30' 34" W - 202.01 feet to a plastic capped 1/2" iron rod
14 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
15 southwest corner;

16 N 24° 29' 26" E - 185.44 feet to a plastic capped 1/2" iron rod
17 (stamped Taggart, RPLS# 5676) found for an angle point and an
18 interior corner;

19 N 04° 23' 30" W - 190.97 feet to a plastic capped 1/2" iron rod
20 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
21 northwest corner;

22 N 79° 14' 58" E - 48.02 feet to a plastic capped 1/2" iron rod
23 (stamped Taggart, RPLS # 5676) found for and angle point and
24 interior corner;

25 N 75° 26' 16" E - 114.17 feet to a plastic capped 1/2" iron rod
26 (stamped Taggart, RPLS # 5676) found for an angle point and interior
27 corner;

1 N 66° 55' 24" E - 62.16 feet to a plastic capped 1/2" iron rod
2 (stamped Taggart, RPLS # 5676) found in the northeasterly line of
3 the said 57.98 acres for an exterior northeast corner, said point
4 being in the westerly boundary of a 5.7260 acre tract conveyed to
5 James L. Schulze et ux and recorded as Firm Code No. 0456-00-1454 of
6 the said Official Records;

7 THENCE: S 16° 58' 57" E - 225.37 feet along the said common boundary
8 line to a 5/8" iron rod found with plastic cap stamped "Carter
9 Burgess, Inc." for a common corner of the 57.98 acre tract of the
10 said 5.7260 acre tract in the northwesterly right-of-way line of FM
11 3083 and being the beginning of a non-tangent curve to the left; for
12 reference the radial bearing is S 53° 41' 54" E - 1,265.00 feet;

13 THENCE: 331.19 feet along the said right-of-way line of said FM 3083
14 being the arc of said curve, in a southwesterly direction (Curve
15 data: Central Angle = 15° 00' 03", Radius = 1,265.00 feet, Tangent =
16 166.55 feet, the Long Chord bears S 28° 44' 04" W - 330.24 feet) to
17 the PLACE OF BEGINNING, and containing 2.33 acres of land.

18 And Save and Except the following:

19 Metes and bounds description of all that certain 1.67 acre
20 tract or parcel of land, lying and being situated in the John
21 McDillon Survey, A - 347, Conroe, Montgomery County, Texas, and
22 being a part of a 57.98 acre tract conveyed to Wedgewood Falls,
23 Ltd., and recorded as County Clerk Film Code No. 2004-05-5312 and
24 File No. 5891035 of the Official Public Records of Real Property,
25 Montgomery County, Texas; said tract being that same Restricted
26 Reserve "E" (Commercial) as graphically depicted on the proposed
27 plat of Wedgewood Falls, Phase 1, and being more particularly

1 described as follows:

2 COMMENCING: at a 5/8" iron rod with cap stamped "Carter &
3 Burgess, Inc." found for the southeasterly corner of the said 57.98
4 acre tract and being in the westerly right-of-way line of FM 3083
5 (Carter Moore Drive), being a 180 foot public street as depicted by
6 right-of-way map prepared by Carter & Burgess, dated August, 1995,
7 and being an exterior corner; said point being common with a 51.440
8 acre tract conveyed to 55 ACRE JOINT VENTURE and recorded as Film
9 Code No. 635-01-0333 of the said Official Records;

10 THENCE: N 16° 36' 26" E - 136.54 feet (N 15° 50' 40" E Record)
11 along the said right-of-way line to a plastic capped 1/2" iron rod
12 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
13 southeast corner of this tract and being the PLACE OF BEGINNING;

14 Thence of the following eight (8) calls across the said 57.98
15 acre tract:

16 N 70° 59' 21" W - 208.06 feet to a plastic capped 1/2" iron rod
17 (stamped Taggart, RPLS # 5676) found for the southwest corner of
18 this tract and being an exterior corner;

19 N 16° 36' 26" E - 37.60 feet to a plastic capped 1/2" iron rod
20 (stamped Taggart, RPLS # 5676) found for an angle point and interior
21 corner;

22 N 06° 18' 15" E - 49.79 feet to a plastic capped 1/2" iron rod
23 (stamped Taggart, RPLS # 5676) found for an angle point and an
24 interior corner;

25 N 03° 13' 27" E - 50.35 feet to a plastic capped 1/2" iron rod
26 (stamped Taggart, RPLS # 5676) found for an angle point and an
27 exterior corner;

1 N 11° 43' 43" E - 87.74 feet to a plastic capped 1/2" iron rod
2 (stamped Taggart, RPLS # 5676) found for and angle point and an
3 exterior corner;

4 N 19° 54' 20" E - 41.95 feet to a plastic capped 1/2" iron rod
5 (stamped Taggart, RPLS # 5676) found for and angle point and being
6 an exterior corner;

7 N 24° 29' 26" E - 92.08 feet to a plastic capped 1/2" iron rod
8 (stamped Taggart, RPLS # 5676) found for the northwest corner and an
9 exterior corner;

10 S 65° 30' 34" E - 202.01 feet to plastic capped 1/2" iron rod
11 (stamped Taggart, RPLS # 5676) set for the northeast corner and an
12 exterior corner in the westerly right-of-way line of FM 3083; said
13 point being in a non-tangent curve to the left; for reference the
14 radial bearing is S 68° 41' 57" E - 1,265.00 feet;

15 THENCE: 103.60 feet along the said right-of-way line in a
16 southwesterly direction along the arc of said curve (Curve data:
17 Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent = 51.88
18 feet, the Long Chord bears S 18° 57' 33" W - 103.57 feet) to a plastic
19 capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for the end
20 of said curve and an interior corner; a 5/8" iron rod with cap
21 stamped "Carter & Burgess, Inc." found for reference bears S 01° 25'
22 07" W - 0.45 feet;

23 THENCE: S 09° 28' 56" W - 201.56 feet (S 08° 43' 10" W Record)
24 continuing along the said west right-of-way line of FM 3083 to a
25 plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for
26 an exterior corner and angle point; a 5/8" iron rod with cap stamped
27 "Carter & Burgess, Inc." found for reference bears S 13° 01' 11" W -

1 0.42 feet;

2 THENCE: S 16° 36' 26" W - 33.61 feet (S 15° 50' 40" W Record)
3 continuing along the said right-of-way line to PLACE OF BEGINNING
4 and containing 1.67 acres of land.

5 Tract III (4.58 acres)

6 Metes and bound description of all that certain 4.58 acre
7 tract of parcel of land, lying and being situated in the John
8 McDillon Survey, A-347, Conroe, Montgomery County, Texas, and being
9 a part of a called 51.440 acre tract conveyed to a 55 Acre Joint
10 Venture and recorded in Montgomery County Clerk's File No. 9000377
11 of the said Official Records; said 4.58 acre tract being more
12 particularly described as follows:

13 BEGINNING at a 1" square head bolt for the northwest corner of
14 the said 51.440 acre tract, and common with the southwest corner of
15 a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd. and
16 recorded in Montgomery County Clerk's File No. 2004-055312 of the
17 said Official Records; said point also being common with southeast
18 corner of the Lomax 4.8 acre tract recorded as Montgomery County
19 Clerk's File No. 8605404 of the said DRMC, and also common with the
20 northeast corner of the E. Bowers, et ux 2.0438 acre tract recorded
21 as Montgomery County Clerk's File No. 9603445 of the said DRMC; said
22 point is an exterior corner in the northwest corner of this tract;

23 THENCE N 72° 08' 32" E - 630.38 feet (N 74° 33' E Record) along
24 the common line of the 51,440 acre tract and the said 57.98 acre
25 tract, to a plastic capped 1/2" iron rod (stamped Taggart, RPLS #
26 5676) found for an exterior corner, and the northeast corner of this
27 tract;

1 THENCE S 19° 03' 16" W - 626.46 feet across the said 51.440
2 acre tract to a plastic capped 1/2" iron rod (stamped Taggart, RPLS
3 # 5676) found in a southwesterly line of the said 51.440 acre tract
4 and the northeasterly line of a 2.000 acre tract conveyed to Louis
5 L. Calfee, et ux and recorded in Volume 433, Page 593 of the said
6 DRMC, for an exterior corner, and the southeast corner of this
7 tract;

8 THENCE N 73° 21' 43" W - 308.18 feet (N 70° 54' W Record) to a
9 plastic capped 1/2" iron rod (stamped Taggart, RPLS 5676) found for
10 an exterior corner, and the southwest corner of the said 51.440 acre
11 tract; said point being and the northeasterly line of a 1.716 acre
12 lot referred to as Restricted Reserve "A" of Section 1 of the Crouch
13 Subdivision and recorded in Montgomery County Clerk's File No.
14 2001-027356 of the said DRMC, and as Sheet 193, Cabinet P of the Map
15 Record of Montgomery County, Texas, and being the southwest corner
16 of this tract and the northwest corner of the said 2.000 acre tract;

17 THENCE N 17° 52' 57" W - 326.35 feet (N 15° 28' W - 326.15 feet
18 Record) along the common line of Crouch Subdivision and the said
19 51.440 acre tract and continuing along the northeast boundary line
20 of a 2.0438 acre tract conveyed to E. Vernon Bowers, et ux and
21 recorded as Montgomery County Clerk's File No. 9603445 of the said
22 Official Records to the PLACE OF BEGINNING and containing 4.58
23 acres.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

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

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

15 SECTION 4. (a) Section 8414.107, Special District Local
16 Laws Code, as added by Section 1 of this Act, takes effect only if
17 this Act receives a two-thirds vote of all the members elected to
18 each house.

19 (b) If this Act does not receive a two-thirds vote of all the
20 members elected to each house, Subchapter C, Chapter 8414, Special
21 District Local Laws Code, as added by Section 1 of this Act, is
22 amended by adding Section 8414.107 to read as follows:

23 Sec. 8414.107. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

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

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.