

1-1 By: Creighton (Senate Sponsor - Williams) H.B. No. 1260
 1-2 (In the Senate - Received from the House May 17, 2013;
 1-3 May 17, 2013, read first time and referred to Committee on
 1-4 Administration; May 20, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Montgomery County Municipal Utility
 1-18 District No. 132; providing authority to impose a tax and issue
 1-19 bonds; granting a limited power of eminent domain.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 8414 to read as follows:

1-23 CHAPTER 8414. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-24 NO. 132

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8414.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Montgomery County Municipal
 1-32 Utility District No. 132.

1-33 Sec. 8414.002. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8414.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8414.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 8414.003
 1-42 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8414.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-47 The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
 1-52 relate to the construction, acquisition, improvement, operation,
 1-53 or maintenance of macadamized, graveled, or paved roads, or
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8414.006. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 Sec. 8414.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT
2-8 REINVESTMENT ZONE. (a) The district is eligible to be included in
2-9 a tax increment reinvestment zone created under Chapter 311, Tax
2-10 Code.

2-11 (b) If the City of Conroe has created or creates a tax
2-12 increment reinvestment zone described by Subsection (a) that
2-13 includes all or part of the territory of the district, the City of
2-14 Conroe and the board of directors of the zone or a developer of
2-15 property within the tax increment reinvestment zone that receives
2-16 or will receive money from the tax increment fund, by contract with
2-17 the district, may grant money to the district from the tax increment
2-18 fund to be used for a permissible purpose of the district,
2-19 including:

- 2-20 (1) the right to pledge the money as security for a
- 2-21 bond or other obligation issued by the district; and
- 2-22 (2) any permissible purpose of a corporation under
- 2-23 Section 380.002(b), Local Government Code.

2-24 SUBCHAPTER B. BOARD OF DIRECTORS

2-25 Sec. 8414.051. GOVERNING BODY; TERMS. (a) The district is
2-26 governed by a board of five elected directors.

2-27 (b) Except as provided by Section 8414.052, directors serve
2-28 staggered four-year terms.

2-29 Sec. 8414.052. TEMPORARY DIRECTORS. (a) The temporary
2-30 board consists of:

- 2-31 (1) Bill Odle;
- 2-32 (2) Brandon Macey;
- 2-33 (3) Troy Koterak;
- 2-34 (4) Greg Snider; and
- 2-35 (5) Abby McMahon.

2-36 (b) Temporary directors serve until the earlier of:

- 2-37 (1) the date permanent directors are elected under
- 2-38 Section 8414.003; or
- 2-39 (2) the fourth anniversary of the effective date of
- 2-40 the Act enacting this chapter.

2-41 (c) If permanent directors have not been elected under
2-42 Section 8414.003 and the terms of the temporary directors have
2-43 expired, successor temporary directors shall be appointed or
2-44 reappointed as provided by Subsection (d) to serve terms that
2-45 expire on the earlier of:

- 2-46 (1) the date permanent directors are elected under
- 2-47 Section 8414.003; or
- 2-48 (2) the fourth anniversary of the date of the
- 2-49 appointment or reappointment.

2-50 (d) If Subsection (c) applies, the owner or owners of a
2-51 majority of the assessed value of the real property in the district
2-52 may submit a petition to the commission requesting that the
2-53 commission appoint as successor temporary directors the five
2-54 persons named in the petition. The commission shall appoint as
2-55 successor temporary directors the five persons named in the
2-56 petition.

2-57 SUBCHAPTER C. POWERS AND DUTIES

2-58 Sec. 8414.101. GENERAL POWERS AND DUTIES. The district has
2-59 the powers and duties necessary to accomplish the purposes for
2-60 which the district is created.

2-61 Sec. 8414.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-62 DUTIES. The district has the powers and duties provided by the
2-63 general law of this state, including Chapters 49 and 54, Water Code,
2-64 applicable to municipal utility districts created under Section 59,
2-65 Article XVI, Texas Constitution.

2-66 Sec. 8414.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-67 52, Article III, Texas Constitution, the district may design,
2-68 acquire, construct, finance, issue bonds for, improve, operate,
2-69 maintain, and convey to this state, a county, or a municipality for

3-1 operation and maintenance macadamized, graveled, or paved roads, or
3-2 improvements, including storm drainage, in aid of those roads.

3-3 Sec. 8414.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
3-4 project must meet all applicable construction standards, zoning and
3-5 subdivision requirements, and regulations of each municipality in
3-6 whose corporate limits or extraterritorial jurisdiction the road
3-7 project is located.

3-8 (b) If a road project is not located in the corporate limits
3-9 or extraterritorial jurisdiction of a municipality, the road
3-10 project must meet all applicable construction standards,
3-11 subdivision requirements, and regulations of each county in which
3-12 the road project is located.

3-13 (c) If the state will maintain and operate the road, the
3-14 Texas Transportation Commission must approve the plans and
3-15 specifications of the road project.

3-16 Sec. 8414.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3-17 OR RESOLUTION. (a) The district shall comply with all applicable
3-18 requirements of any ordinance or resolution that is adopted under
3-19 Section 54.016 or 54.0165, Water Code, and that consents to the
3-20 creation of the district or to the inclusion of land in the
3-21 district.

3-22 (b) In addition to all the rights and remedies provided by
3-23 other law, if the district violates the terms of an ordinance or
3-24 resolution described by Subsection (a), the municipality is
3-25 entitled to injunctive relief or a writ of mandamus issued by a
3-26 court requiring the district and the district's officials to
3-27 observe and comply with the terms of the ordinance or resolution.

3-28 Sec. 8414.106. EFFECT OF ANNEXATION OR INCLUSION WITHIN THE
3-29 CORPORATE BOUNDARIES OF THE CITY OF CONROE. Notwithstanding Section
3-30 54.016(f)(2), Water Code, an allocation agreement between the City
3-31 of Conroe and the district that provides for the allocation of the
3-32 taxes or revenues of the district and the city following the date of
3-33 inclusion of all the district's territory in the corporate limits
3-34 of the city may provide that the total annual ad valorem taxes
3-35 collected by the city and the district from taxable property in the
3-36 district may exceed the city's ad valorem tax on that property.

3-37 Sec. 8414.107. LIMITATION ON USE OF EMINENT DOMAIN. The
3-38 district may not exercise the power of eminent domain outside the
3-39 district without the written consent of the City of Conroe.

3-40 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-41 Sec. 8414.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-42 district may issue, without an election, bonds and other
3-43 obligations secured by revenue other than ad valorem taxes.

3-44 (b) The district must hold an election in the manner
3-45 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-46 before the district may impose an ad valorem tax or issue bonds
3-47 payable from ad valorem taxes.

3-48 (c) The district may not issue bonds payable from ad valorem
3-49 taxes to finance a road project unless the issuance is approved by a
3-50 vote of a two-thirds majority of the district voters voting at an
3-51 election held for that purpose.

3-52 Sec. 8414.152. OPERATION AND MAINTENANCE TAX. (a) If
3-53 authorized at an election held under Section 8414.151, the district
3-54 may impose an operation and maintenance tax on taxable property in
3-55 the district in accordance with Section 49.107, Water Code.

3-56 (b) The board shall determine the tax rate. The rate may not
3-57 exceed the rate approved at the election.

3-58 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-59 Sec. 8414.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-60 OBLIGATIONS. The district may issue bonds or other obligations
3-61 payable wholly or partly from ad valorem taxes, impact fees,
3-62 revenue, contract payments, tax increment payments, grants, or
3-63 other district money, or any combination of those sources, to pay
3-64 for any authorized district purpose.

3-65 Sec. 8414.202. TAXES FOR BONDS. At the time the district
3-66 issues bonds payable wholly or partly from ad valorem taxes, the
3-67 board shall provide for the annual imposition of a continuing
3-68 direct ad valorem tax, without limit as to rate or amount, while all
3-69 or part of the bonds are outstanding as required and in the manner

4-1 provided by Sections 54.601 and 54.602, Water Code.

4-2 Sec. 8414.203. BONDS FOR ROAD PROJECTS. At the time of
 4-3 issuance, the total principal amount of bonds or other obligations
 4-4 issued or incurred to finance road projects and payable from ad
 4-5 valorem taxes may not exceed one-fourth of the assessed value of the
 4-6 real property in the district.

4-7 SECTION 2. Montgomery County Municipal Utility District No.
 4-8 132 initially includes all the territory contained in the following
 4-9 area: TRACT I (23.69 acres):

4-10 Metes and bounds description of all that certain 23.69 acre tract or
 4-11 parcel of land, lying and being situated in the John McDillon
 4-12 Survey, A-347, Conroe, Montgomery County, Texas, and being a
 4-13 portion out of that same 57.98 acre tract conveyed to Wedgewood
 4-14 Falls, Ltd., as described by deed recorded in Volume 589.10, Page
 4-15 1036 of the Deed of Records of Montgomery County ("DRMC") and also
 4-16 being formerly referred to as "Tract III", as depicted on drawing
 4-17 entitled "Composite Map of 135.750 Acres", said 23.69 acre tract
 4-18 being more particularly described as follows:

4-19 BEGINNING at a 1/2" iron rod found for the northwest corner of this
 4-20 tract, being also the northwest corner of said 57.98 acre tract, and
 4-21 lying in the south line of the P.H. Herndon Survey, A-256 and also
 4-22 being in the south line of the Aaron Pasternak Estate (No Citation);
 4-23 THENCE N 72° 13' 41" E - 526.41 feet with the said common line to a
 4-24 plastic capped 1/2" iron (stamped Taggart, RPLS #5676) found for
 4-25 the northeasterly corner of this tract and being in the westerly
 4-26 right-of-way line of Longmire Road (variable width ROW), a public
 4-27 road;

4-28 THENCE S 39° 52' 51" E - 381.09 feet with the said right-of-way line
 4-29 to a 1/2" iron rod found for an angel point; said point common with
 4-30 the Carolyn A. Ditore called 7.4682 acre tract recorded in Volume
 4-31 192.00 Page 1355 (CCFN9519083) of the said DRMC;

4-32 THENCE S 16° 58' 57" E - 1,066.76 feet with the said common line to a
 4-33 plastic capped 1/2" iron (stamped Taggart, RPLS #5676) set for the
 4-34 southeasterly corner of this tract, a 1/2" iron rod found marking an
 4-35 east corner of said 57.98 acre tract, and lying in the northwest
 4-36 right-of-way line of FM 3083 bears S 16° 58' 57" E - 865.51 feet;

4-37 Thence the following calls across the said 57.98 acre tract:

4-38 S 6° 52' 19" W- 449.66 feet to a plastic capped 1/2" iron
 4-39 (stamped Taggart, RPLS # 5676) set for corner;

4-40 S 24° 00' 13" E - 3.19 feet to a plastic capped 1/2" iron
 4-41 (stamped Taggart, RPLS # 5676) set for corner;

4-42 S 66° 00' 12" W - 120.00 feet to a plastic capped 1/2" (stamped
 4-43 Taggart, RPLS # 5676) set for corner in the west line of said 57.98
 4-44 acre tract from which a 1/2" iron rod found for a point of curvature
 4-45 in the west boundary line of said 57.98 acre tract bears S 23°
 4-46 59' 48" E - 282.79 feet for reference;

4-47 Thence the following calls along the said westerly boundary line:

4-48 N 23° 59' 48" W - 129.37 feet to a 1/2" iron rod found for an
 4-49 angle point;

4-50 N 36° 28' 06" W- 699.32 feet to a 1/2" iron rod found for an angle
 4-51 point;

4-52 N 14° 51' 50" W- 405.17 feet to a 1/2" iron rod found for an angle
 4-53 point;

4-54 N 09° 18' 12" E- 278.32 feet to a 1/2" iron rod found for an angle
 4-55 point;

4-56 N 18° 07' 05" W- 57.77 feet to the PLACE OF BEGINNING and containing
 4-57 23.69 acres of land.

4-58 Tract II (31 acres):

4-59 Metes and bounds description of all that is certain 35.00 acre tract
 4-60 or parcel of land, lying and being situated in the John McDillon
 4-61 Survey, A-347, Conroe, Montgomery County, Texas, and being a
 4-62 portion out of that same 57.98 acre tract conveyed to Wedgewood
 4-63 Falls, Ltd., as described by deed recorded in Volume 589.10, Page
 4-64 1036 of the said DRMC, and also being formerly referred to as "Tract
 4-65 III", as depicted on a drawing entitled "Composite Map of 135.750
 4-66 Acres", said 35.00 acre tract being more particularly described as
 4-67 follows:

4-68 BEGINNING at a capped 1/2" iron rod set in the northeast line of
 4-69 said 57.98 acre tract for the north corner of this tract. A capped

5-1 1/2" iron rod found at an angle point in the southwest right-of-way
 5-2 line of Longmire Road (Variable width ROW), bears N 16° 58' 57" W-
 5-3 1058.28 feet for reference;
 5-4 THENCE S 16° 58' 57" E- 873.99 feet with said northeast line to a
 5-5 capped 1/2" iron found for corner in the northwest right-of-way
 5-6 line of FM 3083, and being the beginning of a curve to the left;
 5-7 THENCE in a southwesterly direction for a distance of 447.74 feet
 5-8 along the arc of said curve (Curve data: central angle = 20° 16' 46",
 5-9 radius = 1265.00 feet, tangent = 226.24 feet, the chord bears S 26°
 5-10 44' 49" W- 445.40 feet), to a capped 1/2" iron rod set for end of
 5-11 said curve and being an angle point in said right-of-way line;
 5-12 THENCE S 09° 28' 56" W - 201.56 feet with said right-of-way line to a
 5-13 capped 1/2" iron rod set for angle point;
 5-14 THENCE S 16° 36' 26" W - 151.34 feet with said right-of-way line to a
 5-15 capped 5/8" iron rod found for the southeast corner of this tract,
 5-16 and being also the northeast corner of an 8.23 acre tract, formerly
 5-17 referred to as "Tract IV" as depicted of said "Composite Map";
 5-18 THENCE S 72° 08' 32" W- 892.01 feet with the common line between said
 5-19 57.98 acre tract and said 8.23 acre tract to a 1- 1/4" iron pipe
 5-20 found for the southwest corner of this tract;
 5-21 THENCE N 17° 56' 22" W - 935.28 feet with the west line of said 57.98
 5-22 acre tract to a 1- 1/4" iron pipe found for angle point;
 5-23 THENCE N 17° 45' 50" W- 282.18 feet to a 1/2" iron rod found for
 5-24 corner, and being also the east corner of that same 12.65 acre tract
 5-25 conveyed to Allen Acquisitions, Ltd. as described by deed recorded
 5-26 in Volume 625.10, Page 128 of the said DRMC, and being in the
 5-27 southerly boundary line of Wedgewood Golf Course;
 5-28 THENCE S 60° 51' 46" E - 179.11 feet to a 1/2" iron rod found for
 5-29 angle point;
 5-30 THENCE N 81° 11' 43" E - 608.43 feet to a 1/2" iron rod found for
 5-31 beginning of a curve to the left;
 5-32 THENCE in the northeasterly direction along a distance of 224.31
 5-33 feet along the arc of said curve (Curve data: central angle = 105°
 5-34 36' 21", radius = 121.70 feet, tangent = 160.35 feet, the chord
 5-35 bears N 28° 31' 35" E - 193.88 feet) to a 1/2" iron rod found for end
 5-36 of said curve;
 5-37 THENCE N 23° 59' 48" W - 381.30 feet with the southwest line of said
 5-38 57.98 acre tract to a capped 1/2" iron rod set for the northwest
 5-39 corner of this tract, from which a 1/2" iron rod found marking an
 5-40 angle point in the line of said 57.98 acre tract bears N 23° 59' 48"
 5-41 W- 30.86 feet;
 5-42 THENCE N 73° 01' 03" E - 574.69 feet across the said 57.98 acre tract
 5-43 to the PLACE OF BEGINNING and containing 35.00 acres of land.
 5-44 Save and Except the following:
 5-45 Metes and bound description of all that certain 2.33 acre tract or
 5-46 parcel of land, lying and being situated in the John McDillon
 5-47 Survey, A - 347, Conroe, Montgomery County, Texas, and being a part
 5-48 of a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd., and
 5-49 recorded as County Clerk Film Code No. 2004-05-5312 and Clerk File
 5-50 No. 5891035 of the Official Public Records of Real Property of
 5-51 Montgomery County, Texas; said tract being Restricted Commercial
 5-52 Reserve "D" as graphically depicted on the proposed plat of
 5-53 Wedgewood Falls, Phase 1; said 2.33 acre tract being more
 5-54 particularly described as follows:
 5-55 COMMENCING: at a 5/8" iron rod with cap stamped "Carter & Burgess,
 5-56 Inc." found for the southeasterly corner of the said 57.98 acre
 5-57 tract and being in the westerly right-of-way line of FM 3083 (Carter
 5-58 Moore Drive), being a 180 foot public street as depicted by
 5-59 right-of-way map prepared by Carter & Burgess, dated August, 1995,
 5-60 and being an exterior corner; said point being common with a 51.440
 5-61 acre tract conveyed to 55 ACRE JOINT VENTURE and recorded as Film
 5-62 Code No. 635-01-0333 of the said Official Records;
 5-63 THENCE: N 16° 36' 26" E - 170.15 feet (N 15° 50' 40" E Record) along
 5-64 the said right-of-way line to a plastic capped 1/2" iron rod
 5-65 (stamped Taggart, RPLS # 5676) set for angle point; a 5/8" iron rod
 5-66 found with plastic cap stamped "Carter Burgess, Inc." for reference
 5-67 bears S 13° 01' 11" W - 0.42 feet;
 5-68 THENCE: N 09° 28' 56" E - 201.56 feet (N 08° 43' 10" E Record) along
 5-69 the aforementioned right-of-way line to a plastic capped 1/2" iron

6-1 rod (stamped Taggart, RPLS # 5676) set for the beginning of a curve
6-2 to the right; a 5/8" iron rod found with plastic cap stamped "Carter
6-3 Burgess, Inc." for reference bears S 01° 25' 07" W - 0.45 feet;
6-4 THENCE: 103.60 feet along the west right-of-way of said FM 3083
6-5 being the arc of said curve, in a northeasterly direction (Curve
6-6 data: Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent =
6-7 51.83 feet, the Long Chord bears N 18° 57' 33" E - 103.57 feet) to a
6-8 plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for
6-9 an exterior corner and southeast corner and being the PLACE OF
6-10 BEGINNING;
6-11 Thence the following six (6) calls across the said 57.98 acre tract:
6-12 N 65° 30' 34" W - 202.01 feet to a plastic capped 1/2" iron rod
6-13 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
6-14 southwest corner;
6-15 N 24° 29' 26" E - 185.44 feet to a plastic capped 1/2" iron rod
6-16 (stamped Taggart, RPLS# 5676) found for an angle point and an
6-17 interior corner;
6-18 N 04° 23' 30" W - 190.97 feet to a plastic capped 1/2" iron rod
6-19 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
6-20 northwest corner;
6-21 N 79° 14' 58" E - 48.02 feet to a plastic capped 1/2" iron rod
6-22 (stamped Taggart, RPLS # 5676) found for and angle point and
6-23 interior corner;
6-24 N 75° 26' 16" E - 114.17 feet to a plastic capped 1/2" iron rod
6-25 (stamped Taggart, RPLS # 5676) found for an angle point and interior
6-26 corner;
6-27 N 66° 55' 24" E - 62.16 feet to a plastic capped 1/2" iron rod
6-28 (stamped Taggart, RPLS # 5676) found in the northeasterly line of
6-29 the said 57.98 acres for an exterior northeast corner, said point
6-30 being in the westerly boundary of a 5.7260 acre tract conveyed to
6-31 James L. Schulze et ux and recorded as Firm Code No. 0456-00-1454 of
6-32 the said Official Records;
6-33 THENCE: S 16° 58' 57" E - 225.37 feet along the said common boundary
6-34 line to a 5/8" iron rod found with plastic cap stamped "Carter
6-35 Burgess, Inc." for a common corner of the 57.98 acre tract of the
6-36 said 5.7260 acre tract in the northwesterly right-of-way line of FM
6-37 3083 and being the beginning of a non-tangent curve to the left; for
6-38 reference the radial bearing is S 53° 41' 54" E - 1,265.00 feet;
6-39 THENCE: 331.19 feet along the said right-of-way line of said FM 3083
6-40 being the arc of said curve, in a southwesterly direction (Curve
6-41 data: Central Angle = 15° 00' 03", Radius = 1,265.00 feet, Tangent =
6-42 166.55 feet, the Long Chord bears S 28° 44' 04" W - 330.24 feet) to
6-43 the PLACE OF BEGINNING, and containing 2.33 acres of land.
6-44 And Save and Except the following:
6-45 Metes and bounds description of all that certain 1.67 acre
6-46 tract or parcel of land, lying and being situated in the John
6-47 McDillon Survey, A - 347, Conroe, Montgomery County, Texas, and
6-48 being a part of a 57.98 acre tract conveyed to Wedgewood Falls,
6-49 Ltd., and recorded as County Clerk Film Code No. 2004-05-5312 and
6-50 File No. 5891035 of the Official Public Records of Real Property,
6-51 Montgomery County, Texas; said tract being that same Restricted
6-52 Reserve "E" (Commercial) as graphically depicted on the proposed
6-53 plat of Wedgewood Falls, Phase 1, and being more particularly
6-54 described as follows:
6-55 COMMENCING: at a 5/8" iron rod with cap stamped "Carter &
6-56 Burgess, Inc." found for the southeasterly corner of the said 57.98
6-57 acre tract and being in the westerly right-of-way line of FM 3083
6-58 (Carter Moore Drive), being a 180 foot public street as depicted by
6-59 right-of-way map prepared by Carter & Burgess, dated August, 1995,
6-60 and being an exterior corner; said point being common with a 51.440
6-61 acre tract conveyed to 55 ACRE JOINT VENTURE and recorded as Film
6-62 Code No. 635-01-0333 of the said Official Records;
6-63 THENCE: N 16° 36' 26" E - 136.54 feet (N 15° 50' 40" E Record)
6-64 along the said right-of-way line to a plastic capped 1/2" iron rod
6-65 (stamped Taggart, RPLS # 5676) found for an exterior corner and the
6-66 southeast corner of this tract and being the PLACE OF BEGINNING;
6-67 Thence of the following eight (8) calls across the said 57.98
6-68 acre tract:
6-69 N 70° 59' 21" W - 208.06 feet to a plastic capped 1/2" iron rod

7-1 (stamped Taggart, RPLS # 5676) found for the southwest corner of
7-2 this tract and being an exterior corner;
7-3 N 16° 36' 26" E - 37.60 feet to a plastic capped 1/2" iron rod
7-4 (stamped Taggart, RPLS # 5676) found for an angle point and interior
7-5 corner;
7-6 N 06° 18' 15" E - 49.79 feet to a plastic capped 1/2" iron rod
7-7 (stamped Taggart, RPLS # 5676) found for an angle point and an
7-8 interior corner;
7-9 N 03° 13' 27" E - 50.35 feet to a plastic capped 1/2" iron rod
7-10 (stamped Taggart, RPLS # 5676) found for an angle point and an
7-11 exterior corner;
7-12 N 11° 43' 43" E - 87.74 feet to a plastic capped 1/2" iron rod
7-13 (stamped Taggart, RPLS # 5676) found for and angle point and an
7-14 exterior corner;
7-15 N 19° 54' 20" E - 41.95 feet to a plastic capped 1/2" iron rod
7-16 (stamped Taggart, RPLS # 5676) found for and angle point and being
7-17 an exterior corner;
7-18 N 24° 29' 26" E - 92.08 feet to a plastic capped 1/2" iron rod
7-19 (stamped Taggart, RPLS # 5676) found for the northwest corner and an
7-20 exterior corner;
7-21 S 65° 30' 34" E - 202.01 feet to plastic capped 1/2" iron rod
7-22 (stamped Taggart, RPLS # 5676) set for the northeast corner and an
7-23 exterior corner in the westerly right-of-way line of FM 3083; said
7-24 point being in a non-tangent curve to the left; for reference the
7-25 radial bearing is S 68° 41' 57" E - 1,265.00 feet;
7-26 THENCE: 103.60 feet along the said right-of-way line in a
7-27 southwesterly direction along the arc of said curve (Curve data:
7-28 Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent = 51.88
7-29 feet, the Long Chord bears S 18° 57' 33" W - 103.57 feet) to a plastic
7-30 capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for the end
7-31 of said curve and an interior corner; a 5/8" iron rod with cap
7-32 stamped "Carter & Burgess, Inc." found for reference bears S 01° 25'
7-33 07" W - 0.45 feet;
7-34 THENCE: S 09° 28' 56" W - 201.56 feet (S 08° 43' 10" W Record)
7-35 continuing along the said west right-of-way line of FM 3083 to a
7-36 plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for
7-37 an exterior corner and angle point; a 5/8" iron rod with cap stamped
7-38 "Carter & Burgess, Inc." found for reference bears S 13° 01' 11" W -
7-39 0.42 feet;
7-40 THENCE: S 16° 36' 26" W - 33.61 feet (S 15° 50' 40" W Record)
7-41 continuing along the said right-of-way line to PLACE OF BEGINNING
7-42 and containing 1.67 acres of land.
7-43 Tract III (4.58 acres)
7-44 Metes and bound description of all that certain 4.58 acre
7-45 tract of parcel of land, lying and being situated in the John
7-46 McDillon Survey, A-347, Conroe, Montgomery County, Texas, and being
7-47 a part of a called 51.440 acre tract conveyed to a 55 Acre Joint
7-48 Venture and recorded in Montgomery County Clerk's File No. 9000377
7-49 of the said Official Records; said 4.58 acre tract being more
7-50 particularly described as follows:
7-51 BEGINNING at a 1" square head bolt for the northwest corner of
7-52 the said 51.440 acre tract, and common with the southwest corner of
7-53 a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd. and
7-54 recorded in Montgomery County Clerk's File No. 2004-055312 of the
7-55 said Official Records; said point also being common with southeast
7-56 corner of the Lomax 4.8 acre tract recorded as Montgomery County
7-57 Clerk's File No. 8605404 of the said DRMC, and also common with the
7-58 northeast corner of the E. Bowers, et ux 2.0438 acre tract recorded
7-59 as Montgomery County Clerk's File No. 9603445 of the said DRMC; said
7-60 point is an exterior corner in the northwest corner of this tract;
7-61 THENCE N 72° 08' 32" E - 630.38 feet (N 74° 33' E Record) along
7-62 the common line of the 51,440 acre tract and the said 57.98 acre
7-63 tract, to a plastic capped 1/2" iron rod (stamped Taggart, RPLS #
7-64 5676) found for an exterior corner, and the northeast corner of this
7-65 tract;
7-66 THENCE S 19° 03' 16" W - 626.46 feet across the said 51.440
7-67 acre tract to a plastic capped 1/2" iron rod (stamped Taggart, RPLS
7-68 # 5676) found in a southwesterly line of the said 51.440 acre tract
7-69 and the northeasterly line of a 2.000 acre tract conveyed to Louis

