

By: Bell

H.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Montgomery County Municipal Utility  
3 District No. 139; granting a limited power of eminent domain;  
4 providing authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 8449 to read as follows:

9 CHAPTER 8449. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 139

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8449.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Montgomery County Municipal  
17 Utility District No. 139.

18 Sec. 8449.002. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 8449.003. CONFIRMATION AND DIRECTORS' ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 8449.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 8449.003  
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. 8449.005. 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. 8449.006. 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. 8449.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8449.052, directors serve  
6 staggered four-year terms.

7           Sec. 8449.052. TEMPORARY DIRECTORS. (a) On or after  
8 September 1, 2013, the owner or owners of a majority of the assessed  
9 value of the real property in the district may submit a petition to  
10 the commission requesting that the commission appoint as temporary  
11 directors the five persons named in the petition. The commission  
12 shall appoint as temporary directors the five persons named in the  
13 petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 8449.003; or

17                   (2) September 1, 2017.

18           (c) If permanent directors have not been elected under  
19 Section 8449.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23                   (1) the date permanent directors are elected under  
24 Section 8449.003; or

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

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

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

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8449.101. GENERAL POWERS AND DUTIES. The district has  
9 the powers and duties necessary to accomplish the purposes for  
10 which the district is created.

11 Sec. 8449.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. (a) The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 (b) Section 54.016(f), Water Code, does not apply to the  
17 district.

18 Sec. 8449.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
19 52, Article III, Texas Constitution, the district may design,  
20 acquire, construct, finance, issue bonds for, improve, operate,  
21 maintain, and convey to this state, a county, or a municipality for  
22 operation and maintenance macadamized, graveled, or paved roads, or  
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8449.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
25 project must meet all applicable construction standards, zoning and  
26 subdivision requirements, and regulations of each municipality in  
27 whose corporate limits or extraterritorial jurisdiction the road

1 project is located.

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

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

10 Sec. 8449.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
11 OR RESOLUTION. The district shall comply with all applicable  
12 requirements of any ordinance or resolution that is adopted under  
13 Section 54.016 or 54.0165, Water Code, and that consents to the  
14 creation of the district or to the inclusion of land in the  
15 district.

16 Sec. 8449.106. STRATEGIC PARTNERSHIP; CONTINUATION OF  
17 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may  
18 continue to exist as a limited district after full-purpose  
19 annexation by a municipality if the district and the annexing  
20 municipality state the terms of the limited district's existence in  
21 a strategic partnership agreement under Section 43.0751, Local  
22 Government Code.

23 (b) The strategic partnership agreement may provide for a  
24 term of any number of years and may be amended from time to time with  
25 the consent of the parties to the agreement. The limitation in  
26 Section 43.0751(g)(2), Local Government Code, on the length of the  
27 term does not apply to a limited district created under this

1 section.

2 Sec. 8449.107. DIVISION OF DISTRICT. (a) The district may  
3 be divided into two or more new districts only if:

4 (1) the district has no outstanding bonded debt; and

5 (2) the district is not imposing ad valorem taxes.

6 (b) This chapter applies to any new district created by the  
7 division of the district, and a new district has all the powers and  
8 duties of the district.

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

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

17 (e) The board may adopt an order dividing the district  
18 before or after the date the board holds an election under Section  
19 8449.151 to authorize the district's bonds.

20 (f) An order dividing the district shall:

21 (1) name each new district;

22 (2) include the metes and bounds description of the  
23 territory of each new district;

24 (3) appoint temporary directors for each new district;  
25 and

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

1       (g) On or before the 30th day after the date of adoption of  
2 an order dividing the district, the district shall file the order  
3 with the commission and record the order in the real property  
4 records of each county in which the district is located.

5       (h) Any new district created by the division of the district  
6 shall hold a confirmation and directors' election as required by  
7 Section 8449.003.

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

12       (j) If the creation of the new district is confirmed, the  
13 new district shall provide the election date and results to the  
14 commission.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8449.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

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

20               (2) contract payments described by Section 8449.153.

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

25       (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 8449.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8449.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8449.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8449.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 8449.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all



1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8449.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Montgomery County Municipal Utility District  
9 No. 139 initially includes all the territory contained in the  
10 following area:

11 TRACT ONE

12 DESCRIPTION OF A 750.7 ACRE TRACT OF LAND SITUATED IN THE JAMES  
13 HODGE SURVEY, ABSTRACT NO. 19, MONTGOMERY COUNTY, TEXAS, BEING THAT  
14 CERTAIN TRACT OF LAND CALLED 750.354 ACRES AS DESCRIBED IN DEED TO  
15 MADELEY INTERESTS LTD. III RECORDED UNDER MONTGOMERY COUNTY  
16 CLERK'S FILE (M.C.C.F.) No. 2002-015834 AND No. 2002-015835 OF THE  
17 OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 750.7 ACRE TRACT  
18 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,  
19 (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983,  
20 CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

21 BEGINNING at a 5/8-inch capped iron rod stamped "EHRA 713-784-4500"  
22 set marking the southwesterly corner of the called 750.354 acre  
23 tract, being in the northerly line of the Block 1 of Red Oak Ranch  
24 Section One, as per plat recorded in Cabinet I, Sheet 200 of the  
25 Montgomery County Map Records (M.C.M.R.), from which a 3/4-inch  
26 iron rod found marking the southeast corner of Lake Creek Forest  
27 Section One, as per plat recorded in Cabinet C, Sheet 31A of the

1 M.C.M.R., bears North 03° 50' West, 0.29 feet ;  
2 (1) THENCE, North 03°50'49" West, along the east line of said Lake  
3 Creek Forest Section One for a distance of 1,484.44 feet to a  
4 5/8-inch iron rod found for corner;  
5 (2) THENCE, North 03°40'21" West, continuing along the east line of  
6 said Lake Creek Forest Section One for a distance of 1,469.00 feet  
7 to a point for corner from which a bent 5/8-inch iron rod was found  
8 South 01° 30' East, 0.40 feet;  
9 (3) THENCE, North 03°42'28" West, continuing along the east line of  
10 said Lake Creek Forest Section One for a distance of 1,320.61 feet  
11 to a point for corner from which a 1/2-inch capped iron rod stamped  
12 "Jeff Moon RPLS 4639" was found South 87° 14' West, 0.15 feet;  
13 (4) THENCE, North 03°53'51" West, continuing along the east line of  
14 said Lake Creek Forest Section One, passing at 1,801.32 feet a  
15 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set for  
16 reference and continuing for a total distance of 1901.32 feet to a  
17 point for corner set in the centerline of the bed of Lake Creek;  
18 THENCE, along the meanders of the centerline of Lake Creek the  
19 following seventy one (71) courses and distances:  
20 (5) THENCE, North 61°32'51" East for a distance of 228.05 feet to a  
21 point for corner;  
22 (6) THENCE, North 54°58'17" East for a distance of 92.46 feet to a  
23 point for corner;  
24 (7) THENCE, North 51°58'09" East for a distance of 259.16 feet to a  
25 point for corner;  
26 (8) THENCE, North 45°58'35" East for a distance of 159.83 feet to a  
27 point for corner;

- 1 (9) THENCE, North 22°01'45" East for a distance of 192.41 feet to a  
2 point for corner;
- 3 (10) THENCE, North 27°13'37" East for a distance of 76.84 feet to a  
4 point for corner;
- 5 (11) THENCE, North 54°56'45" East for a distance of 95.43 feet to a  
6 point for corner;
- 7 (12) THENCE, North 67°30'56" East for a distance of 184.27 feet to  
8 a point for corner;
- 9 (13) THENCE, North 76°56'09" East for a distance of 133.56 feet to  
10 a point for corner;
- 11 (14) THENCE, North 61°26'41" East for a distance of 177.31 feet to  
12 a point for corner;
- 13 (15) THENCE, North 50°22'55" East for a distance of 560.07 feet to  
14 a point for corner;
- 15 (16) THENCE, North 37°46'34" East for a distance of 133.00 feet to  
16 a point for corner;
- 17 (17) THENCE, North 17°21'11" East for a distance of 139.15 feet to  
18 a point for corner;
- 19 (18) THENCE, North 00°11'57" East for a distance of 274.14 feet to  
20 a point for corner;
- 21 (19) THENCE, North 18°11'55" East for a distance of 116.51 feet to  
22 a point for corner;
- 23 (20) THENCE, North 39°54'45" East for a distance of 121.72 feet to  
24 a point for corner;
- 25 (21) THENCE, North 48°18'12" East for a distance of 291.99 feet to  
26 a point for corner;
- 27 (22) THENCE, North 37°14'21" East for a distance of 92.22 feet to a

- 1 point for corner;
- 2 (23) THENCE, North 52°07'40" East for a distance of 103.25 feet to  
3 a point for corner;
- 4 (24) THENCE, North 55°52'04" East for a distance of 193.01 feet to  
5 a point for corner;
- 6 (25) THENCE, North 72°11'52" East for a distance of 110.77 feet to  
7 a point for corner;
- 8 (26) THENCE, South 83°08'03" East for a distance of 92.11 feet to a  
9 point for corner;
- 10 (27) THENCE, South 65°53'48" East for a distance of 84.92 feet to a  
11 point for corner;
- 12 (28) THENCE, South 07°21'08" East for a distance of 107.07 feet to  
13 a point for corner;
- 14 (29) THENCE, South 21°25'57" West for a distance of 121.20 feet to  
15 a point for corner;
- 16 (30) THENCE, South 33°41'30" West for a distance of 76.93 feet to a  
17 point for corner;
- 18 (31) THENCE, South 42°09'05" West for a distance of 131.48 feet to  
19 a point for corner;
- 20 (32) THENCE, South 45°03'47" West for a distance of 122.62 feet to  
21 a point for corner;
- 22 (33) THENCE, South 00°26'36" East for a distance of 102.07 feet to  
23 a point for corner;
- 24 (34) THENCE, South 42°26'12" East for a distance of 73.01 feet to a  
25 point for corner;
- 26 (35) THENCE, North 76°53'20" East for a distance of 70.93 feet to a  
27 point for corner;

- 1 (36) THENCE, North 61°57'33" East for a distance of 110.10 feet to  
2 a point for corner;
- 3 (37) THENCE, North 86°49'59" East for a distance of 57.05 feet to a  
4 point for corner;
- 5 (38) THENCE, North 68°06'00" East for a distance of 111.11 feet to  
6 a point for corner;
- 7 (39) THENCE, North 82°41'26" East for a distance of 271.58 feet to  
8 a point for corner;
- 9 (40) THENCE, South 88°01'13" East for a distance of 114.27 feet to  
10 a point for corner;
- 11 (41) THENCE, South 89°46'09" East for a distance of 178.21 feet to  
12 a point for corner;
- 13 (42) THENCE, North 80°49'21" East for a distance of 72.70 feet to a  
14 point for corner;
- 15 (43) THENCE, North 53°06'35" East for a distance of 162.69 feet to  
16 a point for corner;
- 17 (44) THENCE, North 19°32'42" East for a distance of 160.09 feet to  
18 a point for corner;
- 19 (45) THENCE, North 08°47'46" East for a distance of 217.65 feet to  
20 a point for corner;
- 21 (46) THENCE, North 15°27'20" East for a distance of 137.74 feet to  
22 a point for corner;
- 23 (47) THENCE, North 26°41'07" West for a distance of 117.15 feet to  
24 a point for corner;
- 25 (48) THENCE, North 75°30'38" West for a distance of 63.48 feet to a  
26 point for corner;
- 27 (49) THENCE, South 77°51'34" West for a distance of 111.84 feet to

1 a point for corner;  
2 (50) THENCE, South 67°14'55" West for a distance of 126.55 feet to  
3 a point for corner;  
4 (51) THENCE, North 84°16'56" West for a distance of 92.33 feet to a  
5 point for corner;  
6 (52) THENCE, North 54°36'56" West for a distance of 76.80 feet to a  
7 point for corner;  
8 (53) THENCE, North 03°40'47" East for a distance of 69.88 feet to a  
9 point for corner;  
10 (54) THENCE, North 33°55'50" East for a distance of 73.92 feet to a  
11 point for corner;  
12 (55) THENCE, North 24°18'23" East for a distance of 83.75 feet to a  
13 point for corner;  
14 (56) THENCE, North 34°13'45" East for a distance of 249.15 feet to  
15 a point for corner;  
16 (57) THENCE, North 15°29'51" East for a distance of 133.40 feet to  
17 a point for corner;  
18 (58) THENCE, North 11°47'44" West for a distance of 56.19 feet to a  
19 point for corner;  
20 (59) THENCE, North 29°33'33" West for a distance of 146.29 feet to  
21 a point for corner;  
22 (60) THENCE, North 03°43'48" East for a distance of 94.06 feet to a  
23 point for corner;  
24 (61) THENCE, North 29°17'22" East for a distance of 162.93 feet to  
25 a point for corner;  
26 (62) THENCE, North 53°15'42" East for a distance of 177.88 feet to  
27 a point for corner;

- 1 (63) THENCE, North 69°38'07" East for a distance of 195.39 feet to  
2 a point for corner;
- 3 (64) THENCE, North 61°42'03" East for a distance of 101.33 feet to  
4 a point for corner;
- 5 (65) THENCE, North 36°58'24" East for a distance of 91.65 feet to a  
6 point for corner;
- 7 (66) THENCE, North 11°57'27" East for a distance of 58.01 feet to a  
8 point for corner;
- 9 (67) THENCE, North 24°42'40" West for a distance of 51.98 feet to a  
10 point for corner;
- 11 (68) THENCE, North 56°16'37" West for a distance of 44.55 feet to a  
12 point for corner;
- 13 (69) THENCE, North 26°28'19" West for a distance of 40.47 feet to a  
14 point for corner;
- 15 (70) THENCE, North 12°06'49" East for a distance of 64.65 feet to a  
16 point for corner;
- 17 (71) THENCE, North 12°35'21" East for a distance of 126.74 feet to  
18 a point for corner;
- 19 (72) THENCE, North 51°10'24" East for a distance of 62.70 feet to a  
20 point for corner;
- 21 (73) THENCE, North 66°13'52" East for a distance of 130.17 feet to  
22 a point for corner;
- 23 (74) THENCE, North 87°14'06" East for a distance of 36.35 feet to a  
24 point for corner;
- 25 (75) THENCE, South 77°13'16" East for a distance of 50.39 feet to a  
26 point for corner in the easterly line of the called 750.354 acre  
27 tract and the westerly line of a called 72.168 acre tract of land

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1 described in M.C.C.F. No. 2002-015839 and a called 31.770 acre  
2 tract of land described in M.C.C.F. No. 2010024246 ;  
3 (76) THENCE, South 03°44'24" East, along the east line of the  
4 called 750.354 acre tract and the westerly line of the called 31.770  
5 acre tract, passing at 100.0 feet a 5/8-inch iron rod set for  
6 reference, passing at 1,794.90 feet a 5/8-inch iron rod found 1.7  
7 feet west of line, passing at 3,896.04 feet a 1/2-inch capped iron  
8 rod stamped "C&C" found 0.6 feet east of line marking the westerly  
9 common corner of a called 30.825 acre tract of land described in  
10 M.C.C.F. No. 2010024246 and a called 5.716 acre tract of land  
11 described in M.C.C.F. No. 2007-064306, passing at 4,294.96 feet a  
12 1/2-inch iron rod found 1.4 feet east of line marking the  
13 northwesterly common corner of a called 3.105 acre tract of land  
14 described in M.C.C.F. No. 2007-004078, passing at 5,134.99 feet a  
15 1/2-inch iron rod found 0.9 feet west of line marking the westerly  
16 common corner of a called 7.9498 acre tract of land described in  
17 M.C.C.F. No. 2005-047884 and a called 10.188 acre tract of land  
18 described in M.C.C.F. No. 2005-047802, passing at 6,193.39 feet a  
19 1/2-inch iron rod found 1.0 feet east of line marking the westerly  
20 common corner of a called 4.467 acre tract of land described in  
21 M.C.C.F. No. 2007-015113 and a called 5.585 acre tract of land  
22 described in M.C.C.F. No. 9131267, passing at 6,543.21 feet a  
23 1/2-inch capped iron rod stamped "Laughlin" found marking the  
24 westerly common corner of a called 5.585 acre tract of land  
25 described in M.C.C.F. No. 9131267 and a called 5.942 acre tract of  
26 land described in M.C.C.F. No. 2001-049736 from which a 1/2-inch  
27 iron rod was found east, 2.8 feet, and continuing for a total



1 distance of 7,630.37 feet to a 1/2-inch iron rod found marking the  
2 westerly common corner of a called 7.232 acre tract of land  
3 described in M.C.C.F. No. 2001-049736 and a called 5.00 acre tract  
4 of land described in M.C.C.F. No. 8643874;

5 (77) THENCE, South 03°51'13" East, along the westerly line of said  
6 5.00 acre tract of land for a distance of 626.02 feet to a point for  
7 corner in the northwesterly right-of-way line of Old  
8 Conroe-Magnolia Road (based on a width of 60-feet as occupied) from  
9 which a 1/2-inch capped iron rod stamped "Jeff Moon RPLS 4639" was  
10 found North 47° 22' East, 0.25 feet;

11 (78) THENCE, South 44°51'15" West, along the northwesterly  
12 right-of-way line of Old Conroe-Magnolia Road for a distance of  
13 1,973.37 feet to a 1/2-inch capped iron rod stamped "Jeff Moon RPLS  
14 4639" found for corner;

15 (79) THENCE, South 45°14'26" West , continuing along the  
16 northwesterly right-of-way line of Old Conroe-Magnolia Road for a  
17 distance of 1,055.36 feet to a point for corner in the northerly  
18 line of a called 5.66 acres described in M.C.C.F. No. 2006-100222  
19 from which a 5/8-inch iron rod was found South 86° 07' East, 0.28  
20 feet ;

21 (80) THENCE, South 86°49'19" West, along the northerly line of said  
22 5.66 acre tract, passing at a distance of 1,076.10 feet a 5/8-inch  
23 iron rod found marking the northerly common of a called 5.01 acre  
24 tract of land described in M.C.C.F. No. S843267 and the  
25 northeasterly corner of the aforementioned Block 1 of Red Oak Ranch  
26 Section One, and continuing along the northerly line of said Block  
27 1 of Red Oak Ranch Section One for a total distance of 2,168.57 feet

1 to the POINT OF BEGINNING and containing 750.7 acres of land.  
2 TRACT TWO  
3 DESCRIPTION OF A 42.02 ACRE TRACT OF LAND SITUATED IN THE JAMES  
4 HODGE SURVEY, ABSTRACT NO. 19, MONTGOMERY COUNTY, TEXAS, BEING OUT  
5 OF THAT CERTAIN TRACT OF LAND CALLED 48.939 ACRES AS DESCRIBED IN  
6 DEED TO MADELEY INTERESTS LTD. III RECORDED UNDER MONTGOMERY  
7 COUNTY CLERK'S FILE (M.C.C.F.) No. 2002-015834 AND No. 2002-015835  
8 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 42.02 ACRE  
9 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
10 FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM  
11 OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):  
12 BEGINNING at a 5/8-inch capped iron rod stamped "EHRA 713-784-4500"  
13 set marking the southwesterly corner of a called 7.9838 acre tract  
14 described in M.C.C.F. No. 2008-034303 and being in the northerly  
15 line of the Block 2 of Red Oak Ranch Section One, as per plat  
16 recorded in Cabinet I, Sheet 200 of the Montgomery County Map  
17 Records (M.C.M.R.);  
18 (1) THENCE, South 86°02'11" West, along the northerly line of said  
19 Block 2 of Red Oak Ranch Section One for a distance of 599.11 feet  
20 to a fence post found for corner;  
21 (2) THENCE, South 85°00'17" West, continuing along the northerly  
22 line of said Red Oak Ranch Section One, passing at 440.25 feet a  
23 5/8-inch iron rod found marking the northwesterly corner of said  
24 Block 2 and the northeasterly corner of a called 8.04 acre tract  
25 described in M.C.C.F. No. 9844236, and continuing along the  
26 northerly line of said 8.04 acre tract for a total distance of  
27 582.25 feet to a fence post found for corner;

1 (3) THENCE, South 89°19'14" West, along the northerly line of said  
2 8.04 acre tract for a distance of 46.24 feet to a 5/8-inch capped  
3 iron rod stamped "EHRA 713-784-4500" set for corner in the  
4 southwesterly line of a 50-foot wide easement granted to Sinclair  
5 Pipe Line Company in Volume 431-Page 424, Volume 431-Page 428,  
6 Volume 431-Page 434, Volume 434-Page 458 and Volume 434-Page 462 of  
7 the Montgomery County Deed Records;

8 (4) THENCE, North 25°50'15" West, along the southwesterly line of  
9 said Sinclair easement for a distance of 407.11 feet to a 5/8-inch  
10 capped iron rod stamped "EHRA 713-784-4500" set marking an angle  
11 point;

12 (5) THENCE, North 27°01'15" West, continuing along the  
13 southwesterly line of said Sinclair easement, a distance of 281.17  
14 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set  
15 for corner in the southeasterly right-of-way line of Old  
16 Conroe-Magnolia Road (based on a width of 60-feet as occupied);

17 (6) THENCE, North 45°14'26" East, along the southeasterly  
18 right-of-way line of Old Conroe-Magnolia Road for a distance of  
19 62.40 feet to a 1/2-inch capped iron rod stamped "Jeff Moon RPLS  
20 4639" found for corner;

21 (7) THENCE, North 44°51'15" East, continuing along the  
22 southeasterly right-of-way line of Old Conroe-Magnolia Road for a  
23 distance of 1,920.88 feet to a point for corner in the westerly line  
24 of a called 60-foot wide roadway easement described in Volume 676,  
25 Page 842 of the Montgomery County Deed Records from which a 1/2-inch  
26 iron rod was found North 43° 09' East, 0.45 feet;

27 THENCE, South 03°51'13" East, along the westerly line of said

1 60-foot wide roadway easement, a distance of 1,934.27 feet to the  
2 POINT OF BEGINNING and containing 42.02 acres of land.

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

10 (b) The governor, one of the required recipients, has  
11 submitted the notice and Act to the Texas Commission on  
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed  
14 its recommendations relating to this Act with the governor, the  
15 lieutenant governor, and the speaker of the house of  
16 representatives within the required time.

17 (d) All requirements of the constitution and laws of this  
18 state and the rules and procedures of the legislature with respect  
19 to the notice, introduction, and passage of this Act are fulfilled  
20 and accomplished.

21 SECTION 4. (a) If this Act does not receive a two-thirds  
22 vote of all the members elected to each house, Subchapter C, Chapter  
23 8449, Special District Local Laws Code, as added by Section 1 of  
24 this Act, is amended by adding Section 8449.108 to read as follows:

25 Sec. 8449.108. NO EMINENT DOMAIN POWER. The district may  
26 not exercise the power of eminent domain.

27 (b) This section is not intended to be an expression of a

1 legislative interpretation of the requirements of Section 17(c),  
2 Article I, Texas Constitution.

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