

By: Williams

S.B. No. 483

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 132; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

1 directors as provided by Section 49.102, Water Code.

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

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

10 (b) The district is created to accomplish the purposes of a  
11 municipal utility district as provided by general law and Section  
12 59, Article XVI, Texas Constitution.

13 Sec. 8414.006. INITIAL DISTRICT TERRITORY. (a) The  
14 district is initially composed of the territory described by  
15 Section 2 of the Act enacting this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 Sec. 8414.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT  
27 REINVESTMENT ZONE. (a) The district is eligible to be included in

1 a tax increment reinvestment zone created under Chapter 311, Tax  
2 Code.

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

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

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

16 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

21 Sec. 8414.052. TEMPORARY DIRECTORS. (a) The temporary  
22 board consists of:

23 (1) \_\_\_\_\_;

24 (2) \_\_\_\_\_;

25 (3) \_\_\_\_\_;

26 (4) \_\_\_\_\_; and

27 (5) \_\_\_\_\_.

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

2           (1) the date permanent directors are elected under  
3 Section 8414.003; or

4           (2) the fourth anniversary of the effective date of  
5 the Act enacting this chapter.

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

11           (1) the date permanent directors are elected under  
12 Section 8414.003; or

13           (2) the fourth anniversary of the date of the  
14 appointment or reappointment.

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

22                   SUBCHAPTER C. POWERS AND DUTIES

23       Sec. 8414.101. GENERAL POWERS AND DUTIES. The district has  
24 the powers and duties necessary to accomplish the purposes for  
25 which the district is created.

26       Sec. 8414.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
27 DUTIES. The district has the powers and duties provided by the

1 general law of this state, including Chapters 49 and 54, Water Code,  
2 applicable to municipal utility districts created under Section 59,  
3 Article XVI, Texas Constitution.

4 Sec. 8414.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
5 OR RESOLUTION. (a) The district shall comply with all applicable  
6 requirements of any ordinance or resolution that is adopted under  
7 Section 54.016 or 54.0165, Water Code, and that consents to the  
8 creation of the district or to the inclusion of land in the  
9 district.

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

16 Sec. 8414.104. MUNICIPAL CONSENT. Municipal consent to the  
17 creation of the district and to the inclusion of land in the  
18 district granted under Section 8414.004 acts as municipal consent  
19 to the creation of any new district created by the division of the  
20 district and to the inclusion of land in the new district.

21 Sec. 8414.105. EFFECT OF ANNEXATION OR INCLUSION WITHIN THE  
22 CORPORATE BOUNDARIES OF THE CITY OF CONROE. Notwithstanding Section  
23 54.016(f)(2), Water Code, an allocation agreement between the City  
24 of Conroe and the district that provides for the allocation of the  
25 taxes or revenues of the district and the city following the date of  
26 inclusion of all the district's territory in the corporate limits  
27 of the city may provide that the total annual ad valorem taxes

1 collected by the city and the district from taxable property in the  
2 district may exceed the city's ad valorem tax on that property.

3 Sec. 8414.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
4 district may not exercise the power of eminent domain outside the  
5 district without the written consent of the City of Conroe.

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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

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

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8414.201. AUTHORITY TO ISSUE BONDS AND OTHER  
22 OBLIGATIONS. The district may issue bonds or other obligations  
23 payable wholly or partly from ad valorem taxes, impact fees,  
24 revenue, contract payments, tax increment payments, grants, or  
25 other district money, or any combination of those sources, to pay  
26 for any authorized district purpose.

27 Sec. 8414.202. TAXES FOR BONDS. At the time the district

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

6 SECTION 2. Montgomery County Municipal Utility District No.  
7 132 initially includes all the territory contained in the following  
8 area: TRACT I:

9 BEING 23.622 ACRES OF LAND IN THE MARTIN P. CLARK SURVEY,  
10 A-148, MONTGOMERY COUNTY, TEXAS, SAID 23.622 ACRES BEING THE SAME  
11 TRACT OF LAND CALLED 23.7 ACRES AS CONVEYED TO JESSIE ANGEL BY DEED  
12 RECORDED UNDER COUNTY CLERK'S FILE NO. 8138118, MONTGOMERY COUNTY  
13 REAL PROPERTY RECORDS, SAID 23.622 ACRES BEING DESCRIBED MORE  
14 PARTICULARLY AS FOLLOWS:

15 BEGINNING at a 4" x 4" concrete monument found in the North  
16 Line of League Line Road for the Southeast corner for the Heather  
17 Carlile 14.901 acre tract, the Southwest corner of the herein  
18 described tract;

19 THENCE, N 14 deg. 30 min. 31 sec. E, leaving the North line of  
20 League Line Road, along Carlile's East line, passing at 974.01 feet  
21 a 5/8 inch iron rod found for the Southeast corner of the Patrick  
22 John Peerenboom and Terri Lynne Peerenboom 0.50 acre tract of land  
23 described by deed recorded under County Clerk's File No.  
24 2003-073186, Montgomery County Real Property Records, passing at  
25 1,152.52 feet Peerenboom's Northeast corner and continuing in all  
26 for a distance of 2,013.51 feet, (call N 14 deg. 00 min. 42 sec. E,  
27 2, 014.90 feet) to a 4" x 4" concrete monument found for Carlile's

1 Northeast corner, the Northwest corner, of the herein described  
2 tract, in the South line of the Mercan L.L.C. 98.655 acre tract of  
3 land described by deed recorded under County Clerk's File No.  
4 2004-016642, Montgomery County Real Property Records;

5       THENCE, S 74 deg. 00 min. 05 sec. E, along Mercan's South line  
6 for a distance of 516.20 feet (Angle's call S 73 deg. 00 mi. 42 sec.  
7 E, 517.60 feet) to a 4" x 4" concrete monument found for the  
8 Northwest corner of Hallmark of Panorama, a Subdivision, map of  
9 which is recorded in Cabinet P, Sheet 37B, Montgomery County Map  
10 Records, same being the Northeast corner or the herein described  
11 tract;

12       THENCE, S 14 deg. 44 min. 38 sec. W, along the West line of  
13 Hallmark of Panorama for a distance of 2,006.49 feet, (Angel's call  
14 S 15 deg. 00 min. 00 sec. W, 2,010.60 feet) to 3/4 inch iron pipe  
15 found for it's Southwest corner, the Southeast corner of the herein  
16 described tract, in the North line of League Line Road;

17       THENCE, N 74 deg. 46 min. 18 sec. W, along the North line of  
18 League Line Road for a distance of 507.83 Feet, (Angel's call N 74  
19 deg. 00 min. 09 sec. W, 507.20 feet) to the POINT OF BEGINNING and  
20 containing in all 23.622 acres of land.

21       TRACT II: BEING 98.655 ACRES OF LAND IN THE MARTIN P. CLARK  
22 SURVEY, A-148, MONTGOMERY COUNTY, TEXAS, SAID 98.655 ACRES BEING  
23 OUT OF THE FOSTER TIMBER LTD., 694.357 ACRE TRACT OF LAND DESCRIBED  
24 BY DEED RECORDED UNDER COUNTY CLERK'S FILE NUMBER 9509572  
25 MONTGOMERY COUNTY REAL PROPERTY RECORDS AND OUT OF THE FOSTER  
26 TIMBER LTD., 5.804 ACRE TRACT OF LAND DESCRIBED BY DEED RECORDED  
27 UNDER COUNTY CLERK'S FILE NUMBER 9809142, MONTGOMERY COUNTY REAL



1 PROPERTY RECORDS, SAID 98.655 ACRES BEING DESCRIBED MORE  
2 PARTICULARLY AS FOLLOWS:

3 BEGINNING at a 5/8" iron rod found for the Southeast corner of  
4 the herein described tract, the Northeast corner of Hallmark of  
5 Panorama, a Subdivision, map of which is recorded in Cabinet P,  
6 Sheet 37B, Montgomery County Map Records, said 5/8" iron rod being  
7 in the West line of Lot 421, Panorama, Quail Creek Section, a  
8 Subdivision, map of which is recorded in Volume 7, Page 329,  
9 Montgomery County Map Records;

10 THENCE N. 74° 26' 28" W., along the North line of said Hallmark  
11 of Panorama, for a distance of 334.32 feet to a concrete monument  
12 found for its Northwest corner, the Northeast corner of the Jessie  
13 A. Angel 23.7 acre tract of land described by deed recorded under  
14 County Clerk's File Number 8138118, Montgomery County Real Property  
15 Records;

16 THENCE N. 74° 00' 05" W., along Angel's North line for a  
17 distance of 516.20 feet to a concrete monument found for his  
18 Northwest corner, the Northeast corner of the Heather Carlile  
19 14.901 acre tract of land described by deed recorded under County  
20 Clerk's File Number 9800500, Montgomery County Real Property  
21 Records;

22 THENCE N. 74° 06' 10" W., along Carlile's North line for a  
23 distance of 390.53 feet to a 5/8" iron rod found for her Northwest  
24 corner, the Northeast corner of the Allen L. Akins and Ilene Akins  
25 20.5020 acre tract of land described by deed recorded under County  
26 Clerk's File Number 8749694, Montgomery County Real Property  
27 Records;

1           THENCE N. 73° 50' 03" W., along Akins North line for a distance  
2 of 243.06 feet to a 1" iron pipe found for the Southwest corner of  
3 the herein described tract, the Southeast corner of the Bingham  
4 Partition tracts described by instrument recorded under County  
5 Clerk's File Numbers 9740929, 9740930, 9740931, 9740932 and  
6 9740933, Montgomery County Real Property Records;

7           THENCE N. 10° 53' 01" E., along Bingham's East line for a  
8 distance of 2,067.14 feet to a 1/2" iron rod found for the Northeast  
9 corner of the Bingham Partition, an inside corner of the herein  
10 described tract;

11           THENCE N. 74° 20' 20" W., along Bingham's North line for a  
12 distance of 820.00 feet to a 1/2" iron rod found for their Northwest  
13 corner, the Northeast corner of the Mercan Inc.; 90.913 acre tract  
14 of land described by deed recorded under County Clerk's File Number  
15 2000-043279, Montgomery County Real Property Records;

16           THENCE N. 74° 17' 28" W., along Mercan's North line for a  
17 distance of 1,053.09 feet to a 1/2" iron rod found for its Northwest  
18 corner, the Lower Northwest corner of the herein described tract;

19           THENCE N. 08° 54' 12" E., for a distance of 310.00 feet to a  
20 1/2" iron rod set for the Northwest corner of the herein described  
21 tract;

22           THENCE S. 74° 18' 46" E., for a distance of 3,536.10 feet to a  
23 1/2" iron rod set for the Northeast corner of the herein described  
24 tract, in the West line of said Panorama Quail Creek Section;

25           THENCE S. 14° 56' 37" W., along the West line of Panorama Quail  
26 Creek Section for a distance of 2,373.46 feet to the POINT OF  
27 BEGINNING and containing in all 98.655 acres of land.

1 Tract III (23.69 acres)

2 Metes and bounds description of all that certain 23.69 acre tract or  
3 parcel of land, lying and being situated in the John McDillon  
4 Survey, A-347, Conroe, Montgomery County, Texas, and being a  
5 portion out of that same 57.98 acre tract conveyed to Wedgwood  
6 Falls, Ltd., as described by deed recorded in Volume 589.10, Page  
7 1036 of the Deed of Records of Montgomery County ("DRMC") and also  
8 being formerly referred to as "Tract III", as depicted on drawing  
9 entitled "Composite Map of 135.750 Acres", said 23.69 acre tract  
10 being more particularly described as follows:

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

20 THENCE S 39 ° 52' 51" E - 381.09 feet with the said right-of-way line  
21 to a 1/2" iron rod found for an angel point; said point common with  
22 the Carolyn A. Ditore called 7.4682 acre tract recorded in Volume  
23 192.00 Page 1355 (CCFN9519083) of the said DRMC;

24 THENCE S 16 ° 58' 57" E - 1,066.76 feet with the said common line to a  
25 plastic capped 1/2" iron (stamped Taggart, RPLS #5676) set for the  
26 southeasterly corner of this tract, a 1/2" iron rod found marking an  
27 east corner of said 57.98 acre tract, and lying in the northwest

1 right-of-way line of FM 3083 bears S 16 ° 58' 57" E - 865.51 feet;

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

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

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

7           S 66° 00' 12" W - 120.00 feet to a plastic capped 1/2" (stamped  
8 Taggart, RPLS # 5676) set for corner in the west line of said  
9 57.98 acre tract from which a 1/2" iron rod found for a point  
10 of curvature in the west boundary line of said 57.98 acre  
11 tract bears S 23 ° 59'48" E - 282.79 feet for reference;

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

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

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

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

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

21           N 18° 07' 05" W- 57.77 feet to the PLACE OF BEGINNING and containing  
22 23.69 acres of land.

23 Tract IV (31 acres)

24 Metes and bounds description of all that is certain 35.00 acre tract  
25 or parcel of land, lying and being situated in the John McDillon  
26 Survey, A-347, Conroe, Montgomery County, Texas, and being a  
27 portion out of that same 57.98 acre tract conveyed to Wedgewood

1 Falls, Ltd., as described by deed recorded in Volume 589.10, Page  
2 1036 of the said DRMC, and also being formerly referred to as "Tract  
3 III", as depicted on a drawing entitled "Composite Map of 135.750  
4 Acres", said 35.00 acre tract being more particularly described as  
5 follows:

6 BEGINNING at a capped 1/2" iron rod set in the northeast line of  
7 said 57.98 acre tract for the north corner of this tract. A capped  
8 1/2" iron rod found at an angle point in the southwest right-of-way  
9 line of Longmire Road (Variable width ROW), bears N 16° 58' 57" W-  
10 1058.28 feet for reference;

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

14 THENCE in a southwesterly direction for a distance of 447.74 feet  
15 along the arc of said curve (Curve data: central angle = 20° 16' 46",  
16 radius = 1265.00 feet, tangent = 226.24 feet, the chord bears S 26°  
17 44' 49" W- 445.40 feet), to a capped 1/2" iron rod set for end of  
18 said curve and being and angle point in said right-of-way line;

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

21 THENCE S 16° 36' 26" W - 151.34 feet with said right-of-way line to a  
22 capped 5/8" iron rod found for the southeast corner of this tract,  
23 and being also the northeast corner of an 8.23 acre tract, formerly  
24 referred to as "Tract IV" as depicted of said "Composite Map";

25 THENCE S 72° 08' 32" W- 892.01 feet with the common line between said  
26 57.98 acre tract and said 8.23 acre tract to a 1- 1/4" iron pipe  
27 found for the southwest corner of this tract;

1 THENCE N 17° 56' 22" W - 935.28 feet with the west line of said 57.98  
2 acre tract to a 1- 1/4" iron pipe found for angle point;  
3 THENCE N 17° 45' 50" W- 282.18 feet to a 1/2" iron rod found for  
4 corner, and being also the east corner of that same 12.65 acre tract  
5 conveyed to Allen Acquisitions, Ltd. as described by deed recorded  
6 in Volume 625.10, Page 128 of the said DRMC, and being in the  
7 southerly boundary line of Wedgewood Golf Course;  
8 THENCE S 60° 51' 46" E - 179.11 feet to a 1/2" iron rod found for  
9 angle point;  
10 THENCE N 81° 11' 43" E - 608.43 feet to a 1/2" iron rod found for  
11 beginning of a curve to the left;  
12 THENCE in the northeasterly direction along a distance of 224.31  
13 feet along the arc of said curve (Curve data: central angle = 105°  
14 36' 21", radius = 121.70 feet, tangent = 160.35 feet, the chord  
15 bears N 28° 31' 35" E - 193.88 feet) to a 1/2" iron rod found for end  
16 of said curve;  
17 THENCE N 23° 59' 48" W - 381.30 feet with the southwest line of said  
18 57.98 acre tract to a capped 1/2" iron rod set for the northwest  
19 corner of this tract, from which a 1/2" iron rod found marking an  
20 angle point in the line of said 57.98 acre tract bears N 23° 59' 48"  
21 W- 30.86 feet;  
22 THENCE N 73° 01' 03" E - 574.69 feet across the said 57.98 acre tract  
23 to the PLACE OF BEGINNING and containing 35.00 acres of land.  
24 Save and Except the following:  
25 Metes and bound description of all that certain 2.33 acre tract or  
26 parcel of land, lying and being situated in the John McDillon  
27 Survey, A - 347, Conroe, Montgomery County, Texas, and being a part

1 of a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd., and  
2 recorded as County Clerk Film Code No. 2004-05-5312 and Clerk File  
3 No. 5891035 of the Official Public Records of Real Property of  
4 Montgomery County, Texas; said tract being Restricted Commercial  
5 Reserve "D" as graphically depicted on the proposed plat of  
6 Wedgewood Falls, Phase 1; said 2.33 acre tract being more  
7 particularly described as follows:

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

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

21 THENCE: N 09° 28' 56" E - 201.56 feet (N 08° 43' 10" E Record) along  
22 the aforementioned right-of-way line to a plastic capped 1/2" iron  
23 rod (stamped Taggart, RPLS # 5676) set for the beginning of a curve  
24 to the right; a 5/8" iron rod found with plastic cap stamped "Carter  
25 Burgess, Inc." for reference bears S 01° 25' 07" W - 0.45 feet;

26 THENCE: 103.60 feet along the west right-of-way of said FM 3083  
27 being the arc of said curve, in a northeasterly direction (Curve

1 data: Central Angle =  $04^{\circ} 41' 33''$ , Radius = 1,265.00 feet, Tangent =  
2 51.83 feet, the Long Chord bears  $N 18^{\circ} 57' 33'' E$  - 103.57 feet) to a  
3 plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for  
4 an exterior corner and southeast corner and being the PLACE OF  
5 BEGINNING:

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

7 N  $65^{\circ} 30' 34'' W$  - 202.01 feet to a plastic capped 1/2" iron rod  
8 (stamped Taggart, RPLS # 5676) found for an exterior corner  
9 and the southwest corner;

10 N  $24^{\circ} 29' 26'' E$  - 185.44 feet to a plastic capped 1/2" iron rod  
11 (stamped Taggart, RPLS# 5676) found for an angle point and an  
12 interior corner;

13 N  $04^{\circ} 23' 30'' W$  - 190.97 feet to a plastic capped 1/2" iron rod  
14 (stamped Taggart, RPLS # 5676) found for an exterior corner  
15 and the northwest corner;

16 N  $79^{\circ} 14' 58'' E$  - 48.02 feet to a plastic capped 1/2" iron rod  
17 (stamped Taggart, RPLS # 5676) found for and angle point and  
18 interior corner;

19 N  $75^{\circ} 26' 16'' E$  - 114.17 feet to a plastic capped 1/2" iron rod  
20 (stamped Taggart, RPLS # 5676) found for an angle point and  
21 interior corner;

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



1 THENCE: S 16° 58' 57" E - 225.37 feet along the said common boundary  
2 line to a 5/8" iron rod found with plastic cap stamped "Carter  
3 Burgess, Inc." for a common corner of the 57.98 acre tract of the  
4 said 5.7260 acre tract in the northwesterly right-of-way line of FM  
5 3083 and being the beginning of a non-tangent curve to the left; for  
6 reference the radial bearing is S 53° 41' 54" E - 1,265.00 feet;  
7 THENCE: 331.19 feet along the said right-of-way line of said FM 3083  
8 being the arc of said curve, in a southwesterly direction (Curve  
9 data: Central Angle = 15° 00' 03", Radius = 1,265.00 feet, Tangent =  
10 166.55 feet, the Long Chord bears S 28° 44' 04" W - 330.24 feet) to  
11 the PLACE OF BEGINNING, and containing 2.33 acres of land.

12 And Save and Except the following:

13 Metes and bounds description of all that certain 1.67 acre  
14 tract or parcel of land, lying and being situated in the John  
15 McDillon Survey, A - 347, Conroe, Montgomery County, Texas,  
16 and being a part of a 57.98 acre tract conveyed to Wedgewood  
17 Falls, Ltd., and recorded as County Clerk Film Code No.  
18 2004-05-5312 and File No. 5891035 of the Official Public  
19 Records of Real Property, Montgomery County, Texas; said  
20 tract being that same Restricted Reserve "E" (Commercial) as  
21 graphically depicted on the proposed plat of Wedgewood Falls,  
22 Phase 1, and being more particularly described as follows:

23 COMMENCING: at a 5/8" iron rod with cap stamped "Carter &  
24 Burgess, Inc." found for the southeasterly corner of the said  
25 57.98 acre tract and being in the westerly right-of-way line  
26 of FM 3083 (Carter Moore Drive), being a 180 foot public  
27 street as depicted by right-of-way map prepared by Carter &

1 Burgess, dated August, 1995, and being an exterior corner;  
2 said point being common with a 51.440 acre tract conveyed to  
3 55 ACRE JOINT VENTURE and recorded as Film Code No.  
4 635-01-0333 of the said Official Records;

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

10 Thence of the following eight (8) calls across the said 57.98  
11 acre tract:

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

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

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

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

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

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

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

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

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

22 THENCE: S 09° 28' 56" W - 201.56 feet (S 08° 43' 10" W Record)  
23 continuing along the said west right-of-way line of FM 3083  
24 to a plastic capped 1/2" iron rod (stamped Taggart, RPLS #  
25 5676) set for an exterior corner and angle point; a 5/8" iron  
26 rod with cap stamped "Carter & Burgess, Inc." found for  
27 reference bears S 13° 01' 11" W - 0.42 feet;

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

4        Tract V (4.58 acres)

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

12       BEGINNING at a 1" square head bolt for the northwest corner of  
13       the said 51.440 acre tract, and common with the southwest  
14       corner of a called 57.98 acre tract conveyed to Wedgwood  
15       Falls, Ltd. and recorded in Montgomery County Clerk's File  
16       No. 2004-055312 of the said Official Records; said point also  
17       being common with southeast corner of the Lomax 4.8 acre  
18       tract recorded as Montgomery County Clerk's File No. 8605404  
19       of the said DRMC, and also common with the northeast corner of  
20       the E. Bowers, et ux 2.0438 acre tract recorded as Montgomery  
21       County Clerk's File No. 9603445 of the said DRMC; said point  
22       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  
25       acre tract, to a plastic capped 1/2" iron rod (stamped  
26       Taggart, RPLS # 5676) found for an exterior corner, and the  
27       northeast corner of this 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  
3           Taggart, RPLS # 5676) found in a southwesterly line of the  
4           said 51.440 acre tract and the northeasterly line of a 2.000  
5           acre tract conveyed to Louis L. Calfee, et ux and recorded in  
6           Volume 433, Page 593 of the said DRMC, for an exterior corner,  
7           and the southeast corner of this 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)  
10          found for an exterior corner, and the southwest corner of the  
11          said 51.440 acre tract; said point being and the  
12          northeasterly line of a 1.716 acre lot referred to as  
13          Restricted Reserve "A" of Section 1 of the Crouch Subdivision  
14          and recorded in Montgomery County Clerk's File No.  
15          2001-027356 of the said DRMC, and as Sheet 193, Cabinet P of  
16          the Map Record of Montgomery County, Texas, and being the  
17          southwest corner of this tract and the northwest corner of  
18          the said 2.000 acre tract;

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

26          SECTION 3. (a) The legal notice of the intention to  
27          introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

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

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

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

17 SECTION 4. (a) Section 8414.106, Special District Local  
18 Laws Code, as added by Section 1 of this Act, takes effect only if  
19 this Act receives a two-thirds vote of all the members elected to  
20 each house.

21 (b) If this Act does not receive a two-thirds vote of all the  
22 members elected to each house, Subchapter C, Chapter 8414, Special  
23 District Local Laws Code, as added by Section 1 of this Act, is  
24 amended by adding Section 8414.106 to read as follows:

25 Sec. 8414.106. NO EMINENT DOMAIN POWER. The district may  
26 not exercise the power of eminent domain.

27 (c) 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. Except as provided by Section 4 of this Act:

4 (1) this Act takes effect immediately if it receives a  
5 vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution; and

7 (2) if this Act does not receive the vote necessary for  
8 immediate effect, this Act takes effect September 1, 2013.