

By: Williams

S.B. No. 623

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Montgomery County Municipal Utility
3 District No. 138; 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 8422 to read as follows:

9 CHAPTER 8422. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 138

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8422.001. 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. 138.

18 Sec. 8422.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8422.003. 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. 8422.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8422.003
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. 8422.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8 (a) 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. 8422.006. 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. 8422.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8422.052, directors serve
6 staggered four-year terms.

7 Sec. 8422.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8422.003; or

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

19 (c) If permanent directors have not been elected under
20 Section 8422.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8422.003; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8422.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8422.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8422.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8422.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 8422.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8422.151. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The 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 8422.153.

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. 8422.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8422.151, 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. 8422.153. 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. 8422.201. 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. 8422.202. 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. 8422.203. 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. 138 initially includes all the territory contained in the
10 following area:

11 TRACT 1

12 Being all that certain tract or parcel of land containing
13 60.2044 acres of land situated in the Henry Applewhite Survey,
14 A-50, Conroe, Montgomery County, Texas, out of and a part of a
15 Called 120 acre tract described in Volume 188, Page 416, MCDR, said
16 60.2044 acres being more particularly described by metes and bounds
17 as follows, to wit:

18 BEGINNING at an Axle found for the Southeast corner of a
19 certain 35.213 acres of land cited Tract III conveyed by partition
20 deed to James W. Peoples, et ux described and recorded under
21 Clerk's File No. 9307782 of the Official Public Records of Real
22 Property of Montgomery County, Texas (OPRRPMCT), same 35.213 acres
23 out of and a part of a Called 120 acre tract conveyed in deed to
24 Surcy Peoples, et al described and recorded in Volume 188, Page 416
25 of Montgomery County Deed Records (MCDR) said 120 acre South line
26 located on the recognized Abstract division line between the Henry
27 Applewhite Survey, A-50 and the Daniel F. Whillden Survey, A-640,

1 same Axle recognized by local surveyors as the Southeast corner of
2 the Applewhite Survey and the Northeast corner of said Whillden
3 Survey and the Northeast corner of a certain 15.950 acre parcel
4 conveyed to Marcus Koenig *et al* described and recorded under
5 C.F. No. 2001-096958, OPRRPMCT, the Northwest corner of The
6 Woodlands Windsor Lakes Section 5, subdivision map or plat thereof
7 recorded in Cabinet 'U', Sheet 19 of Montgomery County Map Records
8 (MCMR), the Southwest corner of the Residue of a 56.9509 acre parcel
9 described in deed to John D. Hagerman *et al* recorded under
10 C.F. No. 2002-051022 and from whence a 1/2" iron rod found under
11 asphalt pavement along Peoples Road, for the Southwest corner of
12 said Called 120 acres and the Southwest corner of a certain 31.108
13 acre tract cited as Tract II (C.F. No. 9307782) bears N 89°55'36" W
14 a distance of 4353.61 feet (Deed Call West 1511 Varas 188 / 416
15 MCDR) aforementioned tracts or parcels of land situated in the
16 Henry Applewhite Survey, A-50, Conroe, Montgomery County, Texas;

17 THENCE N 89°55'36" W (Deed Call N.89°55'34"W. C.F. No. 9307782
18 & Deed Call West 188 / 416 MCDR) departing said 35.213 acre
19 Southeast corner and along the South line of same, the South line of
20 aforementioned Called 120 acres and the North line of said Koenig
21 15.950 acre tract for a distance of 2175.79 feet to a 1/2" iron rod
22 found for the Southwest corner of said James W. Peoples, *et ux*
23 35.213 acres, the Southeast corner of said James W. Peoples, *et ux*
24 31.108 acre tract, same located on the Northeast corner of Koenig
25 Road (60 Ft. Road Easement 599 / 427 MCDR) for a Point on the South
26 line of the herein described tract;

27 THENCE N 89°55'36" W (Deed Call N.89°55'34"W. C.F. No. 9307782

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1 & Deed Call West 188 / 416 MCDR) continuing along said Koenig Road
2 North line and said 31.108 acre South line for a distance of 1771.34
3 feet to a 1/2" iron rod with cap scribed 'SR ESTES RPLS 5631' found
4 for the Southwest corner of the herein described tract, same
5 situated on the North line of a certain 3.923 acre tract conveyed in
6 deed to Cecil A Koenig, recorded under C.F. No. 9720350, OPRRPMCT;

7 THENCE N 00°07'33" E departing said Koenig Road and the South
8 line of the 31.108 acre tract, severing same parcel for a distance
9 of 614.95 feet to a 1/2" iron rod with cap scribed 'SR ESTES RPLS
10 5631' found for the Northwest corner of the herein described tract
11 on the South line of a certain 32.524 acre tract cited Tract IV
12 conveyed by Partition Deed to Surcy L. Peoples, Jr., et ux
13 described and recorded under C.F. No. 9307782, OPRRPMCT;

14 THENCE S 89°55'29" E (Deed Call S.89°55'34"E. C.F. No. 9307782
15 OPRRPMCT) along the South line of aforementioned Peoples 32.524
16 acre Tract IV for a distance of 1770.18 feet to a 1/2" iron rod found
17 for the Southwest corner of a certain 33.006 acre parcel cited as
18 Tract V and described in same Partition Deed to Surcy L. Peoples,
19 Jr., et ux as recorded under C.F. No. 9307782, OPRRPMCT and the
20 Northwest corner of said 35.213 acre tract, for an inside corner on
21 the North line of the herein described tract;

22 THENCE S 89°55'29" E (Deed Call S.89°55'34"W.
23 C.F. No. 9307782) along the South line of aforesaid Peoples 33.006
24 acre Tract V for a distance of 891.58 feet to a 1/2" iron rod found
25 for an inside ell corner of said 35.213 acre tract, for an inside
26 ell corner of the herein described tract;

27 THENCE N 00°00'07" E (Deed Call North, 152.73'

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1 C.F. No. 9307782) along a common inside line of aforementioned
2 35.213 acre and 33.006 acre parcels for a distance of 152.75 feet to
3 a 1/2" iron rod found for the upper Northwest corner of the herein
4 described tract;

5 THENCE S 89°55'34" E (Deed Call S.89°55'34"E., 1282.26'
6 C.F. No. 9307782) along a South line of aforesaid Tract V and the
7 North line of said 35.213 acre tract for a distance of 1283.39 feet
8 to a 1/2" iron rod found for the Northeast corner of the herein
9 described tract, same sited on the West boundary line of
10 aforementioned John D. Hagerman *et al* 56.9509 acre tract recorded
11 under C.F. No. 2002-051022, OPRRPMCT and from whence a 1/2" iron
12 rod found for the Northeast corner of said 120 acres, the Northeast
13 corner of aforesaid Tract V and the recognized Northeast corner of
14 the Applewhite Survey, A-50 bears N 00°02'47" W a distance of 594.05
15 feet (Deed Call N 00°05'33" W, 594.33' C.F. No. 9307782);

16 THENCE S 00°02'47" E (Deed Call South, 188 / 416 MCDR) along
17 the common East line of aforesaid 35.213 acres and the Residue of
18 said 56.9509 acre tract for a distance of 767.59 feet to the
19 Southeast corner and POINT OF BEGINNING of the herein described
20 tract, in all containing 60.2044 acres (2,622,504 square feet) of
21 land, more or less.

22 TRACT 2

23 Being all that certain tract or parcel of land containing
24 9.0719 acres of land situated in the Henry Applewhite Survey, A-50,
25 Conroe, Montgomery County, Texas, out of and a part of a Called 120
26 acre tract described in Volume 188, Page 416, MCDR, said 9.0719
27 acres being more particularly described by metes and bounds as

1 follows, to wit:

2 BEGINNING at a 1/2" iron rod found under asphalt pavement for
3 the Southwest corner of a certain 31.108 acres of land cited Tract
4 II, conveyed by Partition Deed to James W. Peoples, et ux described
5 and recorded under Clerk's File No. 9307782 of the Official Public
6 Records of Real Property of Montgomery County, Texas (OPRRPMCT),
7 same 31.108 acres out of and a part of a Called 120 acre tract
8 conveyed in deed to Surcy Peoples, et al described and recorded in
9 Volume 188, Page 416 of Montgomery County Deed Records (MCDR) said
10 120 acre South line located on the recognized Abstract division
11 line between the Henry Applewhite Survey, A-50 and the Daniel
12 F. Whillden Survey, A-640, same located within the used and
13 occupied right-of-way of Peoples Road and from whence an axle found
14 for the Southeast corner of said Called 120 acres, the recognized
15 Southeast corner of the Applewhite Survey bears S 89°55'36" E a
16 distance of 4353.61 feet (Deed Call East 1511 Varas 188 / 416 MCDR)
17 aforementioned tracts or parcels of land situated in the Henry
18 Applewhite Survey, A-50, Conroe, Montgomery County, Texas;

19 THENCE N 00°09'09" E (Deed Call North 188 / 416 MCDR) along the
20 West line of said 31.108 acre tract, the West line of said Called
21 120 acre Peoples tract and at a distance of 666.91 feet passing a PK
22 nail in asphalt pavement for the Southwest corner of a certain
23 0.8665 of one acre parcel described in deed to James W. Peoples
24 recorded under C.F. No. 9137919, OPRRPMCT and from whence a Texas
25 Forest Service brass spike found in asphalt pavement bears N
26 00°08'55" W a distance of 1.58 feet, continuing for a total distance
27 of 1084.14 feet to a PK nail found in asphalt pavement for the

1 Northwest corner of the herein described tract, same being the
2 Northwest corner of a certain 2.09 acre tract described in deed to
3 James W. Peoples and recorded in Vol. 786, Pg. 47, MCDR and the
4 Southwest corner of a 2.09 acre tract described in deed to Surcy
5 L. Peoples, Jr. recorded in Vol. 806, Pg. 248 and from whence a 60D
6 nail found for the Northwest corner of same parcel bears N 00°09'09"
7 E a distance of 295.27 feet;

8 THENCE S 89°56'29" E (Deed Call S.89°56'47"E., 309.55' 786 / 47
9 MCDR) departing said Called 120 acre West line, along the North line
10 of said James W. Peoples 2.09 acre tract, the South line of said
11 Surcy L. Peoples, Jr. 2.09 acre parcel for a distance of 309.54 feet
12 to a 1-1/4" iron pipe found in the West line of a certain 32.524 acre
13 tract cited Tract IV conveyed by Partition Deed to Surcy
14 L. Peoples, Jr., et ux described and recorded under
15 C.F. No. 9307782, OPRRPMCT, for the upper Northeast corner of the
16 herein described tract;

17 THENCE S 00°07'32" W (Deed Call S.00°07'10"W. C.F.
18 No. 9307782) along the West line of said Peoples 32.524 acre parcel
19 for a distance of 469.27 feet to a 1/2" iron rod found for the
20 Southwest corner of same tract and an inside ell corner of
21 aforementioned James W. Peoples, et ux 31.108 acres, for an ell
22 corner of the herein described tract;

23 THENCE S 89°55'29" E (Deed Call S.89°55'34"W. C.F.
24 No. 9307782) along the South line of said Peoples 32.524 acre
25 parcel, the North line of said James W. Peoples, et ux 31.108 acres
26 for a distance of 96.43 feet to a 1/2" iron rod with cap scribed 'SR
27 ESTES RPLS 5631' found for the lower Northeast corner of the herein

1 described tract and from whence a 1/2" iron rod found for the
2 Northeast corner of said 31.108 acre parcel bears S 89°55'29" E a
3 distance of 1770.18 feet;

4 THENCE S 00°07'33" W departing said 31.108 acre tract North
5 line and severing same parcel for a distance of 614.95 feet to a
6 1/2" iron rod with cap scribed 'SR ESTES RPLS 5631' found for the
7 Southeast corner of the herein described tract, same situated on
8 the North line of a certain 3.923 acre tract conveyed in deed to
9 Cecil A Koenig, recorded under C.F. No. 9720350, OPRRPMCT and
10 located on the North line of Koenig Road (60 Ft. Road Easement 599 /
11 427 MCDR);

12 THENCE N 89°55'36" W along the North line of said Koenig Road
13 for a distance of 406.48 feet to the Southwest corner and POINT OF
14 BEGINNING of the herein described tract, in all containing 9.0719
15 acres (395,173 square feet) of land, more or less.

16 TRACT 3

17 Being all that certain tract or parcel of land containing
18 32.9958 acres of land situated in the Henry Applewhite Survey,
19 A-50, Conroe, Montgomery County, Texas, out of and a part of a
20 Called 120 acre tract described in Volume 188, Page 416, MCDR, said
21 32.9958 acres being more particularly described by metes and bounds
22 as follows, to wit:

23 COMMENCING at an Axle found for the Southeast corner of a
24 certain 35.213 acres of land cited Tract III conveyed by partition
25 deed to James W. Peoples, et ux described and recorded under
26 Clerk's File No. 9307782 of the Official Public Records of Real
27 Property of Montgomery County, Texas (OPRRPMCT), same 35.213 acres

1 out of and a part of a Called 120 acre tract conveyed in deed to
2 Surcy Peoples, *et al* described and recorded in Volume 188, Page 416
3 of Montgomery County Deed Records (MCDR) said 120 acre South line
4 located on the recognized Abstract division line between the Henry
5 Applewhite Survey, A-50 and the Daniel F. Whillden Survey, A-640,
6 same Axle recognized by local surveyors as the Southeast corner of
7 the Applewhite Survey and the Northeast corner of said Whillden
8 Survey and the Northeast corner of a certain 15.950 acre parcel
9 conveyed to Marcus Koenig *et al* described and recorded under
10 C.F. No. 2001-096958, OPRRPMCT, the Northwest corner of The
11 Woodlands Windsor Lakes Section 5, subdivision map or plat thereof
12 recorded in Cabinet 'U', Sheet 19 of Montgomery County Map Records
13 (MCMR), the Southwest corner of the Residue of a 56.9509 acre parcel
14 described in deed to John D. Hagerman *et al* recorded under
15 C.F. No. 2002-051022 and from whence a 1/2" iron rod found under
16 asphalt pavement along Peoples Road, for the Southwest corner of
17 said Called 120 acres and the Southwest corner of a certain 31.108
18 acre tract cited as Tract II (C.F. No. 9307782) bears N 89°55'36" W
19 a distance of 4,353.61 feet (Deed Call West 1511 Varas 188 / 416
20 MCDR) aforementioned tracts or parcels of land situated in the
21 Henry Applewhite Survey, A-50, Conroe, Montgomery County, Texas;

22 THENCE N 00°02'47" W (Deed Call North 188 / 416 MCDR)
23 departing said 35.213 acre Southeast corner and along the East line
24 of same, the East line of aforementioned Called 120 acres same being
25 the West boundary line of aforementioned John D. Hagerman, *et al*
26 parcel for a distance of 767.59 feet to a 1/2" iron rod found for the
27 Southeast corner of a certain Called 33.006 acre tract cited as

1 Tract V conveyed in a deed to Surcy L. Peoples, Jr., et ux recorded
2 under C.F. No. 9307782, OPRRPMCT same monument being the Southeast
3 corner and POINT OF BEGINNING of the herein described tract;

4 THENCE N 89°55'34" W (Deed Call N.89°55'34"W., 1282.26'
5 C.F. No. 9307782 & Deed Call West 188 / 416 MCDR) along the South
6 line of aforesaid Peoples Called 33.006 acre parcel, the occupied
7 North line of said Peoples 35.213 acre tract for a distance of
8 1,283.39 feet to a 1/2" iron rod found for an inside ell corner of
9 the herein described tract;

10 THENCE S 00°00'07" W (Deed Call South, 152.73'
11 C.F. No. 9307782 OPRRPMCT) along an inside boundary line of
12 aforementioned Peoples Called 33.006 acre parcel, an inside line of
13 the said Peoples 35.213 acre tract for a distance of 152.75 feet to
14 a 1/2" iron rod found for an inside ell corner of the herein
15 described tract;

16 THENCE N 89°55'29" W (Deed Call N.89°55'34"W., 891.90'
17 C.F. No. 9307782 OPRRPMCT) continuing along an inside boundary
18 line of said Tract V, an inside line of aforesaid Peoples 35.213
19 acre parcel for a distance of 891.58 feet to a 1/2" iron rod found
20 for the Southeast corner of a certain Called 32.524 acre tract
21 conveyed in a deed to Surcy L. Peoples, Jr., et ux cited as Tract IV
22 recorded under the same C.F. No. 9307782, OPRRPMCT for the
23 Southwest corner of the herein described tract;

24 THENCE N 00°01'04" E (Deed Call N.00°05'33"W., 755.70'
25 C.F. No. 9307782 OPRRPMCT) along the East line of aforesaid Tract
26 IV and the West boundary line of said Tract V, for a distance of
27 755.34 feet to the South occupied margin of an unimproved road cited

1 as Johnson-Martin Road (no right-of-way width or dedication found
2 of record) an angle iron fence post corner found for the occupied
3 Northwest corner of the herein described tract same being an inside
4 Southerly boundary line of a portion of the Jones State Forest, a
5 216.10 acre parcel cited as the First Tract, conveyed in a deed to
6 the State of Texas / Texas A&M University as recorded in Volume 118,
7 Page 375 MCDR and from whence a 1/2" iron rod found bears N 00°01'04"
8 E a distance of 0.19 feet;

9 THENCE S 89°42'01" E (Deed Call S.89°55'34"E.
10 C.F. No. 9307782 OPRRPMCT Deed Call N.87°14'53"E. 118 / 375 MCDR)
11 along a South boundary line of aforesaid 216.10 acre First Tract
12 for a distance of 2,174.29 feet to a 1/2" iron rod found for the
13 Northeast corner of the herein described tract same sited on the
14 South right-of-way line of Schoettle Road (35 Ft. R.O.W.) as
15 recorded in Cabinet Y, Sheet 56 of Montgomery County Map Records
16 (MCMR) same point being the Northwest corner of a certain 3.9944
17 acre tract conveyed in a deed to Kenneth Earl Guinn and Evelyn
18 Eugenia Martin recorded under C.F. No. 2002-051022, OPRRPMCT;

19 THENCE S 00°02'46" E (Deed Call S 00°05'33" E, 594.33'
20 C.F. No. 9307782 Deed Call S 00°07'12" E, C.F. No. 2002-051022
21 OPRRPMCT Deed Call South, 188 / 416 MCDR) along the common East
22 line of aforesaid Surcy Peoples, Jr., et ux Tract V and the West
23 boundary of aforesaid 3.9944 acre tract for a distance of 594.05
24 feet to the Southeast corner and POINT OF BEGINNING of the herein
25 described tract, in all containing 32.9958 acres (1,437,299 square
26 feet) of land, more or less.

27 TRACT 4

1 Being all that certain tract or parcel of land containing
2 54.2960 acres of land situated in the Thomas Toby Survey, A-576,
3 (Edward Hall Survey, A-576), Conroe, Montgomery County, Texas and
4 being the Residue of a certain 56.9509 acre tract conveyed in
5 Warranty Deed from Kenneth Earl Guinn and Evelyn Eugenia Martin to
6 John D. Hagerman and wife, Linda L. Hagerman and Ronald R. Byrd and
7 wife, Martha Byrd, described and recorded under Clerk's File
8 No. 2002-051022 of the Official Public Records of Real Property of
9 Montgomery County, Texas (OPRRPMCT) and being the same parent tract
10 of land resurveyed as 56.9659 acres of land by Steven Ray Estes,
11 RPLS No. 5631 on August 22, 2006 and being that same parcel or tract
12 of land called 58.4 acres conveyed to Ernest Guinn *et ux* by deed
13 recorded in Volume 220, Page 84 of Montgomery County Deed Records
14 (MCDR) and being further out of Block No. 6 of the R. H. John
15 Subdivision of the 'Edward Hall Two Surveys', described and
16 recorded in Vol. 14, Pg. 579, MCDR and Volume 1, Page 6 of
17 Montgomery County Map Records (MCMR), aforementioned properties
18 situated in the Thomas Toby Survey, A-576, (Edward Hall Survey,
19 A-576) said 54.2960 acres being more particularly described by
20 metes and bounds as follows:

21 BEGINNING at a 1/2" iron rod with cap found for the southeast
22 corner of a certain 1.2925 acre parcel of land conveyed to the City
23 of Conroe from John D. Hagerman and wife, Linda L. Hagerman, and
24 Martha Byrd, Individually and as the Independent Administrator of
25 the Estate of Ronald R. Byrd, Deceased, cited as Tract 1 Guinn Road
26 Extension described and recorded under C.F. No. 2006-122795,
27 OPRRPMCT, same sited on the east line of aforementioned 56.9509

S.B. No. 623

1 acre Hagerman *et al* tract, the east line of a 40 Ft. Roadway
2 described in 14 / 579, MCDR and 1 / 6, MCMR and the west line of a
3 certain 17.308 acre parcel conveyed to Western Rim Investors
4 2002-1, L.P. described and recorded under C.F. No. 2002-063325,
5 OPRRPMCT and from whence a 1/2" iron rod found for the northeast
6 corner of said Hagerman *et al* 56.9509 acres bears N 00°32'59" W a
7 distance of 35.00 feet, and located 4.26 feet Southeast from the
8 occupied north line of Guinn Road (No Dedicated R.O.W. Found of
9 Record), for the northeast corner of the herein described tract;

10 THENCE S 00°32'59" E (Deed Call S.00°33'10"E.
11 C.F. No. 2002-051022 OPRRPMCT) along the east line of
12 aforementioned Hagerman *et al* 56.9659 acre tract and west line of
13 said Western Rim Investors 2002-1, L.P. parcel and east line of the
14 40 Ft. Roadway for a distance of 1311.74 feet to a 5/8" iron rod
15 found for the southeast corner of the 56.9659 acres and sited on the
16 north line of a certain Residue of 3888.76 acres conveyed to
17 Woodlands Land Development, L.P. described under C.F. No. 9747722,
18 OPRRPMCT and situated on the Abstract division line of the Thomas
19 Toby Survey, A-576 and the James McCambridge Survey, A-390, for the
20 southeast corner of the herein described tract;

21 THENCE S 89°42'01" W (Deed Call S.89°41'03"W., 1965.38'
22 C.F. No. 2002-051022) along the south line of aforementioned
23 Hagerman *et al* 56.9659 acre tract and the south line of the Thomas
24 Toby Survey, A-576 for a distance of 1965.35 feet to an axle found
25 for the northwest corner of The Woodlands Windsor Lakes Section 5,
26 map or plat thereof recorded in Cabinet 'U', Sheet 19 of Montgomery
27 County Map Records (MCMR), the northeast corner of a certain 15.950

1 acre tract conveyed in deed to Cecil A. Koenig described and
2 recorded in 599 / 407, MCDR, the southeast corner of the James
3 W. Peoples 35.213 acre tract described under C.F. No. 9307782,
4 OPRRPMCT, the common southwest corner of aforementioned Hagerman *et*
5 *al* 56.9659 acres and the herein described tract, said axle
6 recognized by cartographers and accepted by local surveyors as the
7 Four Corners of the James McCambridge Survey, A-390, the Daniel
8 F. Whildon Survey, A-640, the Henry Applewhite Survey, A-50 and the
9 Thomas Toby Survey, A-576;

10 THENCE N 00°10'28" W (Deed Call N.00°11'26"E., 861.45'
11 C.F. No. 2002-051022) departing said Four Corners axle and along
12 the east line of said Peoples 35.213 acre tract and west line of
13 said Hagerman 56.9659 acres for a distance of 861.64 feet to a 60D
14 nail found for the lower northwest corner of the herein described
15 tract of land, same being the southwest corner of a 3.9944 acre
16 Out-Tract parcel described by metes and bounds to Kenneth Earl
17 Guinn and Evelyn Eugenia Martin (herein cited as the Guinn-Martin
18 tract) under aforementioned C.F. No. 2002-051022, same 60D nail
19 sited on the east line of a certain 33.006 acre tract conveyed in
20 deed to Surcy L. Peoples described under C.F. No. 9307782,
21 OPRRPMCT;

22 THENCE S 89°51'47" E (Deed Call S.89°51'47"E., 348.00'
23 C.F. No. 2002-051022) along an inside line of said Hagerman 56.9659
24 acre parcel and south line of said Guinn-Martin tract for a distance
25 of 348.00 feet to a 1/2" iron rod found for the southeast corner of
26 same 3.9944 acre tract and an inside corner of the herein described
27 tract;

1 THENCE N 00°10'28" W (Deed Call N.00°11'26"E.
2 C.F. No. 2002-051022) along the east line of aforementioned
3 Guinn-Martin tract and upper west line of said 56.9659 acre parcel
4 and at a distance of 82.16 feet crossing the south line of a Called
5 4.00 acre tract described in 960 / 554, MCDR to Evelyn Eugenia
6 Martin and husband, Eugene L. Martin continuing for a total
7 distance of 165.00 feet to a 5/8" iron rod with cap found for the
8 southwest corner of a certain 1.3774 acre tract cited as Tract 2
9 (Water Well Site) conveyed to the City of Conroe described under
10 C.F. No. 2006-122795, OPRRPMCT, for an inside corner of the herein
11 described tract;

12 THENCE S 89°51'47" E (Deed Call S.89°51'47"E., 200.00'
13 C.F. No. 2006-122795) departing aforementioned 3.9944 acre east
14 line and upper west line of the Hagerman *et al* 56.9659 acre parcel
15 and along the south line of the City of Conroe 1.3774 acres for a
16 distance of 200.00 feet to a 5/8" iron rod with cap found for the
17 southeast corner of same 1.3774 acres, for an inside corner of the
18 herein described tract;

19 THENCE N 00°10'28" W (Deed Call N.00°11'26"W., 300.00'
20 C.F. No. 2006-122795) along the east line of aforementioned City of
21 Conroe 1.3774 acre tract for a distance of 300.00 feet to a 5/8"
22 iron rod with cap found for the northeast corner of same 1.3774
23 acres and sited on the south line of aforementioned City of Conroe
24 1.2925 acre Tract 1 (Guinn Road Extension) for the upper northwest
25 corner of the herein described tract;

26 THENCE S 89°51'47" E (Deed Call S.89°51'47"E.
27 C.F. No. 2006-122795) along the south line of said City of Conroe

1 1.2925 acre Tract 1 for a distance of 1408.79 feet to the northeast
2 corner and POINT OF BEGINNING of the herein described tract, in all
3 containing 54.2960 acres (2,365,136 square feet) of land, more or
4 less.

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

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

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

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

23 SECTION 4. (a) If this Act does not receive a two-thirds
24 vote of all the members elected to each house, Subchapter C, Chapter
25 8422, Special District Local Laws Code, as added by Section 1 of
26 this Act, is amended by adding Section 8422.106 to read as follows:

27 Sec. 8422.106. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

2 (b) This section is not intended to be an expression of a
3 legislative interpretation of the requirements of Subsection (c),
4 Section 17, Article I, Texas Constitution.

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