

By: Metcalf

H.B. No. 4127

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Foster Municipal Utility District No. 1 of Montgomery County; 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 7926 to read as follows:

CHAPTER 7926. FOSTER MUNICIPAL UTILITY DISTRICT NO. 1 OF  
MONTGOMERY COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7926.001. 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 Foster Municipal Utility District No. 1 of Montgomery County.

Sec. 7926.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7926.003. 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. 7926.004. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section 7926.003  
4 until each municipality in whose corporate limits the district is  
5 located has consented by ordinance or resolution to the creation of  
6 the district and to the inclusion of land in the district.

7 Sec. 7926.005. 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. 7926.006. 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. 7926.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7926.052, directors serve  
6 staggered four-year terms.

7           Sec. 7926.052. TEMPORARY DIRECTORS. (a) On or after  
8 September 1, 2015, 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 7926.003; or

17                   (2) September 1, 2019.

18           (c) If permanent directors have not been elected under  
19 Section 7926.003 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 7926.003; 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. 7926.101. 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. 7926.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. 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 Sec. 7926.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain, and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 7926.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
23 project must meet all applicable construction standards, zoning and  
24 subdivision requirements, and regulations of each municipality in  
25 whose corporate limits the road project is located.

26 (b) If a road project is not located in the corporate limits  
27 of a municipality, the road project must meet all applicable

1 construction standards, subdivision requirements, and regulations  
2 of each county in which the road project is located.

3 (c) If the state will maintain and operate the road, the  
4 Texas Transportation Commission must approve the plans and  
5 specifications of the road project.

6 Sec. 7926.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
7 OR RESOLUTION. The district shall comply with all applicable  
8 requirements of any ordinance or resolution that is adopted under  
9 Section 54.016 or 54.0165, Water Code, and that consents to the  
10 creation of the district or to the inclusion of land in the  
11 district.

12 Sec. 7926.106. DIVISION OF DISTRICT. (a) The district may  
13 be divided into two or more new districts only if the district:

14 (1) has no outstanding bonded debt; and

15 (2) is not imposing ad valorem taxes.

16 (b) This chapter applies to any new district created by the  
17 division of the district, and a new district has all the powers and  
18 duties of the district.

19 (c) Any new district created by the division of the district  
20 may not, at the time the new district is created, contain any land  
21 outside the area described by Section 2 of the Act creating this  
22 chapter.

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

27 (e) The board may adopt an order dividing the district

1 before or after the date the board holds an election under Section  
2 7926.003 to confirm the creation of the district and before or after  
3 an election under Section 7926.151 to authorize the issuance of  
4 bonds.

5 (f) An order dividing the district must:

6 (1) name each new district;

7 (2) include the metes and bounds description of the  
8 territory of each new district;

9 (3) appoint temporary directors for each new district;

10 and

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

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

17 (h) Any new district created by the division of the district  
18 shall hold a confirmation and directors' election as required by  
19 Section 7926.003.

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

24 (j) If the creation of the new district is confirmed, the  
25 new district shall provide the election date and results to the  
26 commission.

1           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2           Sec. 7926.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3 district may issue, without an election, bonds and other  
4 obligations secured by:

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

6                   (2) contract payments described by Section 7926.153.

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

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

15           Sec. 7926.152. OPERATION AND MAINTENANCE TAX. (a) If  
16 authorized at an election held under Section 7926.151, the district  
17 may impose an operation and maintenance tax on taxable property in  
18 the district in accordance with Section 49.107, Water Code.

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

21           Sec. 7926.153. CONTRACT TAXES. (a) In accordance with  
22 Section 49.108, Water Code, the district may impose a tax other than  
23 an operation and maintenance tax and use the revenue derived from  
24 the tax to make payments under a contract after the provisions of  
25 the contract have been approved by a majority of the district voters  
26 voting at an election held for that purpose.

27           (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by  
2 the board without further voter approval.

3 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4 Sec. 7926.201. AUTHORITY TO ISSUE BONDS AND OTHER  
5 OBLIGATIONS. The district may issue bonds or other obligations  
6 payable wholly or partly from ad valorem taxes, impact fees,  
7 revenue, contract payments, grants, or other district money, or any  
8 combination of those sources, to pay for any authorized district  
9 purpose.

10 Sec. 7926.202. TAXES FOR BONDS. At the time the district  
11 issues bonds payable wholly or partly from ad valorem taxes, the  
12 board shall provide for the annual imposition of a continuing  
13 direct ad valorem tax, without limit as to rate or amount, while all  
14 or part of the bonds are outstanding as required and in the manner  
15 provided by Sections 54.601 and 54.602, Water Code.

16 Sec. 7926.203. BONDS FOR ROAD PROJECTS. At the time of  
17 issuance, the total principal amount of bonds or other obligations  
18 issued or incurred to finance road projects and payable from ad  
19 valorem taxes may not exceed one-fourth of the assessed value of the  
20 real property in the district.

21 SECTION 2. The Foster Municipal Utility District No. 1 of  
22 Montgomery County initially includes all the territory contained in  
23 the following area:

24 Being 3,411.960 acres of land located in the Jose Maria De La  
25 Garza Survey, Abstract Number 15 and the Cyrus Dikeman Survey,  
26 Abstract Number 179, Montgomery County, Texas, being the apparent  
27 remainder of those certain tracts described as "Part II, Tracts 7-1



1 and 8" conveyed Foster Timber, LTD by the instrument of record dated  
2 February 17, 1995 recorded under File Number 9509573 in the  
3 Official Public Records of Real Property of Montgomery County,  
4 Texas (M.C.O.P.R.R.P.), said Part II, Tract 7-1 the called residue  
5 of 8,437.836 acres, and said Part II, Tract 8 called 100 acres, said  
6 3,411.960 acres being more particularly described by metes and  
7 bounds in two parts as follows, all bearings are assumed:

8 PART ONE (Residue of Part II, Tract 7-1)

9 BEGINNING at a point for the southeast corner of that certain  
10 called 68.1929 acre tract conveyed to Texas Campgrounds by an  
11 instrument of record in Volume 720, Page 683, of the Deed Records of  
12 said Montgomery County, Texas, (M.C.D.R.), also being on the south  
13 line of said Jose Maria De La Garza Survey;

14 Thence, North 28° 21' 09" West, along the northeasterly line  
15 of said 68.1929 acre tract, 843.66 feet to a point for the northeast  
16 corner of said 68.1929 acre tract;

17 Thence, South 61° 50' 25" West, along the northwesterly line  
18 of said 68.1929 acre tract, 1,828.58 feet to a point for an easterly  
19 corner of that certain called 435.81 acre tract conveyed to The  
20 Moran Corporation by an instrument of record in Volume 485, Page  
21 196, M.C.D.R;

22 Thence, in a northwesterly direction along the easterly lines  
23 of said 435.81 acre tract the following three (3) courses:

24 1. North 28° 50' 18" West, 1,799.69 feet to a point for  
25 corner;

26 2. South 62° 13' 59" West, 525.34 feet to a point for corner;

27 3. North 13° 10' 49" West, 1,929.69 feet to a point for

1 corner on the south line of that certain called 136.894 acre tract  
2 conveyed to John W. Holland by an instrument of record in File  
3 Number 2005-087670, M.C.O.P.R.R.P;

4 Thence, North 86° 12' 25" East, along the south line of said  
5 136.894 acre tract, 1,645.13 feet to a point for the southeast  
6 corner of said 136.894 acre tract;

7 Thence, along the easterly lines of said 136.894 acre tract  
8 the following three (3) courses:

- 9 1. North 03° 52' 16" West, 558.48 feet to a point for corner;
- 10 2. South 86° 47' 18" West, 1,360.46 feet to a point for  
11 corner;
- 12 3. North 24° 26' 20" West, 139.17 feet to a point for corner,  
13 said point being on the easterly line of the residue of that certain  
14 called 200.493 acre tract conveyed to Cliff Robert Weisinger and  
15 Michael Scott Weisinger by an instrument of record in File Number  
16 9444915, M.C.O.P.R.R.P., said point also being on the centerline of  
17 Angling Branch;

18 Thence, in a northeasterly direction meandering along the  
19 easterly lines of said 200.493 acre tract and the centerline of said  
20 Angling Branch the following eighty (80) courses and distances:

- 21 1. North 16° 08' 08" East, 101.40 feet to a point for corner;
- 22 2. North 29° 04' 08" East, 149.90 feet to a point for corner;
- 23 3. North 59° 38' 08" East, 173.20 feet to a point for corner;
- 24 4. North 72° 39' 08" East, 37.90 feet to a point for corner;
- 25 5. North 21° 36' 08" East, 94.10 feet to a point for corner;
- 26 6. North 31° 27' 08" East, 99.20 feet to a point for corner;
- 27 7. North 85° 26' 08" East, 107.20 feet to a point for corner;

- 1 8. North 33° 07' 08" East, 108.80 feet to a point for corner;
- 2 9. North 57° 51' 08" East, 118.10 feet to a point for corner;
- 3 10. North 27° 08' 08" East, 61.70 feet to a point for corner;
- 4 11. North 77° 13' 08" East, 77.50 feet to a point for corner;
- 5 12. South 80° 04' 52" East, 62.70 feet to a point for corner;
- 6 13. South 58° 32' 52" East, 30.80 feet to a point for corner;
- 7 14. North 64° 49' 08" East, 37.00 feet to a point for corner;
- 8 15. South 59° 49' 52" East, 67.90 feet to a point for corner;
- 9 16. North 42° 12' 08" East, 64.30 feet to a point for corner;
- 10 17. South 50° 11' 52" East, 54.30 feet to a point for corner;
- 11 18. South 20° 40' 52" East, 48.30 feet to a point for corner;
- 12 19. North 53° 28' 08" East, 104.80 feet to a point for
- 13 corner;
- 14 20. South 74° 50' 52" East, 40.30 feet to a point for corner;
- 15 21. South 46° 23' 52" East, 27.60 feet to a point for corner;
- 16 22. North 61° 30' 08" East, 61.60 feet to a point for corner;
- 17 23. North 02° 10' 52" West, 43.30 feet to a point for corner;
- 18 24. South 80° 16' 52" East, 21.60 feet to a point for corner;
- 19 25. South 16° 04' 52" East, 49.50 feet to a point for corner;
- 20 26. North 54° 05' 08" East, 29.40 feet to a point for corner;
- 21 27. South 85° 55' 52" East, 40.60 feet to a point for corner;
- 22 28. South 45° 09' 52" East, 37.00 feet to a point for corner;
- 23 29. North 62° 40' 08" East, 110.20 feet to a point for
- 24 corner;
- 25 30. South 58° 32' 52" East, 31.90 feet to a point for corner;
- 26 31. North 50° 27' 08" East, 39.30 feet to a point for corner;
- 27 32. South 85° 50' 52" East, 35.50 feet to a point for corner;

- 1 33. North 83° 37' 08" East, 63.00 feet to a point for corner;
- 2 34. North 41° 59' 08" East, 45.40 feet to a point for corner;
- 3 35. North 15° 22' 52" West, 36.90 feet to a point for corner;
- 4 36. North 24° 41' 52" West, 24.80 feet to a point for corner;
- 5 37. North 84° 59' 08" East, 46.00 feet to a point for corner;
- 6 38. North 30° 04' 52" West, 44.90 feet to a point for corner;
- 7 39. North 73° 01' 08" East, 49.30 feet to a point for corner;
- 8 40. North 06° 47' 52" West, 65.60 feet to a point for corner;
- 9 41. South 85° 01' 52" East, 51.30 feet to a point for corner;
- 10 42. North 32° 23' 52" West, 57.40 feet to a point for corner;
- 11 43. North 82° 47' 08" East, 66.70 feet to a point for corner;
- 12 44. North 28° 01' 08" East, 34.10 feet to a point for corner;
- 13 45. North 60° 43' 08" East, 38.70 feet to a point for corner;
- 14 46. North 73° 43' 08" East, 47.50 feet to a point for corner;
- 15 47. North 27° 39' 52" West, 33.40 feet to a point for corner;
- 16 48. North 44° 53' 08" East, 26.30 feet to a point for corner;
- 17 49. North 05° 18' 52" West, 23.10 feet to a point for corner;
- 18 50. North 54° 58' 08" East, 34.00 feet to a point for corner;
- 19 51. South 45° 19' 52" East, 41.50 feet to a point for corner;
- 20 52. North 28° 32' 08" East, 42.20 feet to a point for corner;
- 21 53. South 58° 32' 52" East, 31.70 feet to a point for corner;
- 22 54. North 36° 22' 08" East, 47.00 feet to a point for corner;
- 23 55. North 35° 23' 52" West, 53.90 feet to a point for corner;
- 24 56. North 72° 21' 08" East, 66.70 feet to a point for corner;
- 25 57. North 10° 57' 52" West, 78.70 feet to a point for corner;
- 26 58. North 17° 16' 52" West, 64.60 feet to a point for corner;
- 27 59. North 41° 33' 52" West, 89.70 feet to a point for corner;

- 1           60. North 64° 44' 08" East, 35.50 feet to a point for corner;
- 2           61. South 70° 09' 52" East, 36.70 feet to a point for corner;
- 3           62. North 18° 53' 52" West, 58.30 feet to a point for corner;
- 4           63. North 33° 44' 08" East, 74.90 feet to a point for corner;
- 5           64. North 33° 43' 52" West, 37.00 feet to a point for corner;
- 6           65. North 68° 56' 08" East, 39.80 feet to a point for corner;
- 7           66. North 06° 33' 08" East, 68.80 feet to a point for corner;
- 8           67. North 39° 45' 08" East, 34.90 feet to a point for corner;
- 9           68. North 27° 23' 52" West, 33.90 feet to a point for corner;
- 10          69. North 44° 35' 08" East, 53.20 feet to a point for corner;
- 11          70. North 08° 20' 52" West, 40.30 feet to a point for corner;
- 12          71. North 77° 58' 08" East, 30.30 feet to a point for corner;
- 13          72. North 08° 24' 52" West, 36.10 feet to a point for corner;
- 14          73. North 68° 47' 08" East, 97.40 feet to a point for corner;
- 15          74. North 17° 08' 08" East, 47.80 feet to a point for corner;
- 16          75. South 48° 45' 52" East, 35.40 feet to a point for corner;
- 17          76. North 40° 49' 08" East, 101.60 feet to a point for
- 18 corner;
- 19          77. South 61° 32' 52" East, 21.20 feet to a point for corner;
- 20          78. North 44° 31' 08" East, 67.80 feet to a point for corner;
- 21          79. South 88° 37' 52" East, 26.30 feet to a point for corner;
- 22          80. North 01° 05' 52" West, 21.00 feet to a point for the
- 23 southwest corner of that certain called 9.81 acre tract conveyed to
- 24 Leonard J. Decker and Donna M. Decker by an instrument of record in
- 25 Volume 985, Page 278, M.C.D.R.;
- 26           Thence, North 58° 00' 17" East, along the southerly line of
- 27 said 9.81 acre tract, 835.83 feet to an angle point in the southerly

1 line of said 9.81 acre tract;

2           Thence, North 88° 01' 07" East, along the southerly line of  
3 said 9.81 acre tract, the south line of that certain called 2.884  
4 acre tract conveyed to Lloyd W. McGee and Holly T. McGee by an  
5 instrument of record in File Number 2005-056892, M.C.O.P.R.R.P.,  
6 and the south line of that certain called 2.133 acre tract conveyed  
7 to Joseph Foxworth by an instrument of record in File Number  
8 2009-031282, M.C.O.P.R.R.P., 1,265.86 feet to a point for the  
9 southeast corner of said 2.133 acre tract, said point being on the  
10 west line of that certain called 16.622 acre tract conveyed to  
11 Phillip Montandon by an instrument of record in File Number  
12 2005-060480, M.C.O.P.R.R.P.;

13           Thence, South 02° 46' 56" East, along the west line of said  
14 16.622 acre tract, 700.03 feet to a point for the southwest corner  
15 of said 16.622 acre tract;

16           Thence, North 86° 54' 45" East, along the south line of said  
17 16.622 acre tract, 894.34 feet to a point for the southeast corner  
18 of said 16.622 acre tract;

19           Thence, North 03° 46' 41" West, along the east line of said  
20 16.622 acre tract, the east right-of-way line of Jack Gibbs Road  
21 (called 60 feet wide) and its extension along the east line of that  
22 certain called 9.82 acre tract conveyed to Richard L. Miller by an  
23 instrument of record under File Number 2003-072598,  
24 M.C.O.P.R.R.P., 5,358.20 feet to a point for the southwest corner  
25 of that certain called 20.00 acre tract conveyed to Pete McCrorey  
26 A/K/A Cleo McCrorey and Stella Mae McCrorey by an instrument of  
27 record in File Number 2012031644, Official Public Records of said

1 Montgomery County, Texas, (M.C.O.P.R.);

2 Thence, North 87° 02' 38" East, along the south line of said  
3 20.00 acre tract, 1,620.00 feet to a point for the southeast corner  
4 of said 20.00 acre tract, said point being on the west line of that  
5 certain called 57.4 acre tract conveyed to Bryant Timber  
6 Investments LLC by an instrument of record in File Number  
7 2007-120647, M.C.O.P.R.R.P.;

8 Thence, South 02° 34' 37" East, along the west line of said  
9 57.4 acre tract, 408.55 feet to a point for the southwest corner of  
10 said 57.4 acre tract;

11 Thence, North 87° 25' 23" East, along the southerly line of  
12 said 57.4 acre tract, 1,319.45 feet to a point for the southeast  
13 corner of said 57.4 acre tract;

14 Thence, North 02° 34' 37" West, along a east line of said 57.4  
15 acre tract, 1,222.23 feet to a point for corner;

16 Thence, North 34° 33' 23" West, along the northeasterly line  
17 of said 57.4 acre tract, 1,018.46 feet to a point for corner;

18 Thence, South 87° 53' 36" West, along the north line of said  
19 57.4 acre tract, 641.31 feet to a point for corner, being the  
20 southerly most northeast corner of that certain called 48.0759 acre  
21 tract conveyed to Clayton McCrorey by an instrument of record in  
22 File Number 2012031643, M.C.O.P.R.;

23 Thence, along the northerly lines of said 48.0759 acre tract  
24 the following four (4) courses:

25 1. North 03° 11' 24" West, 602.83 feet to a point for corner;

26 2. South 85° 54' 58" West, 632.60 feet to a point for corner;

27 3. South 03° 12' 14" East, 610.17 feet to a point for corner;

1           4. South 85° 15' 06" West, 1,001.50 feet to a point for the  
2 northwest corner of said 48.0759 acre tract, said point being on the  
3 east line of that certain called 41.708 acre tract (described as  
4 Tract 1) conveyed to Clayton T. McCrorey by an instrument of record  
5 in File Number 2008-028975, M.C.O.P.R.R.P.;

6           Thence, North 02° 09' 22" East, along the east line of said  
7 41.708 acre tract, 41.59 feet to a point for the northeast corner of  
8 said 41.708 acre tract;

9           Thence, South 87° 12' 53" West, along the north line of said  
10 41.708 acre tract, 1,198.70 feet to a point for the northwest corner  
11 of said 41.708 acre tract;

12           Thence, South 02° 03' 51" East, along the west line of said  
13 41.708 acre tract, 1,604.85 feet to a point for the southwest corner  
14 of said 41.708 acre tract, the northwest corner of that certain  
15 called 3.7 acre tract (described as Tract II) conveyed to Clayton T.  
16 McCrorey by an instrument of record in File Number 2008-028975,  
17 M.C.O.P.R.R.P., and on a north line of that certain called 172.890  
18 acre tract described in Volume 674, Page 373, M.C.D.R., said  
19 172.890 acre tract subsequently partitioned;

20           Thence, South 86° 13' 19" West, along the north line of said  
21 172.890 acre tract, 2,333.33 feet to a point for the northwest  
22 corner of said 172.890 acre tract;

23           Thence, South 03° 46' 41" East, along the west line of said  
24 172.890 acre tract, at 2157.55 feet pass the southwest corner of  
25 said 172.890 acre tract, same being the most easterly northwest  
26 corner that certain called 300.13 acre tract conveyed to LMD  
27 Investments Limited Partnership by an instrument of record in File



1 Number 2007-144495, M.C.O.P.R.R.P., in all a total distance of  
2 2,944.44 feet to a point for corner;

3 Thence, in a northerly and westerly direction along the north  
4 and west lines of said 300.13 acre tract the following six (6)  
5 courses:

6 1. South 86° 13' 19" West, 1,069.44 feet to a point for  
7 corner;

8 2. North 03° 46' 41" West, 2,208.33 feet to a point for  
9 corner;

10 3. South 86° 13' 19" West, 2,416.66 feet to a point for  
11 corner;

12 4. North 03° 46' 41" West, 2,319.44 feet to a point for  
13 corner;

14 5. North 86° 13' 19" East, 555.55 feet to a point for corner;

15 6. North 03° 40' 50" West, 888.89 feet to a point for the  
16 southwest corner of that certain called 3.350 acre tract conveyed  
17 to William Quinlan and Patricia Quinlan by an instrument of record  
18 in File Number 2010079944, M.C.O.P.R.R.P.;

19 Thence, North 86° 13' 19" East, along the southerly lines of  
20 said 3.350 acre tract, that certain called 6.7 acre tract  
21 (described as Tract 10) conveyed to O. B. Clay by an instrument of  
22 record in Volume 191, Page 608, M.C.D.R., that certain called  
23 3.9435 acre tract conveyed to Larry and Tracie Fultz by an  
24 instrument of record in File Number 2007-132603, M.C.O.P.R.R.P.,  
25 that certain called 6.7 acre tract (described as Tract 8) conveyed  
26 to Dan Clay by an instrument of record in Volume 191, Page 608,  
27 M.C.D.R., that certain called 2.043 acre tract conveyed to Richard

1 McWhorter by an instrument of record in File Number 8642515,  
2 M.C.O.P.R.R.P., that certain called 1.823 acre tract conveyed to  
3 Margaret Hull by an instrument of record in File Number 9843968,  
4 M.C.O.P.R.R.P., and that certain called 1.0 acre tract conveyed to  
5 Peter J. Buscemi and Patricia L. Buscemi by an instrument of record  
6 in File Number 9523049, M.C.O.P.R.R.P., 1,730.34 feet to a point  
7 for the southeast corner of said 1.0 acre tract;

8         Thence, North 13° 05' 19" East, along the east line of said 1.0  
9 acre tract and the east line of that certain called 3.40 acre tract  
10 conveyed to Stephen Charles and Andrea Charles by an instrument of  
11 record in File Number 9523049 and (described as Tract 7) in Volume  
12 191, Page 608, M.C.D.R., 361.99 feet to a point for corner on the  
13 centerline of Tanyard Road;

14         Thence, South 89° 48' 05" East, along the centerline of  
15 Tanyard Road as described in File Number 9509572, M.C.O.P.R.R.P.,  
16 52.14 feet to a point for corner;

17         Thence, South 85° 55' 34" East, continuing along the  
18 centerline of Tanyard Road, 295.89 feet to a point for the common  
19 west corner of that certain called 39.240 acre tract conveyed to  
20 Robert P. Wright by an instrument of record in File Number 7747854,  
21 M.C.O.P.R.R.P., and that certain called 4.601 acre tract conveyed  
22 to Robert Wright by an instrument of record in File Number  
23 2009-104141, M.C.O.P.R.R.P.;

24         Thence, South 03° 20' 08" West, along the west line of said  
25 4.601 acre tract, 236.02 feet to a point for the southwest corner of  
26 said 4.601 acre tract;

27         Thence, North 86° 21' 51" East, along the south line of said

1 4.601 acre tract, 997.70 feet to a point for the common south corner  
2 of said 4.601 acre tract and that certain called 21.50 acre tract  
3 conveyed to Robert P. Wright by an instrument of record in File  
4 Number's 2005-003852 and 8646744, M.C.O.P.R.R.P.;

5 Thence, North 85° 20' 12" East, along the south line of said  
6 21.50 acre tract, 422.37 feet to a point for corner on the  
7 centerline of said Tanyard Road as described in File Number  
8 9509572, M.C.O.P.R.R.P.;

9 Thence, in an easterly direction along the centerline of said  
10 Tanyard Road the following thirty (30) courses:

- 11 1. South 75° 40' 47" East, 310.24 feet to a point for corner;
- 12 2. South 80° 01' 38" East, 517.06 feet to a point for corner;
- 13 3. South 89° 22' 10" East, 1,020.57 feet to a point for  
14 corner;
- 15 4. North 87° 31' 53" East, 534.66 feet to a point for corner;
- 16 5. North 83° 13' 01" East, 650.61 feet to a point for corner;
- 17 6. North 81° 13' 01" East, 1,173.60 feet to a point for  
18 corner;
- 19 7. North 85° 26' 52" East, 1,826.57 feet to a point for  
20 corner;
- 21 8. North 87° 55' 57" East, 369.79 feet to a point for corner;
- 22 9. South 89° 56' 05" East, 233.26 feet to a point for corner;
- 23 10. South 89° 27' 50" East, 610.46 feet to a point for  
24 corner;
- 25 11. South 89° 52' 39" East, 654.48 feet to a point for  
26 corner;
- 27 12. North 85° 33' 04" East, 692.83 feet to a point for

- 1 corner;
- 2           13. North 84° 11' 59" East, 456.82 feet to a point for
- 3 corner;
- 4           14. North 81° 48' 08" East, 245.89 feet to a point for
- 5 corner;
- 6           15. North 76° 01' 24" East, 299.73 feet to a point for
- 7 corner;
- 8           16. North 74° 33' 15" East, 458.03 feet to a point for
- 9 corner;
- 10          17. North 71° 20' 36" East, 126.39 feet to a point for
- 11 corner;
- 12          18. North 67° 33' 47" East, 233.32 feet to a point for
- 13 corner;
- 14          19. North 68° 17' 38" East, 346.61 feet to a point for
- 15 corner;
- 16          20. North 60° 40' 51" East, 203.12 feet to a point for
- 17 corner;
- 18          21. North 67° 41' 08" East, 183.91 feet to a point for
- 19 corner;
- 20          22. North 64° 22' 31" East, 237.95 feet to a point for
- 21 corner;
- 22          23. North 62° 31' 54" East, 214.60 feet to a point for
- 23 corner;
- 24          24. North 78° 44' 21" East, 505.10 feet to a point for
- 25 corner;
- 26          25. North 75° 18' 00" East, 428.73 feet to a point for
- 27 corner;

1           26. North 79° 33' 02" East, 611.84 feet to a point for  
2 corner;

3           27. North 68° 28' 51" East, 412.17 feet to a point for  
4 corner;

5           28. North 84° 42' 55" East, 933.26 feet to a point for  
6 corner;

7           29. North 64° 09' 39" East, 285.68 feet to a point for  
8 corner;

9           30. North 70° 44' 16" East, 143.36 feet to a point for the  
10 northwest corner of that certain called 15.0258 acre tract  
11 (described as Tract 2) conveyed to Theodore G. Scheid by an  
12 instrument of record in Volume 762, Page 48, M.C.D.R.;

13           Thence, South 27° 58' 12" East, along the westerly lines of  
14 said 15.0258 acre tract and that certain called 25.2472 acre tract  
15 (described as Tract 1) conveyed to Theodore G. Scheid by an  
16 instrument of record in Volume 762, Page 48, M.C.D.R., 656.44 feet  
17 to a point for a west corner of said 25.2472 acre tract and on the  
18 northerly line of China Grove Village Section One a subdivision of  
19 record in Cabinet W, Sheet 152, of the Map Records of said  
20 Montgomery County, Texas, (M.C.M.R.);

21           Thence, South 70° 31' 54" West, along the northerly line of  
22 said subdivision, 2,969.99 feet to a point for the southwest corner  
23 of said subdivision;

24           Thence, South 08° 34' 04" East, along the westerly line of  
25 said subdivision, 2,230.57 feet to a point for a westerly corner of  
26 said China Grove Village subdivision;

27           Thence, North 66° 32' 35" East, along a southerly line of said

1 subdivision, 1,755.56 feet to a point for a westerly corner of said  
2 China Grove Village subdivision;

3 Thence, South 48° 05' 50" East, along a westerly line of said  
4 subdivision, 422.03 feet to a point for the north corner of that  
5 certain called 9.987 acre tract conveyed to Leslie Barnard and  
6 David Clark by an instrument of record in File Number 2001-072414,  
7 M.C.O.P.R.R.P., said 9.987 acre tract being a portion of that  
8 certain called 88.020 acre tract previously conveyed to Bridges  
9 Browder by an instrument of record in Volume 864, Page 634,  
10 M.C.D.R.;

11 Thence, South 68° 24' 57" West, along the northerly lines of  
12 said 9.987 acre tract and said 88.020 acre tract, 3,697.10 feet to a  
13 point for the northwest corner of said 88.020 acre tract, said point  
14 being on the centerline of McRae Creek;

15 Thence, in a southeasterly direction along the meanders of  
16 said McRae Creek, and along the westerly lines of said 88.020 acre  
17 tract, that certain called 12.8773 acre tract conveyed to Robert E.  
18 Maddux, Jr by an instrument of record in File Number's 9630828, and  
19 2000003219, M.C.O.P.R.R.P., that certain called 10.047 acre tract  
20 conveyed to Donald Ray Land by an instrument of record in File  
21 Number 9842784, M.C.O.P.R.R.P., that certain called 10.006 acre  
22 tract conveyed to Clara Marie Hubbard by an instrument of record in  
23 File Number 8917166, M.C.O.P.R.R.P., the following twenty-nine  
24 (29) courses:

- 25 1. South 38° 15' 14" East, 127.00 feet to a point for corner;
- 26 2. South 52° 49' 14" East, 160.00 feet to a point for corner;
- 27 3. South 56° 29' 14" East, 638.00 feet to a point for corner;

- 1           4.   South 76° 01' 26" East, 41.31 feet to a point for corner;
- 2           5.   South 81° 37' 25" East, 109.28 feet to a point for corner;
- 3           6.   North 82° 25' 45" East, 40.10 feet to a point for corner;
- 4           7.   South 43° 03' 05" East, 18.75 feet to a point for corner;
- 5           8.   North 75° 43' 25" East, 23.22 feet to a point for corner;
- 6           9.   South 70° 02' 32" East, 28.26 feet to a point for corner;
- 7           10.  North 59° 07' 46" East, 22.66 feet to a point for corner;
- 8           11.  North 75° 25' 53" East, 102.84 feet to a point for
- 9 corner;
- 10          12.  South 45° 17' 12" East, 21.89 feet to a point for corner;
- 11          13.  North 66° 34' 38" East, 132.45 feet to a point for
- 12 corner;
- 13          14.  North 50° 38' 54" East, 29.31 feet to a point for corner;
- 14          15.  North 80° 37' 10" East, 36.26 feet to a point for corner;
- 15          16.  South 65° 43' 01" East, 20.54 feet to a point for corner;
- 16          17.  North 61° 25' 31" East, 56.69 feet to a point for corner;
- 17          18.  North 81° 36' 09" East, 53.41 feet to a point for corner;
- 18          19.  South 88° 44' 40" East, 53.93 feet to a point for corner;
- 19          20.  South 43° 08' 29" East, 59.04 feet to a point for corner;
- 20          21.  South 15° 47' 03" West, 20.66 feet to a point for corner;
- 21          22.  South 53° 17' 33" East, 68.04 feet to a point for corner;
- 22          23.  South 16° 19' 48" East, 31.21 feet to a point for corner;
- 23          24.  South 10° 16' 18" East, 128.38 feet to a point for
- 24 corner;
- 25          25.  South 05° 24' 00" East, 206.69 feet to a point for
- 26 corner;
- 27          26.  South 22° 03' 14" East, 196.00 feet to a point for

1 corner;

2 27. South 32° 42' 57" East, 244.95 feet to a point for  
3 corner;

4 28. South 18° 27' 15" East, 168.50 feet to a point for  
5 corner;

6 29. South 25° 10' 15" East, 249.85 feet to a point for the  
7 southwest corner of said 10.006 acre tract;

8 Thence, North 66° 53' 11" East, along the south line of said  
9 10.006 acre tract, 673.49 feet to a point for corner;

10 Thence, South 33° 06' 27" East, 2,484.77 feet to a point for  
11 corner, being the northeast corner of that certain called 94.44  
12 acre tract (described as Tract 1) conveyed to Clayton T. McCrorey by  
13 an instrument of record in File Number 2004-016847, M.C.O.P.R.R.P.,  
14 said point being on the southeasterly line of the aforementioned  
15 Jose Maria De La Garza Survey;

16 Thence, South 61° 30' 23" West, along the southeasterly line  
17 of said Jose Maria De La Garza Survey and the northwesterly lines of  
18 the aforementioned Cyrus Dikeman Survey, Abstract Number 179, the  
19 Evelin Woodford Survey, Abstract Number 620, and the Jackson Crouch  
20 Survey, Abstract Number 130 of said Montgomery County, Texas,  
21 15,128.47 feet to the POINT OF BEGINNING and containing 3,310.992  
22 acres of land.

23 PART TWO (Part II, Tract 8)

24 BEGINNING at the east corner of the aforementioned Cyrus  
25 Dikeman Survey, same being the southeast corner of the  
26 aforementioned 100 acre tract described as Part II, Tract 8 in the  
27 instrument of record in File Number 9509573, M.C.O.P.R.R.P. as



1 described in Volume 362, Page 183, M.C.D.R, same being the south  
2 corner of that certain called 157.5 acre tract described in Volume  
3 323, Page 396, M.C.D.R.;

4 Thence, South 41° 48' 06" West, along the southeasterly line  
5 of said 100 acre tract, 1,666.67 (called 600 varas) to the south  
6 corner of herein described tract, same being the east corner of that  
7 certain called 100 acre tract described in Volume 284, Page 338,  
8 M.C.D.R.;

9 Thence, North 48° 11' 54" West, along the northeasterly line  
10 of that certain called 99.98 acre tract described in File Number  
11 9811049, M.C.O.P.R.R.P., (said 99.98 acre tract being a portion of  
12 said 100 acre tract described in Volume 284, Page 338, M.C.D.R.),  
13 2,638.89 feet (called 950 varas) to the west corner of the herein  
14 described tract, the north corner of said 99.98 acre tract, and on  
15 the southeasterly line of that certain called 94.44 acre tract  
16 (tract 1) described in File Number 2004-016847, M.C.O.P.R.R.P.;

17 Thence, North 41° 48' 06" East, along the southeasterly line  
18 of said 94.44 acre tract, 1,666.67 (called 600 varas) to the north  
19 corner of the herein described tract;

20 Thence, South 48° 11' 54" East, 2,638.89 feet (called 950  
21 varas) to the POINT OF BEGINNING and containing 100.968 acres of  
22 land.

23 Said Part 1 (3,310.992 acres) and Part 2 (100.968 acres)  
24 containing a total of 3,411.960 acres of land.

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

1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

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

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

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

16 SECTION 4. (a) If this Act does not receive a two-thirds  
17 vote of all the members elected to each house, Subchapter C, Chapter  
18 7926, Special District Local Laws Code, as added by Section 1 of  
19 this Act, is amended by adding Section 7926.107 to read as follows:

20 Sec. 7926.107. NO EMINENT DOMAIN POWER. The district may  
21 not exercise the power of eminent domain.

22 (b) This section is not intended to be an expression of a  
23 legislative interpretation of the requirements of Section 17(c),  
24 Article I, Texas Constitution.

25 SECTION 5. This Act takes effect September 1, 2015.