

1-1 By: Metcalf (Senate Sponsor - Creighton) H.B. No. 4127
 1-2 (In the Senate - Received from the House April 27, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 13, 2015, reported favorably by
 1-5 the following vote: Yeas 6, Nays 0; May 13, 2015, sent to printer.)

1-6 COMMITTEE VOTE

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

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

1-17 relating to the creation of the Foster Municipal Utility District
 1-18 No. 1 of Montgomery County; granting a limited power of eminent
 1-19 domain; providing authority to issue bonds; providing authority to
 1-20 impose assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 7926 to read as follows:

1-24 CHAPTER 7926. FOSTER MUNICIPAL UTILITY DISTRICT NO. 1 OF
 1-25 MONTGOMERY COUNTY

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 7926.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
 1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Foster Municipal Utility
 1-33 District No. 1 of Montgomery County.

1-34 Sec. 7926.002. NATURE OF DISTRICT. The district is a
 1-35 municipal utility district created under Section 59, Article XVI,
 1-36 Texas Constitution.

1-37 Sec. 7926.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-38 REQUIRED. The temporary directors shall hold an election to
 1-39 confirm the creation of the district and to elect five permanent
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 7926.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-42 temporary directors may not hold an election under Section 7926.003
 1-43 until each municipality in whose corporate limits the district is
 1-44 located has consented by ordinance or resolution to the creation of
 1-45 the district and to the inclusion of land in the district.

1-46 Sec. 7926.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-47 The district is created to serve a public purpose and benefit.

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

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

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

1-55 Sec. 7926.006. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

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

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

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7926.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7926.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7926.052. TEMPORARY DIRECTORS. (a) On or after

2-13 September 1, 2015, the owner or owners of a majority of the assessed

2-14 value of the real property in the district may submit a petition to

2-15 the commission requesting that the commission appoint as temporary

2-16 directors the five persons named in the petition. The commission

2-17 shall appoint as temporary directors the five persons named in the

2-18 petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7926.003; or

2-22 (2) September 1, 2019.

2-23 (c) If permanent directors have not been elected under

2-24 Section 7926.003 and the terms of the temporary directors have

2-25 expired, successor temporary directors shall be appointed or

2-26 reappointed as provided by Subsection (d) to serve terms that

2-27 expire on the earlier of:

2-28 (1) the date permanent directors are elected under

2-29 Section 7926.003; or

2-30 (2) the fourth anniversary of the date of the

2-31 appointment or reappointment.

2-32 (d) If Subsection (c) applies, the owner or owners of a

2-33 majority of the assessed value of the real property in the district

2-34 may submit a petition to the commission requesting that the

2-35 commission appoint as successor temporary directors the five

2-36 persons named in the petition. The commission shall appoint as

2-37 successor temporary directors the five persons named in the

2-38 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 7926.101. GENERAL POWERS AND DUTIES. The district has

2-41 the powers and duties necessary to accomplish the purposes for

2-42 which the district is created.

2-43 Sec. 7926.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-44 DUTIES. The district has the powers and duties provided by the

2-45 general law of this state, including Chapters 49 and 54, Water Code,

2-46 applicable to municipal utility districts created under Section 59,

2-47 Article XVI, Texas Constitution.

2-48 Sec. 7926.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-49 52, Article III, Texas Constitution, the district may design,

2-50 acquire, construct, finance, issue bonds for, improve, operate,

2-51 maintain, and convey to this state, a county, or a municipality for

2-52 operation and maintenance macadamized, graveled, or paved roads, or

2-53 improvements, including storm drainage, in aid of those roads.

2-54 Sec. 7926.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-55 project must meet all applicable construction standards, zoning and

2-56 subdivision requirements, and regulations of each municipality in

2-57 whose corporate limits the road project is located.

2-58 (b) If a road project is not located in the corporate limits

2-59 of a municipality, the road project must meet all applicable

2-60 construction standards, subdivision requirements, and regulations

2-61 of each county in which the road project is located.

2-62 (c) If the state will maintain and operate the road, the

2-63 Texas Transportation Commission must approve the plans and

2-64 specifications of the road project.

2-65 Sec. 7926.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-66 OR RESOLUTION. The district shall comply with all applicable

2-67 requirements of any ordinance or resolution that is adopted under

2-68 Section 54.016 or 54.0165, Water Code, and that consents to the

2-69 creation of the district or to the inclusion of land in the

3-1 district.
3-2 Sec. 7926.106. DIVISION OF DISTRICT. (a) The district may
3-3 be divided into two or more new districts only if the district:
3-4 (1) has no outstanding bonded debt; and
3-5 (2) is not imposing ad valorem taxes.
3-6 (b) This chapter applies to any new district created by the
3-7 division of the district, and a new district has all the powers and
3-8 duties of the district.
3-9 (c) Any new district created by the division of the district
3-10 may not, at the time the new district is created, contain any land
3-11 outside the area described by Section 2 of the Act creating this
3-12 chapter.
3-13 (d) The board, on its own motion or on receipt of a petition
3-14 signed by the owner or owners of a majority of the assessed value of
3-15 the real property in the district, may adopt an order dividing the
3-16 district.
3-17 (e) The board may adopt an order dividing the district
3-18 before or after the date the board holds an election under Section
3-19 7926.003 to confirm the creation of the district and before or after
3-20 an election under Section 7926.151 to authorize the issuance of
3-21 bonds.
3-22 (f) An order dividing the district must:
3-23 (1) name each new district;
3-24 (2) include the metes and bounds description of the
3-25 territory of each new district;
3-26 (3) appoint temporary directors for each new district;
3-27 and
3-28 (4) provide for the division of assets and liabilities
3-29 between or among the new districts.
3-30 (g) On or before the 30th day after the date of adoption of
3-31 an order dividing the district, the district shall file the order
3-32 with the commission and record the order in the real property
3-33 records of each county in which the district is located.
3-34 (h) Any new district created by the division of the district
3-35 shall hold a confirmation and directors' election as required by
3-36 Section 7926.003.
3-37 (i) Any new district created by the division of the district
3-38 must hold an election as required by this chapter to obtain voter
3-39 approval before the district may impose a maintenance tax or issue
3-40 bonds payable wholly or partly from ad valorem taxes.
3-41 (j) If the creation of the new district is confirmed, the
3-42 new district shall provide the election date and results to the
3-43 commission.
3-44 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-45 Sec. 7926.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-46 district may issue, without an election, bonds and other
3-47 obligations secured by:
3-48 (1) revenue other than ad valorem taxes; or
3-49 (2) contract payments described by Section 7926.153.
3-50 (b) The district must hold an election in the manner
3-51 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-52 before the district may impose an ad valorem tax or issue bonds
3-53 payable from ad valorem taxes.
3-54 (c) The district may not issue bonds payable from ad valorem
3-55 taxes to finance a road project unless the issuance is approved by a
3-56 vote of a two-thirds majority of the district voters voting at an
3-57 election held for that purpose.
3-58 Sec. 7926.152. OPERATION AND MAINTENANCE TAX. (a) If
3-59 authorized at an election held under Section 7926.151, the district
3-60 may impose an operation and maintenance tax on taxable property in
3-61 the district in accordance with Section 49.107, Water Code.
3-62 (b) The board shall determine the tax rate. The rate may not
3-63 exceed the rate approved at the election.
3-64 Sec. 7926.153. CONTRACT TAXES. (a) In accordance with
3-65 Section 49.108, Water Code, the district may impose a tax other than
3-66 an operation and maintenance tax and use the revenue derived from
3-67 the tax to make payments under a contract after the provisions of
3-68 the contract have been approved by a majority of the district voters
3-69 voting at an election held for that purpose.

4-1 (b) A contract approved by the district voters may contain a
 4-2 provision stating that the contract may be modified or amended by
 4-3 the board without further voter approval.

4-4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-5 Sec. 7926.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-6 OBLIGATIONS. The district may issue bonds or other obligations
 4-7 payable wholly or partly from ad valorem taxes, impact fees,
 4-8 revenue, contract payments, grants, or other district money, or any
 4-9 combination of those sources, to pay for any authorized district
 4-10 purpose.

4-11 Sec. 7926.202. TAXES FOR BONDS. At the time the district
 4-12 issues bonds payable wholly or partly from ad valorem taxes, the
 4-13 board shall provide for the annual imposition of a continuing
 4-14 direct ad valorem tax, without limit as to rate or amount, while all
 4-15 or part of the bonds are outstanding as required and in the manner
 4-16 provided by Sections 54.601 and 54.602, Water Code.

4-17 Sec. 7926.203. BONDS FOR ROAD PROJECTS. At the time of
 4-18 issuance, the total principal amount of bonds or other obligations
 4-19 issued or incurred to finance road projects and payable from ad
 4-20 valorem taxes may not exceed one-fourth of the assessed value of the
 4-21 real property in the district.

4-22 SECTION 2. The Foster Municipal Utility District No. 1 of
 4-23 Montgomery County initially includes all the territory contained in
 4-24 the following area:

4-25 Being 3,411.960 acres of land located in the Jose Maria De La
 4-26 Garza Survey, Abstract Number 15 and the Cyrus Dikeman Survey,
 4-27 Abstract Number 179, Montgomery County, Texas, being the apparent
 4-28 remainder of those certain tracts described as "Part II, Tracts 7-1
 4-29 and 8" conveyed Foster Timber, LTD by the instrument of record dated
 4-30 February 17, 1995 recorded under File Number 9509573 in the
 4-31 Official Public Records of Real Property of Montgomery County,
 4-32 Texas (M.C.O.P.R.R.P.), said Part II, Tract 7-1 the called residue
 4-33 of 8,437.836 acres, and said Part II, Tract 8 called 100 acres, said
 4-34 3,411.960 acres being more particularly described by metes and
 4-35 bounds in two parts as follows, all bearings are assumed:

4-36 PART ONE (Residue of Part II, Tract 7-1)

4-37 BEGINNING at a point for the southeast corner of that certain
 4-38 called 68.1929 acre tract conveyed to Texas Campgrounds by an
 4-39 instrument of record in Volume 720, Page 683, of the Deed Records of
 4-40 said Montgomery County, Texas, (M.C.D.R.), also being on the south
 4-41 line of said Jose Maria De La Garza Survey;

4-42 Thence, North 28° 21' 09" West, along the northeasterly line
 4-43 of said 68.1929 acre tract, 843.66 feet to a point for the northeast
 4-44 corner of said 68.1929 acre tract;

4-45 Thence, South 61° 50' 25" West, along the northwesterly line
 4-46 of said 68.1929 acre tract, 1,828.58 feet to a point for an easterly
 4-47 corner of that certain called 435.81 acre tract conveyed to The
 4-48 Moran Corporation by an instrument of record in Volume 485, Page
 4-49 196, M.C.D.R.;

4-50 Thence, in a northwesterly direction along the easterly lines
 4-51 of said 435.81 acre tract the following three (3) courses:

4-52 1. North 28° 50' 18" West, 1,799.69 feet to a point for
 4-53 corner;

4-54 2. South 62° 13' 59" West, 525.34 feet to a point for corner;

4-55 3. North 13° 10' 49" West, 1,929.69 feet to a point for
 4-56 corner on the south line of that certain called 136.894 acre tract
 4-57 conveyed to John W. Holland by an instrument of record in File
 4-58 Number 2005-087670, M.C.O.P.R.R.P.;

4-59 Thence, North 86° 12' 25" East, along the south line of said
 4-60 136.894 acre tract, 1,645.13 feet to a point for the southeast
 4-61 corner of said 136.894 acre tract;

4-62 Thence, along the easterly lines of said 136.894 acre tract
 4-63 the following three (3) courses:

4-64 1. North 03° 52' 16" West, 558.48 feet to a point for corner;

4-65 2. South 86° 47' 18" West, 1,360.46 feet to a point for
 4-66 corner;

4-67 3. North 24° 26' 20" West, 139.17 feet to a point for corner,
 4-68 said point being on the easterly line of the residue of that certain
 4-69 called 200.493 acre tract conveyed to Cliff Robert Weisinger and

- 5-1 Michael Scott Weisinger by an instrument of record in File Number
 5-2 9444915, M.C.O.P.R.R.P., said point also being on the centerline of
 5-3 Angling Branch;
 5-4 Thence, in a northeasterly direction meandering along the
 5-5 easterly lines of said 200.493 acre tract and the centerline of said
 5-6 Angling Branch the following eighty (80) courses and distances:
- 5-7 1. North 16° 08' 08" East, 101.40 feet to a point for corner;
 - 5-8 2. North 29° 04' 08" East, 149.90 feet to a point for corner;
 - 5-9 3. North 59° 38' 08" East, 173.20 feet to a point for corner;
 - 5-10 4. North 72° 39' 08" East, 37.90 feet to a point for corner;
 - 5-11 5. North 21° 36' 08" East, 94.10 feet to a point for corner;
 - 5-12 6. North 31° 27' 08" East, 99.20 feet to a point for corner;
 - 5-13 7. North 85° 26' 08" East, 107.20 feet to a point for corner;
 - 5-14 8. North 33° 07' 08" East, 108.80 feet to a point for corner;
 - 5-15 9. North 57° 51' 08" East, 118.10 feet to a point for corner;
 - 5-16 10. North 27° 08' 08" East, 61.70 feet to a point for corner;
 - 5-17 11. North 77° 13' 08" East, 77.50 feet to a point for corner;
 - 5-18 12. South 80° 04' 52" East, 62.70 feet to a point for corner;
 - 5-19 13. South 58° 32' 52" East, 30.80 feet to a point for corner;
 - 5-20 14. North 64° 49' 08" East, 37.00 feet to a point for corner;
 - 5-21 15. South 59° 49' 52" East, 67.90 feet to a point for corner;
 - 5-22 16. North 42° 12' 08" East, 64.30 feet to a point for corner;
 - 5-23 17. South 50° 11' 52" East, 54.30 feet to a point for corner;
 - 5-24 18. South 20° 40' 52" East, 48.30 feet to a point for corner;
 - 5-25 19. North 53° 28' 08" East, 104.80 feet to a point for
 5-26 corner;
 - 5-27 20. South 74° 50' 52" East, 40.30 feet to a point for corner;
 - 5-28 21. South 46° 23' 52" East, 27.60 feet to a point for corner;
 - 5-29 22. North 61° 30' 08" East, 61.60 feet to a point for corner;
 - 5-30 23. North 02° 10' 52" West, 43.30 feet to a point for corner;
 - 5-31 24. South 80° 16' 52" East, 21.60 feet to a point for corner;
 - 5-32 25. South 16° 04' 52" East, 49.50 feet to a point for corner;
 - 5-33 26. North 54° 05' 08" East, 29.40 feet to a point for corner;
 - 5-34 27. South 85° 55' 52" East, 40.60 feet to a point for corner;
 - 5-35 28. South 45° 09' 52" East, 37.00 feet to a point for corner;
 - 5-36 29. North 62° 40' 08" East, 110.20 feet to a point for
 5-37 corner;
 - 5-38 30. South 58° 32' 52" East, 31.90 feet to a point for corner;
 - 5-39 31. North 50° 27' 08" East, 39.30 feet to a point for corner;
 - 5-40 32. South 85° 50' 52" East, 35.50 feet to a point for corner;
 - 5-41 33. North 83° 37' 08" East, 63.00 feet to a point for corner;
 - 5-42 34. North 41° 59' 08" East, 45.40 feet to a point for corner;
 - 5-43 35. North 15° 22' 52" West, 36.90 feet to a point for corner;
 - 5-44 36. North 24° 41' 52" West, 24.80 feet to a point for corner;
 - 5-45 37. North 84° 59' 08" East, 46.00 feet to a point for corner;
 - 5-46 38. North 30° 04' 52" West, 44.90 feet to a point for corner;
 - 5-47 39. North 73° 01' 08" East, 49.30 feet to a point for corner;
 - 5-48 40. North 06° 47' 52" West, 65.60 feet to a point for corner;
 - 5-49 41. South 85° 01' 52" East, 51.30 feet to a point for corner;
 - 5-50 42. North 32° 23' 52" West, 57.40 feet to a point for corner;
 - 5-51 43. North 82° 47' 08" East, 66.70 feet to a point for corner;
 - 5-52 44. North 28° 01' 08" East, 34.10 feet to a point for corner;
 - 5-53 45. North 60° 43' 08" East, 38.70 feet to a point for corner;
 - 5-54 46. North 73° 43' 08" East, 47.50 feet to a point for corner;
 - 5-55 47. North 27° 39' 52" West, 33.40 feet to a point for corner;
 - 5-56 48. North 44° 53' 08" East, 26.30 feet to a point for corner;
 - 5-57 49. North 05° 18' 52" West, 23.10 feet to a point for corner;
 - 5-58 50. North 54° 58' 08" East, 34.00 feet to a point for corner;
 - 5-59 51. South 45° 19' 52" East, 41.50 feet to a point for corner;
 - 5-60 52. North 28° 32' 08" East, 42.20 feet to a point for corner;
 - 5-61 53. South 58° 32' 52" East, 31.70 feet to a point for corner;
 - 5-62 54. North 36° 22' 08" East, 47.00 feet to a point for corner;
 - 5-63 55. North 35° 23' 52" West, 53.90 feet to a point for corner;
 - 5-64 56. North 72° 21' 08" East, 66.70 feet to a point for corner;
 - 5-65 57. North 10° 57' 52" West, 78.70 feet to a point for corner;
 - 5-66 58. North 17° 16' 52" West, 64.60 feet to a point for corner;
 - 5-67 59. North 41° 33' 52" West, 89.70 feet to a point for corner;
 - 5-68 60. North 64° 44' 08" East, 35.50 feet to a point for corner;
 - 5-69 61. South 70° 09' 52" East, 36.70 feet to a point for corner;

- 6-1 62. North 18° 53' 52" West, 58.30 feet to a point for corner;
- 6-2 63. North 33° 44' 08" East, 74.90 feet to a point for corner;
- 6-3 64. North 33° 43' 52" West, 37.00 feet to a point for corner;
- 6-4 65. North 68° 56' 08" East, 39.80 feet to a point for corner;
- 6-5 66. North 06° 33' 08" East, 68.80 feet to a point for corner;
- 6-6 67. North 39° 45' 08" East, 34.90 feet to a point for corner;
- 6-7 68. North 27° 23' 52" West, 33.90 feet to a point for corner;
- 6-8 69. North 44° 35' 08" East, 53.20 feet to a point for corner;
- 6-9 70. North 08° 20' 52" West, 40.30 feet to a point for corner;
- 6-10 71. North 77° 58' 08" East, 30.30 feet to a point for corner;
- 6-11 72. North 08° 24' 52" West, 36.10 feet to a point for corner;
- 6-12 73. North 68° 47' 08" East, 97.40 feet to a point for corner;
- 6-13 74. North 17° 08' 08" East, 47.80 feet to a point for corner;
- 6-14 75. South 48° 45' 52" East, 35.40 feet to a point for corner;
- 6-15 76. North 40° 49' 08" East, 101.60 feet to a point for
- 6-16 corner;
- 6-17 77. South 61° 32' 52" East, 21.20 feet to a point for corner;
- 6-18 78. North 44° 31' 08" East, 67.80 feet to a point for corner;
- 6-19 79. South 88° 37' 52" East, 26.30 feet to a point for corner;
- 6-20 80. North 01° 05' 52" West, 21.00 feet to a point for the
- 6-21 southwest corner of that certain called 9.81 acre tract conveyed to
- 6-22 Leonard J. Decker and Donna M. Decker by an instrument of record in
- 6-23 Volume 985, Page 278, M.C.D.R.;
- 6-24 Thence, North 58° 00' 17" East, along the southerly line of
- 6-25 said 9.81 acre tract, 835.83 feet to an angle point in the southerly
- 6-26 line of said 9.81 acre tract;
- 6-27 Thence, North 88° 01' 07" East, along the southerly line of
- 6-28 said 9.81 acre tract, the south line of that certain called 2.884
- 6-29 acre tract conveyed to Lloyd W. McGee and Holly T. McGee by an
- 6-30 instrument of record in File Number 2005-056892, M.C.O.P.R.R.P.,
- 6-31 and the south line of that certain called 2.133 acre tract conveyed
- 6-32 to Joseph Foxworth by an instrument of record in File Number
- 6-33 2009-031282, M.C.O.P.R.R.P., 1,265.86 feet to a point for the
- 6-34 southeast corner of said 2.133 acre tract, said point being on the
- 6-35 west line of that certain called 16.622 acre tract conveyed to
- 6-36 Phillip Montandon by an instrument of record in File Number
- 6-37 2005-060480, M.C.O.P.R.R.P.;
- 6-38 Thence, South 02° 46' 56" East, along the west line of said
- 6-39 16.622 acre tract, 700.03 feet to a point for the southwest corner
- 6-40 of said 16.622 acre tract;
- 6-41 Thence, North 86° 54' 45" East, along the south line of said
- 6-42 16.622 acre tract, 894.34 feet to a point for the southeast corner
- 6-43 of said 16.622 acre tract;
- 6-44 Thence, North 03° 46' 41" West, along the east line of said
- 6-45 16.622 acre tract, the east right-of-way line of Jack Gibbs Road
- 6-46 (called 60 feet wide) and its extension along the east line of that
- 6-47 certain called 9.82 acre tract conveyed to Richard L. Miller by an
- 6-48 instrument of record under File Number 2003-072598,
- 6-49 M.C.O.P.R.R.P., 5,358.20 feet to a point for the southwest corner
- 6-50 of that certain called 20.00 acre tract conveyed to Pete McCrorey
- 6-51 A/K/A Cleo McCrorey and Stella Mae McCrorey by an instrument of
- 6-52 record in File Number 2012031644, Official Public Records of said
- 6-53 Montgomery County, Texas, (M.C.O.P.R.);
- 6-54 Thence, North 87° 02' 38" East, along the south line of said
- 6-55 20.00 acre tract, 1,620.00 feet to a point for the southeast corner
- 6-56 of said 20.00 acre tract, said point being on the west line of that
- 6-57 certain called 57.4 acre tract conveyed to Bryant Timber
- 6-58 Investments LLC by an instrument of record in File Number
- 6-59 2007-120647, M.C.O.P.R.R.P.;
- 6-60 Thence, South 02° 34' 37" East, along the west line of said
- 6-61 57.4 acre tract, 408.55 feet to a point for the southwest corner of
- 6-62 said 57.4 acre tract;
- 6-63 Thence, North 87° 25' 23" East, along the southerly line of
- 6-64 said 57.4 acre tract, 1,319.45 feet to a point for the southeast
- 6-65 corner of said 57.4 acre tract;
- 6-66 Thence, North 02° 34' 37" West, along a east line of said 57.4
- 6-67 acre tract, 1,222.23 feet to a point for corner;
- 6-68 Thence, North 34° 33' 23" West, along the northeasterly line
- 6-69 of said 57.4 acre tract, 1,018.46 feet to a point for corner;

7-1 Thence, South 87° 53' 36" West, along the north line of said
 7-2 57.4 acre tract, 641.31 feet to a point for corner, being the
 7-3 southerly most northeast corner of that certain called 48.0759 acre
 7-4 tract conveyed to Clayton McCrorey by an instrument of record in
 7-5 File Number 2012031643, M.C.O.P.R.;

7-6 Thence, along the northerly lines of said 48.0759 acre tract
 7-7 the following four (4) courses:

- 7-8 1. North 03° 11' 24" West, 602.83 feet to a point for corner;
 - 7-9 2. South 85° 54' 58" West, 632.60 feet to a point for corner;
 - 7-10 3. South 03° 12' 14" East, 610.17 feet to a point for corner;
 - 7-11 4. South 85° 15' 06" West, 1,001.50 feet to a point for the
- 7-12 northwest corner of said 48.0759 acre tract, said point being on the
 7-13 east line of that certain called 41.708 acre tract (described as
 7-14 Tract 1) conveyed to Clayton T. McCrorey by an instrument of record
 7-15 in File Number 2008-028975, M.C.O.P.R.R.P.;

7-16 Thence, North 02° 09' 22" East, along the east line of said
 7-17 41.708 acre tract, 41.59 feet to a point for the northeast corner of
 7-18 said 41.708 acre tract;

7-19 Thence, South 87° 12' 53" West, along the north line of said
 7-20 41.708 acre tract, 1,198.70 feet to a point for the northwest corner
 7-21 of said 41.708 acre tract;

7-22 Thence, South 02° 03' 51" East, along the west line of said
 7-23 41.708 acre tract, 1,604.85 feet to a point for the southwest corner
 7-24 of said 41.708 acre tract, the northwest corner of that certain
 7-25 called 3.7 acre tract (described as Tract II) conveyed to Clayton T.
 7-26 McCrorey by an instrument of record in File Number 2008-028975,
 7-27 M.C.O.P.R.R.P., and on a north line of that certain called 172.890
 7-28 acre tract described in Volume 674, Page 373, M.C.D.R., said
 7-29 172.890 acre tract subsequently partitioned;

7-30 Thence, South 86° 13' 19" West, along the north line of said
 7-31 172.890 acre tract, 2,333.33 feet to a point for the northwest
 7-32 corner of said 172.890 acre tract;

7-33 Thence, South 03° 46' 41" East, along the west line of said
 7-34 172.890 acre tract, at 2157.55 feet pass the southwest corner of
 7-35 said 172.890 acre tract, same being the most easterly northwest
 7-36 corner that certain called 300.13 acre tract conveyed to LMD
 7-37 Investments Limited Partnership by an instrument of record in File
 7-38 Number 2007-144495, M.C.O.P.R.R.P., in all a total distance of
 7-39 2,944.44 feet to a point for corner;

7-40 Thence, in a northerly and westerly direction along the north
 7-41 and west lines of said 300.13 acre tract the following six (6)
 7-42 courses:

- 7-43 1. South 86° 13' 19" West, 1,069.44 feet to a point for
 - 7-44 corner;
 - 7-45 2. North 03° 46' 41" West, 2,208.33 feet to a point for
 - 7-46 corner;
 - 7-47 3. South 86° 13' 19" West, 2,416.66 feet to a point for
 - 7-48 corner;
 - 7-49 4. North 03° 46' 41" West, 2,319.44 feet to a point for
 - 7-50 corner;
 - 7-51 5. North 86° 13' 19" East, 555.55 feet to a point for corner;
 - 7-52 6. North 03° 40' 50" West, 888.89 feet to a point for the
- 7-53 southwest corner of that certain called 3.350 acre tract conveyed
 7-54 to William Quinlan and Patricia Quinlan by an instrument of record
 7-55 in File Number 2010079944, M.C.O.P.R.R.P.;

7-56 Thence, North 86° 13' 19" East, along the southerly lines of
 7-57 said 3.350 acre tract, that certain called 6.7 acre tract
 7-58 (described as Tract 10) conveyed to O. B. Clay by an instrument of
 7-59 record in Volume 191, Page 608, M.C.D.R., that certain called
 7-60 3.9435 acre tract conveyed to Larry and Tracie Fultz by an
 7-61 instrument of record in File Number 2007-132603, M.C.O.P.R.R.P.,
 7-62 that certain called 6.7 acre tract (described as Tract 8) conveyed
 7-63 to Dan Clay by an instrument of record in Volume 191, Page 608,
 7-64 M.C.D.R., that certain called 2.043 acre tract conveyed to Richard
 7-65 McWhorter by an instrument of record in File Number 8642515,
 7-66 M.C.O.P.R.R.P., that certain called 1.823 acre tract conveyed to
 7-67 Margaret Hull by an instrument of record in File Number 9843968,
 7-68 M.C.O.P.R.R.P., and that certain called 1.0 acre tract conveyed to
 7-69 Peter J. Buscemi and Patricia L. Buscemi by an instrument of record

8-1 in File Number 9523049, M.C.O.P.R.R.P., 1,730.34 feet to a point
 8-2 for the southeast corner of said 1.0 acre tract;
 8-3 Thence, North 13° 05' 19" East, along the east line of said 1.0
 8-4 acre tract and the east line of that certain called 3.40 acre tract
 8-5 conveyed to Stephen Charles and Andrea Charles by an instrument of
 8-6 record in File Number 9523049 and (described as Tract 7) in Volume
 8-7 191, Page 608, M.C.D.R., 361.99 feet to a point for corner on the
 8-8 centerline of Tanyard Road;
 8-9 Thence, South 89° 48' 05" East, along the centerline of
 8-10 Tanyard Road as described in File Number 9509572, M.C.O.P.R.R.P.,
 8-11 52.14 feet to a point for corner;
 8-12 Thence, South 85° 55' 34" East, continuing along the
 8-13 centerline of Tanyard Road, 295.89 feet to a point for the common
 8-14 west corner of that certain called 39.240 acre tract conveyed to
 8-15 Robert P. Wright by an instrument of record in File Number 7747854,
 8-16 M.C.O.P.R.R.P., and that certain called 4.601 acre tract conveyed
 8-17 to Robert Wright by an instrument of record in File Number
 8-18 2009-104141, M.C.O.P.R.R.P.;
 8-19 Thence, South 03° 20' 08" West, along the west line of said
 8-20 4.601 acre tract, 236.02 feet to a point for the southwest corner of
 8-21 said 4.601 acre tract;
 8-22 Thence, North 86° 21' 51" East, along the south line of said
 8-23 4.601 acre tract, 997.70 feet to a point for the common south corner
 8-24 of said 4.601 acre tract and that certain called 21.50 acre tract
 8-25 conveyed to Robert P. Wright by an instrument of record in File
 8-26 Number's 2005-003852 and 8646744, M.C.O.P.R.R.P.;
 8-27 Thence, North 85° 20' 12" East, along the south line of said
 8-28 21.50 acre tract, 422.37 feet to a point for corner on the
 8-29 centerline of said Tanyard Road as described in File Number
 8-30 9509572, M.C.O.P.R.R.P.;
 8-31 Thence, in an easterly direction along the centerline of said
 8-32 Tanyard Road the following thirty (30) courses:
 8-33 1. South 75° 40' 47" East, 310.24 feet to a point for corner;
 8-34 2. South 80° 01' 38" East, 517.06 feet to a point for corner;
 8-35 3. South 89° 22' 10" East, 1,020.57 feet to a point for
 8-36 corner;
 8-37 4. North 87° 31' 53" East, 534.66 feet to a point for corner;
 8-38 5. North 83° 13' 01" East, 650.61 feet to a point for corner;
 8-39 6. North 81° 13' 01" East, 1,173.60 feet to a point for
 8-40 corner;
 8-41 7. North 85° 26' 52" East, 1,826.57 feet to a point for
 8-42 corner;
 8-43 8. North 87° 55' 57" East, 369.79 feet to a point for corner;
 8-44 9. South 89° 56' 05" East, 233.26 feet to a point for corner;
 8-45 10. South 89° 27' 50" East, 610.46 feet to a point for
 8-46 corner;
 8-47 11. South 89° 52' 39" East, 654.48 feet to a point for
 8-48 corner;
 8-49 12. North 85° 33' 04" East, 692.83 feet to a point for
 8-50 corner;
 8-51 13. North 84° 11' 59" East, 456.82 feet to a point for
 8-52 corner;
 8-53 14. North 81° 48' 08" East, 245.89 feet to a point for
 8-54 corner;
 8-55 15. North 76° 01' 24" East, 299.73 feet to a point for
 8-56 corner;
 8-57 16. North 74° 33' 15" East, 458.03 feet to a point for
 8-58 corner;
 8-59 17. North 71° 20' 36" East, 126.39 feet to a point for
 8-60 corner;
 8-61 18. North 67° 33' 47" East, 233.32 feet to a point for
 8-62 corner;
 8-63 19. North 68° 17' 38" East, 346.61 feet to a point for
 8-64 corner;
 8-65 20. North 60° 40' 51" East, 203.12 feet to a point for
 8-66 corner;
 8-67 21. North 67° 41' 08" East, 183.91 feet to a point for
 8-68 corner;
 8-69 22. North 64° 22' 31" East, 237.95 feet to a point for

9-1 corner;
 9-2 23. North 62° 31' 54" East, 214.60 feet to a point for
 9-3 corner;
 9-4 24. North 78° 44' 21" East, 505.10 feet to a point for
 9-5 corner;
 9-6 25. North 75° 18' 00" East, 428.73 feet to a point for
 9-7 corner;
 9-8 26. North 79° 33' 02" East, 611.84 feet to a point for
 9-9 corner;
 9-10 27. North 68° 28' 51" East, 412.17 feet to a point for
 9-11 corner;
 9-12 28. North 84° 42' 55" East, 933.26 feet to a point for
 9-13 corner;
 9-14 29. North 64° 09' 39" East, 285.68 feet to a point for
 9-15 corner;
 9-16 30. North 70° 44' 16" East, 143.36 feet to a point for the
 9-17 northwest corner of that certain called 15.0258 acre tract
 9-18 (described as Tract 2) conveyed to Theodore G. Scheid by an
 9-19 instrument of record in Volume 762, Page 48, M.C.D.R.;
 9-20 Thence, South 27° 58' 12" East, along the westerly lines of
 9-21 said 15.0258 acre tract and that certain called 25.2472 acre tract
 9-22 (described as Tract 1) conveyed to Theodore G. Scheid by an
 9-23 instrument of record in Volume 762, Page 48, M.C.D.R., 656.44 feet
 9-24 to a point for a west corner of said 25.2472 acre tract and on the
 9-25 northerly line of China Grove Village Section One a subdivision of
 9-26 record in Cabinet W, Sheet 152, of the Map Records of said
 9-27 Montgomery County, Texas, (M.C.M.R.);
 9-28 Thence, South 70° 31' 54" West, along the northerly line of
 9-29 said subdivision, 2,969.99 feet to a point for the southwest corner
 9-30 of said subdivision;
 9-31 Thence, South 08° 34' 04" East, along the westerly line of
 9-32 said subdivision, 2,230.57 feet to a point for a westerly corner of
 9-33 said China Grove Village subdivision;
 9-34 Thence, North 66° 32' 35" East, along a southerly line of said
 9-35 subdivision, 1,755.56 feet to a point for a westerly corner of said
 9-36 China Grove Village subdivision;
 9-37 Thence, South 48° 05' 50" East, along a westerly line of said
 9-38 subdivision, 422.03 feet to a point for the north corner of that
 9-39 certain called 9.987 acre tract conveyed to Leslie Barnard and
 9-40 David Clark by an instrument of record in File Number 2001-072414,
 9-41 M.C.O.P.R.R.P., said 9.987 acre tract being a portion of that
 9-42 certain called 88.020 acre tract previously conveyed to Bridges
 9-43 Browder by an instrument of record in Volume 864, Page 634,
 9-44 M.C.D.R.;
 9-45 Thence, South 68° 24' 57" West, along the northerly lines of
 9-46 said 9.987 acre tract and said 88.020 acre tract, 3,697.10 feet to a
 9-47 point for the northwest corner of said 88.020 acre tract, said point
 9-48 being on the centerline of McRae Creek;
 9-49 Thence, in a southeasterly direction along the meanders of
 9-50 said McRae Creek, and along the westerly lines of said 88.020 acre
 9-51 tract, that certain called 12.8773 acre tract conveyed to Robert E.
 9-52 Maddux, Jr by an instrument of record in File Number's 9630828, and
 9-53 2000003219, M.C.O.P.R.R.P., that certain called 10.047 acre tract
 9-54 conveyed to Donald Ray Land by an instrument of record in File
 9-55 Number 9842784, M.C.O.P.R.R.P., that certain called 10.006 acre
 9-56 tract conveyed to Clara Marie Hubbard by an instrument of record in
 9-57 File Number 8917166, M.C.O.P.R.R.P., the following twenty-nine
 9-58 (29) courses:
 9-59 1. South 38° 15' 14" East, 127.00 feet to a point for corner;
 9-60 2. South 52° 49' 14" East, 160.00 feet to a point for corner;
 9-61 3. South 56° 29' 14" East, 638.00 feet to a point for corner;
 9-62 4. South 76° 01' 26" East, 41.31 feet to a point for corner;
 9-63 5. South 81° 37' 25" East, 109.28 feet to a point for corner;
 9-64 6. North 82° 25' 45" East, 40.10 feet to a point for corner;
 9-65 7. South 43° 03' 05" East, 18.75 feet to a point for corner;
 9-66 8. North 75° 43' 25" East, 23.22 feet to a point for corner;
 9-67 9. South 70° 02' 32" East, 28.26 feet to a point for corner;
 9-68 10. North 59° 07' 46" East, 22.66 feet to a point for corner;
 9-69 11. North 75° 25' 53" East, 102.84 feet to a point for

10-1 corner;
 10-2 12. South 45° 17' 12" East, 21.89 feet to a point for corner;
 10-3 13. North 66° 34' 38" East, 132.45 feet to a point for
 10-4 corner;
 10-5 14. North 50° 38' 54" East, 29.31 feet to a point for corner;
 10-6 15. North 80° 37' 10" East, 36.26 feet to a point for corner;
 10-7 16. South 65° 43' 01" East, 20.54 feet to a point for corner;
 10-8 17. North 61° 25' 31" East, 56.69 feet to a point for corner;
 10-9 18. North 81° 36' 09" East, 53.41 feet to a point for corner;
 10-10 19. South 88° 44' 40" East, 53.93 feet to a point for corner;
 10-11 20. South 43° 08' 29" East, 59.04 feet to a point for corner;
 10-12 21. South 15° 47' 03" West, 20.66 feet to a point for corner;
 10-13 22. South 53° 17' 33" East, 68.04 feet to a point for corner;
 10-14 23. South 16° 19' 48" East, 31.21 feet to a point for corner;
 10-15 24. South 10° 16' 18" East, 128.38 feet to a point for
 10-16 corner;
 10-17 25. South 05° 24' 00" East, 206.69 feet to a point for
 10-18 corner;
 10-19 26. South 22° 03' 14" East, 196.00 feet to a point for
 10-20 corner;
 10-21 27. South 32° 42' 57" East, 244.95 feet to a point for
 10-22 corner;
 10-23 28. South 18° 27' 15" East, 168.50 feet to a point for
 10-24 corner;
 10-25 29. South 25° 10' 15" East, 249.85 feet to a point for the
 10-26 southwest corner of said 10.006 acre tract;
 10-27 Thence, North 66° 53' 11" East, along the south line of said
 10-28 10.006 acre tract, 673.49 feet to a point for corner;
 10-29 Thence, South 33° 06' 27" East, 2,484.77 feet to a point for
 10-30 corner, being the northeast corner of that certain called 94.44
 10-31 acre tract (described as Tract 1) conveyed to Clayton T. McCrorey by
 10-32 an instrument of record in File Number 2004-016847, M.C.O.P.R.R.P.,
 10-33 said point being on the southeasterly line of the aforementioned
 10-34 Jose Maria De La Garza Survey;
 10-35 Thence, South 61° 30' 23" West, along the southeasterly line
 10-36 of said Jose Maria De La Garza Survey and the northwesterly lines of
 10-37 the aforementioned Cyrus Dikeman Survey, Abstract Number 179, the
 10-38 Evelin Woodford Survey, Abstract Number 620, and the Jackson Crouch
 10-39 Survey, Abstract Number 130 of said Montgomery County, Texas,
 10-40 15,128.47 feet to the POINT OF BEGINNING and containing 3,310.992
 10-41 acres of land.
 10-42 PART TWO (Part II, Tract 8)
 10-43 BEGINNING at the east corner of the aforementioned Cyrus
 10-44 Dikeman Survey, same being the southeast corner of the
 10-45 aforementioned 100 acre tract described as Part II, Tract 8 in the
 10-46 instrument of record in File Number 9509573, M.C.O.P.R.R.P. as
 10-47 described in Volume 362, Page 183, M.C.D.R, same being the south
 10-48 corner of that certain called 157.5 acre tract described in Volume
 10-49 323, Page 396, M.C.D.R.;
 10-50 Thence, South 41° 48' 06" West, along the southeasterly line
 10-51 of said 100 acre tract, 1,666.67 (called 600 varas) to the south
 10-52 corner of herein described tract, same being the east corner of that
 10-53 certain called 100 acre tract described in Volume 284, Page 338,
 10-54 M.C.D.R.;
 10-55 Thence, North 48° 11' 54" West, along the northeasterly line
 10-56 of that certain called 99.98 acre tract described in File Number
 10-57 9811049, M.C.O.P.R.R.P., (said 99.98 acre tract being a portion of
 10-58 said 100 acre tract described in Volume 284, Page 338, M.C.D.R.),
 10-59 2,638.89 feet (called 950 varas) to the west corner of the herein
 10-60 described tract, the north corner of said 99.98 acre tract, and on
 10-61 the southeasterly line of that certain called 94.44 acre tract
 10-62 (tract 1) described in File Number 2004-016847, M.C.O.P.R.R.P.;
 10-63 Thence, North 41° 48' 06" East, along the southeasterly line
 10-64 of said 94.44 acre tract, 1,666.67 (called 600 varas) to the north
 10-65 corner of the herein described tract;
 10-66 Thence, South 48° 11' 54" East, 2,638.89 feet (called 950
 10-67 varas) to the POINT OF BEGINNING and containing 100.968 acres of
 10-68 land.
 10-69 Said Part 1 (3,310.992 acres) and Part 2 (100.968 acres)

11-1 containing a total of 3,411.960 acres of land.

11-2 SECTION 3. (a) The legal notice of the intention to
11-3 introduce this Act, setting forth the general substance of this
11-4 Act, has been published as provided by law, and the notice and a
11-5 copy of this Act have been furnished to all persons, agencies,
11-6 officials, or entities to which they are required to be furnished
11-7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11-8 Government Code.

11-9 (b) The governor, one of the required recipients, has
11-10 submitted the notice and Act to the Texas Commission on
11-11 Environmental Quality.

11-12 (c) The Texas Commission on Environmental Quality has filed
11-13 its recommendations relating to this Act with the governor, the
11-14 lieutenant governor, and the speaker of the house of
11-15 representatives within the required time.

11-16 (d) All requirements of the constitution and laws of this
11-17 state and the rules and procedures of the legislature with respect
11-18 to the notice, introduction, and passage of this Act are fulfilled
11-19 and accomplished.

11-20 SECTION 4. (a) If this Act does not receive a two-thirds
11-21 vote of all the members elected to each house, Subchapter C, Chapter
11-22 7926, Special District Local Laws Code, as added by Section 1 of
11-23 this Act, is amended by adding Section 7926.107 to read as follows:

11-24 Sec. 7926.107. NO EMINENT DOMAIN POWER. The district may
11-25 not exercise the power of eminent domain.

11-26 (b) This section is not intended to be an expression of a
11-27 legislative interpretation of the requirements of Section 17(c),
11-28 Article I, Texas Constitution.

11-29 SECTION 5. This Act takes effect September 1, 2015.

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