

By: Creighton

S.B. No. 2064

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 153; 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 7954 to read as follows:

CHAPTER 7954. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 153

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7954.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 153.

Sec. 7954.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7954.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 7954.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7954.003  
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. 7954.005. 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. 7954.006. 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. 7954.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7954.052, directors serve  
6 staggered four-year terms.

7           Sec. 7954.052. 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 7954.003; 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 7954.003 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 7954.003; 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. 7954.101. 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. 7954.102. 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. 7954.103. 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. 7954.104. 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,  
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. 7954.105. 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       Sec. 7954.106. DIVISION OF DISTRICT. (a) The district may  
16 be divided into two or more new districts only if the district:

17               (1) has no outstanding bonded debt; and

18               (2) is not imposing ad valorem taxes.

19       (b) This chapter applies to any new district created by the  
20 division of the district, and a new district has all the powers and  
21 duties of the district.

22       (c) Any new district created by the division of the district  
23 may not, at the time the new district is created, contain any land  
24 outside the area described by Section 2 of the Act enacting this  
25 chapter.

26       (d) The board, on its own motion or on receipt of a petition  
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the  
2 district.

3 (e) The board may adopt an order dividing the district  
4 before or after the date the board holds an election under Section  
5 7954.003 to confirm the district's creation.

6 (f) An order dividing the district must:

7 (1) name each new district;

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

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

11 and

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

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

18 (h) Any new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 7954.003.

21 (i) Municipal consent to the creation of the district and to  
22 the inclusion of land in the district granted under Section  
23 7954.004 acts as municipal consent to the creation of any new  
24 district created by the division of the district and to the  
25 inclusion of land in the new district.

26 (j) Any new district created by the division of the district  
27 must hold an election as required by this chapter to obtain voter

1 approval before the district may impose a maintenance tax or issue  
2 bonds payable wholly or partly from ad valorem taxes.

3 (k) If the creation of the new district is confirmed, the  
4 new district shall provide the election date and results to the  
5 commission.

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 7954.151. ELECTIONS REGARDING TAXES OR BONDS.

8 (a) The district may issue, without an election, bonds and other  
9 obligations secured by:

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

11 (2) contract payments described by Section 7954.153.

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

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

20 Sec. 7954.152. OPERATION AND MAINTENANCE TAX. (a) If  
21 authorized at an election held under Section 7954.151, the district  
22 may impose an operation and maintenance tax on taxable property in  
23 the district in accordance with Section 49.107, Water Code.

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

26 Sec. 7954.153. CONTRACT TAXES. (a) In accordance with  
27 Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from  
2 the tax to make payments under a contract after the provisions of  
3 the contract have been approved by a majority of the district voters  
4 voting at an election held for that purpose.

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

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 7954.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 7954.202. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 7954.203. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other obligations  
23 issued or incurred to finance road projects and payable from ad  
24 valorem taxes may not exceed one-fourth of the assessed value of the  
25 real property in the district.

26 SECTION 2. The Montgomery County Municipal Utility District  
27 No. 153 initially includes all the territory contained in the



1 following area:

2 PARCEL 1(274.908 ACRES)

3 All that certain tract or parcel of land situated in the  
4 William Bryan Survey, Abstract Number 108 and the T.A. & Helen  
5 McWhorter Survey, Abstract Number 800, in Montgomery County, Texas  
6 and being the West one-half of that certain 550 acres as described  
7 in Deed to Selected Lands, LTD, #12, recorded In Volume 822, Page  
8 932 of the Montgomery County Deed Records; said West one-half being  
9 more particularly described by metes and bounds as follows with all  
10 bearings referenced to said Deed and particularly, the North line  
11 of the T.A. & Helen McWhorter Survey, common to the South line of  
12 the John Sealy Survey, Abstract Number 758:

13 COMMENCING at a 5/8 inch iron rod, found for the Northeast  
14 corner of the 550 acres and a corner of that certain M1SSTEX  
15 PROPERTIES, L.C. tract as described in Deed recorded under Clerk's  
16 File Number 9754357 and 9613250 of the Montgomery County Real  
17 Property Records and being further located at the Northeast corner  
18 of the T.A. & Helen McWhorter Survey, the Southeast corner of the  
19 John Sealy Survey, in a West line of the Archibald Hodge Survey,  
20 Abstract Number 18;

21 THENCE South 89°55'54" West, a distance of 2,248.60 feet along  
22 the North line of the 550 acre tract and the common line of the T.A.  
23 & Helen McWhorter Survey and the John Sealy Survey, to a 2 inch PVC  
24 survey monument with cap, set for the Northeast corner and the POINT  
25 OF BEGINNING of the herein described tract;

26 THENCE South 00°02'42" West, a distance of 5,323.70 feet,  
27 severing the 550 acres and the T.A. & Helen McWhorter Survey and

1 severing the William Bryan Survey, to a 2 Inch PVC survey monument  
2 with cap, set for the Southeast corner of the herein described  
3 tract, In the South line of the 550 acres and located in the North  
4 line of Tract 21, Lake Creek Ranchettes, Section 3, an unrecorded  
5 survey, described in Deed recorded in Volume 1022, Page 732 of the  
6 Montgomery County Deed Records;

7       THENCE North 89°57'18" West, along the South line of the 550  
8 acres and the North line of Tract 20, recorded In Volume 1020, Page  
9 782 of the Montgomery County Deed Records, Tract 13 as described  
10 under Clerk's File Number 9748545 of the Montgomery County Real  
11 Property Records, and Tract 12, recorded In Volume 1004, Page 653 of  
12 the Montgomery County Deed Records, a distance of 2,153.52 to a  
13 point in a pond for the Southwest corner of the herein described  
14 tract, in the Southerly West line of the 550 acre and the West line  
15 of the William Bryan Survey, common to the East line of the T.J.  
16 Nicholas Survey, Abstract Number 397, at the Northwest corner of  
17 Lake Creek Ranchettes, Section 3, a 210.784 acre unrecorded  
18 subdivision described in Volume-990; Page 238 of the Montgomery  
19 County Deed Records and being in the East line of a 181.6617 acre  
20 tract as recorded in Volume 990, Page 6 of the Montgomery County  
21 Deed Records and called Lake Creek Ranchettes, Section 2, an  
22 unrecorded subdivision;

23       THENCE 00°08'56" West, a distance of 117.54 feet along the  
24 West line of the 550 acres and the common line of William Bryan  
25 Survey and the T.J. Nicholas Survey, and the East line of Tract 18,  
26 Lake Creek Ranchettes, Section 2, as described in Volume 1027, Page  
27 98 of the Montgomery County Deed Records, to a point in a pond, for

1 an angle point in the Southerly West of the 550 acres, at the  
2 Southeast corner of that certain 150 acres as referenced in Volume  
3 209, Page 346, and Volume 273, Page 279 of the Montgomery County  
4 Deed Records;

5       THENCE North 00°00'50" West, a distance of 2,517.31 feet  
6 continuing along the West line of the 550 acres and the common line  
7 of the William Bryan Survey and the T.J. Nicholas Survey and the  
8 East line of the 150 acres, to a bent one inch iron pipe, found for  
9 an angle point (controlling Monument) and the Northeast corner of  
10 the 150 acre tract and Southeast corner of that certain 30.045 acre  
11 tract as described under Clerk's File Number 9738509 of the  
12 Montgomery County Real Property Records and being the Southeast  
13 corner of a 60 foot wide road easement as described in Grant of  
14 Right-Of-Way Easement recorded In Volume 828, Page 737 of the  
15 Montgomery County Deed Records;

16       THENCE North 00°38'09" West, a distance of 1,231.99 feet along  
17 the West line of the 550 acres (Deed call: South 00'38'51" East, a  
18 distance of 1,234.16 feet) and the East of the 30.045 acre tract  
19 (Deed call: South 01°01'20" East, a distance of 1,232.24 feet) and  
20 along the common of the William Bryan Survey and the T.J. Nicholas  
21 Survey, to a 1/2 Inch Iron rod, found for an Interior corner of the  
22 550 acres and the Northeast corner of the 30.045 acre tract and  
23 being the occupied Westerly Southeast corner of the T.A. & Helen  
24 McWhorter Survey and the T.J. Nicholas Survey Northeast corner, in  
25 the West line of the William Bryan Survey;

26       THENCE North 89°48'20" West, a distance of 335.04 feet along  
27 the Northerly South line of the 550 acres (Deed call: South

1 87'58'52" East, a distance of 334.75 feet) and the North line of  
2 30.045 acres (Deed call: South 88° 07'31" East, 333.78 feet), along  
3 the North of the T.J. Nicholas Survey, to a one inch pinched top  
4 iron pipe, found for the most Northerly Southwest corner of the 550  
5 acres and a corner of the MISSTEX PROPERTIES, L.C. and the called  
6 for Southwest corner of the T.A. & Helen McWhorter Survey and the  
7 Southeast corner of the Matthew Cartwright Survey, Abstract Number  
8 135;

9 THENCE North 00°49'30" East, a distance of 1,453.18 feet along  
10 the most Westerly line of the 550 acres (Deed call: 1,442.46 feet)  
11 to a 2 inch PVC survey monument with a cap, set for the Northwest  
12 corner of the 550 acres and the T.A. & Helen McWhorter Survey;

13 THENCE South 89°31'29" East, a distance of 199.82 feet along  
14 the North line of the 550 acres (Deed call: 199.11 feet) to a 5/8  
15 inch iron rod with a survey cap, set for an angle point in the North  
16 line of the 550 acre and the Southwest corner of the John Sealy  
17 Survey in the North line of the T.A. & Helen McWhorter Survey;

18 THENCE North 89°55'54" East, a distance of 2,286.60 feet along  
19 the North line of the 550 acre tract and the common line of the T.A.  
20 & Helen McWhorter Survey and the John Sealy Survey, back to the  
21 Point of Beginning and containing 274.908 acres of land.

22 PARCEL 2 (138.586 ACRES)

23 All that certain tract or parcel of land situated in the  
24 William Bryan Survey, Abstract Number 108 and the T.A. & Helen  
25 McWhorter Survey, Abstract Number 800, in Montgomery County, Texas  
26 and being the East one-half of that certain 550 acres as described  
27 in Deed to Selected Lands, LTD, #12, recorded in Volume 822, Page

1 932 of the Montgomery County Deed Records; said East one-half being  
2 more particularly described by metes and bonds as follows with all  
3 bearings referenced to said Deed and particularly, the North line  
4 of the T.A. & Helen McWhorter Survey, common to the South line of  
5 the John Sealy Survey, Abstract Number 758:

6 BEGINNING at a 5/8 in Iron rod, found for the Northeast corner  
7 of the 550 acres and a corner of that certain MISSTEX PROPERTIES,  
8 L.C. tract as described to Deed recorded under Clerk's File Number  
9 9754357 and 9813250 of the Montgomery County Real Property Records  
10 and being further located at the Northeast corner of the T.A. &  
11 Helen McWhorter Survey, the Southeast corner of the John Sealy  
12 Survey, in a West line of the Archibald Hodge Survey, Abstract  
13 Number 18;

14 THENCE South 00°30'50" West, along the West line of the  
15 Archibald Hodge Survey and the East line T.A. & Helen McWhorter  
16 Survey and the William Bryan Survey, a distance of 1,573.41 feet  
17 along the East line of the 550 acre tract (Deed call: North 00°  
18 29'02" East, a distance of 1,586.38 feet to a 5/8 Inch iron rod with  
19 a survey cap, set for an angle point and being the Northwest corner  
20 of the P. O. Bundy 175.54 acre tract as described in Volume 32, Page  
21 240 of the Montgomery County Deed Records and being a Southwest  
22 corner of the MISSTEX PROPERTIES, L.C. tract;

23 THENCE South 00°18'51" West, a distance of 1,925.77 along the  
24 East line of the 560 acres and West line of the Archibald Hodge  
25 Survey, common to the East line of the William Bryan Survey, to a 2  
26 Inch PVC survey monument with cap, set for an interior corner of the  
27 herein described tract and the Southwest corner of the Bundy tract;

1           THENCE North 89°45'00" East, a distance of 37.97 feet along  
2 the Easterly North line of the 550 acres and the South line of the  
3 Bundy tract to a 1/2 inch Iron rod, found for the Northwest corner  
4 of that certain 1140.054 acre tract as described in Volume 675, Page  
5 317 of the Montgomery County Deed Records and called The  
6 Wilderness, an unrecorded subdivision; said corner being the  
7 Northwest corner of Tract 113 of The Wilderness, described under  
8 Clerk's File Number 9246301 of the Montgomery County Real Property  
9 Records;

10           THENCE South 00°24'62" East, a distance of 1,829.30 feet along  
11 the common line of the Archibald Hodge Survey and the William Bryan  
12 Survey, the East line of the 550 acres and the West line Tract 113,  
13 Tract 112, recorded under Clerk's File Number 9144467 of the  
14 Montgomery County Real Property Records, Tract 911, recorded under  
15 Clerk's File Number 9438370 of the Montgomery County Real Property  
16 Records, Tract 110, Tract 80, Tract 81 North recorded under Clerk's  
17 File Number 9168932 of the Montgomery County Real Property Records,  
18 tract 81 South recorded under Clerk's File Number 9537698 of the  
19 Montgomery County Real Property Records and Tract 96-A recorded  
20 under Clerk's File Number 8448618 of the Montgomery County Real  
21 Property Records, to a 2 inch PVC survey monument with a cap, set  
22 for the Southeast corner of the 650 acres and the Northeast corner  
23 of Lake Creek Ranchettes, Section 3, a 210.784 acre unrecorded  
24 subdivision described in Volume 990, Page 238 of the Montgomery  
25 County Deed Records and being the Northeast corner of Tract 32  
26 recorded under Clerk's File Number 8643388 of the Real Property  
27 Records of Montgomery County, Texas;

1           THENCE North 89°57'10" West, a distance of 2,279.32 feet  
2 severing the William Bryan Survey along the South line of the 550  
3 acres and the North line of Lake Creek Ranchettes, Section 3, Tract  
4 32, Tract 31, Tract 30 recorded under Clerk's File Number 8737294 of  
5 the Real Property Records, Tract 29 recorded under Clerk's File  
6 Number 8603634 of the Real Property Records, Tract 28 recorded  
7 under Clerk's File Number 8119625 of the Real Property Records, and  
8 Tract 21 recorded in Volume 9022, Page 732 of the Montgomery County  
9 Deed Records, to a 2 inch PVC survey monument with cap, set for the  
10 Southwest earner of the herein described tract of land;

11           THENCE North 00°02'42" East, a distance of 5,323.70 feet,  
12 severing the 550 acres and the William Bryan Survey and the TA &  
13 Helen McWhorter Survey, to a 2 inch PVC survey monument with cap,  
14 set for the Northwest corner of the herein described tract in the  
15 North fine of the 550 acres and the common line of the T.A. & Helen  
16 McWhorter Survey and the John Sealy Survey;

17           THENCE North 89°55'54" East, a distance of 2,248.50 feet along  
18 the North line of the 850 acre tract and the common line or the T.A.  
19 & Helen McWhorter Survey and the John Sealy Survey, back to the  
20 Point of Beginning and containing 274.908 acres of land.

21           SAVE AND EXCEPT a 136.322 acre tract of land conveyed by  
22 Warranty Deed recorded under Clerk's File No. 2009-105746 of the  
23 Real Property Records of Montgomery County, Texas and being more  
24 particularly described by metes and bounds description contained  
25 therein.

26                                   PARCEL 3 (136.322 ACRES)

27           All that certain tract or parcel of land situated In the

1 William Bryan Survey, Abstract Number 108, in Montgomery County,  
2 Texas and being the Southerly 136.322 acres of land out of and a  
3 part of the East one-half of that certain 550 acres as described in  
4 Deed to Selected Lands, LTD, #12, recorded in Volume 822, Page 932  
5 of the Montgomery County Deed Records; said 136.322 acres being  
6 more particularly described by metes and bonds as follows with all  
7 bearings referenced to said Deed and particularly, the North line  
8 of the T.A. & Helen McWhorter Survey, common to the South line of  
9 the John Sealy Survey, Abstract Number 758:

10       COMMENCING at a 5/8 in Iron rod, found for the Northeast  
11 corner of the 550 acres and a corner of that certain MISSTEX  
12 PROPERTIES, L.C. tract as described to Deed recorded under Clerk's  
13 File Number 9754357 and 9813250 of the Montgomery County Real  
14 Property Records and being further located at the Northeast corner  
15 of the T.A. & Helen McWhorter Survey, the Southeast corner of the  
16 John Sealy Survey, in a West line of the Archibald Hodge Survey,  
17 Abstract Number 18;

18       THENCE South 00°30'50" West, along the West line of the  
19 Archibald Hodge Survey and the East line T.A. & Helen McWhorter  
20 Survey and the William Bryan Survey, a distance of 1,573.41 feet  
21 along the East line of the 550 acre tract (Deed call: North 00°  
22 29'02" East, a distance of 1,586.38 feet to a 5/8 Inch iron rod with  
23 a survey cap, set for an angle point and being the Northwest corner  
24 of the P. O. Bundy 175.54 acre tract as described in Volume 32, Page  
25 240 of the Montgomery County Deed Records and being a Southwest  
26 corner of the MISSTEX PROPERTIES, L.C. tract;

27       THENCE South 00°18'51" West, a distance of 1,925.77 along the



1 East line of the 560 acres and West line of the Archibald Hodge  
2 Survey, common to the East line of the William Bryan Survey, to a 2  
3 Inch PVC survey monument with cap, set for an interior corner of the  
4 550 acres and the POINT OF BEGINNING of the herein described tract  
5 and the Southwest corner of the Bundy tract;

6       THENCE North 89°45'00" East, a distance of 37.97 feet along  
7 the Easterly North line of the 550 acres and the South line of the  
8 Bundy tract to a 1/2 inch Iron rod, found for the Northwest corner  
9 of that certain 1140.064 acre tract as described in Volume 875, Page  
10 317 of the Montgomery County Deed Records and called The  
11 Wilderness, an unrecorded subdivision; said corner being the  
12 Northwest corner of Tract 113 of The Wilderness, described under  
13 Clerk's File Number 9248301 of the Montgomery County Real Property  
14 Records;

15       THENCE South 00°24'52" East, a distance of 1,829.30 feet along  
16 the common line of the Archibald Hodge Survey and the William Bryan  
17 Survey, the East line of the 550 and the West line Tract 113, Tract  
18 112, recorded under Clerk's File Number 9144467 of the Montgomery  
19 County Real Property Records, Tract 111, recorded under Clerks File  
20 Number 9436370 of the Montgomery County Real Property Records,  
21 Tract 110, Tract 80, Tract 81 North recorded under Clerk's File  
22 Number 9158932 of the Montgomery County Real Property Records, 81  
23 South recorded under Clerk's File Number 9637695 of the Montgomery  
24 County Real Property Records and Tract 90-A recorded under Clerk's  
25 File Number 8448018 of the Montgomery County Real Property Records,  
26 to a 2 inch PVC survey monument with a cap, set for the Southeast  
27 corner of the herein described tract and the 550 acres and the

1 Northeast corner of Lake Creek Ranchettes, Section 3, a 210.784  
2 acre unrecorded subdivision described in Volume 990, Page 238 of  
3 the Montgomery County Deed Records and being the Northeast corner  
4 or Tract 32 recorded under Clerk's File Number 8643385 of the Real  
5 Property Records of Montgomery County, Texas;

6       THENCE North 89°57'18" West, a distance of 2,279.32 feet  
7 severing the William Bryan Survey along the South line of the 550  
8 acres and the North line of Lake Creek Ranchettes, Section 3, Tract  
9 32, Tract 31, Tract 30 recorded under Clerk's File Number 8737294 of  
10 the Real Property Records, Tract 29 recorded under Clerk's File  
11 Number 8603634 of the Real Property Records, Tract 28 recorded  
12 under Clerk's File Number 8119525 of the Real Property Records, and  
13 Tract 21 recorded in Volume 1022, Page 732 of the Montgomery County  
14 Deed Records, to a 2 inch PVC survey monument with cap, set for the  
15 Southwest corner of the herein described tract of land;

16       THENCE North 00°02'42" East, a distance of 2,651.04 feet,  
17 severing the 550 acres and the William Bryan Survey to a 5/8 inch  
18 iron rod, set forth the Northwest corner of the herein described  
19 tract;

20       THENCE South 89°57'18" East, a distance of 2,170.54 feet,  
21 severing the 550 acre and the William Bryan Survey to a 5/8 inch  
22 iron rod, set forth the Northeast corner of the herein described  
23 tract;

24       THENCE South 00°18'51" West, a distance of 820.57 feet,  
25 severing the 550 acres and the William Bryan Survey to a 5/8 inch  
26 iron rod, set for an interior corner of the herein described tract;

27       THENCE South 88°33'47" East, a distance of 59.36 feet severing

1 the 550 acres to a 5/8 inch iron rod, set for an angle point;

2       THENCE North 89°45'00" East, a distance of 00.85 feet back to  
3 the Point of Beginning, and containing 136.322 acres of land.

4                               PARCEL 4 (1.761 ACRES)

5       Being 1.761 acres of land out of and a part of Tract 113, of  
6 The Wilderness, an unrecorded subdivision of 1140.054 acres of  
7 land, situated in the Archibald Hodge Survey, Abstract Number 18,  
8 in Montgomery County, Texas; Tract 113, called 6.733 acres,  
9 recorded under Clerk's File Number 9246301 of the Montgomery County  
10 Real Property Records; said 1.761 acres being the North 60.00 feet  
11 of Tract 113 and being more particularly described by metes and  
12 bounds as follows:

13       BEGINNING at a 1/2 inch iron rod, found for the Northwest  
14 corner of Tract 113 and being a Southerly Northeast corner of that  
15 certain 550 acres as described in Volume 822, Page 932 of the  
16 Montgomery County Deed Records, located at a common corner of the  
17 Archibald Hodge Survey and the William Bryan Survey, Abstract  
18 Number 108, Montgomery County, Texas;

19       THENCE North 89°41'00" East, a distance of 1,288.86 feet along  
20 the North line of Tract 113 and The Wilderness, common to the South  
21 line of the P.O. Bundy 178.54 acre tract as described in Volume 32,  
22 Page 240 of the Montgomery County Deed Records, to a 5/8 inch iron  
23 rod with survey cap, set for the Northeast corner of the, herein  
24 described tract and the Northeast corner of Tract 113, in the center  
25 of a 35 foot wide Trunkline Gas Company Easement, same being the  
26 center of a 60 foot wide Road Easement;

27       THENCE South 18°54'00" West, a distance of 63.54 feet along

1 the East line of Tract 113 and the common center line of the  
2 Trunkline Gas Company Easement and 60 foot Road Easement, to a 5/8  
3 inch iron rod with survey cap, set for the Southeast corner of the  
4 herein described tract;

5         THENCE South 89°41'00" West, a distance of 1,267.84 feet,  
6 parallel and 60.00 feet South of the North line of Tract 113,  
7 severing Tract 113, to a 5/8 inch iron rod with survey cap, set for  
8 the Southwest corner of the herein described tract in the West line  
9 of Tract 113 and the East line of the 550 acres, common to the West  
10 line of the Archibald Hodge Survey and the East line of the William  
11 Bryan Survey;

12         THENCE North 00°24'52" West, a distance of 60.00 feet along  
13 the West line of Tract 113 and the East line of the 550 acres, along  
14 the aforesaid common survey line, back to the Point of Beginning and  
15 containing 1.761 acres of land.

16                     PARCEL 5 (4.21 ACRES MORE OR LESS)

17         Being a parcel of land out of Lot 114, said Lot being out of a  
18 1140.064 acre tract recorded in Volume 675, Page 317 of the  
19 Montgomery County Deed Records, in the Archibald Hodge Survey,  
20 Abstract Eighteen (18) Montgomery County, Texas, said parcel being  
21 described by metes and bounds as follows:

22         BEGINNING at a 1/2 inch iron rod found generally in the center  
23 of an existing dirt road and marking the Northwest corner of Lot  
24 114;

25         THENCE North 89 degrees 33 minutes 26 seconds East, with the  
26 North line of Lot 114, 298.30 feet to a 1/2 inch iron rod set marking  
27 the Northeast corner;

1           THENCE South 00 degrees 44 minutes 06 seconds East, at 403.88  
2 feet pass a 1/2 inch iron rod set on the North line of an existing  
3 road, continue a total distance of 463.88 feet to a 1/2 inch iron  
4 rod set on the North line of Lot 115 and marking the Southeast  
5 corner;

6           THENCE with said North line South 89 degrees 15 minutes 55  
7 seconds West at 453.52 feet pass a 5/8 inch iron rod found on the  
8 East line of an Existing Roadway Easement, continue a total  
9 distance of 485.52 feet to a 1/2 inch rod set generally in the  
10 centerline of an existing dirt road;

11           THENCE North 19 degrees 15 minutes 55 seconds East and  
12 generally with a dirt road 171.60 feet;

13           THENCE North 22 degrees 12 minutes 06 seconds East and  
14 generally with a dirt road 327.19 feet;

15           THENCE with said road North 19 degrees 04 minutes 24 seconds  
16 East a distance of 3.00 feet to the POINT OF BEGINNING and  
17 containing 4.21 acres more or less.

18   PARCEL 6 (173.21 ACRES)

19           Being a 173.21 acre tract of land situated in the James Hodge  
20 4,428.4 acre Survey, Abstract No. 19, Montgomery County, Texas,  
21 being a portion of that certain tract of land described as Tract  
22 Three in a Deed of Trust dated April 29, 1996, as recorded in  
23 Instrument No. 9628673, Deed Records of Montgomery County, and  
24 being more particularly described by metes and bounds as follows:

25           BEGINNING at a found 3/4-inch iron rod at the southeast  
26 corner of that certain tract of land described in deed as Tract I to  
27 Woodforest Partners, L.P., as recorded in Instrument

1 No. 2006-103723, said Deed Records, said iron rod being on the  
2 common line of said Tract Three and that certain tract of land  
3 described in deed as Parcel 2 to Madeley Interests Ltd. I, as  
4 recorded in Instrument No. 2002-015839, said Deed Records;

5       THENCE South 00° 33' 49" West, passing a set 1/2-inch iron rod  
6 at a distance of 3,434.90 feet and continuing a total distance of  
7 3,494.77 feet along the common line of said Tract Three and said  
8 Parcel 2 to the common east corner of said Tract Three and Lake  
9 Creek Forest, Section One, according to the plat thereof recorded  
10 in Cabinet C, Sheets 31A-33A, Map Records of Montgomery County,  
11 being in Lake Creek;

12       THENCE generally along said Lake Creek the following 52  
13 courses:

- 14       1) South 49° 14' 03" West (basis of bearing from said plat  
15 C/31A-33A) - 364.43 feet;
- 16       2) South 70° 05' 56" West - 270.32 feet;
- 17       3) South 57° 24' 12" West - 173.95 feet;
- 18       4) North 76° 23' 22" West - 168.26 feet;
- 19       5) North 61° 15' 29" West - 265.55 feet;
- 20       6) North 80° 21' 33" West - 66.49 feet;
- 21       7) South 70° 47' 27" West - 53.64 feet;
- 22       8) South 12° 28' 42" West - 115.99 feet;
- 23       9) South 68° 14' 15" West - 172.11 feet;
- 24       10) South 81° 20' 51" West - 61.44 feet;
- 25       11) North 63° 24' 34" West - 152.09 feet;
- 26       12) North 20° 39' 05" West - 223.70 feet;
- 27       13) North 59° 57' 17" West - 55.03 feet;

- 1 14) North 76° 38' 02" West - 159.91 feet;
- 2 15) North 51° 03' 14" West - 82.53 feet;
- 3 16) North 23° 57' 47" West - 161.33 feet;
- 4 17) North 04° 09' 45" West - 103.36 feet;
- 5 18) South 69° 20' 58" East - 126.86 feet;
- 6 19) North 89° 22' 37" East - 97.41 feet;
- 7 20) North 05° 59' 38" West - 88.89 feet;
- 8 21) North 45° 27' 36" West - 102.46 feet;
- 9 22) North 83° 46' 16" West - 185.35 feet;
- 10 23) North 87° 40' 55" West - 102.63 feet;
- 11 24) North 50° 52' 10" West - 332.92 feet;
- 12 25) North 76° 27' 35" West - 114.14 feet;
- 13 26) South 89° 06' 30" West - 256.93 feet;
- 14 27) South 54° 21' 29" West - 97.81 feet;
- 15 28) South 63° 14' 00" West - 228.88 feet;
- 16 29) South 35° 20' 05" West - 203.54 feet;
- 17 30) South 82° 55' 04" West - 209.92 feet;
- 18 31) South 88° 41' 56" West - 98.88 feet;
- 19 32) South 21° 54' 36" West - 132.61 feet;
- 20 33) South 23° 38' 11" East - 268.68 feet;
- 21 34) South 41° 47' 46" West - 184.93 feet;
- 22 35) South 89° 25' 53" West - 365.93 feet;
- 23 36) South 62° 05' 48" West - 154.78 feet;
- 24 37) South 16° 16' 58" East - 49.08 feet;
- 25 38) South 73° 08' 19" East - 166.65 feet;
- 26 39) South 29° 52' 30" East - 189.24 feet;
- 27 40) South 33° 51' 13" West - 85.14 feet;

- 1           41)    South 86° 56' 06" West - 102.64 feet;
- 2           42)    South 54° 02' 15" West - 134.22 feet;
- 3           43)    South 30° 47' 37" East - 123.85 feet;
- 4           44)    South 69° 21' 03" East - 164.23 feet;
- 5           45)    South 06° 15' 12" West - 105.83 feet;
- 6           46)    South 65° 14' 29" West - 229.22 feet;
- 7           47)    South 44° 22' 17" West - 332.47 feet;
- 8           48)    South 10° 56' 34" East - 118.73 feet;
- 9           49)    South 49° 38' 42" East - 228.84 feet;
- 10          50)    South 00° 34' 09" East - 132.36 feet;
- 11          51)    South 49° 50' 23" West - 186.11 feet;
- 12          52)    North 69° 14' 38" West - 265.77 feet to the common west
- 13 corner of aforesaid Tract Three and aforesaid Lake Creek Forest
- 14 addition;

15           THENCE North 00° 35' 07" East along the west line of said Tract  
16 Three, passing a set 1/2-inch iron rod at a distance of 355.96 feet,  
17 passing the southeast corner of that certain tract of land  
18 described seventh in a Partition Deed dated May 27, 1998, as  
19 recorded in Instrument No. 9843646, aforesaid Deed Records, at a  
20 distance of 773.62 feet and continuing along the common line of said  
21 Tract Three and said Partition Deed, passing the common east corner  
22 of said Partition Deed and that certain tract of land described in  
23 deed to Woodforest Partners, L.P., as recorded in Instrument  
24 No. 2007-121051, said Deed Records, at a distance of 1,680.88 feet  
25 and continuing along the common line of said Tract Three and said  
26 Woodforest Partners (2007-121051) tract a total distance of  
27 2,423.86 feet to a set 1/2-inch iron rod at a re-entrant corner of



1 aforesaid Tract I (Woodforest Partners);

2       THENCE North 78° 42' 00" East, a distance of 3,069.88 feet  
3 along the most southerly south line of said Tract I to a found  
4 5/8-inch iron rod;

5       THENCE North 20° 29' 32" East, a distance of 1,896.92 feet  
6 along said south line to a found 3/4-inch iron rod;

7       THENCE North 57° 53' 52" East, a distance of 944.04 feet along  
8 said south line to the POINT OF BEGINNING and containing 7,545,035  
9 square feet or 173.21 acres of land.

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

17       (b) The governor, one of the required recipients, has  
18 submitted the notice and Act to the Texas Commission on  
19 Environmental Quality.

20       (c) The Texas Commission on Environmental Quality has filed  
21 its recommendations relating to this Act with the governor, the  
22 lieutenant governor, and the speaker of the house of  
23 representatives within the required time.

24       (d) All requirements of the constitution and laws of this  
25 state and the rules and procedures of the legislature with respect  
26 to the notice, introduction, and passage of this Act are fulfilled  
27 and accomplished.

1           SECTION 4. (a) If this Act does not receive a two-thirds  
2 vote of all the members elected to each house, Subchapter C, Chapter  
3 7954, Special District Local Laws Code, as added by Section 1 of  
4 this Act, is amended by adding Section 7954.107 to read as follows:

5           Sec. 7954.107. NO EMINENT DOMAIN POWER. The district may  
6 not exercise the power of eminent domain.

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

10          SECTION 5. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2015.