

By: Bell

H.B. No. 4319

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 159; 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 8003 to read as follows:

CHAPTER 8003. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 159

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8003.001. 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. 159.

Sec. 8003.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8003.003. 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. 8003.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8003.003
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. 8003.005. 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. 8003.006. 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. 8003.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8003.052, directors serve
6 staggered four-year terms.

7 Sec. 8003.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Roxanne Ellis;

10 (2) Elizabeth Galvan;

11 (3) George Moody;

12 (4) Doug OwYang; and

13 (5) Nick Terry.

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

15 (1) the date permanent directors are elected under
16 Section 8003.003; 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 8003.003 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 8003.003; 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. 8003.101. 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. 8003.102. 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. 8003.103. 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. 8003.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 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. 8003.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8003.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
17 district may issue, without an election, bonds and other
18 obligations secured by:

- 19 (1) revenue other than ad valorem taxes; or
20 (2) contract payments described by Section 8003.153.

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

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 8003.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8003.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8003.153. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8003.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 8003.202. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8003.203. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Montgomery County Municipal Utility District
9 No. 159 initially includes all the territory contained in the
10 following area:

11 Tract 1: BEING A TRACT OF LAND CONTAINING 35.5536 ACRES
12 (1,548,716 SQUARE FEET) OUT OF THAT CERTAIN CALLED 66.9304 ACRE
13 TRACT RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 8522036 AND
14 FILM CODE NO. 342-01-1353 SITUATED IN THE SOLOMON BROWN SURVEY,
15 ABSTRACT NO. 5, IN MONTGOMERY COUNTY, TEXAS. SAID 35.5536 ACRE
16 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
17 FOLLOWS:

18 BEGINNING: AT A 1 INCH IRON PIPE FOUND AT THE NORTHEAST CORNER
19 OF SAID 66.9304 ACRE, BEING THE NORTHWEST CORNER OF LOT 1,
20 CYPRESSWOOD ESTATES (UNRECORDED) IN THE SOUTH LINE OF THAT CERTAIN
21 CALLED 14.580 ACRE TRACT RECORDED IN FILM CODE NO. 577-01-1042 OF
22 THE MONTGOMERY COUNTY DEED RECORDS;

23 THENCE: SOUTH 03 DEGREES 10 MINUTES 26 SECONDS EAST, ALONG
24 THE EAST LINE OF SAID 66.9304 ACRE TRACT, BEING THE WEST LINE OF
25 SAID CYPRESSWOOD SUBDIVISION, A DISTANCE OF 3538.47 FEET TO A 1/2
26 INCH IRON ROD SET FOR THE SOUTHEAST CORNER IN THE NORTH LINE OF
27 PROPOSED NICHOLS SAWMILL ROAD (150 FEET WIDE) BEING IN A CURVE TO

1 THE RIGHT HAVING A RADIUS OF 1425.00 FEET;

2 THENCE: IN A NORTHWESTERLY DIRECTION WITH SAID NORTH LINE OF
3 NICHOLS SAWMILL ROAD ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL
4 ANGLE OF 50 DEGREES 04 MINUTES 41 SECONDS, AN ARC LENGTH OF
5 1255.68 FEET (CHORD BEARING NORTH 27 DEGREES 24 MINUTES 49 SECONDS
6 WEST, 1206.22 FEET) TO A 1/2 INCH IRON ROD SET FOR THE POINT OF
7 TANGENCY IN THE WEST LINE OF SAID 66.9304 ACRE TRACT IN THE EAST LINE
8 OF SAID NICHOLS SAWMILL ROAD;

9 THENCE: NORTH 02 DEGREES 22 MINUTES 28 SECONDS WEST, ALONG
10 THE WEST LINE OF SAID 66.9304 ACRE TRACT AND THE EAST LINE OF SAID
11 NICHOLS SAWMILL ROAD, A DISTANCE OF 2445.24 FEET TO A 1/2 INCH IRON
12 ROD SET FOR THE NORTHWEST CORNER BEING THE NORTHWEST OF SAID 66.9304
13 ACRE TRACT IN THE SOUTH LINE OF SAID 14.580 ACRE TRACT;

14 THENCE: NORTH 87 DEGREES 37 MINUTES 18 SECONDS EAST, ALONG
15 THE NORTH LINE OF SAID 66.9304 ACRE TRACT, AND THE SOUTH LINE OF
16 SAID 14.580 ACRE TRACT, A DISTANCE OF 461.15 FEET {CALLED 509.27
17 FEET) TO THE POINT OF BEGINNING AND CONTAINING 35.5536 ACRES
18 (1,548,716 SQUARE FEET) OF LAND.

19 Tract 2: BEING A TRACT OF LAND CONTAINING 26.8287 ACRES
20 (1,168,660 SQUARE FEET) OUT OF THAT CERTAIN CALLED 66.9304 ACRES OF
21 LAND, IN THE SOLOMON BROWN SURVEY, ABSTRACT NO. 5, IN MONTGOMERY
22 COUNTY, TEXAS RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO.
23 8522036 AND FILM CODE NO. 342-01-1353, SAID 26.8287 ACRE TRACT
24 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

25 COMMENCING: AT A CALLED 1-1/2 INCH IRON PIPE NOT FOUND AT THE
26 SOUTHEAST CORNER OF 100.35 ACRE TRACT, RECORDED IN VOLUME 564, PAGE
27 557 OF THE DEED RECORDS OF HARRIS COUNTY TEXAS;

1 THENCE: NORTH 02 DEGREES 46 MINUTES 25 SECONDS WEST (CALLED
2 NORTH), ALONG THE EAST LINE OF SAID 100.35 ACRE TRACT, A DISTANCE OF
3 2778.97 FEET TO A POINT IN THE CENTER LINE OF SPRING CREEK, SAME
4 BEING THE COUNTY LINE BETWEEN HARRIS AND MONTGOMERY COUNTIES FOR
5 THE PLACE OF BEGINNING;

6 THENCE: UP THE CENTER LINE OF SPRING CREEK WITH THE MEANDERS
7 AS FOLLOWS: SOUTH 59 DEGREES 16 MINUTES 19 SECONDS WEST, 73.65 FEET;
8 NORTH 80 DEGREES 15 MINUTES 00 SECONDS WEST, 134.72 FEET;
9 SOUTH 89 DEGREES 36 MINUTES 09 SECONDS WEST, 157.34 FEET;
10 NORTH 47 DEGREES 50 MINUTES 43 SECONDS WEST, 86.74 FEET;
11 NORTH 02 DEGREES 59 MINUTES 46 SECONDS EAST, 62.79 FEET;
12 NORTH 32 DEGREES 06 MINUTES 33 SECONDS WEST, 73.42 FEET;
13 SOUTH 75 DEGREES 04 MINUTES 22 SECONDS WEST, 80.38 FEET TO A
14 POINT FOR CORNER IN THE WEST LINE OF SAID 100.35 ACRE TRACT;

15 THENCE: NORTH 02 DEGREES 22 MINUTES 28 SECONDS WEST, A
16 DISTANCE OF 2483.93 TO A 1/2 INCH IRON ROD SET IN THE SOUTH LINE OF
17 PROPOSED NICHOLS SAWMILL ROAD (150 FEET WIDE), BEING IN A CURVE TO
18 THE LEFT HAVING A RADIUS OF 1575.00 FEET;

19 THENCE: IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTH LINE OF
20 SAID NICHOLS SAWMILL ROAD AND SAID CURVE TO THE LEFT, WITH CENTRAL
21 ANGLE OF 29 DEGREES 17 MINUTES 28 SECONDS ARC LENGTH OF 805.18 FEET
22 (CHORD BEARS SOUTH 42 DEGREES 13 MINUTES 44 SECONDS EAST, 796.44
23 FEET) TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER IN THE EAST
24 LINE OF SAID 66.9304 ACRE TRACT;

25 THENCE: SOUTH 02 DEGREES 46 MINUTES 25 SECONDS EAST (CALLED
26 SOUTH), ALONG THE EAST LINE OF SAID 66.9304 ACRE TRACT, 2,040.94
27 FEET TO THE PLACE OF BEGINNING.

1 Tract 3: BEING 1.3561 ACRES (59,074 SQUARE FEET) OF LAND
2 KNOWN AS LOTS 19 AND 20, BLOCK 4, CYPRESS WOOD ESTATES, AN
3 UNRECORDED SUBDIVISION OF 145.93 ACRES SITUATED IN THE SOLOMON
4 BROWN SURVEY A-5, MONTGOMERY COUNTY, TEXAS, A PART OF AND OUT OF A
5 50.01 ACRE TRACT, CONVEYED BY DEED, TO DREW T. SPENCER, TRUSTEE,
6 DATED JUNE 8, 1978, RECORDED IN VOLUME 1082, PAGE 112 OF THE DEED
7 RECORDS, MONTGOMERY COUNTY, TEXAS, SAID 1.3561 ACRES BEING MORE
8 PARTICULARLY AS FOLLOWS:

9 BEGINNING: AT A 1/2 INCH IRON ROD SET FOR THE NORTHWEST CORNER
10 OF SAID LOT 19, THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT,
11 SOUTH 03 DEGREES 10 MINUTES 26 SECONDS EAST, 1815.03 FEET FROM THE
12 NORTHWEST CORNER OF SAID 50.01 ACRE TRACT;

13 THENCE: NORTH 86 DEGREES 40 MINUTES 18 SECONDS EAST, ALONG
14 THE SOUTH LINE OF LOT 18, A DISTANCE OF 293.56 FEET, TO A 1/2 INCH
15 IRON ROD SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

16 THENCE: SOUTH 02 DEGREES 39 MINUTES 21 SECONDS EAST, ALONG
17 THE WEST LINE OF SPENCER BOULEVARD (60 FOOT RIGHT-OF-WAY), A
18 DISTANCE OF 201.87 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHEAST
19 CORNER OF THE HEREIN DESCRIBED TRACT;

20 THENCE: SOUTH 86 DEGREES 40 MINUTES 18 SECONDS WEST, ALONG
21 THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 291.74 FEET TO A 1/2
22 INCH IRON ROD SET IN THE WEST LINE OF SAID 50.01 ACRE TRACT, ALSO
23 BEING THE WEST LINE OF SAID 145.93 ACRE TRACT, FOR THE SOUTHWEST
24 CORNER OF THE HEREIN DESCRIBED TRACT;

25 THENCE: NORTH 03 DEGREES 10 MINUTES 26 SECONDS WEST, ALONG
26 THE WEST LINE OF SAID 50.01 ACRE TRACT AND THE 145.93 ACRE TRACT, A
27 DISTANCE OF 201.86 FEET TO THE POINT OF BEGINNING, AND CONTAINING

1 WITHIN THESE METES AND BOUNDS 1.3561 ACRES OF LAND.

2 Tract 4: BEING 55.630 ACRES (2,423,234 SQUARE FEET) OF LAND
3 SITUATED IN SOLOMON BROWN SURVEY, A-5 MONTGOMERY COUNTY AND BEING
4 THE REMAINDER OF A TRACT OF LAND DESCRIBED AS 100.0262 ACRES AS
5 RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 8200920. SAID 55.630
6 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
7 FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE
8 SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

9 BEGINNING: AT A 5/8 INCH IRON ROD FOUND LOCATED AT THE
10 NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND BEING THE
11 NORTHEAST CORNER OF A 132.92 ACRE TRACT OF LAND CONVEYED TO LARRY M.
12 ROBINSON IN MONTGOMERY COUNTY CLERK'S FILE NO 2000008877, ON THE
13 NORTH LINE OF THE SOLOMON BROWN SURVEY, A-5 MONTGOMERY COUNTY, ON
14 THE SOUTH LINE OF THE A.F. BARRON SURVEY, A-94 AND ON THE SOUTH LINE
15 OF A 14.580 ACRE TRACT OF LAND AS CONVEYED TO RICHARD A. ABEL AND
16 WIFE, BETTY J. ABEL IN MONTGOMERY COUNTY CLERK'S FILE NO 8902849;

17 THENCE: NORTH 87 DEGREES 37 MINUTES 18 SECONDS EAST, ALONG
18 THE NORTH LINE OF THE SOLOMON BROWN SURVEY, A-5, THE SOUTH LINE OF
19 THE A. F. BARRON SURVEY, A-94 AND THE SOUTH LINE OF THE ABOVE
20 MENTIONED 14.580 ACRE TRACT OF LAND, A DISTANCE OF 359.00 FEET TO A
21 5/8 INCH IRON ROD WITH CAP FOUND AND THE NORTHEAST CORNER OF THE
22 TRACT HEREIN DESCRIBED. SAID IRON ROD ALSO BEING THE NORTHWEST
23 CORNER OF A 9.976 ACRE TRACT OF LAND AS CONVEYED TO MONTGOMERY
24 COUNTY, TEXAS IN MONTGOMERY COUNTY CLERK'S FILE NO 2008081469, IN
25 THE WEST RIGHT-OF-WAY LINE OF NICHOLS SAWMILL ROAD;

26 THENCE: SOUTH 02 DEGREES 22 MINUTES 28 SECONDS EAST, ALONG
27 THE WEST LINE OF THE ABOVE MENTIONED 9.976 ACRE TRACT OF LAND, AND

1 NICHOLS SAWMILL ROAD, A DISTANCE OF 2445.24 FEET TO A 5/8 INCH IRON
2 ROD WITH CAP SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

3 THENCE: CONTINUING ALONG THE SAID WEST RIGHT-OF-WAY LINE
4 CURVING TO THE LEFT HAVING A RADIUS OF 1575.00 FEET, AN ARC LENGTH
5 OF 692.95 FEET, A CENRAL ANGLE OF 25 DEGREES 12 MINUTES 30 SECONDS
6 AND A CHORD WHICH BEARS SOUTH 14 DEGREES 58 MINUTES 45 SECONDS EAST,
7 A DISTANCE OF 687.38 FEET TO A 5/8 INCH IRON ROD WITH CAP SET AT THE
8 INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF NICHOLS SAWMILL
9 ROAD AND THE EASTERLY LINE OF SAID 100.0262 ACRE TRACT, THE
10 NORTHWEST CORNER OF A 26.8287 ACRE TRACT RECORDED UNDER MONTGOMERY
11 COUNTY CLERK'S FILE NO. 2015026351;

12 THENCE: SOUTH 02 DEGREES 22 MINUTES 28 SECONDS EAST, ALONG
13 THE EAST LINE OF SAID 100.0262 ACRE TRACT AND THE WEST LINE OF SAID
14 26.8287 ACRE TRACT, A DISTANCE OF 2492.06 FEET A 5/8 INCH IRON ROD
15 WITH CAP SET IN THE CENTERLINE OF SPRING CREEK (BEING THE DIVISION
16 LINE FOR HARRIS AND MONTGOMERY COUNTIES);

17 THENCE: ALONG THE CENTERLINE OF SAID SPRING CREEK, THE
18 FOLLOWING 8 COURSES:

- 19 1. NORTH 82 DEGREES 54 MINUTES 57 SECONDS WEST 40.47 FEET;
- 20 2. SOUTH 88 DEGREES 58 MINUTES 17 SECONDS WEST 26.59 FEET;
- 21 3. SOUTH 60 DEGREES 29 MINUTES 26 SECONDS WEST 45.00 FEET;
- 22 4. SOUTH 56 DEGREES 27 MINUTES 17 SECONDS WEST 37.16 FEET;
- 23 5. SOUTH 89 DEGREES 19 MINUTES 21 SECONDS WEST 90.45 FEET;
- 24 6. NORTH 81 DEGREES 15 MINUTES 31 SECONDS WEST 64.32 FEET;
- 25 7. NORTH 75 DEGREES 39 MINUTES 19 SECONDS WEST 46.75 FEET;
- 26 8. NORTH 80 DEGREES 45 MINUTES 16 SECONDS WEST 176.07 FEET

27 TO THE WEST LINE OF SAID 100.0262 ACRE TRACT FOR THE SOUTHWEST

1 CORNER OF THE HEREIN DESCRIBED TRACT;

2 THENCE: NORTH 02 DEGREES 22 MINUTES 24 SECONDS WEST, ALONG
3 THE WEST LINE OF SAID 100.0262 ACRE TRACT, AT 9.96 FEET PASS THE
4 SOUTHEAST CORNER OF A CALLED 132.92 ACRES RECORDED UNDER MONTGOMERY
5 COUNTY CLERK'S FILE NO. 2000008877, IN ALL A TOTAL DISTANCE OF
6 5576.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 55.630
7 (2,423,234 SQUARE FEET) ACRES OF LAND.

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

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

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

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

26 SECTION 4. (a) If this Act does not receive a two-thirds
27 vote of all the members elected to each house, Subchapter C, Chapter

1 8003, Special District Local Laws Code, as added by Section 1 of
2 this Act, is amended by adding Section 8003.106 to read as follows:

3 Sec. 8003.106. NO EMINENT DOMAIN POWER. The district may
4 not exercise the power of eminent domain.

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

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2017.