

By: Creighton

S.B. No. 1526

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Montgomery County Municipal Utility
3 District No. 158; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7986 to read as follows:

9 CHAPTER 7986. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT No. 158

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7986.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Montgomery County Municipal
17 Utility District No. 158.

18 Sec. 7986.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7986.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7986.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7986.003
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. 7986.005. 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. 7986.006. 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. 7986.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7986.052, directors serve
6 staggered four-year terms.

7 Sec. 7986.052. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2017, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

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

15 (1) the date permanent directors are elected under
16 Section 7986.003; or

17 (2) September 1, 2021.

18 (c) If permanent directors have not been elected under
19 Section 7986.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 7986.003; or

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

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 7986.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 7986.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 7986.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 7986.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards,
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

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

8 Sec. 7986.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. The district shall comply with all applicable
10 requirements of any ordinance or resolution that is adopted under
11 Section 54.016 or 54.0165, Water Code, and that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 7986.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

19 (2) contract payments described by Section 7986.153.

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

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

1 Sec. 7986.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 7986.151, the district
3 may impose an operation and maintenance tax on taxable property in
4 the district in accordance with Section 49.107, Water Code.

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

7 Sec. 7986.153. CONTRACT TAXES. (a) In accordance with
8 Section 49.108, Water Code, the district may impose a tax other than
9 an operation and maintenance tax and use the revenue derived from
10 the tax to make payments under a contract after the provisions of
11 the contract have been approved by a majority of the district voters
12 voting at an election held for that purpose.

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

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 7986.201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations
19 payable wholly or partly from ad valorem taxes, impact fees,
20 revenue, contract payments, grants, or other district money, or any
21 combination of those sources, to pay for any authorized district
22 purpose.

23 Sec. 7986.202. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct ad valorem tax, without limit as to rate or amount, while all
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 7986.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other obligations
4 issued or incurred to finance road projects and payable from ad
5 valorem taxes may not exceed one-fourth of the assessed value of the
6 real property in the district.

7 SECTION 2. The Montgomery County Municipal Utility District
8 No. 158 initially includes all the territory contained in the
9 following area:

10 Tract One

11 Being a 134.09 acres of land located in the W. L. Goss Survey,
12 Abstract No. 739, T.N.N.O.R.R. Co. Survey, Abstract No. 566, R.J
13 Goss Survey, Abstract No. 719 and the T.N.N.O.R.R. Co. Survey,
14 Abstract No. 572, Montgomery County, Texas, more particularly
15 being all of that certain called 134.091 acre tract (described as
16 Tract 1) conveyed to Pilot Land Acquisitions, LLC by an instrument
17 of record in Document Number 2016040394 of the Official Public
18 Records of said Montgomery County (M.C.O.P.R.) said 134.09 acre
19 tract being more particularly described by metes and bounds as
20 follows (Bearings based on Texas Coordinate System, Central Zone,
21 NAD83 (NA2011) Epoch 2010.00):

22 BEGINNING at the west corner of said 134.091 acre tract, same
23 being the northwest corner of that certain Old Houston Acres
24 Subdivision, Section Three, described in Cabinet Z, Pages 700-703
25 of the Map Records of said Montgomery County, (M.C.M.R.), same
26 being on the east right of way line of that certain Old Houston Road
27 (called 120 feet wide) from which a found 1/2-inch iron rod bears

1 South 71° 48' 33" East, 8.03 feet;

2 Thence, North 18° 52' 30" East, along the west line of said
3 134.091 acre tract, and the east right of way line of said Old
4 Houston Road, 683.55 feet to a 5/8-inch iron rod found for the most
5 westerly northwest corner of said 134.091 acre tract, same being
6 the southwest corner of that certain Jewel Scott called 15.6 acre
7 tract of land, described in File Number 9314164 of the Official
8 Public Records of Real Property of said Montgomery County
9 (M.C.O.P.R.R.P.);

10 Thence, North 87° 02' 18" East, along the most westerly north
11 line of said 134.091 acre tract, and the south line of said 15.6
12 acre tract, 246.38 feet to a axel found for an interior corner of
13 said 134.091 acre tract, same being the southeast corner of said
14 15.6 acre tract;

15 Thence, North 03° 06' 18" West, along the most northerly west
16 line of said 134.091 acre tract, same being the East line of said
17 15.6 acre tract, 613.49 feet to a 1/2-inch iron rod found for an
18 angle point, same being the north corner of said 15.6 acre tract and
19 on the east right-of-wayline of said Old Houston Road;

20 Thence, North 18° 56' 31" East, continuing along the most
21 northerly east line of said 134.091 acre tract and the east right of
22 way line of said Old Houston Road, 120.01 feet to a 1/2-inch iron
23 rod found for the north corner of said 134.091 acre tract, same
24 being a southwesterly corner of that certain Deegan Enterprise, LLC
25 called 26.000 acre tract described in File Number 2004-087460,
26 M.C.O.P.R.R.P.;

27 Thence, South 70° 59' 58" East, along the most northerly north

1 line of said 134.091 acre tract, same being a southerly line of said
2 Deegan Enterprise called 26.000 acre tract, 167.03 feet to a
3 1/2-inch iron rod found for the most northerly northeast corner of
4 said 134.091 acre tract, same being an interior corner of said
5 Deegan Enterprise called 26.000 acre tract;

6 Thence, South 03° 07' 23" East, along the most northerly east
7 line of said 134.091 acre tract on a west line of said Deegan
8 Enterprise called 26.000 acre tract, 541.16 feet to a 5/8-inch iron
9 rod found for an angle point on the westerly line of said Deegan
10 Enterprise called 26.000 acre tract;

11 Thence, South 48° 05' 54" East, along the northeast line of
12 said 134.091 acre tract and a southwest line of said Deegan
13 Enterprise called 26.000 acre tract, 169.75 feet to an axel found
14 for an angle point on the north line of said 134.091 acre tract on
15 the south line of said Deegan Enterprise called 26.000 acre tract;

16 Thence, North 86° 48' 40" East, along the north line of said
17 134.091 acre tract and the south line of said Deegan Enterprise
18 called 26.000 acre tract, 2,700.72 feet to a 1/2-inch iron rod found
19 for the northeast corner of said 134.091 acre tract, same being an
20 interior corner of said Deegan Enterprise called 26.000 acre tract;

21 Thence, South 02° 45' 30" East, along the east line of said
22 134.091 acre tract and a west line of said Deegan Enterprise called
23 26.000 acre tract, 1,850.01 feet to a 1/2-inch iron rod found for
24 the southeast corner of said 134.091 acre tract, same being the
25 southwest corner of said Deegan Enterprise called 26.000 acre tract
26 on the north line of that certain Fred R. Stalling and Joyce P.
27 Stallings called 72.657 acre tract of land, described in File

1 Number 2012123297, M.C.O.P.R.;

2 Thence, South 86° 48' 28" West, along the south line of said
3 134.091 acre tract and the north line of said Stallings called
4 72.657 acre tract, that certain Scott W. Harris and Karen C. Harris
5 called 27.7844 acre tract of land, described in File Number
6 2009-016393, M.C.O.P.R.R.P., that certain John P. Sherrill and
7 wife, Samantha S. Sherrill called Residue of 91.9970 acre tract of
8 land, described in File Number 9513551 M.C.O.P.R. R.P. and that
9 certain Patsy M. Graham called 100.00 acre tract of land, described
10 in File Number 2003-135100 M.C.O.P.R. R.P., passing at a distance
11 of 320.22 feet a 1/2-inch iron rod, passing at a distance of 890.42
12 feet to a 1/2-inch iron rod bearing South 03° 11' 32" East a distance
13 of 0.21 feet offline and continuing in all a total distance of
14 2,842.37 feet to a 1/2-inch iron rod found for the southwest corner
15 of said 134.091 acre tract, same being the northwest corner of said
16 Graham called 100.00 acre tract on the east line of the
17 aforementioned Old Houston Acres, Section Three subdivision;

18 Thence, North 02° 44' 38" West, along the southerly west line
19 of said 134.091 acre tract, and the east line of said Old Houston
20 Acres, Section Three, Block No. 1, passing at a distance of 180.13
21 feet to a found capped iron rod marked "Jeff Moon RPLS 4639" a
22 distance of 0.67 feet offline, passing at a distance of 686.98 feet
23 to a found capped iron rod marked "Jeff Moon RPLS 4639" a distance
24 of 0.54 feet offline, passing at a distance of 775.85 feet to a
25 found capped iron rod marked "Jeff Moon RPLS 4639" a distance of
26 0.49 feet offline and continuing in all a total distance of 953.20
27 feet to a 1/2-inch iron rod found for an interior corner of said

1 134.091 acre tract, same being the Northeast corner of said Old
2 Houston Acres, Section Three;

3 Thence, North 71° 48' 33" West, along the westerly south line
4 of said 134.091 acre tract, and the north line of said Old Houston
5 Acres, Section Three, 724.86 feet to the POINT OF BEGINNING and
6 containing 134.09 acres of land.

7 Tract Two

8 Being 461.19 acres of land located in the John Smither
9 Survey, Abstract 521, the T. & N. O. R.R. Co. Survey, Abstract 566,
10 and the Benjamin B. Foster Survey, Abstract 785, Montgomery County,
11 Texas, more particularly being all of that certain called 312.7
12 acre tract (described as Tract 6) conveyed to Pilot Land
13 Acquisitions, LLC by an instrument of record in Document Number
14 2016040394 of the Official Public Records of Montgomery County,
15 Texas (M.C.O.P.R.) and a portion of that certain called 772.7 acre
16 tract (described as Tract 3) conveyed to Pilot Land Acquisitions,
17 LLC by an instrument of record in said Document Number 2016040394,
18 M.C.O.P.R., said 461.19 acre tract being more particularly
19 described by metes and bounds as follows (Bearings based on Texas
20 Coordinate System, Central Zone, NAD83 (NA2011) Epoch 2010.00);

21 BEGINNING at a brass disk in concrete stamped "FLC" found for
22 the southeast corner of said John Smither Survey, Abstract 521, the
23 northeast corner of the Samuel V. Lamothe Survey, Abstract 333, the
24 southwest corner of Lot 6, Block 1 of Oak Tree Section One, a
25 subdivision of record in Cabinet Y, Sheets 28 through 30 of the Map
26 Records of Montgomery County, Texas (M.C.M.R.), and the southeast
27 corner of said 772.7 acre tract on the west survey line of said T. &

1 N. O. R.R. Co. Survey;

2 Thence, South 85° 24' 01" West, with the common survey line of
3 said John Smither Survey and said Samuel V. Lamothe Survey, the
4 south line of said 772.7 acre tract and a northerly line of said Oak
5 Tree Section One, at 140.50 feet pass a found 1/2-inch iron rod with
6 cap stamped "Jeff Moon RPLS 4639", and continuing in all 202.89 feet
7 to a brass disk in concrete stamped "CP & FM 295" found for the
8 common north corner of said Oak Tree Section One and that certain
9 called 14.6924 acre tract conveyed to Paul McQueen by an instrument
10 of record under Volume 1095, Page 696 of the Deed Records of
11 Montgomery County, (M.C.D.R.);

12 Thence, South 86° 53' 28" West, continuing with said common
13 survey line, the south line of said 772.7 acre tract, the north line
14 of said 14.6924 acre tract, and that certain called 1.3834 acre
15 tract conveyed to Sam W. Baker, Trustee by an instrument of record
16 under Document Number 2010088724, M.C.O.P.R., at 791.47 feet pass a
17 found 5/8-inch iron rod, and continuing in all a total distance of
18 1,549.11 feet to a point for the northwest corner of said 1.3834
19 acre tract and on the northerly right-of-way line of FM 1314, from
20 which a found bent 5/8-inch iron rod bears South 56° 52' 47" West,
21 0.31 feet;

22 Thence, with the northerly right-of-way line of said FM 1314
23 and the southwesterly line of said 772.7 acre tract, the following
24 three (3) courses:

25 1. North 63° 11' 02" West, 426.37 feet to a 5/8-inch iron rod
26 with cap stamped "LJA ENG" found for corner, the beginning of a
27 curve;

1 2. 354.89 feet along the arc of a tangent curve to the left,
2 having a radius of 5,809.58 feet, a central angle of 03° 30' 00" and
3 a chord which bears North 64° 56' 02" West, 354.83 feet to a 5/8-inch
4 iron rod with cap stamped "LJA ENG" found for corner;

5 3. North 66° 41' 02" West, at 116.49 feet pass a found bent
6 5/8-inch iron rod bears South 64° 46' 13" West, 0.18 feet,
7 continuing in all a total distance of 891.28 feet to a point for
8 corner;

9 Thence, North 45° 49' 56" East, departing said northerly
10 right-of-way line, over and across the aforementioned 772.7 acre
11 tract, 4,289.20 feet to a point for corner on the common east line
12 of said 772.7 acre tract and the west line of that certain called
13 86.659 acre tract conveyed to Darrell Dudczak by an instrument of
14 record under File Number 2004-128243 of the Official Public Records
15 of Real Property of said Montgomery County (M.C.O.P.R.R.P.), said
16 point being on the common survey line of said Benjamin B. Foster
17 Survey and the W. C. Clark Survey, Abstract 732;

18 Thence, South 03° 00' 30" East, along the west line of said
19 86.659 acre tract and its extension and the east line of said 772.7
20 acre tract, 922.30 feet to a brass disk in concrete stamped "FLC"
21 found for the northwest corner of the aforementioned 312.7 acre
22 tract, same point being the common west corner of said W. C. Clark
23 Survey and the T. & N. O. R.R. Co. Survey, Abstract 566 and the
24 common east corner of the Benjamin B. Foster Survey, and the
25 aforementioned John Smither Survey;

26 Thence, with the north line of said 312.7 acre tract and said
27 common survey line the following three (3) courses:

1 1. North 87° 14' 54" East, 1,440.11 feet to a concrete
2 monument found for the southwest corner of that certain called
3 15.17 acre tract conveyed to Jessie C. Farmer and wife Carrie S.
4 Farmer, as Trustees under the Jessie Farmer and Carrie Sue Farmer
5 Revocable Trust by an instrument of record under File Number
6 99013631, M.C.O.P.R.R.P.;

7 2. North 86° 33' 36" East, with the southerly line of said
8 15.17 acre tract, 1,401.58 feet to a concrete monument found for the
9 common south corner of said 15.17 acre tract and that certain called
10 15.6 acre tract conveyed to Katy Holt by an instrument of record
11 under File Number 2005-097233, M.C.O.P.R.R.P.;

12 3. North 86° 59' 50" East, with the southerly line of said
13 15.6 acre tract, the southerly line of that certain called 15.6 acre
14 tract conveyed to John Edward Panzarella, Robert L. Panzarella,
15 Sandre Paulette Lowry, and Carl Panzarella, Jr. by an instrument of
16 record under Document Number 2010049469, M.C.O.P.R., and the
17 southerly line of the residue of that certain called 15.6 acre tract
18 conveyed to Jewel Oleta Scott and Husband A. G. Scott by an
19 instrument of record under Volume 492, Page 539, M.C.D.R., 2,533.37
20 feet to a 5/8-inch iron rod found for the northeast corner of said
21 312.7 acre tract, said point being on the westerly right-of-way
22 line of Old Houston Road (called 120 feet wide) described in Volume
23 969, Page 305, M.C.D.R.;

24 Thence, with the easterly line of said 312.7 acre tract and
25 said westerly right-of-way line the following three (3) courses:

26 1. South 18° 54' 01" West, 2,504.88 feet to a found 1/2-inch
27 iron rod with cap stamped "Montgomery and Associates", the

1 beginning of a curve;

2 2. 855.83 feet along the arc of a tangent curve to the left,
3 having a radius of 2,973.51 feet, a central angle of 16° 29' 27", and
4 a chord which bears South 10° 39' 18" West, 852.88 feet to a 5/8-inch
5 iron rod with cap stamped "LJA ENG" set for corner from which a
6 found 5/8-inch iron rod bears South 00° 52' 56" East, 9.24 feet;

7 3. South 02° 24' 34" West, 376.98 feet to a 1/2-inch iron rod
8 found for the common easterly corner of said 312.7 acre tract and
9 Lot 1, Block 2 of Old Houston Acres Section One, a subdivision of
10 record in Cabinet S, Sheets 16-19, M.C.M.R., said point being on the
11 common survey line of the aforementioned T. & N. O. R.R. Co. Survey,
12 Abstract 566 and the Ruben Copeland Survey, Abstract 671 of said
13 Montgomery County;

14 Thence, South 87° 08' 43" West, with the southerly line of
15 said 312.7 acre tract, the common survey line and the northerly line
16 of said Old Houston Acres Section One, at 541.18 feet pass a
17 1/2-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found for
18 the common north corner of said Old Houston Acres Section One and
19 Old Houston Acres Section Two, a subdivision of record in Cabinet Z,
20 Sheets 313-316, M.C.M.R., and continuing along said southerly line
21 and with the northerly line of said Old Houston Acres Section Two,
22 pass at 649.28 feet a 1/2-inch iron rod with cap stamped "Jeff Moon
23 RPLS 4639" found for the common north corner of Lots 1 and 2 of Block
24 1 of said Old Houston Acres Section Two, and continuing in all a
25 total distance of 1,486.22 feet to a bent 1/2-inch iron rod found
26 for an angle point on the common line of said 312.7 acre tract and
27 said Old Houston Acres Section Two, said point being the northwest

1 corner of said Ruben Copeland Survey;

2 Thence, North 83° 23' 32" West, continuing with said common
3 line, 280.75 feet to a 5/8-inch iron rod with cap stamped "LJA ENG"
4 set for an angle point on the south line of said 312.7 acre tract,
5 said point being the northwest corner of said Old Houston Acres
6 Section Two and the northeast corner of the E. H. Yeiser Survey,
7 Abstract 731 of said Montgomery County, Texas;

8 Thence, South 87° 04' 13" West, with the southerly line of
9 said 312.7 acre tract and the common survey line of said T. & N. O.
10 R.R. Co. Survey, Abstract 566 and said E. H. Yeiser Survey, 1,013.95
11 feet to a 5/8-inch iron rod with cap stamped "F&S 409-832-7238"
12 found for the common south corner of said 312.7 acre tract and the
13 aforementioned Oak Tree Section One, from which a found 1/2-inch
14 iron rod with cap stamped "Jeff Moon RPLS 4639" bears South 62° 32'
15 45" East, 0.40 feet;

16 Thence, with the common line of said 312.7 acre tract and said
17 Oak Tree Section One the following six (6) courses:

18 1. North 17° 43' 53" West, 1,141.63 feet to a found 5/8-inch
19 iron rod, the beginning of a curve;

20 2. 251.53 feet along the arc of a non-tangent curve to the
21 right, having a radius of 1,760.00 feet, a central angle of 08° 11'
22 19", and a chord which bears North 77° 48' 50" East, 251.32 feet to a
23 point for corner from which a found 5/8-inch iron rod bears North
24 85° 57' 03" West, 0.16 feet;

25 3. North 03° 06' 19" West, 975.54 feet to a point for corner
26 from which a found 5/8-inch iron rod bears South 25° 44' 03" West,
27 0.25 feet;

1 4. South 86° 53' 41" West, 1,065.00 feet to a 1/2-inch iron
2 rod with cap stamped "Montgomery and Associates" found for a
3 northwesterly corner of said Oak Tree Section One;

4 5. South 03° 06' 19" East, 66.77 feet (called South 03° 06'
5 40" East, 66.77 feet) to a 5/8-inch iron rod found for a re-entrant
6 corner on the north line of said Oak Tree Section One;

7 6. South 86° 53' 41" West, 315.00 feet (called South 86° 53'
8 20" West, 315.00 feet) to a 5/8-inch iron rod found for the
9 northwest corner of said Oak Tree Section One subdivision, same
10 point being on the west line of said 312.7 acre tract, the east line
11 of said 772.7 acre tract and on the common survey line of the
12 aforementioned John Smither Survey, Abstract 521 and the T. & N. O.
13 R.R. Co. Survey, Abstract 566;

14 Thence, South 03° 05' 17" East with the common line of said
15 772.7 acre tract, said Oak Tree Section One, and said common survey
16 line, 1,245.40 feet to the POINT OF BEGINNING and containing 461.19
17 acres of land.

18 Said Tract One (134.09 acres) and Tract Two (461.19 acres)
19 being a total of 595.28 acres of land.

20 SECTION 3. (a) The legal notice of the intention to
21 introduce this Act, setting forth the general substance of this
22 Act, has been published as provided by law, and the notice and a
23 copy of this Act have been furnished to all persons, agencies,
24 officials, or entities to which they are required to be furnished
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
26 Government Code.

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed
4 its recommendations relating to this Act with the governor, the
5 lieutenant governor, and the speaker of the house of
6 representatives within the required time.

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 4. (a) If this Act does not receive a two-thirds
12 vote of all the members elected to each house, Subchapter C, Chapter
13 7986, Special District Local Laws Code, as added by Section 1 of
14 this Act, is amended by adding Section 7986.106 to read as follows:

15 Sec. 7986.106. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

20 SECTION 5. This Act takes effect September 1, 2017.