

1-1 By: Creighton S.B. No. 1526  
 1-2 (In the Senate - Filed March 8, 2017; March 21, 2017, read  
 1-3 first time and referred to Committee on Intergovernmental  
 1-4 Relations; April 24, 2017, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; April 24, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell	X			
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez	X			
1-13 Taylor of Collin			X	

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

1-17 relating to the creation of the Montgomery County Municipal Utility  
 1-18 District No. 158; granting a limited power of eminent domain;  
 1-19 providing authority to issue bonds; providing authority to impose  
 1-20 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 7986 to read as follows:  
 1-24 CHAPTER 7986. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT No. 158

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7986.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on  
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Montgomery County Municipal  
 1-32 Utility District No. 158.

1-33 Sec. 7986.002. NATURE OF DISTRICT. The district is a  
 1-34 municipal utility district created under Section 59, Article XVI,  
 1-35 Texas Constitution.

1-36 Sec. 7986.003. CONFIRMATION AND DIRECTORS' ELECTION  
 1-37 REQUIRED. The temporary directors shall hold an election to  
 1-38 confirm the creation of the district and to elect five permanent  
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7986.004. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-41 temporary directors may not hold an election under Section 7986.003  
 1-42 until each municipality in whose corporate limits or  
 1-43 extraterritorial jurisdiction the district is located has  
 1-44 consented by ordinance or resolution to the creation of the  
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 7986.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) 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. 7986.006. 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.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7986.051. 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 7986.052, directors serve  
2-11 staggered four-year terms.

2-12 Sec. 7986.052. TEMPORARY DIRECTORS. (a) On or after  
2-13 September 1, 2017, 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 7986.003; or  
2-22 (2) September 1, 2021.

2-23 (c) If permanent directors have not been elected under  
2-24 Section 7986.003 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 7986.003; 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.

2-39 SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 7986.101. 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. 7986.102. 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. 7986.103. 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. 7986.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
2-55 road project must meet all applicable construction standards,  
2-56 zoning and subdivision requirements, and regulations of each  
2-57 municipality in whose corporate limits or extraterritorial  
2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits  
2-60 or extraterritorial jurisdiction of a municipality, the road  
2-61 project must meet all applicable construction standards,  
2-62 subdivision requirements, and regulations of each county in which  
2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the  
2-65 Texas Transportation Commission must approve the plans and  
2-66 specifications of the road project.

2-67 Sec. 7986.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-68 OR RESOLUTION. The district shall comply with all applicable  
2-69 requirements of any ordinance or resolution that is adopted under

3-1 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-2 creation of the district or to the inclusion of land in the  
3-3 district.

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 7986.151. ELECTIONS REGARDING TAXES OR BONDS.

3-6 (a) The district may issue, without an election, bonds and other  
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 7986.153.

3-10 (b) The district must hold an election in the manner  
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-12 before the district may impose an ad valorem tax or issue bonds  
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem  
3-15 taxes to finance a road project unless the issuance is approved by a  
3-16 vote of a two-thirds majority of the district voters voting at an  
3-17 election held for that purpose.

3-18 Sec. 7986.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-19 authorized at an election held under Section 7986.151, the district  
3-20 may impose an operation and maintenance tax on taxable property in  
3-21 the district in accordance with Section 49.107, Water Code.

3-22 (b) The board shall determine the tax rate. The rate may not  
3-23 exceed the rate approved at the election.

3-24 Sec. 7986.153. CONTRACT TAXES. (a) In accordance with  
3-25 Section 49.108, Water Code, the district may impose a tax other than  
3-26 an operation and maintenance tax and use the revenue derived from  
3-27 the tax to make payments under a contract after the provisions of  
3-28 the contract have been approved by a majority of the district voters  
3-29 voting at an election held for that purpose.

3-30 (b) A contract approved by the district voters may contain a  
3-31 provision stating that the contract may be modified or amended by  
3-32 the board without further voter approval.

3-33 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-34 Sec. 7986.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-35 OBLIGATIONS. The district may issue bonds or other obligations  
3-36 payable wholly or partly from ad valorem taxes, impact fees,  
3-37 revenue, contract payments, grants, or other district money, or any  
3-38 combination of those sources, to pay for any authorized district  
3-39 purpose.

3-40 Sec. 7986.202. TAXES FOR BONDS. At the time the district  
3-41 issues bonds payable wholly or partly from ad valorem taxes, the  
3-42 board shall provide for the annual imposition of a continuing  
3-43 direct ad valorem tax, without limit as to rate or amount, while all  
3-44 or part of the bonds are outstanding as required and in the manner  
3-45 provided by Sections 54.601 and 54.602, Water Code.

3-46 Sec. 7986.203. BONDS FOR ROAD PROJECTS. At the time of  
3-47 issuance, the total principal amount of bonds or other obligations  
3-48 issued or incurred to finance road projects and payable from ad  
3-49 valorem taxes may not exceed one-fourth of the assessed value of the  
3-50 real property in the district.

3-51 SECTION 2. The Montgomery County Municipal Utility District  
3-52 No. 158 initially includes all the territory contained in the  
3-53 following area:

3-54 Tract One

3-55 Being a 134.09 acres of land located in the W. L. Goss Survey,  
3-56 Abstract No. 739, T.N.N.O.R.R. Co. Survey, Abstract No. 566, R.J  
3-57 Goss Survey, Abstract No. 719 and the T.N.N.O.R.R. Co. Survey,  
3-58 Abstract No. 572, Montgomery County, Texas, more particularly  
3-59 being all of that certain called 134.091 acre tract (described as  
3-60 Tract 1) conveyed to Pilot Land Acquisitions, LLC by an instrument  
3-61 of record in Document Number 2016040394 of the Official Public  
3-62 Records of said Montgomery County (M.C.O.P.R.) said 134.09 acre  
3-63 tract being more particularly described by metes and bounds as  
3-64 follows (Bearings based on Texas Coordinate System, Central Zone,  
3-65 NAD83 (NA2011) Epoch 2010.00):

3-66 BEGINNING at the west corner of said 134.091 acre tract, same  
3-67 being the northwest corner of that certain Old Houston Acres  
3-68 Subdivision, Section Three, described in Cabinet Z, Pages 700-703  
3-69 of the Map Records of said Montgomery County, (M.C.M.R.), same

4-1 being on the east right of way line of that certain Old Houston Road  
 4-2 (called 120 feet wide) from which a found 1/2-inch iron rod bears  
 4-3 South 71° 48' 33" East, 8.03 feet;

4-4 Thence, North 18° 52' 30" East, along the west line of said  
 4-5 134.091 acre tract, and the east right of way line of said Old  
 4-6 Houston Road, 683.55 feet to a 5/8-inch iron rod found for the most  
 4-7 westerly northwest corner of said 134.091 acre tract, same being  
 4-8 the southwest corner of that certain Jewel Scott called 15.6 acre  
 4-9 tract of land, described in File Number 9314164 of the Official  
 4-10 Public Records of Real Property of said Montgomery County  
 4-11 (M.C.O.P.R.R.P.);

4-12 Thence, North 87° 02' 18" East, along the most westerly north  
 4-13 line of said 134.091 acre tract, and the south line of said 15.6  
 4-14 acre tract, 246.38 feet to a axel found for an interior corner of  
 4-15 said 134.091 acre tract, same being the southeast corner of said  
 4-16 15.6 acre tract;

4-17 Thence, North 03° 06' 18" West, along the most northerly west  
 4-18 line of said 134.091 acre tract, same being the East line of said  
 4-19 15.6 acre tract, 613.49 feet to a 1/2-inch iron rod found for an  
 4-20 angle point, same being the north corner of said 15.6 acre tract and  
 4-21 on the east right-of-way line of said Old Houston Road;

4-22 Thence, North 18° 56' 31" East, continuing along the most  
 4-23 northerly east line of said 134.091 acre tract and the east right of  
 4-24 way line of said Old Houston Road, 120.01 feet to a 1/2-inch iron  
 4-25 rod found for the north corner of said 134.091 acre tract, same  
 4-26 being a southwesterly corner of that certain Deegan Enterprise, LLC  
 4-27 called 26.000 acre tract described in File Number 2004-087460,  
 4-28 M.C.O.P.R.R.P.;

4-29 Thence, South 70° 59' 58" East, along the most northerly north  
 4-30 line of said 134.091 acre tract, same being a southerly line of said  
 4-31 Deegan Enterprise called 26.000 acre tract, 167.03 feet to a  
 4-32 1/2-inch iron rod found for the most northerly northeast corner of  
 4-33 said 134.091 acre tract, same being an interior corner of said  
 4-34 Deegan Enterprise called 26.000 acre tract;

4-35 Thence, South 03° 07' 23" East, along the most northerly east  
 4-36 line of said 134.091 acre tract on a west line of said Deegan  
 4-37 Enterprise called 26.000 acre tract, 541.16 feet to a 5/8-inch iron  
 4-38 rod found for an angle point on the westerly line of said Deegan  
 4-39 Enterprise called 26.000 acre tract;

4-40 Thence, South 48° 05' 54" East, along the northeast line of  
 4-41 said 134.091 acre tract and a southwest line of said Deegan  
 4-42 Enterprise called 26.000 acre tract, 169.75 feet to an axel found  
 4-43 for an angle point on the north line of said 134.091 acre tract on  
 4-44 the south line of said Deegan Enterprise called 26.000 acre tract;

4-45 Thence, North 86° 48' 40" East, along the north line of said  
 4-46 134.091 acre tract and the south line of said Deegan Enterprise  
 4-47 called 26.000 acre tract, 2,700.72 feet to a 1/2-inch iron rod found  
 4-48 for the northeast corner of said 134.091 acre tract, same being an  
 4-49 interior corner of said Deegan Enterprise called 26.000 acre tract;

4-50 Thence, South 02° 45' 30" East, along the east line of said  
 4-51 134.091 acre tract and a west line of said Deegan Enterprise called  
 4-52 26.000 acre tract, 1,850.01 feet to a 1/2-inch iron rod found for  
 4-53 the southeast corner of said 134.091 acre tract, same being the  
 4-54 southwest corner of said Deegan Enterprise called 26.000 acre tract  
 4-55 on the north line of that certain Fred R. Stalling and Joyce P.  
 4-56 Stallings called 72.657 acre tract of land, described in File  
 4-57 Number 2012123297, M.C.O.P.R.P.;

4-58 Thence, South 86° 48' 28" West, along the south line of said  
 4-59 134.091 acre tract and the north line of said Stallings called  
 4-60 72.657 acre tract, that certain Scott W. Harris and Karen C. Harris  
 4-61 called 27.7844 acre tract of land, described in File Number  
 4-62 2009-016393, M.C.O.P.R.R.P., that certain John P. Sherrill and  
 4-63 wife, Samantha S. Sherrill called Residue of 91.9970 acre tract of  
 4-64 land, described in File Number 9513551 M.C.O.P.R. R.P. and that  
 4-65 certain Patsy M. Graham called 100.00 acre tract of land, described  
 4-66 in File Number 2003-135100 M.C.O.P.R. R.P., passing at a distance  
 4-67 of 320.22 feet a 1/2-inch iron rod, passing at a distance of 890.42  
 4-68 feet to a 1/2-inch iron rod bearing South 03° 11' 32" East a distance  
 4-69 of 0.21 feet offline and continuing in all a total distance of

5-1 2,842.37 feet to a 1/2-inch iron rod found for the southwest corner  
 5-2 of said 134.091 acre tract, same being the northwest corner of said  
 5-3 Graham called 100.00 acre tract on the east line of the  
 5-4 aforementioned Old Houston Acres, Section Three subdivision;

5-5 Thence, North 02° 44' 38" West, along the southerly west line  
 5-6 of said 134.091 acre tract, and the east line of said Old Houston  
 5-7 Acres, Section Three, Block No. 1, passing at a distance of 180.13  
 5-8 feet to a found capped iron rod marked "Jeff Moon RPLS 4639" a  
 5-9 distance of 0.67 feet offline, passing at a distance of 686.98 feet  
 5-10 to a found capped iron rod marked "Jeff Moon RPLS 4639" a distance  
 5-11 of 0.54 feet offline, passing at a distance of 775.85 feet to a  
 5-12 found capped iron rod marked "Jeff Moon RPLS 4639" a distance of  
 5-13 0.49 feet offline and continuing in all a total distance of 953.20  
 5-14 feet to a 1/2-inch iron rod found for an interior corner of said  
 5-15 134.091 acre tract, same being the Northeast corner of said Old  
 5-16 Houston Acres, Section Three;

5-17 Thence, North 71° 48' 33" West, along the westerly south line  
 5-18 of said 134.091 acre tract, and the north line of said Old Houston  
 5-19 Acres, Section Three, 724.86 feet to the POINT OF BEGINNING and  
 5-20 containing 134.09 acres of land.

5-21 Tract Two

5-22 Being 461.19 acres of land located in the John Smither  
 5-23 Survey, Abstract 521, the T. & N. O. R.R. Co. Survey, Abstract 566,  
 5-24 and the Benjamin B. Foster Survey, Abstract 785, Montgomery County,  
 5-25 Texas, more particularly being all of that certain called 312.7  
 5-26 acre tract (described as Tract 6) conveyed to Pilot Land  
 5-27 Acquisitions, LLC by an instrument of record in Document Number  
 5-28 2016040394 of the Official Public Records of Montgomery County,  
 5-29 Texas (M.C.O.P.R.) and a portion of that certain called 772.7 acre  
 5-30 tract (described as Tract 3) conveyed to Pilot Land Acquisitions,  
 5-31 LLC by an instrument of record in said Document Number 2016040394,  
 5-32 M.C.O.P.R., said 461.19 acre tract being more particularly  
 5-33 described by metes and bounds as follows (Bearings based on Texas  
 5-34 Coordinate System, Central Zone, NAD83 (NA2011) Epoch 2010.00);

5-35 BEGINNING at a brass disk in concrete stamped "FLC" found for  
 5-36 the southeast corner of said John Smither Survey, Abstract 521, the  
 5-37 northeast corner of the Samuel V. Lamothe Survey, Abstract 333, the  
 5-38 southwest corner of Lot 6, Block 1 of Oak Tree Section One, a  
 5-39 subdivision of record in Cabinet Y, Sheets 28 through 30 of the Map  
 5-40 Records of Montgomery County, Texas (M.C.M.R.), and the southeast  
 5-41 corner of said 772.7 acre tract on the west survey line of said T. &  
 5-42 N. O. R.R. Co. Survey;

5-43 Thence, South 85° 24' 01" West, with the common survey line of  
 5-44 said John Smither Survey and said Samuel V. Lamothe Survey, the  
 5-45 south line of said 772.7 acre tract and a northerly line of said Oak  
 5-46 Tree Section One, at 140.50 feet pass a found 1/2-inch iron rod with  
 5-47 cap stamped "Jeff Moon RPLS 4639", and continuing in all 202.89 feet  
 5-48 to a brass disk in concrete stamped "CP & FM 295" found for the  
 5-49 common north corner of said Oak Tree Section One and that certain  
 5-50 called 14.6924 acre tract conveyed to Paul McQueen by an instrument  
 5-51 of record under Volume 1095, Page 696 of the Deed Records of  
 5-52 Montgomery County, (M.C.D.R.);

5-53 Thence, South 86° 53' 28" West, continuing with said common  
 5-54 survey line, the south line of said 772.7 acre tract, the north line  
 5-55 of said 14.6924 acre tract, and that certain called 1.3834 acre  
 5-56 tract conveyed to Sam W. Baker, Trustee by an instrument of record  
 5-57 under Document Number 2010088724, M.C.O.P.R., at 791.47 feet pass a  
 5-58 found 5/8-inch iron rod, and continuing in all a total distance of  
 5-59 1,549.11 feet to a point for the northwest corner of said 1.3834  
 5-60 acre tract and on the northerly right-of-way line of FM 1314, from  
 5-61 which a found bent 5/8-inch iron rod bears South 56° 52' 47" West,  
 5-62 0.31 feet;

5-63 Thence, with the northerly right-of-way line of said FM 1314  
 5-64 and the southwesterly line of said 772.7 acre tract, the following  
 5-65 three (3) courses:

- 5-66 1. North 63° 11' 02" West, 426.37 feet to a 5/8-inch iron rod  
 5-67 with cap stamped "LJA ENG" found for corner, the beginning of a  
 5-68 curve;
- 5-69 2. 354.89 feet along the arc of a tangent curve to the left,

6-1 having a radius of 5,809.58 feet, a central angle of 03° 30' 00" and  
 6-2 a chord which bears North 64° 56' 02" West, 354.83 feet to a 5/8-inch  
 6-3 iron rod with cap stamped "LJA ENG" found for corner;

6-4 3. North 66° 41' 02" West, at 116.49 feet pass a found bent  
 6-5 5/8-inch iron rod bears South 64° 46' 13" West, 0.18 feet,  
 6-6 continuing in all a total distance of 891.28 feet to a point for  
 6-7 corner;

6-8 Thence, North 45° 49' 56" East, departing said northerly  
 6-9 right-of-way line, over and across the aforementioned 772.7 acre  
 6-10 tract, 4,289.20 feet to a point for corner on the common east line  
 6-11 of said 772.7 acre tract and the west line of that certain called  
 6-12 86.659 acre tract conveyed to Darrell Dudczak by an instrument of  
 6-13 record under File Number 2004-128243 of the Official Public Records  
 6-14 of Real Property of said Montgomery County (M.C.O.P.R.R.P.), said  
 6-15 point being on the common survey line of said Benjamin B. Foster  
 6-16 Survey and the W. C. Clark Survey, Abstract 732;

6-17 Thence, South 03° 00' 30" East, along the west line of said  
 6-18 86.659 acre tract and its extension and the east line of said 772.7  
 6-19 acre tract, 922.30 feet to a brass disk in concrete stamped "FLC"  
 6-20 found for the northwest corner of the aforementioned 312.7 acre  
 6-21 tract, same point being the common west corner of said W. C. Clark  
 6-22 Survey and the T. & N. O. R.R. Co. Survey, Abstract 566 and the  
 6-23 common east corner of the Benjamin B. Foster Survey, and the  
 6-24 aforementioned John Smither Survey;

6-25 Thence, with the north line of said 312.7 acre tract and said  
 6-26 common survey line the following three (3) courses:

6-27 1. North 87° 14' 54" East, 1,440.11 feet to a concrete  
 6-28 monument found for the southwest corner of that certain called  
 6-29 15.17 acre tract conveyed to Jessie C. Farmer and wife Carrie S.  
 6-30 Farmer, as Trustees under the Jessie Farmer and Carrie Sue Farmer  
 6-31 Revocable Trust by an instrument of record under File Number  
 6-32 99013631, M.C.O.P.R.R.P.;

6-33 2. North 86° 33' 36" East, with the southerly line of said  
 6-34 15.17 acre tract, 1,401.58 feet to a concrete monument found for the  
 6-35 common south corner of said 15.17 acre tract and that certain called  
 6-36 15.6 acre tract conveyed to Katy Holt by an instrument of record  
 6-37 under File Number 2005-097233, M.C.O.P.R.R.P.;

6-38 3. North 86° 59' 50" East, with the southerly line of said  
 6-39 15.6 acre tract, the southerly line of that certain called 15.6 acre  
 6-40 tract conveyed to John Edward Panzarella, Robert L. Panzarella,  
 6-41 Sandre Paulette Lowry, and Carl Panzarella, Jr. by an instrument of  
 6-42 record under Document Number 2010049469, M.C.O.P.R., and the  
 6-43 southerly line of the residue of that certain called 15.6 acre tract  
 6-44 conveyed to Jewel Oleta Scott and Husband A. G. Scott by an  
 6-45 instrument of record under Volume 492, Page 539, M.C.D.R., 2,533.37  
 6-46 feet to a 5/8-inch iron rod found for the northeast corner of said  
 6-47 312.7 acre tract, said point being on the westerly right-of-way  
 6-48 line of Old Houston Road (called 120 feet wide) described in Volume  
 6-49 969, Page 305, M.C.D.R.;

6-50 Thence, with the easterly line of said 312.7 acre tract and  
 6-51 said westerly right-of-way line the following three (3) courses:

6-52 1. South 18° 54' 01" West, 2,504.88 feet to a found 1/2-inch  
 6-53 iron rod with cap stamped "Montgomery and Associates", the  
 6-54 beginning of a curve;

6-55 2. 855.83 feet along the arc of a tangent curve to the left,  
 6-56 having a radius of 2,973.51 feet, a central angle of 16° 29' 27", and  
 6-57 a chord which bears South 10° 39' 18" West, 852.88 feet to a 5/8-inch  
 6-58 iron rod with cap stamped "LJA ENG" set for corner from which a  
 6-59 found 5/8-inch iron rod bears South 00° 52' 56" East, 9.24 feet;

6-60 3. South 02° 24' 34" West, 376.98 feet to a 1/2-inch iron rod  
 6-61 found for the common easterly corner of said 312.7 acre tract and  
 6-62 Lot 1, Block 2 of Old Houston Acres Section One, a subdivision of  
 6-63 record in Cabinet S, Sheets 16-19, M.C.M.R., said point being on the  
 6-64 common survey line of the aforementioned T. & N. O. R.R. Co. Survey,  
 6-65 Abstract 566 and the Ruben Copeland Survey, Abstract 671 of said  
 6-66 Montgomery County;

6-67 Thence, South 87° 08' 43" West, with the southerly line of  
 6-68 said 312.7 acre tract, the common survey line and the northerly line  
 6-69 of said Old Houston Acres Section One, at 541.18 feet pass a

7-1 1/2-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found for  
 7-2 the common north corner of said Old Houston Acres Section One and  
 7-3 Old Houston Acres Section Two, a subdivision of record in Cabinet Z,  
 7-4 Sheets 313-316, M.C.M.R., and continuing along said southerly line  
 7-5 and with the northerly line of said Old Houston Acres Section Two,  
 7-6 pass at 649.28 feet a 1/2-inch iron rod with cap stamped "Jeff Moon  
 7-7 RPLS 4639" found for the common north corner of Lots 1 and 2 of Block  
 7-8 1 of said Old Houston Acres Section Two, and continuing in all a  
 7-9 total distance of 1,486.22 feet to a bent 1/2-inch iron rod found  
 7-10 for an angle point on the common line of said 312.7 acre tract and  
 7-11 said Old Houston Acres Section Two, said point being the northwest  
 7-12 corner of said Ruben Copeland Survey;

7-13 Thence, North 83° 23' 32" West, continuing with said common  
 7-14 line, 280.75 feet to a 5/8-inch iron rod with cap stamped "LJA ENG"  
 7-15 set for an angle point on the south line of said 312.7 acre tract,  
 7-16 said point being the northwest corner of said Old Houston Acres  
 7-17 Section Two and the northeast corner of the E. H. Yeiser Survey,  
 7-18 Abstract 731 of said Montgomery County, Texas;

7-19 Thence, South 87° 04' 13" West, with the southerly line of  
 7-20 said 312.7 acre tract and the common survey line of said T. & N. O.  
 7-21 R.R. Co. Survey, Abstract 566 and said E. H. Yeiser Survey, 1,013.95  
 7-22 feet to a 5/8-inch iron rod with cap stamped "F&S 409-832-7238"  
 7-23 found for the common south corner of said 312.7 acre tract and the  
 7-24 aforementioned Oak Tree Section One, from which a found 1/2-inch  
 7-25 iron rod with cap stamped "Jeff Moon RPLS 4639" bears South 62° 32'  
 7-26 45" East, 0.40 feet;

7-27 Thence, with the common line of said 312.7 acre tract and said  
 7-28 Oak Tree Section One the following six (6) courses:

7-29 1. North 17° 43' 53" West, 1,141.63 feet to a found 5/8-inch  
 7-30 iron rod, the beginning of a curve;

7-31 2. 251.53 feet along the arc of a non-tangent curve to the  
 7-32 right, having a radius of 1,760.00 feet, a central angle of 08° 11'  
 7-33 19", and a chord which bears North 77° 48' 50" East, 251.32 feet to a  
 7-34 point for corner from which a found 5/8-inch iron rod bears North  
 7-35 85° 57' 03" West, 0.16 feet;

7-36 3. North 03° 06' 19" West, 975.54 feet to a point for corner  
 7-37 from which a found 5/8-inch iron rod bears South 25° 44' 03" West,  
 7-38 0.25 feet;

7-39 4. South 86° 53' 41" West, 1,065.00 feet to a 1/2-inch iron  
 7-40 rod with cap stamped "Montgomery and Associates" found for a  
 7-41 northwesterly corner of said Oak Tree Section One;

7-42 5. South 03° 06' 19" East, 66.77 feet (called South 03° 06'  
 7-43 40" East, 66.77 feet) to a 5/8-inch iron rod found for a re-entrant  
 7-44 corner on the north line of said Oak Tree Section One;

7-45 6. South 86° 53' 41" West, 315.00 feet (called South 86° 53'  
 7-46 20" West, 315.00 feet) to a 5/8-inch iron rod found for the  
 7-47 northwest corner of said Oak Tree Section One subdivision, same  
 7-48 point being on the west line of said 312.7 acre tract, the east line  
 7-49 of said 772.7 acre tract and on the common survey line of the  
 7-50 aforementioned John Smither Survey, Abstract 521 and the T. & N. O.  
 7-51 R.R. Co. Survey, Abstract 566;

7-52 Thence, South 03° 05' 17" East with the common line of said  
 7-53 772.7 acre tract, said Oak Tree Section One, and said common survey  
 7-54 line, 1,245.40 feet to the POINT OF BEGINNING and containing 461.19  
 7-55 acres of land.

7-56 Said Tract One (134.09 acres) and Tract Two (461.19 acres)  
 7-57 being a total of 595.28 acres of land.

7-58 SECTION 3. (a) The legal notice of the intention to  
 7-59 introduce this Act, setting forth the general substance of this  
 7-60 Act, has been published as provided by law, and the notice and a  
 7-61 copy of this Act have been furnished to all persons, agencies,  
 7-62 officials, or entities to which they are required to be furnished  
 7-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 7-64 Government Code.

7-65 (b) The governor, one of the required recipients, has  
 7-66 submitted the notice and Act to the Texas Commission on  
 7-67 Environmental Quality.

7-68 (c) The Texas Commission on Environmental Quality has filed  
 7-69 its recommendations relating to this Act with the governor, the

8-1 lieutenant governor, and the speaker of the house of  
8-2 representatives within the required time.

8-3 (d) All requirements of the constitution and laws of this  
8-4 state and the rules and procedures of the legislature with respect  
8-5 to the notice, introduction, and passage of this Act are fulfilled  
8-6 and accomplished.

8-7 SECTION 4. (a) If this Act does not receive a two-thirds  
8-8 vote of all the members elected to each house, Subchapter C, Chapter  
8-9 7986, Special District Local Laws Code, as added by Section 1 of  
8-10 this Act, is amended by adding Section 7986.106 to read as follows:

8-11 Sec. 7986.106. NO EMINENT DOMAIN POWER. The district may  
8-12 not exercise the power of eminent domain.

8-13 (b) This section is not intended to be an expression of a  
8-14 legislative interpretation of the requirements of Section 17(c),  
8-15 Article I, Texas Constitution.

8-16 SECTION 5. This Act takes effect September 1, 2017.

8-17

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