

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 2, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 2462, as Filed by Senator Brandon Creighton - Relating to the creation of the Montgomery County Municipal Utility District No. 161; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel La Caille".

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Brandon Creighton, Texas Senate

Enclosure

**SB 2462, as Filed by Senator Brandon Creighton
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Montgomery County Municipal Utility District No. 161 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts:

The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election; the bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; the bill grants the District authority for road projects; this bill allows the District to divide; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

mc161



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

CITY OF CONROE
RAN A LEGAL NOTICE
SIZE BEING: 3 x162 L

0000189686 HC028081325

Product
CNCC-The Courier

Date
Feb 23 2019

Class
Legal Notices

Page

Victoria Bond A/K Clerk
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 1st Day of March A.D. 2019



Charles E. Walichowski
Notary Public in and for the State of Texas

Reach
more
homeowners
who need
help with
their lawns

OUR LANDSCAPING
YESTERDAY

Make it Legal.

For more information regarding placing a
legal advertisement...

Call 855-722-3900

Place your ad online at legals@hcnonline.com



A Division of the Houston Chronicle

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 86th Legislature of Texas a bill creating and establishing a special district in the extraterritorial jurisdiction of the City of Conroe, Montgomery County, under the provisions of Article XVI, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, with road powers pursuant to Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. The proposed boundaries of the district will include all or part of the following land situated in Montgomery County, Texas:

A description of a 652 acre tract of land, located in the Alfonso Steel Survey, Abstract 477 the John Bricker Survey, Abstract 98, the Gowan Harris Survey, Abstract 246, and the Lemuel Smith Survey, Abstract 502, in Montgomery County, Texas; out of the 1835.060 acre tract of land referenced as Tract III, Parcel 2, and out of the 191.470 acre tract of land referenced as Tract II, Parcel 1 and out of the 105.594 acre tract of land referenced as Tract 2, Parcel 4 described in the deed recorded under Document Number 2018042236 of the Official Public Records of Montgomery County, Texas and more particularly described as follows:

BEGINNING at the south corner of said John Bricker Survey, common to the east corner of said Gowan Harris Survey and the south corner of said Tract 2, Parcel 4;

THENCE North 30° 26' 13" West - 3138.61, along the west line of said Tract 2, Parcel 4, partially along the southwest line of said John Bricker Survey, common to the northeast line of said Gowan Harris Survey, to the intersection of said common line and the north right-of-way line of State Highway 242 (Lazy River Road), and the south line of aforesaid Tract II, Parcel 2, and the south line of aforesaid Tract 2, Parcel 1, common to the point of non-tangent curve to the right;

THENCE along said north right-of-way line, and along said south line of said Tract III, Parcel 2, along said curve to the right, 60.70', with a radius of 2565.25', a central angle of 01° 21' 21", and a chord bearing and distance of North 73° 32' 31" West - 60.70', to the end of curve;

THENCE continuing along said north right-of-way line, common to the south line of said Tract 3, Parcel 2, the following twenty (20) courses and distances:

North 72° 50' 00" West - 1063.30';
North 69° 00' 59" West - 299.06';
North 72° 47' 05" West - 101.02';
North 78° 40' 07" West - 99.47';
North 72° 47' 17" West - 201.25';
North 71° 52' 08" West - 299.75';
North 72° 59' 03" West - 100.41';
North 75° 32' 57" West - 99.82';
North 73° 01' 36" West - 511.85';
North 72° 53' 37" West - 586.90';
North 78° 36' 15" West - 100.50';
North 72° 53' 37" West - 314.28' to a point on a curve to the left;

262.81', along said curve to the left, with a radius of 2954.79', a central angle of 05° 05' 46", and a chord bearing and distance of North 75° 26' 30" West - 262.72' to the end of curve;

North 75° 22' 06" West - 525.80';
South 81° 54' 27" West - 733.46';
South 76° 44' 39" West - 418.29';
South 69° 22' 36" West - 409.05';
South 66° 28' 20" West - 300.00';
South 63° 36' 35" West - 300.37';
South 66° 28' 20" West - 799.40', to the intersection of aforesaid north right-of-

way line and the west line of an electric transmission corridor, in the south line of aforesaid Tract 3, Parcel 2;

THENCE North 52° 44' 18" West - 2544.15', along said electric transmission corridor, to a point for corner;

THENCE North 43° 44' 05" West - 4153.21', continuing along said electric transmission corridor, to the intersection of said west corridor line and the northwest line of aforesaid Tract III, Parcel 2;

THENCE North 59° 01' 30" East - 3444.33', along said northwest line, to the west corner of the 37.61 acre tract described as "First" tract in the partition deed recorded under Volume 583, Page 609, of the Deed Records of Montgomery County, Texas;

THENCE South 30° 15' 23" East - 1567.16', continuing along the northeast line of aforesaid Tract III, Parcel 2, along the southwest line of said "First" tract, and the southwest line of the 37.61 acre tract described as "Second" tract in the partition deed recorded under Volume 583, Page 609, of the Deed Records of Montgomery County, Texas, to the south corner of said "Second" tract;

THENCE North 58° 50' 47" East - 1372.93', continuing along the northwest line of said Tract III, Parcel 2, along the southeast line of said "Second" tract, to a point for corner in said southeast line of said "Second" tract;

THENCE South 30° 26' 27" East - 2772.87', to a point for corner;

THENCE South 59° 25' 43" West - 1902.10' to a point for corner;

THENCE South 15° 49' 15" East - 1921.98' to a point which is located three hundred feet north of the north right-of-way of aforesaid State Highway 242;

THENCE along a line, three-hundred feet (300') north of parallel with said north right-of-way line, the following twenty-two (22) courses and distances:

North 66° 28' 20" East - 320.29';
North 63° 36' 35" East - 300.37';
North 66° 28' 20" East - 315.10';
North 69° 22' 36" East - 435.97';
North 76° 44' 39" East - 451.13';
North 81° 54' 27" East - 807.27';
South 75° 22' 06" East - 579.39' to the beginning of a curve to the right;

282.45', along said curve to the right, with a radius of 3254.79', a central angle of 04° 58' 20", and a chord bearing and distance of South 75° 22' 47" East - 282.37' to the end of curve;

South 72° 53' 37" East - 299.32';
South 78° 36' 15" East - 100.50';
South 72° 53' 37" East - 601.51';
South 73° 01' 36" East - 504.90';
South 75° 32' 57" East - 99.73';
South 72° 59' 03" East - 110.05';
South 71° 52' 08" East - 300.26';
South 72° 47' 17" East - 183.43';
South 78° 40' 07" East - 99.48';
South 72° 47' 05" East - 126.31';
South 69° 00' 59" East - 298.93';
South 72° 50' 13" East - 1053.14' to the beginning of a tangent curve to the left;

1655.03', along said curve to the left, with a radius of 2565.25', a central angle of 36° 57' 57", and a chord bearing and distance of North 88° 37' 40" East - 1626.48' to the end of curve;

North 70° 12' 35" East - 881.55';

THENCE North 67° 55' 52" East - 25.80', to the intersection of said three hundred foot offset and the west right-of-way line of FM 1314 (Conroe Porter Road), and the east line of aforesaid Tract 2, Parcel 1;

THENCE North 11° 00' 27" West - 587.98', continuing along said west right-of-way line

of FM 1314 (Conroe Porter Road), and the east line of aforesaid Tract 2, Parcel 1, to a point for corner;
 THENCE North 12° 31' 04" West - 2420.93', continuing along said common line, and the east line of aforesaid Tract III, Parcel 2 to a point for corner;
 THENCE North 12° 33' 22" West - 34.69', continuing along aforesaid west right-of-way line of FM 1314 (Conroe Porter Road) and the east line of aforesaid Tract III, Parcel 2, to the beginning of a tangent curve to the left;
 THENCE, 1150.34', continuing along said common line, along said curve to the left, having a radius of 1859.86', a central angle of 35° 26' 17", and a chord bearing and distance of North 30° 18' 14" West - 1132.09' to the end of curve;
 THENCE North 48° 01' 22" West - 2965.58', continuing along said common line, to the intersection of said common line and the northwest line of aforesaid Alfonzo Steel Survey;
 THENCE North 58° 58' 24" East - 105.84', along the northwest line of said Alfonzo Steel Survey, to the intersection of said northwest line and the east right-of-way line of aforesaid FM 1314 (Conroe Porter Road), the northwest corner of the 273.466 acre tract of land referenced as Tract III, Parcel 1 described in the deed recorded under Document Number 2018042236 of the Official Public Records of Montgomery County, Texas;
 THENCE South 48° 01' 22" East - 2935.99', continuing along said east right-of-way line, and the west line of Tract III, Parcel 1, to the beginning of a curve to the right;
 THENCE, 1212.28', continuing along said common line, along said curve to the right, with a radius of 1959.86', a central angle of 35° 26' 24", and a chord bearing and distance of South 30° 16' 34" East - 1193.03' to the end of curve;
 THENCE South 12° 33' 22" East - 1.21, continuing along said common line, to a point for corner;
 THENCE South 12° 01' 58" East - 2102.94', continuing along said east right-of-way line, and west line of the Tract III, Parcel 1 and the west line of a 195.961 acre tract of land referenced as Tract 2, Parcel 2 described in the deed recorded under Document Number 2018042236 of the Official Public Records of Montgomery County, Texas; to a point for corner;
 THENCE South 13° 30' 38" East - 995.85', continuing along said east right-of-way line, and said west line of Tract 2, Parcel 2, to a point for corner;
 THENCE South 23° 14' 55" East - 200.33', continuing along said common line, to the intersection of said common line and the north right-of-way line of State Highway 242;
 THENCE South 16° 50' 19" East - 538.64', continuing along aforesaid east right-of-way line, to a point for corner at the intersection of said east right-of-way line and the south right-of-way line of said State Highway 242, the northwest corner of a 90.860 acre tract of land referenced as Tract 2, Parcel 3 described in the deed recorded under Document Number 2018042236 of the Official Public Records of Montgomery County, Texas;
 THENCE South 19° 50' 32" East - 241.38', continuing along said east right-of-way line, and the west line of said Tract 2, Parcel 3, to a point for corner;
 THENCE South 22° 10' 36" East - 597.39', continuing along said common line, to a point for corner;
 THENCE South 24° 51' 16" East - 778.41', continuing along said common line, to the intersection of said common line and the southeast line of aforesaid John Bricker Survey;
 THENCE South 60° 50' 57" West - 89.83', along said southeast line of the John Bricker Survey, to the southeast corner of aforesaid Tract 2, Parcel 4;
 THENCE South 59° 09' 24" West - 2139.18', along the southeast line of said Tract 2, Parcel 4 and said southeast line of the John Bricker Survey, to the POINT OF BEGINNING, and containing 652 acres, more or less.