H.B. No. 1697

AN ACT

relating to the creation of the Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas; 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 8052 to read as follows:

CHAPTER 8052.  WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 4 OF MONTGOMERY COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8052.0101.  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 Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas.

Sec. 8052.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8052.0103.  CONFIRMATION AND DIRECTOR 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.

Sec. 8052.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8052.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8052.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b)  The district is created to accomplish the purposes of:

(1)  a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2)  Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8052.0106.  INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b)  The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1)  organization, existence, or validity;

(2)  right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8052.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8052.0202, directors serve staggered four-year terms.

Sec. 8052.0202.  TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8052.0103; or

(2)  the fourth anniversary of the effective date of the Act enacting this chapter.

(c)  If permanent directors have not been elected under Section 8052.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 8052.0103; or

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

(d)  If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8052.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8052.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8052.0303.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8052.0304.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 8052.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8052.0306.  DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1)  has no outstanding bonded debt; and

(2)  is not imposing ad valorem taxes.

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

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

(d)  The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 8052.0103 to confirm the district's creation.

(f)  An order dividing the district shall:

(1)  name each new district;

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

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

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

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

(h)  Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8052.0103.

(i)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8052.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(j)  Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8052.0401.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 8052.0403.

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

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

Sec. 8052.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8052.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8052.0403.  CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8052.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8052.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8052.0503.  BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2.  The Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas initially includes all the territory contained in the following area:

TRACT 1 - 505.83 ACRES:

Being a 505.83-acre tract of land, located in the Andrew J. Hensley, Abstract No. 255 and the J.D. Cochran Survey, A-123 in Montgomery County, Texas; said 505.83-acre tract being out of a called 2,253.2253-acre tract of land conveyed to Terra Investments, LP in Clerk's File Number 2004023496 of the Official Public Records of Real Property of Montgomery County Texas (O.P.R.R.P.M.C.T.); said 505.83 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the north line of said 2,253.2253-acre tract):

Beginning at the northwest corner of a called 34.6647-acre tract of land recorded in Clerk's File Number 2018021947 of the O.P.R.R.P.M.C.T., same being on the northwest line of said called 2,253.2253-acre tract;

Thence, with the northwest line of said called 2,253.2253-acre tract, the following three (3) courses:

1.  North 43 degrees 05 minutes 06 seconds East, a distance of 63.12 feet;

2.  North 41 degrees 30 minutes 39 seconds East, a distance of 1,876.15 feet;

3.  North 41 degrees 50 minutes 49 seconds East, a distance of 3,343.49 feet to the most northerly corner of aforesaid called 2,253.2253-acre tract;

4.  Thence, with the northeast line of said called 2,253.2253-acre tract, South 47 degrees 49 minutes 11 seconds East, a distance of 3,142.99 feet;

5.  Thence, with an interior northeasterly line, South 41 degrees 26 minutes 02 seconds West, a distance of 317.57 feet to the centerline of Mills Creek;

Thence, with the meanders of the centerline of said Mills Creek, the following twelve (12) courses:

6.  South 40 degrees 14 minutes 25 seconds East, a distance of 3.45 feet;

7.  South 58 degrees 25 minutes 02 seconds East, a distance of 201.92 feet;

8.  South 73 degrees 09 minutes 05 seconds East, a distance of 115.58 feet;

9.  North 74 degrees 20 minutes 37 seconds East, a distance of 46.27 feet;

10.  North 73 degrees 47 minutes 22 seconds East, a distance of 166.85 feet;

11.  North 17 degrees 09 minutes 37 seconds East, a distance of 45.08 feet;

12.  North 26 degrees 27 minutes 19 seconds East, a distance of 23.35 feet;

13.  North 82 degrees 53 minutes 07 seconds East, a distance of 26.89 feet;

14.  South 84 degrees 07 minutes 38 seconds East, a distance of 30.93 feet;

15.  South 55 degrees 11 minutes 42 seconds East, a distance of 34.75 feet;

16.  South 15 degrees 00 minutes 28 seconds East, a distance of 61.82 feet;

17.  South 58 degrees 09 minutes 25 seconds East, a distance of 25.03 feet to a northerly corner of a called 1295.994-acre tract of land (Tract B) recorded in Clerk's File Number 99074137 of the O.P.R.R.P.M.C.T.;

Thence, with the northwest line of said called 1295.994-acre tract, the following eight (8) courses:

18.  South 41 degrees 15 minutes 36 seconds West, a distance of 462.62 feet;

19.  South 41 degrees 34 minutes 29 seconds West, a distance of 189.21 feet;

20.  South 41 degrees 16 minutes 52 seconds West, a distance of 919.78 feet;

21.  South 41 degrees 02 minutes 20 seconds West, a distance of 705.64 feet;

22.  South 42 degrees 48 minutes 40 seconds West, a distance of 1,020.09 feet;

23.  South 44 degrees 10 minutes 27 seconds West, a distance of 494.99 feet;

24.  South 44 degrees 52 minutes 56 seconds West, a distance of 1,038.47 feet;

25.  South 44 degrees 34 minutes 39 seconds West, a distance of 736.16 feet to the northerly northwest corner of aforesaid called 1295.994-acre tract, same being on an interior southwesterly line of aforesaid called 2,253.2253-acre tract;

Thence, with a southerly interior line of said called 2,253.2253-acre tract, the following three (3) courses:

26.  North 47 degrees 37 minutes 18 seconds West, a distance of 408.29 feet;

27.  South 41 degrees 26 minutes 02 seconds West, a distance of 257.19 feet;

28.  South 41 degrees 39 minutes 25 seconds West, a distance of 1,370.07 feet to the east corner of aforesaid called 34.6647-acre tract;

Thence, with the northeast line of said called 34.6647-acre tract, the following seven (7) courses:

29.  803.07 feet along the arc of a curve to the right, said curve having a central angle of 08 degrees 19 minutes 16 seconds, a radius of 5,529.58 feet and a chord that bears North 14 degrees 15 minutes 32 seconds West, a distance of 802.36 feet;

30.  North 10 degrees 05 minutes 54 seconds West, a distance of 516.07 feet;

31.  North 10 degrees 05 minutes 54 seconds West, a distance of 300.00 feet;

32.  North 10 degrees 05 minutes 54 seconds West, a distance of 415.32 feet;

33.  1,374.38 feet along the arc of a curve to the left, said curve having a central angle of 25 degrees 41 minutes 38 seconds, a radius of 3,064.79 feet and a chord that bears North 22 degrees 56 minutes 43 seconds West, a distance of 1,362.89 feet;

34.  North 07 degrees 44 minutes 45 seconds West, a distance of 123.56 feet;

35.  219.14 feet (called 214.12 feet) along the arc of a curve to the left, said curve having a central angle of 04 degrees 01 minutes 06 seconds, a radius of 3,124.79 feet and a chord that bears North 39 degrees 48 minutes 05 seconds West, a distance of 219.10 feet to the Point of Beginning and containing 505.83 acres of land.

TRACT 2 - 344.04 ACRES:

Being a 344.04-acre tract of land, located in the J.D. Cochran Survey, A-123 in Montgomery County, Texas; said 344.04-acre tract being out of a called 1295.994-acre tract of land conveyed to Primewood Investments, LP in Clerk's File Number 99074137 of the Official Public Records of Real Property of Montgomery County Texas (O.P.R.R.P.M.C.T.); said 344.04-acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the northwest line of said called 1295.994-acre tract):

Beginning at a 5/8-inch iron rod (bent)found for a westerly corner of said called 1295.994-acre tract, same being on the southwesterly line of said J.D. Cochran Survey;

1.  Thence, with the southwest line of said called 1295.994-acre tract, North 22 degrees 08 minutes 07 seconds East, a distance of 273.34 feet to an axle found;

2.  Thence, continuing with said southwest line, North 47 degrees 37 minutes 18 seconds West, a distance of 85.96 feet to the south corner of a called 4.080-acre tract of land recorded in Clerk's File Number 2008111916 of the O.P.R.R.P.M.C.T.;

Thence, with the southeast, northeast and northwest lines of said 4.080-acre tract common with a southerly interior line of said called 1295.994-acre tract, the following three (3) courses:

3.  North 44 degrees 38 minutes 41 seconds East, a distance of 485.30 feet;

4.  North 49 degrees 09 minutes 03 seconds West, a distance of 370.80 feet;

5.  South 44 degrees 38 minutes 42 seconds West, a distance of 475.40 feet to the west corner of aforesaid called 4.080-acre tract and exterior corner of aforesaid 1295.994 acre tract;

6.  Thence, continuing with the southwest line of said called 1295.994-acre tract, North 47 degrees 37 minutes 18 seconds West, a distance of 25.00 feet;

7.  Thence, with the northwest line of said called 1295.994-acre tract, North 44 degrees 34 minutes 39 seconds East, a distance of 736.16 feet;

8.  Thence, continuing with the northwest line of said called 1295.994-acre tract, North 44 degrees 52 minutes 56 seconds East, a distance of 808.31 feet;

Thence, through said called 1295.994-acre tract, the following seven (7) courses:

9.  1,450.72 feet along the arc of a curve to the right, said curve having a central angle of 10 degrees 23 minutes 24 seconds, a radius of 8,000.00 feet and a chord that bears South 82 degrees 21 minutes 13 seconds East, a distance of 1,448.73 feet;

10.  South 77 degrees 09 minutes 31 seconds East, a distance of 335.90 feet;

11.  1,858.47 feet along the arc of a curve to the left, said curve having a central angle of 13 degrees 18 minutes 37 seconds, a radius of 8,000.00 feet and a chord that bears South 83 degrees 48 minutes 49 seconds East, a distance of 1,854.29 feet;

12.  South 00 degrees 28 minutes 20 seconds East, a distance of 3,754.11 feet;

13.  1,342.91 feet along the arc of a curve to the right, said curve having a central angle of 19 degrees 14 minutes 09 seconds, a radius of 4,000.00 feet and a chord that bears South 09 degrees 08 minutes 44 seconds West, a distance of 1,336.62 feet;

14.  North 47 degrees 50 minutes 58 seconds West, a distance of 492.91 feet;

15.  North 47 degrees 50 minutes 58 seconds West, a distance of 2,930.27 feet to a westerly interior corner of aforesaid called 1295.994-acre tract;

16.  Thence, with the southwest line of said called 1295.944-acre tract, North 47 degrees 39 minutes 46 seconds West, a distance of 2,329.59 feet to the Point of Beginning and containing 344.04 acres of land.

TRACT 3 - 602.53 ACRES:

Being a 209.21-acre tract of land (Tract A) and a 393.32-acre tract of land (Tract B), both located in the J.D. Cochran Survey, A-123 in Montgomery County, Texas; said 209.21-acre tract being out of a called 1295.994-acre tract of land conveyed to Primewood Investments, LP in Clerk's File Number 99074137 and said 393.32-acre tract being out of a called 2,253.2253-acre tract of land conveyed to Terra Investments, LP in Clerk's File Number 2004023496, both of the Official Public Records of Real Property of Montgomery County Texas (O.P.R.R.P.M.C.T.); said tracts being more particularly described by metes and bounds as follows (all bearings are referenced to the northwest line of said called 1295.994-acre tract):

TRACT A - 209.21 ACRES:

Beginning at a 3-inch iron pipe found for the north corner of a called 38.52-acre tract of land recorded in Clerk's File Number 9471668 of the O.P.R.R.P.M.C.T. and a northeasterly corner of said called 1295.994, same being the north corner of a called 43.0969-acre tract (Ninth Tract) and on the southwesterly line of a called 26.3229- acre tract of land (Tenth Tract) both described in Clerk's File Number 2004023496 of the O.P.R.R.P.M.C.T.;

Thence, with the common line of said called 1295.994-acre tract and said called 38.52-acre tract, the following five (5) courses:

1.  South 41 degrees 42 minutes 29 seconds West, a distance of 1,630.66 feet to a concrete monument found;

2.  South 47 degrees 58 minutes 31 seconds East, a distance of 1,233.64 feet to a concrete monument found;

3.  North 42 degrees 11 minutes 59 seconds East, a distance of 587.70 feet;

4.  South 24 degrees 12 minutes 25 seconds East, a distance of 500.00 feet;

5.  North 42 degrees 12 minutes 04 seconds East, a distance of 439.67 feet to the east corner of aforesaid called 43.0969-acre tract, same being on the common line of aforesaid called 26.3229-acre tract and aforesaid called 1295.994-acre tract;

6.  Thence, with said common line, South 24 degrees 12 minutes 25 seconds East, a distance of 938.29 feet;

Thence, through said called 1295.994-acre tract, the following six (6) courses:

7.  1,679.81 feet along the arc of a curve to the right, said curve having a central angle of 12 degrees 01 minutes 51 seconds, a radius of 8,000.00 feet and a chord that bears South 83 degrees 30 minutes 57 seconds West, a distance of 1,676.73 feet;

8.  North 00 degrees 28 minutes 21 seconds West, a distance of 1.74 feet;

9.  South 00 degrees 28 minutes 21 seconds East, a distance of 1.74 feet;

10.  1,858.47 feet along the arc of a curve to the right, said curve having a central angle of 13 degrees 18 minutes 37 seconds, a radius of 8,000.00 feet and a chord that bears North 83 degrees 48 minutes 49 seconds West, a distance of 1,854.29 feet;

11.  North 77 degrees 09 minutes 31 seconds West, a distance of 335.90 feet;

12.  1,450.73 feet along the arc of a curve to the left, said curve having a central angle of 10 degrees 23 minutes 24 seconds, a radius of 8,000.00 feet and a chord that bears North 82 degrees 21 minutes 13 seconds West, a distance of 1,448.74 feet to the northwest line of aforesaid called 1295.994-acre tract;

Thence, with said northwest line, the following seven (7) courses:

13.  North 44 degrees 53 minutes 03 seconds East, a distance of 230.17 feet;

14.  North 44 degrees 10 minutes 27 seconds East, a distance of 494.99 feet;

15.  North 42 degrees 48 minutes 40 seconds East, a distance of 1,020.09 feet;

16.  North 41 degrees 02 minutes 20 seconds East, a distance of 705.64 feet;

17.  North 41 degrees 16 minutes 52 seconds East, a distance of 919.78 feet;

18.  North 41 degrees 34 minutes 29 seconds East, a distance of 189.21 feet;

19.  North 41 degrees 15 minutes 36 seconds East, a distance of 462.69 feet to the center line of Mills Creek, same being a northwesterly corner of said called 1295.994-acre tract;

Thence, with the meanders of the centerline of said Mills Creek and the north line of said called 1295.994-acre tract, the following thirty-one (31) courses:

20.  South 58 degrees 09 minutes 25 seconds East, a distance of 18.91 feet;

21.  North 75 degrees 25 minutes 05 seconds East, a distance of 44.23 feet;

22.  North 76 degrees 29 minutes 06 seconds East, a distance of 46.94 feet;

23.  South 80 degrees 42 minutes 55 seconds East, a distance of 64.72 feet;

24.  South 86 degrees 50 minutes 45 seconds East, a distance of 60.53 feet;

25.  North 36 degrees 39 minutes 15 seconds East, a distance of 73.15 feet;

26.  North 18 degrees 33 minutes 02 seconds West, a distance of 57.31 feet;

27.  North 18 degrees 45 minutes 50 seconds East, a distance of 83.26 feet;

28.  North 27 degrees 55 minutes 55 seconds East, a distance of 34.76 feet;

29.  South 85 degrees 18 minutes 17 seconds East, a distance of 34.54 feet;

30.  South 29 degrees 46 minutes 38 seconds East, a distance of 30.04 feet;

31.  South 17 degrees 21 minutes 13 seconds East, a distance of 55.65 feet;

32.  South 02 degrees 17 minutes 41 seconds West, a distance of 19.33 feet;

33.  South 25 degrees 27 minutes 35 seconds West, a distance of 31.69 feet;

34.  South 36 degrees 58 minutes 17 seconds East, a distance of 29.30 feet;

35.  North 66 degrees 24 minutes 25 seconds East, a distance of 27.50 feet;

36.  North 30 degrees 38 minutes 53 seconds East, a distance of 68.33 feet;

37.  North 66 degrees 53 minutes 07 seconds East, a distance of 42.01 feet;

38.  South 69 degrees 35 minutes 09 seconds East, a distance of 51.93 feet;

39.  South 83 degrees 58 minutes 20 seconds East, a distance of 33.40 feet;

40.  South 57 degrees 01 minutes 02 seconds East, a distance of 20.46 feet;

41.  South 55 degrees 56 minutes 01 seconds East, a distance of 45.88 feet;

42.  South 52 degrees 24 minutes 02 seconds East, a distance of 35.24 feet;

43.  North 85 degrees 55 minutes 25 seconds East, a distance of 35.59 feet;

44.  North 73 degrees 28 minutes 31 seconds East, a distance of 45.24 feet;

45.  North 53 degrees 54 minutes 24 seconds East, a distance of 41.78 feet;

46.  North 15 degrees 19 minutes 11 seconds West, a distance of 36.63 feet;

47.  North 39 degrees 16 minutes 38 seconds West, a distance of 61.69 feet;

48.  North 22 degrees 42 minutes 12 seconds West, a distance of 26.40 feet;

49.  North 71 degrees 43 minutes 49 seconds East, a distance of 98.69 feet;

50.  South 83 degrees 02 minutes 24 seconds East, a distance of 172.00 feet to the northwest corner of aforesaid called 26.3229-acre tract;

Thence, with the southwest line of said called 26.3229-acre tract and the northeast line of aforesaid called 1295.994-acre tract, the following three (3) courses:

51.  South 24 degrees 12 minutes 25 seconds East, a distance of 750.22 feet;

52.  North 65 degrees 47 minutes 35 seconds East, a distance of 100.00 feet;

53.  South 24 degrees 12 minutes 25 seconds East, a distance of 275.57 feet to the Point of Beginning and containing 209.21 acres of land.

TRACT B - 393.32 ACRES:

Beginning at a 5/8-inch iron rod found for the most easterly corner of the aforesaid Tenth Tract and the most southerly corner of a called 23.686-acre Houston Lighting and Power Company easement recorded in Clerk's File number 8316278 of the O.P.R.R.P.M.C.T., same being on the southeasterly line of aforesaid called 2,253.2253-acre tract and the northwesterly line of Decker Woods, a subdivision recorded in Cabinet C, Sheets 109 A and B of the Montgomery County Plat Records (M.C.P.R.)

Thence, with the common line of said Tenth Tract and said called 23.686-acre tract, the following fifteen (15) courses:

1.  North 24 degrees 12 minutes 25 seconds West, a distance of 863.48 feet to a 1/2-iron rod found;

2.  North 65 degrees 47 minutes 35 seconds East, a distance of 50.00 feet to a 1/2-iron rod found;

3.  North 24 degrees 12 minutes 25 seconds West, a distance of 1,700.00 feet;

4.  South 65 degrees 47 minutes 35 seconds West, a distance of 50.00 feet;

5.  North 24 degrees 12 minutes 25 seconds West, a distance of 1,001.00 feet;

6.  North 65 degrees 47 minutes 35 seconds East, a distance of 50.00 feet;

7.  North 24 degrees 12 minutes 25 seconds West, a distance of 1,501.00 feet;

8.  South 65 degrees 47 minutes 35 seconds West, a distance of 50.00 feet;

9.  North 24 degrees 12 minutes 25 seconds West, a distance of 1,000.00 feet;

10.  North 65 degrees 47 minutes 35 seconds East, a distance of 25.00 feet;

11.  North 24 degrees 12 minutes 25 seconds West, a distance of 300.00 feet;

12.  South 65 degrees 47 minutes 35 seconds West, a distance of 25.00 feet;

13.  North 24 degrees 12 minutes 25 seconds West, a distance of 400.00 feet;

14.  North 65 degrees 47 minutes 35 seconds East, a distance of 100.00 feet to 5/8-inch iron rod (bent) found;

15.  North 24 degrees 12 minutes 25 seconds West, a distance of 261.27 feet to the most easterly northeast corner of aforesaid Tenth Tract and the most northerly northwest corner of aforesaid called 23.686-acre tract, same being on the north line of aforesaid called 2,253.2253-acre tract in the centerline of Mill Creek;

Thence, with the north line of said called 2,253.2253-acre tract common with the meanders of the centerline of said Mill Creek, the following forty-three (43) courses;

16.  North 86 degrees 04 minutes 11 seconds East, a distance of 16.99 feet;

17.  North 65 degrees 03 minutes 06 seconds East, a distance of 35.22 feet;

18.  North 28 degrees 51 minutes 31 seconds East, a distance of 24.61 feet;

19.  North 38 degrees 48 minutes 42 seconds East, a distance of 22.80 feet;

20.  North 55 degrees 36 minutes 13 seconds East, a distance of 32.36 feet;

21.  North 78 degrees 50 minutes 25 seconds East, a distance of 74.30 feet;

22.  North 50 degrees 08 minutes 54 seconds East, a distance of 28.09 feet;

23.  North 26 degrees 11 minutes 13 seconds East, a distance of 22.71 feet;

24.  North 19 degrees 28 minutes 17 seconds East, a distance of 26.11 feet;

25.  North 14 degrees 06 minutes 25 seconds West, a distance of 20.13 feet;

26.  North 42 degrees 38 minutes 46 seconds West, a distance of 43.42 feet;

27.  North 12 degrees 00 minutes 05 seconds West, a distance of 113.03 feet;

28.  North 39 degrees 02 minutes 17 seconds East, a distance of 34.22 feet;

29.  South 69 degrees 43 minutes 50 seconds East, a distance of 27.69 feet;

30.  South 30 degrees 14 minutes 18 seconds East, a distance of 56.66 feet;

31.  North 36 degrees 24 minutes 53 seconds East, a distance of 29.94 feet;

32.  North 44 degrees 53 minutes 54 seconds East, a distance of 37.03 feet;

33.  North 03 degrees 15 minutes 42 seconds West, a distance of 51.37 feet;

34.  North 49 degrees 56 minutes 32 seconds East, a distance of 29.20 feet;

35.  South 82 degrees 03 minutes 05 seconds East, a distance of 102.24 feet;

36.  North 14 degrees 15 minutes 56 seconds East, a distance of 47.43 feet;

37.  North 70 degrees 36 minutes 01 seconds East, a distance of 52.42 feet;

38.  North 61 degrees 12 minutes 25 seconds East, a distance of 104.30 feet;

39.  North 20 degrees 17 minutes 28 seconds West, a distance of 166.23 feet;

40.  North 62 degrees 49 minutes 54 seconds West, a distance of 40.61 feet;

41.  North 32 degrees 41 minutes 01 seconds East, a distance of 40.55 feet;

42.  North 60 degrees 40 minutes 18 seconds West, a distance of 46.50 feet;

43.  North 30 degrees 09 minutes 24 seconds East, a distance of 37.94 feet;

44.  North 43 degrees 46 minutes 37 seconds West, a distance of 42.24 feet;

45.  North 45 degrees 55 minutes 50 seconds East, a distance of 37.07 feet;

46.  North 08 degrees 17 minutes 58 seconds East, a distance of 142.81 feet;

47.  North 33 degrees 29 minutes 34 seconds East, a distance of 100.25 feet;

48.  North 64 degrees 02 minutes 14 seconds West, a distance of 59.00 feet;

49.  North 71 degrees 17 minutes 47 seconds East, a distance of 133.57 feet;

50.  North 64 degrees 02 minutes 14 seconds West, a distance of 100.00 feet;

51.  North 68 degrees 32 minutes 18 seconds East, a distance of 140.42 feet;

52.  North 64 degrees 02 minutes 14 seconds West, a distance of 104.80 feet;

53.  North 72 degrees 14 minutes 34 seconds East, a distance of 151.92 feet;

54.  North 07 degrees 44 minutes 37 seconds East, a distance of 67.17 feet;

55.  North 57 degrees 14 minutes 54 seconds West, a distance of 42.30 feet;

56.  North 12 degrees 46 minutes 20 seconds East, a distance of 26.29 feet;

57.  North 13 degrees 07 minutes 58 seconds East, a distance of 99.07 feet;

58.  North 26 degrees 58 minutes 13 seconds East, a distance of 44.75 feet (called 45.08 feet) to a northerly corner of aforesaid called 2,253.2253-acre tract, same being the common line of aforesaid J.D. Cochran Survey and the J.H. Smith Survey, A-553;

59.  Thence, with the northeast line of said called 2,253.2253-acre tract, same being the common line of said J.D. Cochran Survey and J.H. Smith Survey, South 47 degrees 56 minutes 17 seconds East, a distance of 2,140.08 feet (called 2140.82 feet) to an angle iron found for the north corner of a called 55-acre tract recorded in Volume 189, Page 286 of the Montgomery County Deed Records;

60.  Thence, with the north line of said called 55-acre tract and a southerly interior line of said called 2,253.2253-acre tract, South 42 degrees 29 minutes 43 seconds West, a distance of 1,756.17 feet (called 1727.49) to the west corner of said called 55-acre tract, same being the centerline of aforesaid Mills Creek;

Thence, with the meanders of the centerline of said Mills Creek and an interior line of said called 2,253.2253-acre tract, the following thirty-six (36) courses

61.  South 64 degrees 41 minutes 47 seconds East, a distance of 2.74 feet;

62.  South 21 degrees 48 minutes 18 seconds East, a distance of 52.81 feet;

63.  South 64 degrees 41 minutes 36 seconds East, a distance of 54.96 feet;

64.  South 83 degrees 18 minutes 32 seconds East, a distance of 61.10 feet;

65.  South 54 degrees 20 minutes 49 seconds East, a distance of 27.20 feet;

66.  South 11 degrees 07 minutes 49 seconds East, a distance of 113.60 feet;

67.  South 27 degrees 09 minutes 49 seconds East, a distance of 45.71 feet;

68.  South 07 degrees 58 minutes 28 seconds East, a distance of 42.29 feet;

69.  South 17 degrees 45 minutes 44 seconds East, a distance of 32.30 feet;

70.  South 21 degrees 41 minutes 48 seconds East, a distance of 61.06 feet;

71.  South 44 degrees 44 minutes 07 seconds East, a distance of 56.04 feet;

72.  South 34 degrees 40 minutes 32 seconds East, a distance of 30.79 feet;

73.  South 55 degrees 36 minutes 46 seconds East, a distance of 90.41 feet;

74.  South 73 degrees 54 minutes 21 seconds East, a distance of 118.49 feet;

75.  South 85 degrees 59 minutes 57 seconds East, a distance of 83.51 feet;

76.  North 84 degrees 57 minutes 13 seconds East, a distance of 116.43 feet;

77.  North 57 degrees 37 minutes 43 seconds East, a distance of 140.93 feet;

78.  South 57 degrees 05 minutes 09 seconds East, a distance of 84.24 feet;

79.  South 17 degrees 30 minutes 52 seconds West, a distance of 51.67 feet;

80.  South 04 degrees 55 minutes 00 seconds East, a distance of 10.08 feet;

81.  South 31 degrees 47 minutes 41 seconds East, a distance of 55.23 feet;

82.  North 89 degrees 15 minutes 06 seconds East, a distance of 224.42 feet;

83.  South 48 degrees 47 minutes 25 seconds East, a distance of 107.54 feet;

84.  North 74 degrees 55 minutes 17 seconds East, a distance of 61.27 feet;

85.  South 78 degrees 55 minutes 54 seconds East, a distance of 121.00 feet;

86.  North 71 degrees 52 minutes 15 seconds East, a distance of 77.90 feet;

87.  North 49 degrees 58 minutes 05 seconds East, a distance of 278.38 feet;

88.  North 26 degrees 38 minutes 59 seconds East, a distance of 43.39 feet;

89.  North 09 degrees 39 minutes 19 seconds East, a distance of 135.91 feet;

90.  North 73 degrees 14 minutes 43 seconds East, a distance of 110.43 feet;

91.  North 72 degrees 44 minutes 00 seconds East, a distance of 130.57 feet;

92.  South 61 degrees 47 minutes 52 seconds East, a distance of 31.32 feet;

93.  South 14 degrees 45 minutes 20 seconds East, a distance of 47.51 feet;

94.  South 37 degrees 46 minutes 20 seconds East, a distance of 70.58 feet;

95.  South 79 degrees 12 minutes 47 seconds East, a distance of 37.44 feet;

96.  South 47 degrees 23 minutes 10 seconds East, a distance of 6.47 feet to the most easterly south corner of a called 44.3605-acre tract recorded in Clerk's File Number 9342675 of the O.P.R.R.P.M.C.T.;

97.  Thence, with the common line of said called 44.3605-acre tract and said called 2,253.2253-acre tract, North 42 degrees 36 minutes 51 seconds East, at 25.66 feet pass a 1-inch pipe found, continuing a total a distance of 557.63 feet to a northeasterly exterior corner of said called 2,253.2253-acre tract;

98.  Thence, with the northeast line of said 2,253.2253-acre tract, South 47 degrees 32 minutes 00 seconds East, a distance of 2,965.39 feet (called 2965.05 feet) to the east corner of said called 2,253.2253-acre tract;

99.  Thence, with the southeast line of said called 2,253.2253-acre tract, South 41 degrees 31 minutes 41 seconds West, a distance of 3,998.52 feet to a 4" X 4" concrete monument found;

100.  Thence, continuing with said southeast line, South 41 degrees 31 minutes 03 seconds West, a distance of 446.14 feet (called S41°32'47"W, 446.10') to the Point of Beginning and containing 393.32 acres of land.

TRACT 4 - 306.03 ACRES:

Being a 306.03-acre tract of land, located in the J.D. Cochran Survey, A-123 in Montgomery County, Texas; said 306.03-acre tract being out of a called 1295.994-acre tract of land conveyed to Primewood Investments, LP in Clerk's File Number 99074137 of the Official Public Records of Real Property of Montgomery County Texas (O.P.R.R.P.M.C.T.); said 306.03-acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the northwest line of said called 1295.994-acre tract):

Beginning at the most easterly corner of said called 1295.994-acre tract and the most southerly corner of a called 26.3329-acre tract of land (Tenth Tract) described in Clerk's File Number 2004023496 of the O.P.R.R.P.M.C.T. from which a 5/8-inch iron rod found for the most easterly corner of said called 26.3229-acre tract bears N41°32'34"E, 109.67', same being on the common line of aforesaid J.D. Cochran Survey and the E. R. Hale Survey, A-264;

54.  Thence, with the southwest line of said called 1295.994-acre tract, the northwest line of said E. R. Hale Survey and the southeast line of said J.D. Cochran Survey, South 41 degrees 32 minutes 47 seconds West, at a distance of 2,079.24 feet pass and interior corner of said called 1295.994-acre tract, continuing through said called 1295.994-acre tract and with the common line of said J.D. Cochran Survey and the E.R Hale Survey, a total distance of 3698.53 feet to the south corner of said J.D. Cochran Survey and a northerly interior corner of said E.R. Hale Survey;

55.  Thence, with the common line of said J.D. Cochran Survey and said E.R. Hale Survey, North 47 degrees 50 minutes 58 seconds West, a distance of 1,298.58 feet;

Thence, through said called 1295.994-acre tract, the following three (3) courses:

56.  1,342.91 feet along the arc of a curve to the left, said curve having a central angle of 19 degrees 14 minutes 09 seconds, a radius of 4,000.00 feet and a chord that bears North 09 degrees 08 minutes 44 seconds East, a distance of 1,336.62 feet;

57.  North 00 degrees 28 minutes 20 seconds West, a distance of 3,754.11 feet;

58.  1,679.81 feet along the arc of a curve to the left, said curve having a central angle of 12 degrees 01 minutes 51 seconds, a radius of 8,000.00 feet and a chord that bears North 83 degrees 30 minutes 57 seconds East, a distance of 1,676.73 feet to the southwest line of aforesaid called 26.3229-acre tract common with the northeast line of aforesaid called 1295.994-acre tract;

Thence, with said common line, the following seven (7) courses:

59.  South 24 degrees 12 minutes 25 seconds East, a distance of 103.86 feet;

60.  North 65 degrees 47 minutes 35 seconds East, a distance of 50.00 feet;

61.  South 24 degrees 12 minutes 25 seconds East, a distance of 1,001.00 feet;

62.  South 65 degrees 47 minutes 35 seconds West, a distance of 50.00 feet;

63.  South 24 degrees 12 minutes 25 seconds East, a distance of 1,700.00 feet;

64.  North 65 degrees 47 minutes 35 seconds East, a distance of 50.00 feet;

65.  South 24 degrees 12 minutes 25 seconds East, a distance of 908.52 feet to the Point of Beginning and containing 306.03 acres of land.

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

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

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

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

SECTION 4.  (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8052, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8052.0307 to read as follows:

Sec. 8052.0307.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 1697 was passed by the House on April 12, 2019, by the following vote:  Yeas 138, Nays 5, 2 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.B. No. 1697 was passed by the Senate on May 22, 2019, by the following vote:  Yeas 30, Nays 1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  Governor