

1-1 By: Metcalf (Senate Sponsor - Creighton) H.B. No. 4652
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Local
 1-4 Government; May 22, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
 1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4652 By: Springer

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the Montgomery County Municipal Utility
 1-22 District No. 208; granting a limited power of eminent domain;
 1-23 providing authority to issue bonds; providing authority to impose
 1-24 assessments, fees, and taxes.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-27 Code, is amended by adding Chapter 7939A to read as follows:

1-28 CHAPTER 7939A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-29 NO. 208

1-30 SUBCHAPTER A. GENERAL PROVISIONS

1-31 Sec. 7939A.0101. DEFINITIONS. In this chapter:

1-32 (1) "Board" means the district's board of directors.
 1-33 (2) "Commission" means the Texas Commission on
 1-34 Environmental Quality.

1-35 (3) "Director" means a board member.

1-36 (4) "District" means the Montgomery County Municipal
 1-37 Utility District No. 208.

1-38 Sec. 7939A.0102. NATURE OF DISTRICT. The district is a
 1-39 municipal utility district created under Section 59, Article XVI,
 1-40 Texas Constitution.

1-41 Sec. 7939A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-42 REQUIRED. The temporary directors shall hold an election to
 1-43 confirm the creation of the district and to elect five permanent
 1-44 directors as provided by Section 49.102, Water Code.

1-45 Sec. 7939A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-46 temporary directors may not hold an election under Section
 1-47 7939A.0103 until each municipality in whose corporate limits or
 1-48 extraterritorial jurisdiction the district is located has
 1-49 consented by ordinance or resolution to the creation of the
 1-50 district and to the inclusion of land in the district.

1-51 Sec. 7939A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-52 (a) The district is created to serve a public purpose and benefit.

1-53 (b) The district is created to accomplish the purposes of:

1-54 (1) a municipal utility district as provided by
 1-55 general law and Section 59, Article XVI, Texas Constitution; and

1-56 (2) Section 52, Article III, Texas Constitution, that
 1-57 relate to the construction, acquisition, improvement, operation,
 1-58 or maintenance of macadamized, graveled, or paved roads, or
 1-59 improvements, including storm drainage, in aid of those roads.

1-60 Sec. 7939A.0106. INITIAL DISTRICT TERRITORY. (a) The

2-1 district is initially composed of the territory described by
2-2 Section 2 of the Act enacting this chapter.

2-3 (b) The boundaries and field notes contained in Section 2 of
2-4 the Act enacting this chapter form a closure. A mistake made in the
2-5 field notes or in copying the field notes in the legislative process
2-6 does not affect the district's:

2-7 (1) organization, existence, or validity;

2-8 (2) right to issue any type of bond for the purposes
2-9 for which the district is created or to pay the principal of and

2-10 interest on a bond;

2-11 (3) right to impose a tax; or

2-12 (4) legality or operation.

2-13 SUBCHAPTER B. BOARD OF DIRECTORS

2-14 Sec. 7939A.0201. GOVERNING BODY; TERMS. (a) The district
2-15 is governed by a board of five elected directors.

2-16 (b) Except as provided by Section 7939A.0202, directors
2-17 serve staggered four-year terms.

2-18 Sec. 7939A.0202. TEMPORARY DIRECTORS. (a) On or after
2-19 September 1, 2021, the owner or owners of a majority of the assessed
2-20 value of the real property in the district may submit a petition to
2-21 the commission requesting that the commission appoint as temporary
2-22 directors the five persons named in the petition. The commission
2-23 shall appoint as temporary directors the five persons named in the
2-24 petition.

2-25 (b) Temporary directors serve until the earlier of:

2-26 (1) the date permanent directors are elected under
2-27 Section 7939A.0103; or

2-28 (2) September 1, 2025.

2-29 (c) If permanent directors have not been elected under
2-30 Section 7939A.0103 and the terms of the temporary directors have
2-31 expired, successor temporary directors shall be appointed or
2-32 reappointed as provided by Subsection (d) to serve terms that
2-33 expire on the earlier of:

2-34 (1) the date permanent directors are elected under
2-35 Section 7939A.0103; or

2-36 (2) the fourth anniversary of the date of the
2-37 appointment or reappointment.

2-38 (d) If Subsection (c) applies, the owner or owners of a
2-39 majority of the assessed value of the real property in the district
2-40 may submit a petition to the commission requesting that the
2-41 commission appoint as successor temporary directors the five
2-42 persons named in the petition. The commission shall appoint as
2-43 successor temporary directors the five persons named in the
2-44 petition.

2-45 SUBCHAPTER C. POWERS AND DUTIES

2-46 Sec. 7939A.0301. GENERAL POWERS AND DUTIES. The district
2-47 has the powers and duties necessary to accomplish the purposes for
2-48 which the district is created.

2-49 Sec. 7939A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-50 DUTIES. The district has the powers and duties provided by the
2-51 general law of this state, including Chapters 49 and 54, Water Code,
2-52 applicable to municipal utility districts created under Section 59,
2-53 Article XVI, Texas Constitution.

2-54 Sec. 7939A.0303. AUTHORITY FOR ROAD PROJECTS. Under
2-55 Section 52, Article III, Texas Constitution, the district may
2-56 design, acquire, construct, finance, issue bonds for, improve,
2-57 operate, maintain, and convey to this state, a county, or a
2-58 municipality for operation and maintenance macadamized, graveled,
2-59 or paved roads, or improvements, including storm drainage, in aid
2-60 of those roads.

2-61 Sec. 7939A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-62 road project must meet all applicable construction standards,
2-63 zoning and subdivision requirements, and regulations of each
2-64 municipality in whose corporate limits or extraterritorial
2-65 jurisdiction the road project is located.

2-66 (b) If a road project is not located in the corporate limits
2-67 or extraterritorial jurisdiction of a municipality, the road
2-68 project must meet all applicable construction standards,
2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.
3-2 (c) If the state will maintain and operate the road, the
3-3 Texas Transportation Commission must approve the plans and
3-4 specifications of the road project.
3-5 Sec. 7939A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-6 ORDINANCE OR RESOLUTION. The district shall comply with all
3-7 applicable requirements of any ordinance or resolution that is
3-8 adopted under Section 54.016 or 54.0165, Water Code, and that
3-9 consents to the creation of the district or to the inclusion of land
3-10 in the district.
3-11 Sec. 7939A.0306. DIVISION OF DISTRICT. (a) The district
3-12 may be divided into two or more new districts only if the district:
3-13 (1) has no outstanding bonded debt; and
3-14 (2) is not imposing ad valorem taxes.
3-15 (b) This chapter applies to any new district created by the
3-16 division of the district, and a new district has all the powers and
3-17 duties of the district.
3-18 (c) Any new district created by the division of the district
3-19 may not, at the time the new district is created, contain any land
3-20 outside the area described by Section 2 of the Act enacting this
3-21 chapter.
3-22 (d) The board, on its own motion or on receipt of a petition
3-23 signed by the owner or owners of a majority of the assessed value of
3-24 the real property in the district, may adopt an order dividing the
3-25 district.
3-26 (e) The board may adopt an order dividing the district
3-27 before or after the date the board holds an election under Section
3-28 7939A.0103 to confirm the district's creation.
3-29 (f) An order dividing the district shall:
3-30 (1) name each new district;
3-31 (2) include the metes and bounds description of the
3-32 territory of each new district;
3-33 (3) appoint temporary directors for each new district;
3-34 and
3-35 (4) provide for the division of assets and liabilities
3-36 between or among the new districts.
3-37 (g) On or before the 30th day after the date of adoption of
3-38 an order dividing the district, the district shall file the order
3-39 with the commission and record the order in the real property
3-40 records of each county in which the district is located.
3-41 (h) Any new district created by the division of the district
3-42 shall hold a confirmation and directors' election as required by
3-43 Section 7939A.0103. If the voters of a new district do not confirm
3-44 the creation of the new district, the assets, obligations,
3-45 territory, and governance of the new district revert to the
3-46 original district.
3-47 (i) Municipal consent to the creation of the district and to
3-48 the inclusion of land in the district granted under Section
3-49 7939A.0104 acts as municipal consent to the creation of any new
3-50 district created by the division of the district and to the
3-51 inclusion of land in the new district.
3-52 (j) Any new district created by the division of the district
3-53 must hold an election as required by this chapter to obtain voter
3-54 approval before the district may impose a maintenance tax or issue
3-55 bonds payable wholly or partly from ad valorem taxes.
3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-57 Sec. 7939A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-58 The district may issue, without an election, bonds and other
3-59 obligations secured by:
3-60 (1) revenue other than ad valorem taxes; or
3-61 (2) contract payments described by Section
3-62 7939A.0403.
3-63 (b) The district must hold an election in the manner
3-64 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-65 before the district may impose an ad valorem tax or issue bonds
3-66 payable from ad valorem taxes.
3-67 (c) The district may not issue bonds payable from ad valorem
3-68 taxes to finance a road project unless the issuance is approved by a
3-69 vote of a two-thirds majority of the district voters voting at an

4-1 election held for that purpose.

4-2 Sec. 7939A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 4-3 authorized at an election held under Section 7939A.0401, the
 4-4 district may impose an operation and maintenance tax on taxable
 4-5 property in the district in accordance with Section 49.107, Water
 4-6 Code.

4-7 (b) The board shall determine the tax rate. The rate may not
 4-8 exceed the rate approved at the election.

4-9 Sec. 7939A.0403. CONTRACT TAXES. (a) In accordance with
 4-10 Section 49.108, Water Code, the district may impose a tax other than
 4-11 an operation and maintenance tax and use the revenue derived from
 4-12 the tax to make payments under a contract after the provisions of
 4-13 the contract have been approved by a majority of the district voters
 4-14 voting at an election held for that purpose.

4-15 (b) A contract approved by the district voters may contain a
 4-16 provision stating that the contract may be modified or amended by
 4-17 the board without further voter approval.

4-18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-19 Sec. 7939A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-20 OBLIGATIONS. The district may issue bonds or other obligations
 4-21 payable wholly or partly from ad valorem taxes, impact fees,
 4-22 revenue, contract payments, grants, or other district money, or any
 4-23 combination of those sources, to pay for any authorized district
 4-24 purpose.

4-25 Sec. 7939A.0502. TAXES FOR BONDS. At the time the district
 4-26 issues bonds payable wholly or partly from ad valorem taxes, the
 4-27 board shall provide for the annual imposition of a continuing
 4-28 direct ad valorem tax, without limit as to rate or amount, while all
 4-29 or part of the bonds are outstanding as required and in the manner
 4-30 provided by Sections 54.601 and 54.602, Water Code.

4-31 Sec. 7939A.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-32 issuance, the total principal amount of bonds or other obligations
 4-33 issued or incurred to finance road projects and payable from ad
 4-34 valorem taxes may not exceed one-fourth of the assessed value of the
 4-35 real property in the district.

4-36 SECTION 2. The Montgomery County Municipal Utility District
 4-37 No. 208 initially includes all the territory contained in the
 4-38 following area:

4-39 Those four (4) tracts of land described as follows:

4-40 (a) CONROE TRACT ONE.

4-41 Being forty-seven and nine hundred thirty-two-thousandths
 4-42 (47.932) acres of land in the James Edwards Survey, A-190,
 4-43 Montgomery County, Texas, also being a part of the J. W. Spiller
 4-44 tract in same and being more particularly described by metes and
 4-45 bounds as follows, to-wit.

4-46 Beginning on the South boundary line of White Oak Manor
 4-47 Subdivision as shown in Volume 9, Page 46, Map Records, and being at
 4-48 a point S. 61° 32' 50" W. 655.3 ft. and N. 76° 32' 45" W. 218.03 ft.
 4-49 from the most Easterly corner of said Subdivision, an iron pipe for
 4-50 corner in fence;

4-51 Thence N. 76° 32' 45" W. 1383.23 ft. along the South line of
 4-52 White Oak Manor Subdivision to an iron pipe for corner;

4-53 Thence S. 13° 27' 15" W. 1094.77 ft. to an iron pipe for
 4-54 corner;

4-55 Thence S. 76° 32' 45" E. 1601.26 ft. to an iron pipe for
 4-56 corner;

4-57 Thence N. 61° 32' 50" E. 1371.02 ft to an iron pipe for corner
 4-58 in the West line of Longmire Road;

4-59 Thence N. 27° 21' 50" W. 339.35 ft. along the West line of
 4-60 Longmire Road to an iron pipe for corner;

4-61 Thence S. 88° 52' 05" W. 600.17 ft. to an iron pipe for corner;

4-62 Thence S. 21° 02' 10" E. 126.31 ft. to an iron pipe for corner;

4-63 Thence S. 72° 28' 26" W. 552.9 ft. to an iron pipe for corner;

4-64 Thence N. 3° 00' 24" E. 662.55 ft. to the place of beginning.

4-65 (b) CONROE TRACT TWO:

4-66 All that certain tract or parcel of land out of the Robert
 4-67 Marsh Survey A-355, and James Edwards Survey A-189, in Montgomery
 4-68 County, Texas being a portion of that certain tract of land conveyed
 4-69 to J. W. Spiller and wife by deed recorded in Volume 488, Page 309,

5-1 of the deed records of Montgomery County, Texas, said tract of land
5-2 being more particularly described by metes and bounds as follows:

5-3 Beginning at a 3/4" iron pipe in the North line of the B. D.
5-4 Griffin 424.53 acre tract and at the Southwest corner of that
5-5 certain tract of land conveyed to W. S. Lampton Jr by deed recorded
5-6 in Volume 665, Page 538, for the Southeast corner hereof, from which
5-7 a 12" Elm marked X bears N 45° 00' W, 26.8 ft. and a 14" Ash marked X
5-8 bears N 10° 30' E, 36.8 ft.;

5-9 THENCE: Along the B. D. Griffin North line S 74° 49' 52" W, for
5-10 a distance of 1624.6 ft. to a 1/2" iron rod for the Southeast corner
5-11 of a 10.15 acre San Jacinto River Authority tract and the Southwest
5-12 corner hereof;

5-13 THENCE: Along the West line of the said San Jacinto River
5-14 Authority tract N 25° 06' 20" W. for a distance of 1186.30 ft. to a
5-15 yellow painted stake on the East bank of the San Jacinto River;

5-16 THENCE: Along the East bank of the San Jacinto River the
5-17 following courses:

5-18 (1) N 4° 07' E, 67.38 ft. to a yellow stake;
5-19 (2) N 25° 34' 17" E 59.58 ft. to a yellow stake;
5-20 (3) N 59° 49' 55" E, 117.87 ft. to a yellow stake;
5-21 (4) N 26° 41' 17" E, 191.76 ft. to a yellow stake;
5-22 (5) N. 23° 46' 46" W, 50.44 ft. to a 1/2" iron stake in the
5-23 North line hereof;

5-24 THENCE: N 62° 01' 12" E, along the North line hereof for a
5-25 distance of 1573.79 ft. to a 3/4" iron pipe at the Northwest corner
5-26 of the aforementioned W. S. Lampton tract and the Northeast corner
5-27 hereof, from which a 14" Sweet Gum marked X bears S 66° 45" E, 197.5
5-28 ft. and a 10" Red Oak marked X bears S 75° 30' E, 212.9 ft.;

5-29 THENCE: Along the West line of the said Lampton tract S 15° 08'
5-30 51" E. for a distance of 1849.4 ft. to the place of beginning and
5-31 containing 65.153 acres of land.

5-32 (c) CONROE TRACT THREE:

5-33 Being 7.5 acres of land in the James Edwards Survey, Abstract
5-34 No. 190 in Montgomery County, Texas, and being the North 1/2 of that
5-35 certain 15 acre tract described in Volume 646, Page 52 of the Deed
5-36 Records of Montgomery County, Texas, and being more particularly
5-37 described by metes and bounds as follows, to-wit:

5-38 BEGINNING at the northwest corner of the above mentioned 15
5-39 acre tract a stake for corner in the center of a 60 foot roadway from
5-40 which a 5/8" iron rod bears South 15° 09' East 30 feet;

5-41 THENCE North 74° 56' East 705.6 feet along the center line of
5-42 the above mentioned 60 foot roadway and the North line of said 15
5-43 acre tract to the Northeast corner of said 15 acre tract being the
5-44 northeast corner of the tract here described;

5-45 THENCE South 27° 37' East 444.0 feet along the East line of
5-46 said 15 acre tract and the West line of Longmire Road to the 5/8"
5-47 iron rod for the Southeast corner of the tract here described;

5-48 THENCE South 74° 56' West 802.5 feet to a 5/8" iron rod for
5-49 corner in the West line of said 15 acre tract for the Southwest
5-50 corner of the tract here described;

5-51 THENCE North 15° 04' West 433.4 feet along the West line of
5-52 said 15 acre tract to the PLACE OF BEGINNING.

5-53 (d) CONROE TRACT FOUR:

5-54 All that certain tract or parcel of land in the JAMES EDWARDS
5-55 SURVEY, ABSTRACT 190, the JAMES EDWARDS SURVEY, ABSTRACT 189, and
5-56 the ROBERT MARSH SURVEY, ABSTRACT 355, Montgomery County, Texas,
5-57 and being the same premises conveyed by J. W. Spiller, et ux. to W.
5-58 S. Lampton, Jr., Trustee, by Deed dated July 8, 1968, recorded in
5-59 Volume 665, Page 538, Deed Records of Montgomery County, Texas, and
5-60 being more particularly described by metes and bounds as follows,
5-61 to-wit.

5-62 BEGINNING at the most Northeasterly corner of a 625 acre
5-63 tract of land conveyed by J. W. Spiller to John Ben Williamson, by
5-64 Deed dated September 22, 1960, recorded in Volume 488, Page 313,
5-65 Deed Records of Montgomery County, Texas, said corner being in the
5-66 center of Longmire Road;

5-67 THENCE South 74 degrees 54 minutes West 2378.8 feet along the
5-68 North line of above mentioned 625 acre tract to the North Boundary
5-69 Line of the Robert Marsh Survey, an iron pipe for corner from which

6-1 a 12 inch Pine bears South 51 degrees 30 minutes West 8.4 feet, a 5
6-2 inch Red Oak bears South 11 degrees 30 minutes East 3.0 Feet, and an
6-3 11 inch Red Oak bears South 82 degrees 30 minutes East 19.0 feet;
6-4 THENCE North 74 degrees 35 minutes 15 seconds West 2222.6
6-5 feet along the North boundary of the Marsh and the South Line of the
6-6 upper James Edwards Survey, to an iron pipe for corner from which a
6-7 34 inch Pine bears South 37 degrees 30 minutes West 55 4 feet and a
6-8 10 inch Pine bears North 37 degrees East 64.4 feet, this corner also
6-9 being a corner of a 625 acre tract;
6-10 THENCE South 75 degrees 00 minutes West 5363.8 feet along the
6-11 North boundary of 625 acre tract to a 3/4 inch iron pipe for corner
6-12 at a point North 75 degrees East 2090.98 feet from the Northwest
6-13 corner of 625 acre tract, a 10 inch Elm bears North 47 degrees West
6-14 26.0 feet and a 12 inch Ash bears North 10 degrees East 36.8 feet;
6-15 THENCE North 15 degrees 02 minutes 30 seconds West 1849.6
6-16 feet to a 3/4 inch iron pipe for corner from which a 40 inch Pin Oak
6-17 bears South 44 degrees 37 minutes East 214.0 feet and a 14 inch
6-18 Sweet Gum bears South 36 degrees 36 minutes East 197.7 feet, this
6-19 corner being in the Southeast Line of the San Jacinto River
6-20 Authority 87.22 acre tract;
6-21 THENCE North 62 degrees 08 minutes 50 seconds East 1669.22
6-22 feet along the South line of 87.22 acre tract to the East Corner of
6-23 same, a 3/4 inch iron pipe for corner from which a 36 inch Pin Oak
6-24 bears North 86 degrees West 19.5 feet;
6-25 THENCE South 73 degrees 24 minutes 40 seconds East 1665.34
6-26 feet along the South line of the M. E. Paddock 226 acres and the
6-27 South line of the M. L. Duke 27 acres to an axle for the Southeast
6-28 Corder of the Duke track;
6-29 THENCE North 16 degrees 09 minutes East 2027.2 feet along
6-30 Duke a East line to an axle for corner;
6-31 THENCE North 82 degrees 23 minutes 15 seconds East 1716.09
6-32 feet along the South line of the Calfee 22.8 acre tract to a stake
6-33 for the Southeast Corner of same. an old axle bears South 82 degrees
6-34 25 minutes West 1.5 feet;
6-35 THENCE South 13 degrees 23 minutes West 778.43 feet along the
6-36 West line of the Al Goode 88.356 acre tract to a 10 inch creosote
6-37 post for the Southwest Corner of same. a 10 inch Hickory bears North
6-38 05 degrees East 22.0 feet and a 6 inch Red Oak bears South 65 degrees
6-39 West 14.0 feet.
6-40 THENCE South 76 degrees 32 minutes 45 seconds East 2033.39
6-41 feet along Goode's South Line to a 3/4 inch iron pipe for the
6-42 Northwest Corner of the Spiller 59.195 acre tract.
6-43 THENCE South 13 degrees 27 minutes 15 seconds West 1094.77
6-44 feet to a 3/4 inch iron pipe for the Southwest Corder of the Spiller
6-45 59 195 acre tract.
6-46 THENCE South 76 degrees 32 minutes 45 seconds East 1601.26
6-47 feet to a 3/4 inch iron pipe for the most Southerly corner of the
6-48 Spiller 59.195 acre tract;
6-49 THENCE North 61 degrees 32 minutes 50 seconds East at 1370.97
6-50 feet pass a 2 inch iron pipe in the West side of a blacktop road and
6-51 continue in all 1395.57 feet to a point in center of said blacktop
6-52 road for the Southeast corner of Spiller 59.195 acre tract;
6-53 THENCE South 27 degrees 21 minutes 50 seconds East 950.52
6-54 feet along center of said blacktop road to the place of BEGINNING,
6-55 and containing 410.539 acres of land.
6-56 Less and Except
6-57 Pine Valley Drive, a subdivision of 14.684 acres of land in the
6-58 James Edwards Survey A-190, Montgomery County, Texas as per the
6-59 dedication plat dated February 28, 2017, Document #2017016271,
6-60 Cabinet 00Z, Sheet 4409.
6-61 Less and Except
6-62 20.000 ACRES
6-63 871,200 SQUARE FEET
6-64 JAMES EDWARDS SURVEY
6-65 ABSTRACT NO. 190
6-66 MONTGOMERY COUNTY, TEXAS
6-67 FIELD NOTE DESCRIPTION of a 20.000 acre (871,200 square foot)
6-68 tract of land located in the James Edwards Survey, Abstract Number
6-69 190, Montgomery County, Texas and said 20.000 acre tract of land

7-1 being out of and a part of the southerly remainder of Conroe Tract
7-2 One, a called 47.932 acre tract and the remainder of Conroe Tract
7-3 Four, a called 410.539 acre tract described in the deed to Conroe
7-4 Venture, Ltd., recorded under Montgomery County Clerk's File Number
7-5 (M.C.C.F. No.) 9149317, said 20.000 acre tract being more
7-6 particularly described by metes and bounds as follows: (The
7-7 bearings described herein are oriented to the Texas Coordinate
7-8 System, South Central Zone, NAD 1983.)
7-9 COMMENCING at the easterly end of a curved cut-back for the
7-10 southwest corner of the intersection of the southwesterly
7-11 Right-of-Way (R.O.W.) line of Longmire Road (based on a variable
7-12 width) recorded under Volume (Vol.) 665, Page (Pg.) 538 of the
7-13 Montgomery County Deed Records (M.C.D.R.), Cabinet "N", Sheet 65 of
7-14 the Montgomery County Plat Records (M.C.P.R.) and M.C.C.F. Nos.
7-15 2002-051191, 2009-013167, 2012-011629, 2012-0116630 and
7-16 2012-011632 and the southerly R.O.W. line of Pine Valley Drive
7-17 (based on a variable width) recorded under File No. 2017016271
7-18 M.C.P.R., from which a 5/8-inch iron rod with cap stamped "Jeff Moon
7-19 RPLS 4639" found bears, South 80 degrees 52 minutes West, 1.31 feet;
7-20 THENCE, in a northwesterly direction, along a curve to the
7-21 left, along said curved cut-back, having a radius of 25.00 feet, a
7-22 central angle of 91 degrees 06 minutes 39 seconds (chord bears,
7-23 North 75 degrees 11 minutes 42 seconds West, 35.70 feet) and an arc
7-24 distance of 39.75 feet, to the westerly end of said curved cut-back;
7-25 THENCE, South 59 degrees 14 minutes 58 seconds West,
7-26 departing the southwesterly R.O.W. line of aforesaid Longmire Road
7-27 and along the southerly R.O.W. line of aforesaid Pine Valley Drive,
7-28 a distance of 289.13 feet, to the beginning of a tangent curve to
7-29 the right in said southerly R.O.W. line of said Pine Valley Drive;
7-30 THENCE, in a southwesterly direction, along a curve said the
7-31 right, continuing along the southerly R.O.W. line of said Pine
7-32 Valley Drive, having a radius of 1,254.00 feet, a central angle of
7-33 10 degrees 02 minutes 54 seconds (chord bears, South 64 degrees 16
7-34 minutes 25 seconds West, 219.64 feet) and an arc distance of 219.92
7-35 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West
7-36 Belt Surveying Inc" set marking the POINT OF BEGINNING and the
7-37 northeast corner of the herein described tract;
7-38 THENCE, South 18 degrees 32 minutes 04 seconds East,
7-39 departing the southerly R.O.W. line of said Pine Valley Drive and
7-40 over and across aforesaid remainder of a called 410.539 acre tract,
7-41 a distance of 620.93 feet, to a 1/2-inch iron rod found in the
7-42 southerly line of said remainder of a called 410.539 acre tract and
7-43 marking the northwest corner of Conroe Tract Three, a called 7.5
7-44 acre tract described in the deed to Conroe Venture, Ltd., recorded
7-45 under M.C.C.F. No. 9149317, and the northeast corner of the called
7-46 3.979 acre tract described in the deed to Charles P. Peters, III and
7-47 wife, Judith S. Peters, recorded under M.C.C.F. No. 9143598 and the
7-48 southeast corner of the herein described tract;
7-49 THENCE, South 71 degrees 30 minutes 55 seconds West, along
7-50 the southerly line of said remainder of a called 410.539 acre tract,
7-51 a distance of 1,225.27 feet, to a 5/8-inch iron rod with orange
7-52 plastic cap stamped "West Belt Surveying Inc" set in the northerly
7-53 line of the called 7.4806 acre tract described in the deed to
7-54 William Lewis Pattillo, III and wife, Theresa Marcelle Pattillo
7-55 recorded under M.C.C.F. No. 2005-137433 common with the northerly
7-56 line of said remainder of a called 410.539 acre tract and marking
7-57 the southwest corner of the herein described tract;
7-58 THENCE, North 18 degrees 29 minutes 05 seconds West,
7-59 departing said common line and over and across said remainder of a
7-60 called 410.539 acre tract, a distance of 504.76 feet, to a 5/8-inch
7-61 iron rod with orange plastic cap stamped "West Belt Surveying Inc"
7-62 set marking an angle in the westerly line of the herein described
7-63 tract;
7-64 THENCE, North 22 degrees 10 minutes 43 seconds East,
7-65 continuing over and across said remainder of a called 410.539 acre
7-66 tract and over and across aforesaid southerly remainder of a called
7-67 47.932 acre tract, a distance of 551.06 feet, to a 5/8-inch iron rod
7-68 with orange plastic cap stamped "West Belt Surveying Inc" set in the
7-69 southerly R.O.W. line of aforesaid Pine Valley Drive and marking an

8-1 the beginning of a non-tangent curve to the left and the northwest
8-2 corner of the herein described tract;
8-3 THENCE, in an easterly direction, along said curve to the
8-4 left, having a radius of 1,254.00 feet, a central angle of 42
8-5 degrees 52 minutes 51 seconds (chord bears, South 89 degrees 15
8-6 minutes 42 seconds East, 916.76 feet) and an arc distance of 938.51
8-7 feet, to the POINT OF BEGINNING and containing a computed area of
8-8 20.000 acres (871,200 square feet) of land as depicted on the Land
8-9 Title Survey dated: August 2, 2019, prepared by West Belt
8-10 Surveying, Inc., Project No. S945-0004A.

8-11 SECTION 3. (a) The legal notice of the intention to
8-12 introduce this Act, setting forth the general substance of this
8-13 Act, has been published as provided by law, and the notice and a
8-14 copy of this Act have been furnished to all persons, agencies,
8-15 officials, or entities to which they are required to be furnished
8-16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-17 Government Code.

8-18 (b) The governor, one of the required recipients, has
8-19 submitted the notice and Act to the Texas Commission on
8-20 Environmental Quality.

8-21 (c) The Texas Commission on Environmental Quality has filed
8-22 its recommendations relating to this Act with the governor, the
8-23 lieutenant governor, and the speaker of the house of
8-24 representatives within the required time.

8-25 (d) All requirements of the constitution and laws of this
8-26 state and the rules and procedures of the legislature with respect
8-27 to the notice, introduction, and passage of this Act are fulfilled
8-28 and accomplished.

8-29 SECTION 4. (a) If this Act does not receive a two-thirds
8-30 vote of all the members elected to each house, Subchapter C, Chapter
8-31 7939A, Special District Local Laws Code, as added by Section 1 of
8-32 this Act, is amended by adding Section 7939A.0307 to read as
8-33 follows:

8-34 Sec. 7939A.0307. NO EMINENT DOMAIN POWER. The district may
8-35 not exercise the power of eminent domain.

8-36 (b) This section is not intended to be an expression of a
8-37 legislative interpretation of the requirements of Section 17(c),
8-38 Article I, Texas Constitution.

8-39 SECTION 5. This Act takes effect September 1, 2021.

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