

SENATE AMENDMENTS

2nd Printing

By: Metcalf

H.B. No. 4652

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 208; 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 7939A to read as follows:

CHAPTER 7939A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 208

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7939A.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Conroe, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Montgomery County Municipal Utility District No. 208.

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

Sec. 7939A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five permanent
2 directors as provided by Section 49.102, Water Code.

3 Sec. 7939A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
4 temporary directors may not hold an election under Section
5 7939A.0103 until each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district.

9 Sec. 7939A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

10 (a) The district is created to serve a public purpose and benefit.

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

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

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

18 Sec. 7939A.0106. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

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

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 Sec. 7939A.0107. EFFECT OF ANNEXATION. Notwithstanding any
5 other law, if all or part of the territory of the district is
6 annexed by the city into the city's corporate limits, the district:

7 (1) retains all of the district's outstanding debt and
8 obligations; and

9 (2) is not dissolved.

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 7939A.0201. GOVERNING BODY; TERMS. (a) The district
12 is governed by a board of five elected directors.

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

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

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

23 (1) the date permanent directors are elected under
24 Section 7939A.0103; or

25 (2) September 1, 2025.

26 (c) If permanent directors have not been elected under
27 Section 7939A.0103 and the terms of the temporary directors have

1 expired, successor temporary directors shall be appointed or
2 reappointed as provided by Subsection (d) to serve terms that
3 expire on the earlier of:

4 (1) the date permanent directors are elected under
5 Section 7939A.0103; or

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

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

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 7939A.0301. GENERAL POWERS AND DUTIES. The district
17 has the powers and duties necessary to accomplish the purposes for
18 which the district is created.

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

24 Sec. 7939A.0303. AUTHORITY FOR ROAD PROJECTS. Under
25 Section 52, Article III, Texas Constitution, the district may
26 design, acquire, construct, finance, issue bonds for, improve,
27 operate, maintain, and convey to this state, a county, or a

1 municipality for operation and maintenance macadamized, graveled,
2 or paved roads, or improvements, including storm drainage, in aid
3 of those roads.

4 Sec. 7939A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
5 road project must meet all applicable construction standards,
6 zoning and subdivision requirements, and regulations of each
7 municipality in whose corporate limits or extraterritorial
8 jurisdiction the road project is located.

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

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

17 Sec. 7939A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
18 ORDINANCE OR RESOLUTION. The district shall comply with all
19 applicable requirements of any ordinance or resolution that is
20 adopted under Section 54.016 or 54.0165, Water Code, and that
21 consents to the creation of the district or to the inclusion of land
22 in the district.

23 Sec. 7939A.0306. DIVISION OF DISTRICT. (a) The district
24 may be divided into two or more new districts only if the district:

25 (1) has no outstanding bonded debt; and

26 (2) is not imposing ad valorem taxes.

27 (b) This chapter applies to any new district created by the

1 division of the district, and a new district has all the powers and
2 duties of the district.

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

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

11 (e) The board may adopt an order dividing the district
12 before or after the date the board holds an election under Section
13 7939A.0103 to confirm the district's creation.

14 (f) An order dividing the district shall:

15 (1) name each new district;

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

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

19 and

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

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

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

1 Section 7939A.0103. If the voters of a new district do not confirm
2 the creation of the new district, the assets, obligations,
3 territory, and governance of the new district revert to the
4 original district.

5 (i) Municipal consent to the creation of the district and to
6 the inclusion of land in the district granted under Section
7 7939A.0104 acts as municipal consent to the creation of any new
8 district created by the division of the district and to the
9 inclusion of land in the new district.

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

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 7939A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
16 The district may issue, without an election, bonds and other
17 obligations secured by:

- 18 (1) revenue other than ad valorem taxes; or
19 (2) contract payments described by Section
20 7939A.0403.

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

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

1 election held for that purpose.

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

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

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

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

25 Sec. 7939A.0502. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

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

9 SECTION 2. The Montgomery County Municipal Utility District
10 No. 208 initially includes all the territory contained in the
11 following area:

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

13 (a) CONROE TRACT ONE.

14 Being forty-seven and nine hundred thirty-two-thousandths
15 (47.932) acres of land in the James Edwards Survey, A-190,
16 Montgomery County, Texas, also being a part of the J. W. Spiller
17 tract in same and being more particularly described by metes and
18 bounds as follows, to-wit.

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

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

26 Thence S. 13° 27' 15" W. 1094.77 ft. to an iron pipe for
27 corner;

1 Thence S. 76° 32' 45" E. 1601.26 ft. to an iron pipe for
2 corner;

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

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

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

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

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

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

11 (b) CONROE TRACT TWO:

12 All that certain tract or parcel of land out of the Robert
13 Marsh Survey A-355, and James Edwards Survey A-189, in Montgomery
14 County, Texas being a portion of that certain tract of land conveyed
15 to J. W. Spiller and wife by deed recorded in Volume 488, Page 309,
16 of the deed records of Montgomery County, Texas, said tract of land
17 being more particularly described by metes and bounds as follows:

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

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

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

4 THENCE: Along the East bank of the San Jacinto River the
5 following courses:

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

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

17 THENCE: Along the West line of the said Lampton tract S 15° 08'
18 51" E. for a distance of 1849.4 ft. to the place of beginning and
19 containing 65.153 acres of land.

20 (c) CONROE TRACT THREE:

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

26 BEGINNING at the northwest corner of the above mentioned 15
27 acre tract a stake for corner in the center of a 60 foot roadway from

1 which a 5/8" iron rod bears South 15° 09' East 30 feet;

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

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

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

12 THENCE North 15° 04 West 433.4 feet along the West line of
13 said 15 acre tract to the PLACE OF BEGINNING.

14 (d) CONROE TRACT FOUR:

15 All that certain tract or parcel of land in the JAMES EDWARDS
16 SURVEY, ABSTRACT 190, the JAMES EDWARDS SURVEY, ABSTRACT 189, and
17 the ROBERT MARSH SURVEY, ABSTRACT 355, Montgomery County, Texas,
18 and being the same premises conveyed by J. W. Spiller, et ux. to W.
19 S. Lampton, Jr., Trustee, by Deed dated July 8, 1968, recorded in
20 Volume 665, Page 538, Deed Records of Montgomery County, Texas, and
21 being more particularly described by metes and bounds as follows,
22 to-wit.

23 BEGINNING at the most Northeasterly corner of a 625 acre
24 tract of land conveyed by J. W. Spiller to John Ben Williamson, by
25 Deed dated September 22, 1960, recorded in Volume 488, Page 313,
26 Deed Records of Montgomery County, Texas, said corner being in the
27 center of Longmire Road;

1 THENCE South 74 degrees 54 minutes West 2378.8 feet along the
2 North line of above mentioned 625 acre tract to the North Boundary
3 Line of the Robert Marsh Survey, an iron pipe for corner from which
4 a 12 inch Pine bears South 51 degrees 30 minutes West 8.4 feet, a 5
5 inch Red Oak bears South 11 degrees 30 minutes East 3.0 Feet, and an
6 11 inch Red Oak bears South 82 degrees 30 minutes East 19.0 feet;

7 THENCE North 74 degrees 35 minutes 15 seconds West 2222.6
8 feet along the North boundary of the Marsh and the South Line of the
9 upper James Edwards Survey, to an iron pipe for corner from which a
10 34 inch Pine bears South 37 degrees 30 minutes West 55 4 feet and a
11 10 inch Pine bears North 37 degrees East 64.4 feet, this corner also
12 being a corner of a 625 acre tract;

13 THENCE South 75 degrees 00 minutes West 5363.8 feet along the
14 North boundary of 625 acre tract to a 3/4 inch iron pipe for corner
15 at a point North 75 degrees East 2090.98 feet from the Northwest
16 corner of 625 acre tract, a 10 inch Elm bears North 47 degrees West
17 26.0 feet and a 12 inch Ash bears North 10 degrees East 36.8 feet;

18 THENCE North 15 degrees 02 minutes 30 seconds West 1849.6
19 feet to a 3/4 inch iron pipe for corner from which a 40 inch Pin Oak
20 bears South 44 degrees 37 minutes East 214.0 feet and a 14 inch
21 Sweet Gum bears South 36 degrees 36 minutes East 197.7 feet, this
22 corner being in the Southeast Line of the San Jacinto River
23 Authority 87.22 acre tract;

24 THENCE North 62 degrees 08 minutes 50 seconds East 1669.22
25 feet along the South line of 87.22 acre tract to the East Corner of
26 same, a 3/4 inch iron pipe for corner from which a 36 inch Pin Oak
27 bears North 86 degrees West 19.5 feet;

1 THENCE South 73 degrees 24 minutes 40 seconds East 1665.34
2 feet along the South line of the M. E. Paddock 226 acres and the
3 South line of the M. L. Duke 27 acres to an axle for the Southeast
4 Corder of the Duke track;

5 THENCE North 16 degrees 09 minutes East 2027.2 feet along
6 Duke a East line to an axle for corner;

7 THENCE North 82 degrees 23 minutes 15 seconds East 1716.09
8 feet along the South line of the Calfee 22.8 acre tract to a stake
9 for the Southeast Corner of same. an old axle bears South 82 degrees
10 25 minutes West 1.5 feet;

11 THENCE South 13 degrees 23 minutes West 778.43 feet along the
12 West line of the Al Goode 88.356 acre tract to a 10 inch creosote
13 post for the Southwest Corner of same. a 10 inch Hickory bears North
14 05 degrees East 22.0 feet and a 6 inch Red Oak bears South 65 degrees
15 West 14.0 feet.

16 THENCE South 76 degrees 32 minutes 45 seconds East 2033.39
17 feet along Goode's South Line to a 3/4 inch iron pipe for the
18 Northwest Corner of the Spiller 59.195 acre tract.

19 THENCE South 13 degrees 27 minutes 15 seconds West 1094.77
20 feet to a 3/4 inch iron pipe for the Southwest Corder of the Spiller
21 59 195 acre tract.

22 THENCE South 76 degrees 32 minutes 45 seconds East 1601.26
23 feet to a 3/4 inch iron pipe for the most Southerly corner of the
24 Spiller 59.195 acre tract;

25 THENCE North 61 degrees 32 minutes 50 seconds East at 1370.97
26 feet pass a 2 inch iron pipe in the West side of a blacktop road and
27 continue in all 1395.57 feet to a point in center of said blacktop

1 road for the Southeast corner of Spiller 59.195 acre tract;

2 THENCE South 27 degrees 21 minutes 50 seconds East 950.52
3 feet along center of said blacktop road to the place of BEGINNING,
4 and containing 410.539 acres of land.

5 Less and Except
6 Pine Valley Drive, a subdivision of 14.684 acres of land in the
7 James Edwards Survey A-190, Montgomery County, Texas as per the
8 dedication plat dated February 28, 2017, Document #2017016271,
9 Cabinet 00Z, Sheet 4409.

10 Less and Except

11 20.000 ACRES
12 871,200 SQUARE FEET
13 JAMES EDWARDS SURVEY
14 ABSTRACT NO. 190
15 MONTGOMERY COUNTY, TEXAS

16 FIELD NOTE DESCRIPTION of a 20.000 acre (871,200 square foot)
17 tract of land located in the James Edwards Survey, Abstract Number
18 190, Montgomery County, Texas and said 20.000 acre tract of land
19 being out of and a part of the southerly remainder of Conroe Tract
20 One, a called 47.932 acre tract and the remainder of Conroe Tract
21 Four, a called 410.539 acre tract described in the deed to Conroe
22 Venture, Ltd., recorded under Montgomery County Clerk's File Number
23 (M.C.C.F. No.) 9149317, said 20.000 acre tract being more
24 particularly described by metes and bounds as follows: (The
25 bearings described herein are oriented to the Texas Coordinate
26 System, South Central Zone, NAD 1983.)

27 COMMENCING at the easterly end of a curved cut-back for the

1 southwest corner of the intersection of the southwesterly
2 Right-of-Way (R.O.W.) line of Longmire Road (based on a variable
3 width) recorded under Volume (Vol.) 665, Page (Pg.) 538 of the
4 Montgomery County Deed Records (M.C.D.R.), Cabinet "N", Sheet 65 of
5 the Montgomery County Plat Records (M.C.P.R.) and M.C.C.F. Nos.
6 2002-051191, 2009-013167, 2012-011629, 2012-0116630 and
7 2012-011632 and the southerly R.O.W. line of Pine Valley Drive
8 (based on a variable width) recorded under File No. 2017016271
9 M.C.P.R., from which a 5/8-inch iron rod with cap stamped "Jeff Moon
10 RPLS 4639" found bears, South 80 degrees 52 minutes West, 1.31 feet;

11 THENCE, in a northwesterly direction, along a curve to the
12 left, along said curved cut-back, having a radius of 25.00 feet, a
13 central angle of 91 degrees 06 minutes 39 seconds (chord bears,
14 North 75 degrees 11 minutes 42 seconds West, 35.70 feet) and an arc
15 distance of 39.75 feet, to the westerly end of said curved cut-back;

16 THENCE, South 59 degrees 14 minutes 58 seconds West,
17 departing the southwesterly R.O.W. line of aforesaid Longmire Road
18 and along the southerly R.O.W. line of aforesaid Pine Valley Drive,
19 a distance of 289.13 feet, to the beginning of a tangent curve to
20 the right in said southerly R.O.W. line of said Pine Valley Drive;

21 THENCE, in a southwesterly direction, along a curve said the
22 right, continuing along the southerly R.O.W. line of said Pine
23 Valley Drive, having a radius of 1,254.00 feet, a central angle of
24 10 degrees 02 minutes 54 seconds (chord bears, South 64 degrees 16
25 minutes 25 seconds West, 219.64 feet) and an arc distance of 219.92
26 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West
27 Belt Surveying Inc" set marking the POINT OF BEGINNING and the

1 northeast corner of the herein described tract;

2 THENCE, South 18 degrees 32 minutes 04 seconds East,
3 departing the southerly R.O.W. line of said Pine Valley Drive and
4 over and across aforesaid remainder of a called 410.539 acre tract,
5 a distance of 620.93 feet, to a 1/2-inch iron rod found in the
6 southerly line of said remainder of a called 410.539 acre tract and
7 marking the northwest corner of Conroe Tract Three, a called 7.5
8 acre tract described in the deed to Conroe Venture, Ltd., recorded
9 under M.C.C.F. No. 9149317, and the northeast corner of the called
10 3.979 acre tract described in the deed to Charles P. Peters, III and
11 wife, Judith S. Peters, recorded under M.C.C.F. No. 9143598 and the
12 southeast corner of the herein described tract;

13 THENCE, South 71 degrees 30 minutes 55 seconds West, along
14 the southerly line of said remainder of a called 410.539 acre tract,
15 a distance of 1,225.27 feet, to a 5/8-inch iron rod with orange
16 plastic cap stamped "West Belt Surveying Inc" set in the northerly
17 line of the called 7.4806 acre tract described in the deed to
18 William Lewis Pattillo, III and wife, Theresa Marcelle Pattillo
19 recorded under M.C.C.F. No. 2005-137433 common with the northerly
20 line of said remainder of a called 410.539 acre tract and marking
21 the southwest corner of the herein described tract;

22 THENCE, North 18 degrees 29 minutes 05 seconds West,
23 departing said common line and over and across said remainder of a
24 called 410.539 acre tract, a distance of 504.76 feet, to a 5/8-inch
25 iron rod with orange plastic cap stamped "West Belt Surveying Inc"
26 set marking an angle in the westerly line of the herein described
27 tract;

1 THENCE, North 22 degrees 10 minutes 43 seconds East,
2 continuing over and across said remainder of a called 410.539 acre
3 tract and over and across aforesaid southerly remainder of a called
4 47.932 acre tract, a distance of 551.06 feet, to a 5/8-inch iron rod
5 with orange plastic cap stamped "West Belt Surveying Inc" set in the
6 southerly R.O.W. line of aforesaid Pine Valley Drive and marking an
7 the beginning of a non-tangent curve to the left and the northwest
8 corner of the herein described tract;

9 THENCE, in an easterly direction, along said curve to the
10 left, having a radius of 1,254.00 feet, a central angle of 42
11 degrees 52 minutes 51 seconds (chord bears, South 89 degrees 15
12 minutes 42 seconds East, 916.76 feet) and an arc distance of 938.51
13 feet, to the POINT OF BEGINNING and containing a computed area of
14 20.000 acres (871,200 square feet) of land as depicted on the Land
15 Title Survey dated: August 2, 2019, prepared by West Belt
16 Surveying, Inc., Project No. S945-0004A.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

8 SECTION 4. (a) If this Act does not receive a two-thirds
9 vote of all the members elected to each house, Subchapter C, Chapter
10 7939A, Special District Local Laws Code, as added by Section 1 of
11 this Act, is amended by adding Section 7939A.0307 to read as
12 follows:

13 Sec. 7939A.0307. NO EMINENT DOMAIN POWER. The district may
14 not exercise the power of eminent domain.

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

18 SECTION 5. This Act takes effect September 1, 2021.

ADOPTED

MAY 27 2021

By: Bryan Ceylan

H.B. No. 4652

Substitute the following for H.B. No. 4652 Secretary of the Senate

By: [Signature]

C.S. H.B. No. 4652

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the creation of the Montgomery County Municipal Utility
3 District No. 208; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7939A to read as follows:

9 CHAPTER 7939A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

10

NO. 208

11

SUBCHAPTER A. GENERAL PROVISIONS

12

Sec. 7939A.0101. DEFINITIONS. In this chapter:

13

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

14

(2) "Commission" means the Texas Commission on

15

Environmental Quality.

16

(3) "Director" means a board member.

17

(4) "District" means the Montgomery County Municipal

18

Utility District No. 208.

19

Sec. 7939A.0102. NATURE OF DISTRICT. The district is a

20

municipal utility district created under Section 59, Article XVI,

21

Texas Constitution.

22

Sec. 7939A.0103. CONFIRMATION AND DIRECTOR ELECTION

23

REQUIRED. The temporary directors shall hold an election to

24

confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7939A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7939A.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 7939A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

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

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

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

17 Sec. 7939A.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7939A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

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

8 Sec. 7939A.0202. TEMPORARY DIRECTORS. (a) On or after
9 September 1, 2021, the owner or owners of a majority of the assessed
10 value of the real property in the district may submit a petition to
11 the commission requesting that the commission appoint as temporary
12 directors the five persons named in the petition. The commission
13 shall appoint as temporary directors the five persons named in the
14 petition.

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

16 (1) the date permanent directors are elected under
17 Section 7939A.0103; or

18 (2) September 1, 2025.

19 (c) If permanent directors have not been elected under
20 Section 7939A.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7939A.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7939A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

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

17 Sec. 7939A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7939A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

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

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

10 Sec. 7939A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 Sec. 7939A.0306. DIVISION OF DISTRICT. (a) The district
17 may be divided into two or more new districts only if the district:

18 (1) has no outstanding bonded debt; and

19 (2) is not imposing ad valorem taxes.

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

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

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) The board may adopt an order dividing the district
5 before or after the date the board holds an election under Section
6 7939A.0103 to confirm the district's creation.

7 (f) An order dividing the district shall:

8 (1) name each new district;

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

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

12 and

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

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

19 (h) Any new district created by the division of the district
20 shall hold a confirmation and directors' election as required by
21 Section 7939A.0103. If the voters of a new district do not confirm
22 the creation of the new district, the assets, obligations,
23 territory, and governance of the new district revert to the
24 original district.

25 (i) Municipal consent to the creation of the district and to
26 the inclusion of land in the district granted under Section
27 7939A.0104 acts as municipal consent to the creation of any new

1 district created by the division of the district and to the
2 inclusion of land in the new district.

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

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 7939A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
9 The district may issue, without an election, bonds and other
10 obligations secured by:

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

12 (2) contract payments described by Section
13 7939A.0403.

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

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

22 Sec. 7939A.0402. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 7939A.0401, the
24 district may impose an operation and maintenance tax on taxable
25 property in the district in accordance with Section 49.107, Water
26 Code.

27 (b) The board shall determine the tax rate. The rate may not

1 exceed the rate approved at the election.

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

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

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 7939A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or any
16 combination of those sources, to pay for any authorized district
17 purpose.

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

24 Sec. 7939A.0503. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other obligations
26 issued or incurred to finance road projects and payable from ad
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

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

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

6 (a) CONROE TRACT ONE.

7 Being forty-seven and nine hundred thirty-two-thousandths
8 (47.932) acres of land in the James Edwards Survey, A-190,
9 Montgomery County, Texas, also being a part of the J. W. Spiller
10 tract in same and being more particularly described by metes and
11 bounds as follows, to-wit.

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

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

19 Thence S. 13° 27' 15" W. 1094.77 ft. to an iron pipe for
20 corner;

21 Thence S. 76° 32' 45" E. 1601.26 ft. to an iron pipe for
22 corner;

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

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

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

1 Thence S. 21° 02' 10" E. 126.31 ft. to an iron pipe for corner;
2 Thence S. 72° 28' 26" W. 552.9 ft. to an iron pipe for corner;
3 Thence N. 3° 00' 24" E. 662.55 ft. to the place of beginning.

4 (b) CONROE TRACT TWO:

5 All that certain tract or parcel of land out of the Robert
6 Marsh Survey A-355, and James Edwards Survey A-189, in Montgomery
7 County, Texas being a portion of that certain tract of land conveyed
8 to J. W. Spiller and wife by deed recorded in Volume 488, Page 309,
9 of the deed records of Montgomery County, Texas, said tract of land
10 being more particularly described by metes and bounds as follows:

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

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

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

24 THENCE: Along the East bank of the San Jacinto River the
25 following courses:

26 (1) N 4° 07' E, 67.38 ft. to a yellow stake;

27 (2) N 25° 34' 17" E 59.58 ft. to a yellow stake;

1 (3) N 59° 49' 55" E, 117.87 ft. to a yellow stake;

2 (4) N 26° 41' 17" E, 191.76 ft. to a yellow stake;

3 (5) N. 23° 46' 46" W, 50.44 ft. to a 1/2" iron stake in the
4 North line hereof;

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

10 THENCE: Along the West line of the said Lampton tract S 15° 08'
11 51" E. for a distance of 1849.4 ft. to the place of beginning and
12 containing 65.153 acres of land.

13 (c) CONROE TRACT THREE:

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

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

22 THENCE North 74° 56' East 705.6 feet along the center line of
23 the above mentioned 60 foot roadway and the North line of said 15
24 acre tract to the Northeast corner of said 15 acre tract being the
25 northeast corner of the tract here described;

26 THENCE South 27° 37' East 444.0 feet along the East line of
27 said 15 acre tract and the West line of Longmire Road to the 5/8"

1 iron rod for the Southeast corner of the tract here described;

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

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

7 (d) CONROE TRACT FOUR:

8 All that certain tract or parcel of land in the JAMES EDWARDS
9 SURVEY, ABSTRACT 190, the JAMES EDWARDS SURVEY, ABSTRACT 189, and
10 the ROBERT MARSH SURVEY, ABSTRACT 355, Montgomery County, Texas,
11 and being the same premises conveyed by J. W. Spiller, et ux. to W.
12 S. Lampton, Jr., Trustee, by Deed dated July 8, 1968, recorded in
13 Volume 665, Page 538, Deed Records of Montgomery County, Texas, and
14 being more particularly described by metes and bounds as follows,
15 to-wit.

16 BEGINNING at the most Northeasterly corner of a 625 acre
17 tract of land conveyed by J. W. Spiller to John Ben Williamson, by
18 Deed dated September 22, 1960, recorded in Volume 488, Page 313,
19 Deed Records of Montgomery County, Texas, said corner being in the
20 center of Longmire Road;

21 THENCE South 74 degrees 54 minutes West 2378.8 feet along the
22 North line of above mentioned 625 acre tract to the North Boundary
23 Line of the Robert Marsh Survey, an iron pipe for corner from which
24 a 12 inch Pine bears South 51 degrees 30 minutes West 8.4 feet, a 5
25 inch Red Oak bears South 11 degrees 30 minutes East 3.0 Feet, and an
26 11 inch Red Oak bears South 82 degrees 30 minutes East 19.0 feet;

27 THENCE North 74 degrees 35 minutes 15 seconds West 2222.6

1 feet along the North boundary of the Marsh and the South Line of the
2 upper James Edwards Survey, to an iron pipe for corner from which a
3 34 inch Pine bears South 37 degrees 30 minutes West 55 4 feet and a
4 10 inch Pine bears North 37 degrees East 64.4 feet, this corner also
5 being a corner of a 625 acre tract;

6 THENCE South 75 degrees 00 minutes West 5363.8 feet along the
7 North boundary of 625 acre tract to a 3/4 inch iron pipe for corner
8 at a point North 75 degrees East 2090.98 feet from the Northwest
9 corner of 625 acre tract, a 10 inch Elm bears North 47 degrees West
10 26.0 feet and a 12 inch Ash bears North 10 degrees East 36.8 feet;

11 THENCE North 15 degrees 02 minutes 30 seconds West 1849.6
12 feet to a 3/4 inch iron pipe for corner from which a 40 inch Pin Oak
13 bears South 44 degrees 37 minutes East 214.0 feet and a 14 inch
14 Sweet Gum bears South 36 degrees 36 minutes East 197.7 feet, this
15 corner being in the Southeast Line of the San Jacinto River
16 Authority 87.22 acre tract;

17 THENCE North 62 degrees 08 minutes 50 seconds East 1669.22
18 feet along the South line of 87.22 acre tract to the East Corner of
19 same, a 3/4 inch iron pipe for corner from which a 36 inch Pin Oak
20 bears North 86 degrees West 19.5 feet;

21 THENCE South 73 degrees 24 minutes 40 seconds East 1665.34
22 feet along the South line of the M. E. Paddock 226 acres and the
23 South line of the M. L. Duke 27 acres to an axle for the Southeast
24 Corder of the Duke track;

25 THENCE North 16 degrees 09 minutes East 2027.2 feet along
26 Duke a East line to an axle for corner;

27 THENCE North 82 degrees 23 minutes 15 seconds East 1716.09

1 feet along the South line of the Calfee 22.8 acre tract to a stake
2 for the Southeast Corner of same. an old axle bears South 82 degrees
3 25 minutes West 1.5 feet;

4 THENCE South 13 degrees 23 minutes West 778.43 feet along the
5 West line of the Al Goode 88.356 acre tract to a 10 inch creosote
6 post for the Southwest Corner of same. a 10 inch Hickory bears North
7 05 degrees East 22.0 feet and a 6 inch Red Oak bears South 65 degrees
8 West 14.0 feet.

9 THENCE South 76 degrees 32 minutes 45 seconds East 2033.39
10 feet along Goode's South Line to a 3/4 inch iron pipe for the
11 Northwest Corner of the Spiller 59.195 acre tract.

12 THENCE South 13 degrees 27 minutes 15 seconds West 1094.77
13 feet to a 3/4 inch iron pipe for the Southwest Corder of the Spiller
14 59 195 acre tract.

15 THENCE South 76 degrees 32 minutes 45 seconds East 1601.26
16 feet to a 3/4 inch iron pipe for the most Southerly corner of the
17 Spiller 59.195 acre tract;

18 THENCE North 61 degrees 32 minutes 50 seconds East at 1370.97
19 feet pass a 2 inch iron pipe in the West side of a blacktop road and
20 continue in all 1395.57 feet to a point in center of said blacktop
21 road for the Southeast corner of Spiller 59.195 acre tract;

22 THENCE South 27 degrees 21 minutes 50 seconds East 950.52
23 feet along center of said blacktop road to the place of BEGINNING,
24 and containing 410.539 acres of land.

25 Less and Except
26 Pine Valley Drive, a subdivision of 14.684 acres of land in the
27 James Edwards Survey A-190, Montgomery County, Texas as per the

1 dedication plat dated February 28, 2017, Document #2017016271,
2 Cabinet 00Z, Sheet 4409.

3 Less and Except

4 20.000 ACRES

5 871,200 SQUARE FEET

6 JAMES EDWARDS SURVEY

7 ABSTRACT NO. 190

8 MONTGOMERY COUNTY, TEXAS

9 FIELD NOTE DESCRIPTION of a 20.000 acre (871,200 square foot)
10 tract of land located in the James Edwards Survey, Abstract Number
11 190, Montgomery County, Texas and said 20.000 acre tract of land
12 being out of and a part of the southerly remainder of Conroe Tract
13 One, a called 47.932 acre tract and the remainder of Conroe Tract
14 Four, a called 410.539 acre tract described in the deed to Conroe
15 Venture, Ltd., recorded under Montgomery County Clerk's File Number
16 (M.C.C.F. No.) 9149317, said 20.000 acre tract being more
17 particularly described by metes and bounds as follows: (The
18 bearings described herein are oriented to the Texas Coordinate
19 System, South Central Zone, NAD 1983.)

20 COMMENCING at the easterly end of a curved cut-back for the
21 southwest corner of the intersection of the southwesterly
22 Right-of-Way (R.O.W.) line of Longmire Road (based on a variable
23 width) recorded under Volume (Vol.) 665, Page (Pg.) 538 of the
24 Montgomery County Deed Records (M.C.D.R.), Cabinet "N", Sheet 65 of
25 the Montgomery County Plat Records (M.C.P.R.) and M.C.C.F. Nos.
26 2002-051191, 2009-013167, 2012-011629, 2012-0116630 and
27 2012-011632 and the southerly R.O.W. line of Pine Valley Drive

1 (based on a variable width) recorded under File No. 2017016271
2 M.C.P.R., from which a 5/8-inch iron rod with cap stamped "Jeff Moon
3 RPLS 4639" found bears, South 80 degrees 52 minutes West, 1.31 feet;
4 THENCE, in a northwesterly direction, along a curve to the
5 left, along said curved cut-back, having a radius of 25.00 feet, a
6 central angle of 91 degrees 06 minutes 39 seconds (chord bears,
7 North 75 degrees 11 minutes 42 seconds West, 35.70 feet) and an arc
8 distance of 39.75 feet, to the westerly end of said curved cut-back;
9 THENCE, South 59 degrees 14 minutes 58 seconds West,
10 departing the southwesterly R.O.W. line of aforesaid Longmire Road
11 and along the southerly R.O.W. line of aforesaid Pine Valley Drive,
12 a distance of 289.13 feet, to the beginning of a tangent curve to
13 the right in said southerly R.O.W. line of said Pine Valley Drive;
14 THENCE, in a southwesterly direction, along a curve said the
15 right, continuing along the southerly R.O.W. line of said Pine
16 Valley Drive, having a radius of 1,254.00 feet, a central angle of
17 10 degrees 02 minutes 54 seconds (chord bears, South 64 degrees 16
18 minutes 25 seconds West, 219.64 feet) and an arc distance of 219.92
19 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West
20 Belt Surveying Inc" set marking the POINT OF BEGINNING and the
21 northeast corner of the herein described tract;
22 THENCE, South 18 degrees 32 minutes 04 seconds East,
23 departing the southerly R.O.W. line of said Pine Valley Drive and
24 over and across aforesaid remainder of a called 410.539 acre tract,
25 a distance of 620.93 feet, to a 1/2-inch iron rod found in the
26 southerly line of said remainder of a called 410.539 acre tract and
27 marking the northwest corner of Conroe Tract Three, a called 7.5

1 acre tract described in the deed to Conroe Venture, Ltd., recorded
2 under M.C.C.F. No. 9149317, and the northeast corner of the called
3 3.979 acre tract described in the deed to Charles P. Peters, III and
4 wife, Judith S. Peters, recorded under M.C.C.F. No. 9143598 and the
5 southeast corner of the herein described tract;

6 THENCE, South 71 degrees 30 minutes 55 seconds West, along
7 the southerly line of said remainder of a called 410.539 acre tract,
8 a distance of 1,225.27 feet, to a 5/8-inch iron rod with orange
9 plastic cap stamped "West Belt Surveying Inc" set in the northerly
10 line of the called 7.4806 acre tract described in the deed to
11 William Lewis Pattillo, III and wife, Theresa Marcelle Pattillo
12 recorded under M.C.C.F. No. 2005-137433 common with the northerly
13 line of said remainder of a called 410.539 acre tract and marking
14 the southwest corner of the herein described tract;

15 THENCE, North 18 degrees 29 minutes 05 seconds West,
16 departing said common line and over and across said remainder of a
17 called 410.539 acre tract, a distance of 504.76 feet, to a 5/8-inch
18 iron rod with orange plastic cap stamped "West Belt Surveying Inc"
19 set marking an angle in the westerly line of the herein described
20 tract;

21 THENCE, North 22 degrees 10 minutes 43 seconds East,
22 continuing over and across said remainder of a called 410.539 acre
23 tract and over and across aforesaid southerly remainder of a called
24 47.932 acre tract, a distance of 551.06 feet, to a 5/8-inch iron rod
25 with orange plastic cap stamped "West Belt Surveying Inc" set in the
26 southerly R.O.W. line of aforesaid Pine Valley Drive and marking an
27 the beginning of a non-tangent curve to the left and the northwest

1 corner of the herein described tract;

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

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

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

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

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

1 SECTION 4. (a) If this Act does not receive a two-thirds
2 vote of all the members elected to each house, Subchapter C, Chapter
3 7939A, Special District Local Laws Code, as added by Section 1 of
4 this Act, is amended by adding Section 7939A.0307 to read as
5 follows:

6 Sec. 7939A.0307. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

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

11 SECTION 5. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4652 by Metcalf (Relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, CMA, AF, DPE, AJL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4652 by Metcalf (Relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, DPE, AJL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB4652** by Metcalf (Relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AF, DPE, AJL, CMA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 26, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4652 by Metcalf (Relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, AJL, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 26, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4652 by Metcalf (Relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

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. 208 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population: The very specific description of the proposed boundaries does not allow staff to develop precise population estimates.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Montgomery County served by small water systems or private wells ('County-Other') was 108,679. The Montgomery County-Other population projections adopted for the 2022 State Water Plan projects the population to grow to 286,757 in 2030 and 425,330 in 2040.

Location: The proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Montgomery County Deed Records, Montgomery County Plat Records, Montgomery County Clerk's File, Montgomery County Map Records, and metes and bounds. Due to the complexity of these boundaries for the various subareas of the district, staff is only able to determine the general location of the proposed district.

The proposed district's area is approximately 0.78 square miles in north central Montgomery County, located northwest of the City of Conroe, and south of the City of Willis. The proposed boundary appears to be near the intersection of Longmire Road and Pine Valley Drive.

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 specifies that if all or part of the territory of the District is annexed by the City of Conroe, Texas into the City's corporate limits, the District retains all of the District's outstanding debt and obligations and is not dissolved. 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. The 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. 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.

Water Use: Within Montgomery County, 88% of the total water use was supplied by groundwater (Gulf Coast Aquifer), and municipal was the largest volume water use category comprising 90% of the county total water use in 2018. The water source the proposed district might pursue is unknown.

Source 580 Water Development Board, 582 Commission on Environmental Quality
Agencies:
LBB Staff: JMc, AJL