88R12799 SCP-F

By:  Metcalf H.B. No. 5324

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 216; 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 7958A to read as follows:

CHAPTER 7958A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 216

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7958A.0101.  DEFINITIONS. In this chapter:

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

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

(3)  "Director" means a board member.

(4)  "District" means the Montgomery County Municipal Utility District No. 216.

Sec. 7958A.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7958A.0103.  CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7958A.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7958A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district as required by applicable law.

Sec. 7958A.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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

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

Sec. 7958A.0106.  INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1)  organization, existence, or validity;

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

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7958A.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7958A.0202, directors serve staggered four-year terms.

Sec. 7958A.0202.  TEMPORARY DIRECTORS. (a) On or after January 1, 2024, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 7958A.0103; or

(2)  January 1, 2028.

(c)  If permanent directors have not been elected under Section 7958A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 7958A.0103; or

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

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7958A.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7958A.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7958A.0303.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7958A.0304.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 7958A.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7958A.0401.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 7958A.0403.

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

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

Sec. 7958A.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7958A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7958A.0403.  CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7958A.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7958A.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7958A.0503.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2.  The Montgomery County Municipal Utility District No. 216 initially includes all the territory contained in the following area:

TRACT 1: 401.4 Acres

A 401.4 ACRE TRACT OF LAND IN THE JAMES EDWARDS SURVEYS, ABSTRACT NO. 189, 190, AND IN THE ROBERT MARSH SURVEY ABSTRACT NO. 355, MONTGOMERY COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 47.932 ACRE TRACT (TRACT ONE), ALL OF A CALLED 65.153 ACRE TRACT (TRACT TWO), AND OUT OF AND A PART OF A CALLED 410.539 ACRE TRACT (TRACT FOUR), ALL CONVEYED TO CONROE VENTURE, LTD. AND RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) NO. 9149317, THE SAID 401.4 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 3/4 inch iron pipe found marking the most northerly corner of a called 55.369 acre tract (TREND tract 2), conveyed to Trendmaker Homes, Inc. as recorded under M.C.C.F. NO. 2019104424, and an angle in the southerly line of said TRACT FOUR, and the herein described tract;

THENCE, South 71°38'09" West, along the southerly line of said TRACT FOUR, common with the northerly line of said TREND tract 2, a called 1.820 acre tract conveyed to the city of Conroe as recorded under M.C.C.F. NO. 2012000764, a called 32.724 acre tract (TREND tract 1) conveyed to Trendmaker Homes, Inc. as recorded under M.C.C.F. NO. 2019104424, a called 12.756 acre tract conveyed to Colony Ridge Land LLC, as recorded under M.C.C.F. NO. 2020041993, and a called 210.3078 acre tract conveyed to Colony Ridge Land, LLC, as recorded under M.C.C.F. NO. 2017005562, passing at a distance of 2,659.33 feet a 5/8-inch iron rod found marking the common northerly corner of said TREND tract 1, and said 12.756 acre tract, continuing a total distance of 5,361.84 feet, to a 3/4-inch iron pipe found marking the southwest corner of said TRACT FOUR, and the southeasterly corner of said TRACT TWO, and an angle in the northerly line of said 210.3078 acre tract, and an angle in the southerly line of the herein described tract;

THENCE, South 71°33'49" West, continuing along the northerly line of said 210.3078 acre tract, common with the southerly line of said TRACT TWO, a distance of 1,624.60 feet, to a 5/8-inch iron rod with cap stamped "S&V Surveying", found marking the southeast corner of a called 10.45 acre tract conveyed to San Jacinto River Authority, as recorded under Volume (VOL.) 692, Page (PG.) 779 of the Montgomery County Deed Records (M.C.D.R.), and the southwest corner of said TRACT TWO, and the herein described tract;

THENCE, departing the northerly line of said 210.3078 acre tract, and along the westerly line of said TRACT TWO, common with the easterly line of said 10.45 acre tract the following six (6) courses and distances;

North 28°22'23" West, a distance of 1,185.66 feet, to the high bank of a water course and an angle in the said common line;

North 00°53'08" East, along said high bank, a distance of 69.28 feet, to an angle in the said common line;

North 22°13'01" East, along said high bank, a distance of 59.71 feet, to an angle in the said common line;

North 56°36'03" East, along said high bank, a distance of 117.87 feet, to an angle in the said common line;

North 23°27'25" East, along said high bank, a distance of 191.76 feet, to an angle in the said common line;

North 27°00'38" West, along said high bank, a distance of 50.96 feet, to the southwest corner of a called 87.22 acre tract conveyed to San Jacinto River Authority, as recorded under VOL. 563, PG. 219 M.C.D.R., and the northwest corner of said TRACT TWO and the herein described tract;

THENCE, North 58°48'27" East, along the southerly line of said 87.22 acre tract, common with the northerly line of said TRACT TWO, and said TRACT FOUR, passing at a distance of 1,573.75 feet, a 1-inch iron pipe (bent) found marking the common northerly corner of said TRACT TWO and TRACT FOUR, continuing a total distance of 3,242.65 feet, to a 2-inch iron pipe found marking the southeast corner of said 87.22 acre tract, the southwest corner of a called 43.796 acre tract conveyed to San Jacinto River Authority as recorded under M.C.C.F. NO. 2009114038, and a northerly corner of said TRACT FOUR, and the herein described tract;

THENCE, South 76°41'28" East, along the south line of said 43.796 acre tract, and a called 4.321 acre tract conveyed to Aqua Texas, Inc. as recorded under M.C.C.F. NO. 2013074043, common with the north line of said TRACT FOUR, passing at a distance 1,274.47 feet, a 5-8-inch iron rod found marking the southwest corner of said 4.321 acre tract, continuing a total distance of 1,664.37 feet, to a 1-inch iron rod (bent) found marking the southeast corner of said 4.321 acre tract, and an interior corner of said TRACT FOUR, and the herein described tract;

THENCE, North 12°48'52" East, along the westerly line of said TRACT FOUR, common with the easterly line of said 4.321 acre tract, and said 43.796 acre tract, passing at a distance of 400.00 feet, the northeast corner of said 4.321 acre tract, from which a 5/8-inch iron rod with cap stamped "S&V Surveying" found bears, South 60°06' West, 0.2 feet, continuing a total distance of 767.77 feet, to a 1/2-inch iron rod found marking the most westerly southwest corner of the south Right-Of-Way (R.O.W.) line of Pine Valley Drive (based on a variable width) as dedicated under Cabinet (CAB.) Z, Sheet (SHT.) 4404 of the Montgomery County Map Records (M.C.M.R.), and a northerly corner of the herein described tract;

THENCE, departing said common line, and along the southerly R.O.W. line of said Pine Valley Drive, and over and across said TRACT FOUR, and said TRACT ONE, the following eleven (11) courses and distances:

South 76°37'29" East, a distance of 583.23 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the left;

In a northeasterly direction, along said curve to the left, having a radius of 991.00 feet, a central angle of 60°39'48" (chord bears North 73°02'38" East, 1,000.92 feet) and an arc distance of 1049.25 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the point of tangency;

North 42°42'44" East, a distance of 209.59 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an exterior corner of the herein described tract;

South 47°17'16" East, a distance of 13.87 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an exterior corner of the herein described tract, and the beginning of a non-tangent curve to the right;

In a northeasterly direction, along said curve to the right, having a radius of 746.00 feet, a central angle of 26°37'47" (chord bears, North 58°47'35" East, 343.61 feet) and an arc distance of 346.72 feet, to the point of tangency, from which a 5/8-inch iron rod found bears, South 79 12' East, 0.6 feet;

North 72°06'29" East, a distance of 52.46 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the right;

In an easterly direction, along said curve to the right, having a radius of 946.00 feet, a central angle of 28°03'11" (chord bears, North 86°08'05" East, 458.57 feet) and an arc distance of 463.18 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the point of tangency;

South 79°50'20" East, a distance of 1,282.23 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the right;

In a southeasterly direction, along said curve to the right, having a radius of 1,146.00 feet, a central angle of 38°55'52" (chord bears, South 60°22'24" East, 763.79 feet) and an arc distance of 778.68 feet, to the point of tangency, from which a 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found bears, South 76 43', 0.7 feet;

South 40°54'28" East, a distance of 298.45 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the left;

In a southwesterly direction, along said curve to the left, having a radius of 1,254.00 feet, a central angle of 26°56'38" (chord bears, South 54°22'42" east, 584.29 feet) and an arc distance of 589.71 feet, to a 1/2-inch iron rod found marking the northwest corner of a called 20.00 acre tract conveyed to Board of Trustees of the Willis Independent School District, as recorded under M.C.C.F. NO. 2019109575, the northwest corner of Restricted Reserve "A" of Willis ISD Elementary No. 6, map or plat thereof recorded under Cabinet Z, Sheet 6802, M.C.M.R., and the northeast corner of the herein described tract;

THENCE, South 22°12'21" West, departing the southerly R.O.W. line of said Pine Valley Drive, and along the westerly line of said 20.00 acre tract and said Reserve "A", a distance of 550.24 feet to a 5/8-inch iron rod found marking an exterior corner of said 20.00 acre tract and an interior corner of the herein describe tract;

THENCE, South 18°27'27" East, continuing along said westerly line, a distance of 504.76 feet, to a 5/8-inch iron rod with cap stamped "WEST BELT SURVEYING INC" found marking the southwest corner of said 20.00 acre tract and said Reserve "A", and in the south line of said TRACT FOUR, and in the north line of a called 7.4806 acre tract conveyed to William Lewis Pattillo III, ET UX. as recorded under M.C.C.F. NO. 2005137433, and marking the southeast corner of the herein described tract;

THENCE, South 71°32'33" West, along the south line of said TRACT FOUR, common with the northerly line of said 7.4806 acre tract, and a called 7.0047 acre tract conveyed to Darrel Caldwell, ET UX., passing at a distance of 369.97 feet, a 1/2-inch iron rod found marking the common north corner of said 7.4806 acre tract and said 7.0047 acre tract, continuing a total distance of 423.29 feet, to an angle in the said common line, from which a found 1/2-inch iron pipe bears, South 64 39' 0.2 feet;

THENCE, North 77°47'56" West, along the southerly line of said TRACT FOUR, common with the northerly lines of said 7.0047 acre tract, a called 8.005 acre tract conveyed to Michelle and Gregory Mills as recorded under M.C.C.F. NO. 2021020741, Reserve "A", of Replat of Willowridge Estates section One, as recorded under CAB. D, SHT. 74 M.C.M.R., a called 5.98 acre tract conveyed to Diane and Daniel Erb as recorded under M.C.C.F NO. 2021021750, and said TREND tract 2, passing at a distance of 336.33 feet, a 1/2-inch iron rod found marking the common north corner of said 7.0047 acre tract and said 8.000 acre tract, continuing a total distance of 2,221.10 feet, to the POINT OF BEGINNING and containing 401.4 acres of land.

TRACT 2: 76.55 Acres

A 76.55 ACRE TRACT OF LAND IN THE JAMES EDWARDS SURVEY, ABSTRACT NO. 190, MONTGOMERY COUNTY, TEXAS, BEING OUT OF AND A PART OF A CALLED 47.932 ACRE TRACT (TRACT ONE), AND OUT OF AND A PART OF A CALLED 410.539 ACRE TRACT (TRACT FOUR), BOTH CONVEYED TO CONROE VENTURE, LTD. AND RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) NO. 9149317, THE SAID 76.55 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set in the northerly Right-Of-Way (R.O.W.) line of Pine Valley Drive (based on a variable width) dedicated under Cabinet (CAB.) Z, Sheet (SHT.) 4404 of the Montgomery County Map Records (M.C.M.R.), and in the southeasterly line of a called 43.796 acre tract conveyed to San Jacinto River Authority as recorded under Montgomery County Clerk's File Number (M.C.C.F. NO.) 2009114038, common with the northwesterly line of said TRACT FOUR marking the most westerly southwest corner of the herein described tract;

THENCE, North 12°48'52" East, departing the northerly R.O.W. line of said Pine Valley Drive, and along said common line, passing at a distance of 1,035.12 feet, a 5/8-inch iron rod with cap stamped "S&V Surveying" found marking the northeast corner of said 43.796 acre tract, and the southeast corner of Restricted Reserve "E", Villas at White Oak Ranch, Section 1, map or plat thereof recorded under CAB. Z, SHT. 4853 M.C.M.R., continuing a total distance of 1,135.27 feet, to a 1-inch iron rod found marking an interior corner of said Restricted Reserve "E", and the northwest corner of said TRACT FOUR, and the herein described tract;

THENCE, North 79°02'55" East, along the northerly line of said TRACT FOUR, common with the southerly lines of said Villas at White Oak Ranch, Section 1, Restricted Reserve "C", White Oak Ranch Section 1, map or plat thereof recorded under CAB. Q, SHT. 74 M.C.M.R., Villas at White Oak Ranch, Section 2, map or plat thereof recorded under CAB. Z, SHT. 6099 M.C.M.R., and a called 0.608 acre tract conveyed to Aquasource Development Company, as recorded under M.C.C.F. NO. 2001060128, passing at 18.40 feet a 1/2-inch iron rod with cap stamped "TPS 100834-00" found marking the common south corner between said Reserve "E", and Lot 28, Block 1 of said Villas at White Oak Ranch Section 1, passing at a distance of 1,528.75 feet, a 5/8-inch iron rod found marking the common southerly corner of said 0.608 acre tract, and Reserve "D", of said Villas at White Oak Ranch, Section 2, continuing a total distance of 1,711.69 feet, to the west line of Reserve "C", of said Villas at White Oak Ranch, Section 2, marking the southeast corner of said 0.608 acre tract and the most northerly corner of said TRACT FOUR, from which a nail found bears, South 09°59' West, 0.9 feet;

THENCE, South 09°58'31" West, along the west line of said Reserve "C", and a called 31.430 acre tract conveyed to John R. Collett as recorded under M.C.C.F. NO. 2020139248, common with the east line of said TRACT FOUR, a distance of 778.74 feet, to a 1/2-inch iron rod with cap stamped "TPS 1000-834-00" found marking the southwest corner of said 31.430 acre tract, and an interior corner of said TRACT FOUR, and the herein described tract;

THENCE, South 79°46'17" East, along the southerly line of said 31.430 acre tract, a distance of 1,357.92 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the southeast corner of said 31.430 acre tract, common with the southwest corner of Lot 1, Stovall West, map or plat thereof recorded under CAB. Z, SHT. 3834 M.C.M.R., from which a found 1/2-inch iron rod bears North 12°41' East, 1.2 feet;

THENCE, South 79°56'30" East, along the southerly line of said Stovall West subdivision, and White Oak Manor, map of plat thereof recorded under CAB. A, SHT. 23 M.C.M.R., passing at a distance of 519.57 feet, a 1/2-inch iron rod found marking the common southerly corners of Stovall West section 1, and White Oak Manor, passing at a distance of 764.77 feet, a 1/2-inch iron pipe (bent) found marking the common southerly corner of Lot 9 and 10, White Oak Manor, continuing a total distance of 2,058.31 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set in the south line of Lot 14, White Oak Manor, marking the northwest corner of a called 6.045 acre tract conveyed to Stephen Scott Spiller as recorded under M.C.C.F. NO. 2009086905, and a northerly corner of said TRACT ONE, and the herein described tract;

THENCE, South 0°13'07" East, departing the southerly line of said White Oak Manor, and along the easterly line of said TRACT ONE, common with the westerly lines of said 6.045 acre tract, and a called 4.058 acre tract conveyed to Bonnie Jean Laramore as recorded under M.C.C.F. NO. 2018085525, a distance of 662.85 feet, to a 5/8-inch iron rod found marking the southwest corner of said 4.058 acre tract, and an interior corner of said TRACT ONE, and the herein describe tract;

THENCE, North 69°14'55" East, along the southerly line of said 4.058 acre tract common with the north line of said TRACT ONE, a distance of 552.90 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an angle in the said common line;

THENCE, North 24°15'41" West, along said common line, a distance of 126.31 feet to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an angle in the said common line;

THENCE, North 65°29'42" East, along said common line a distance of 581.14 feet, to a 1/2-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found in the southwesterly R.O.W. line of Longmire Road (based on a variable width) marking the northwest corner of a called 0.150 acre public street easement granted to the city of Conroe as recorded under M.C.C.F. NO. 2012011632, and the most easterly southeast corner of said 4.058 acre tract, and the most easterly northeast corner of said TRACT ONE, and the herein described tract;

THENCE, South 30°28'33" East, along the west line of said 0.150 acre public street easement, a distance of 341.77 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the southwest corner of said called 0.150 acre public street easement, and the northwest corner of a called 0.578 acre public street easement granted to city of Conroe as recorded under M.C.C.F. NO. 2012011630, and an angle in the westerly R.O.W. line of said Longmire Road;

THENCE, South 29°44'08" East, continuing along the westerly R.O.W. line of said Longmire Road, and said 0.578 acre tract, a distance o f 83.92 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the southeast corner of the herein described tract, and the beginning of a curve to the right;

THENCE, departing the westerly R.O.W. line of said Longmire Road, and along the northerly R.O.W. line of said Pine Valley Drive the following fifteen (15) courses and distances:

In a southerly direction, along a curve to the right, having a radius of 25.00 feet, a central angle of 88°58'45" (chord bears, South 14°45'15" West, 35.04 feet) and an arc distance of 38.82 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the point of tangency;

South 59°14'37" West, a distance of 292.28 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the right;

In a northwesterly direction, along said curve to the right, having a radius of 1,156.00 feet, a central angle of 79°51'01" (chord bears North 80°49'59" West, 1,483.81 feet) and an arc distance of 1,611.06 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the point of tangency;

North 40°54'28" West, a distance of 298.45 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713- 784-4500" set marking the beginning of a curve to the left;

In a northwesterly direction, along said curve to the left, having a radius of 1,244.00 feet, a central angle of 38°55'52" (chord bears, North 60°22'24" West, 829.10 feet) and an arc distance of 845.27 feet, to a 5/8-inch iron rod (bent) found marking the point of tangency;

North 79°50'20" West, a distance of 1,282.23 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the left;

In a westerly direction, along said curve to the left, having a radius of 1,044.00, a central angle of 28°03'11" (chord bears, South 86°08'05" West, 506.07 feet) and an arc distance of 511.16 feet, to the point of tangency, from which a found 5/8-inch iron rod bears North 07°18' west, 0.5 feet;

South 72°06'29" West, a distance of 52.46 feet, to the beginning of a curve to the left, from which a found 5/8-inch iron rod bears, North 88°29' West, 0.3 feet;

In a southwesterly direction, along said curve to the left, having a radius of 844.00 feet, a central angle of 28°18'34" (chord bears, South 57°57'12" West, 412.79 feet) and an arc distance of 417.01 feet, to a 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found marking the end of said curve;

South 47°17'16" East, a distance of 24.85 feet, to a 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found marking an exterior corner of the herein described tract;

South 42°42'44" West, a distance of 189.59 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the right;

In a southwesterly direction, along said curve to the right, having a radius of 931.00 feet, a central angle of 60°39'48" (chord bears, South 73°02'37" West, 940.32 feet) and an arc distance of 985.72 feet, to a 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found marking the point of tangency;

North 76°37'29" West, a distance of 414.93 feet, to an angle in the said R.O.W. line, from which a found 1/2-inch iron rod (bent) bears South 41°27' East, 0.2 feet;

North 13°22'31" East, a distance of 65.00 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an angle in the north R.O.W. line;

North 76°37'29" West, a distance of 170.09 feet, to the POINT OF BEGINNING and containing 76.55 acres of land.

TRACT 3: 16.40 Acres

A 16.40 ACRE TRACT OF LAND IN THE JAMES EDWARDS SURVEY, ABSTRACT NO. 190, MONTGOMERY COUNTY, TEXAS, BEING ALL OF A CALLED 7.5 ACRE TRACT (TRACT THREE) AND OUT OF AND A PART OF A CALLED 410.539 ACRE TRACT (TRACT FOUR), BOTH CONVEYED TO CONROE VENTURE, LTD. AND RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) NO. 9149317, THE SAID 16.40 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 1/2-inch iron rod found in the southwesterly Right-Of-Way (R.O.W.) line of Longmire Road (base on a variable width) marking the southwest corner of a called 0.283 acre Public Street Easement granted to City of Conroe as recorded under M.C.C.F. NO. 2012011629, and the northeast corner of Lot 1, Block 1, of Smith Place on Longmire Section 1, map or plat thereof recorded under Cabinet (CAB.) Z, Sheet (SHT.) 4635 Montgomery County Map Records (M.C.M.R.), and the southeast corner of said TRACT THREE and the herein described tract;

THENCE, South 71°38'45" West, departing the southwesterly R.O.W. line of said Longmire road, along the south line of said TRACT THREE, common with the north line of said Lot 1, Block 1, a distance of 774.14 feet, to the northeast line of a called 3.979 acre tract conveyed to Charles P. Peters III, ET UX. as recorded under M.C.C.F. NO. 9143598, marking the northwest corner of said Lot 1, Block 1, and the southwest corner of said TRACT THREE, and the herein described tract, from which a found 1/2-inch iron rod bears, South 30°26' East, 0.3 feet;

THENCE, North 18°17'47" West, along the northeasterly line of said 3.979 acre tract, common with the southwest line of said TRACT THREE, a distance of 433.40 feet, to a 1/2-inch iron rod found in the southerly line of said TRACT FOUR, marking the northeast corner of said 3.979 acre tract, the southeast corner of a called 20.00 acre tract conveyed to Board of Trustees of the Willis Independent School District as recorded under M.C.C.F. NO. 2019109575, and the northwest corner of said 7.5 acre tract, and an angle in the west line of the herein described tract;

THENCE, North 18°30'26" West, along the east line of said 20.00 acre tract, and the west line of the herein described tract, a distance of 621.17 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500", set in the southerly R.O.W. line of Pine Valley Drive (based on a variable width) as dedicated in CAB. Z, SHT. 4404 M.C.M.R., marking the northeast corner of said 20.00 acre tract, and the northwest corner of the herein described tract, and the beginning of a non-tangent curve to the left;

THENCE, In a northeasterly direction, along said curve to the left, and along the southerly R.O.W. line of said Pine Valley Drive, having a radius of 1,254.00 feet, a central angle of 10°00'50" (chord bears, North 64°15'02" East, 218.89 feet) and an arc distance of 219.17 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500", set marking the point of tangency;

THENCE, North 59°14'37" East, continuing along the southerly R.O.W. line of said Pine Valley Drive, a distance of 289.20 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking the beginning of a curve to the right;

THENCE, in a southeasterly direction, continuing along said southerly R.O.W. line, along said curve to the right, having a radius of 25.00 feet, a central angle of 92°04'20" (chord bears, South 76°41'06" East, 35.99 feet) and an arc distance of 40.17, to the southwesterly line of a called 0.578 acre public street easement granted to city of Conroe as recorded under M.C.C.F. NO. 2012011630 and the southwesterly R.O.W. line of said Longmire Road, and the northeast corner of the herein described tract, from which a found 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" bears, South 39°53' West, 1.5 feet;

THENCE, South 29°44'08" East, along the southwesterly R.O.W. line of said Longmire Road, and said 0.578 acre tract, a distance of 389.61 feet, to a 5/8-inch iron rod with cap stamped "E.H.R.A. 713-784-4500" set marking an angle in said 0.578 acre tract and the R.O.W. line of Longmire Road;

THENCE, South 31°06'09" East, continuing along the southwesterly R.O.W. line of said Longmire Road, a distance of 762.81 feet, to the POINT OF BEGINNING and containing 16.40 acres of land.

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

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

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

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

SECTION 4.  (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7958A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7958A.0306 to read as follows:

Sec. 7958A.0306.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect January 1, 2024.