H.B. No. 5332

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 229; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose 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 7970A to read as follows:

CHAPTER 7970A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 229

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7970A.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. 229.

Sec. 7970A.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7970A.0103.  CONFIRMATION AND DIRECTORS' 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. 7970A.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7970A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7970A.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. 7970A.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. 7970A.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7970A.0202, directors serve staggered four-year terms.

Sec. 7970A.0202.  TEMPORARY DIRECTORS. (a) On or after September 1, 2023, 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 7970A.0103; or

(2)  September 1, 2027.

(c)  If permanent directors have not been elected under Section 7970A.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 7970A.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. 7970A.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7970A.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. 7970A.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. 7970A.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. 7970A.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7970A.0306.  DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1)  has no outstanding bonded debt; and

(2)  is not imposing ad valorem taxes.

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

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

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

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 7970A.0103 to confirm the district's creation.

(f)  An order dividing the district shall:

(1)  name each new district;

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

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

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

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

(h)  Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7970A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

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

(j)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7970A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7970A.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 7970A.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. 7970A.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7970A.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. 7970A.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. 7970A.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. 7970A.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. 7970A.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. 229 initially includes all the territory contained in the following area:

TRACT 1: BEING a 290.261 acre tract of land situated in the Presley Gill Survey, Abstract Number 230, and the Thomas J. Williams Survey, Abstract Number 593, Montgomery County, Texas, being a the remainder of a called 320.348 acre tract described as "Parcel 2, Tract 4", all of that tract described as "Parcel 1, Tract X", and all of that certain called 45.615 acre tract described as "Parcel 2, Tract 7", all in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070 of the Official Public Records of Montgomery County, Texas, (O.P.R.M.C.T.), said 290.261 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the southwesterly margin of Faulkner Road for the common easterly corner of said Parcel 2, Tract 7 and that certain called 3.58 acre tract described in instrument to Juan G. Alanis, recorded under Clerk's File Number 2010047694, O.P.R.M.C.T., being the easterly northeast corner of the herein described 290.261 acre tract;

THENCE Southeasterly, with the southwesterly margin of said Faulkner Road, the northeasterly line of said Parcel 2, Tract 7, the following ten (10) courses and distances:

South 37°57'43" East, 224.78 feet, to a 5/8 inch iron rod found for corner;

South 29°48'32" East, 704.24 feet, to a 2 inch iron pipe found for corner;

South 23°29'11" East, 149.92 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for corner;

South 16°28'45" East, 253.03 feet, to a 5/8 inch iron rod found for corner;

South 14°26'37" East, 417.65 feet, to a 5/8 inch iron rod found (bent) for corner;

South 16°31'19" East, 428.16 feet, to a 5/8 inch iron rod found (bent) for corner;

South 13°53'44" East, 347.18 feet, to a 5/8 inch iron rod found (bent) for corner;

South 12°13'25" East, 203.50 feet, to a 5/8 inch iron rod found (bent) for corner;

South 11°00'54" East, 348.83 feet, to a 5/8 inch iron rod found for corner;

South 33°02'59" East, 102.77 feet, to a 5/8 inch iron rod with cap found in the northerly line of that certain called 5.000 acre tract described in instrument to Samuel E. Gray and Robert L. Adams, recorded under Clerk's File Number 201808136, O.P.R.M.C.T., for the southeasterly corner of said Parcel 2, Tract 7, being the most easterly southeast corner of the herein described 290.261 acre tract;

THENCE South 87°02'12" West, 501.77 feet, with the common line between said Parcel 2, Tract 7 and said Gray tract, to a 1 1/2 inch iron pipe found for the common corner of said Parcel 2, Tract 7, said Gray tract, and that certain called 13.023 acre tract described in instrument to Marion Alfred Sohl, recorded under Clerk's File Number 99068832 of the Real Property Records of Montgomery County, Texas, (R.P.R.M.C.T.), being an interior corner of the herein described 290.261 acre tract;

THENCE South 85°56'34" West, 514.36 feet, with the common line between said Parcel 2, Tract 7, and said Sohl tract, to a 5/8 inch iron rod with cap found (bent) in the apparent common line between said Williams and Gill Surveys for the common corner of said Parcel 2, Tract 7, said Parcel 1, Tract X, Said Parcel 2, Tract 4, and said Sohl tract, being an interior corner of the herein described 290.261 acre tract;

THENCE South 03°52'17" East, 534.89 feet, with said apparent common line and with the common line between said Parcel 2, Tract 4 and said Sohl tract, to a 5/8 inch iron rod with cap found (bent) for the common easterly corner of said Parcel 2, Tract 4 and the eastern portion of that certain tract described in instrument to Albert Carpenter Rigsby and Donna Ruth Rigsby, being a southeasterly corner of the herein described 290.261 acre tract;

THENCE South 86°39'45" West, 648.50 feet, with the common line between said Parcel 2, Tract 4 and said Rigsby tract, to a 5 inch by 5 inch concrete monument found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE South 03°02'33" East, 659.24 feet, continuing with said common line, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for a common corner of said Parcel 2, Tract 4, said Rigsby tract, and that certain tract that appears to be owned by Sarah Dietrich per Montgomery County Appraisal District, being an interior corner of the herein described 290.261 acre tract;

THENCE South 03°25'22" East, 1838.00 feet, with the common line between said Parcel 2, Tract 4, and said Dietrich tract, to a 5/8 inch iron rod found (bent) in the northerly line of that certain called 9.587 acre tract described in instrument to McShan Investment Holdings, LLC., recorded under Clerk's File Number 2019082984, O.P.R.M.C.T., being a southeasterly corner of said Parcel 2, Tract 4 and the herein described 290.261 acre tract;

THENCE South 86°42'07" West, 1357.64 feet, with the northerly line of said McShan Investment Holdings, LLC. tract, that certain called 8.000 acre tract described in instrument to Colin R. McShan and Jennifer L. McShan, recorded under Clerk's File Number 2015011666, O.P.R.M.C.T., the remainder of that certain called 16.370 acre tract described as Tract 2 in instrument to Colin R. McShan and Jennifer L. McShan, recorded under Clerk's File Number 2014021410, O.P.R.M.C.T., that certain called 7.1203 acre tract described in instrument to Jared Carter and Danica Pruitt, recorded under Clerk's File Number 2018063797, O.P.R.M.C.T., and that certain called 8.997 acre tract described in instrument to Amanda Beagley, recorded under Clerk's File Number 2017023668, O.P.R.M.C.T., common with a southerly line of said Parcel 2, Tract 4, to a 5 inch by 5 inch concrete monument found for a common corner of said Parcel 2, Tract 4, and said Beagley tract, being an interior corner of the herein described 290.261 acre tract;

THENCE South 86°34'21" West, 445.32 feet, continuing with the common line between said Parcel 2, Tract 4, and said Beagley tract, to a 1/2 inch iron rod with cap found in the easterly line of that certain called 10.00 acre tract described in instrument to Tara L. Messmore and Adoph Stricker, Jr., recorded under Clerk's File Number 2012122793, O.P.R.M.C.T., for the common easterly corner of said Parcel 2, Tract 4 and said Beagley tract, being a southwesterly corner of the herein described 290.261 acre tract;

THENCE North 02°02'56" West, 307.98 feet, with the common line between said Parcel 2, Tract 4 and said Messmore tract, to a 1/2 inch iron rod with cap found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE South 87°13'29" West, 706.71 feet, continuing with said common line, to a 1/2 inch iron rod with cap found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE South 02°06'38" East, 675.81 feet, with the westerly line of said Messmore tract and that certain called 3.5283 acre tract described in instrument to Joshua D. Hamner and Ciarra Hamner, recorded under Clerk's File Number 2012092079, O.P.R.M.C.T., common to an easterly line of said Parcel 2, Tract 4, to a 5/8 inch iron rod with cap found in the northeasterly margin of Morgan Cemetery Road, for the common southerly corner of said Parcel 2, Tract 4 and said Hamner tract, being the southerly southeast corner of the herein described 290.261 acre tract;

THENCE North 69°05'08" West, 108.70 feet, with the northeasterly margin of said Morgan Cemetery Road, the southerly southwest line of said Parcel 2, Tract 4, to a 3/4 inch iron pipe found for the southeasterly corner of that certain called 44.4667 acre tract described as Tract 1 in instrument to Kay Lynn Penton, recorded under Clerk's File Number 2013112575, O.P.R.M.C.T., being the southerly southwest corner of the herein described 290.261 acre tract;

THENCE North 02°07'45" West, 631.68 feet, with the easterly line of said Penton tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for an interior corner of said Penton tract, being a westerly corner of the herein described 290.261 acre tract;

THENCE North 35°57'05" East, 1967.62 feet, with the southeasterly line of said Penton tract, to a 5 inch by 5 inch concrete monument found for a common corner of said Parcel 2, Tract 4, said Penton tract, and the westerly portion of said Rigsby tract, being a northwesterly corner of the herein described 290.261 acre tract;

THENCE North 86°39'29" East, 697.27 feet, with the common line between said Parcel 2, Tract 4, and said Rigsby tract, to a 5 inch by 5 inch concrete monument found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE North 03°15'16" West, 658.73 feet, continuing with said common line, to a 5 inch by 5 inch concrete monument found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE South 86°42'01" West, 1442.18 feet, continuing with said common line, to a pine knot found in the easterly line of that certain called 15.49 acre tract described in instrument to Barbara Ann Brock Craft, recorded under Clerk's File Number 9648165, R.P.R.M.C.T., being the common westerly corner of said Parcel 2, Tract 4, and said Rigsby tract, being a southwesterly corner of the herein described 290.261 acre tract;

THENCE North 03°19'56" West, 539.48 feet, with the common line between said Parcel 2, Tract 4, and said Craft tract, to a 1/2 inch iron rod with cap found for the common westerly corner of said Parcel 2, Tract 4, and that certain called 10 acre tract described in instrument to Betty A. Wilkerson Trust, recorded under Clerk's File Number 9454859, R.P.R.M.C.T., being a northwesterly corner of the herein described 290.261 acre tract;

THENCE North 86°48'10" East, 1387.14 feet, with the southerly line of said Wilkerson Trust tract, and that certain called 10.560 acre tract described in instrument to Ralph Wilkerson, recorded under Clerk's File Number 2005132699, O.P.R.M.C.T., common to a northerly line of said Parcel 2, Tract 4, to a 1/2 inch iron rod with cap found (bent) for the common southerly corner of said Parcel 2, Tract 4, and said Wilkerson tract, being an interior corner of the herein described 290.261 acre tract;

THENCE North 03°21'22" West, 660.37 feet, with the common line between said Parcel 2, Tract 4, and said Wilkerson tract, to a 5 inch by 5 inch concrete monument found for the common northerly corner of said Parcel 2, Tract 4 and said Wilkerson tract, being an interior corner of the herein described 290.261 acre tract;

THENCE South 86°50'23" West, 659.62 feet, continuing with said common line, to a 5 inch by 5 inch concrete monument found for the common corner of said Parcel 2, Tract 4, said Wilkerson tract, said Wilkerson Trust tract, and that certain called 10.868 acre tract described as Tract II in instrument to Kenneth R. Brown and Janet L. Brown, recorded under Clerk's File Number 9622133, R.P.R.M.C.T., being a southwesterly corner of the herein described 290.261 acre tract;

THENCE North 03°23'15" West, 328.65 feet, with the common line between said Parcel 2, Tract 4, and said Brown tract, to a 5 inch by 5 inch concrete monument found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE North 87°41'41" West, 19.57 feet, continuing with said common line, to a 1/2 inch iron rod with cap found for a common corner of same, being a southwesterly corner of the herein described 290.261 acre tract;

THENCE North 03°05'16" West, 328.78 feet, continuing with said common line, to a 5 inch by 5 inch concrete monument found for a common corner of said Parcel 2, Tract 4, said Brown tract, and that certain called 43.220 acre tract described as Tract 1 in said instrument to Kenneth R. Brown and Janet L. Brown, being an interior corner of the herein described 290.261 acre tract;

THENCE North 04°06'03" West, 1766.54 feet, with the common line between said Parcel 2, Tract 4, and said Brown Tract 1, to a 5/8 inch iron rod with cap found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE South 85°43'05" West, 515.73 feet, continuing with said common line, to a 5/8 inch iron rod with cap found for a common corner of same, being a southwesterly corner of the herein described 290.261 acre tract;

THENCE North 03°52'37" West, 232.64 feet, continuing with said common line, to a 1/2 inch iron rod with cap found in the southeasterly right-of-way of the G.C. & S.F. Railroad, for the common northerly corner of said Parcel 2, Tract 4, and said Brown Tract 1, being the northerly northwest corner of the herein described 290.261 acre tract;

THENCE North 84°07'15" East, 1232.54 feet, with the southeasterly right-of-way of said Railroad, the most northerly line of said Parcel 2, Tract 4, to a 5/8 inch iron rod with cap found for the common notherly corner of said Parcel 2, Tract 4, and that certain called 10.88 acre tract described in instrument to Charles Cave, recorded under Clerk's File Number 2011108816, O.P.R.M.C.T., being the most northerly northeast corner of the herein described 290.261 acre tract;

THENCE South 02°45'52" East, 726.54 feet, with the common line between said Parcel 2, Tract 4, and said Cave tract, to a 5 inch by 5 inch concrete monument found for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE North 87°16'20" East, 659.50 feet, continuing with said common line, to a 1 1/2 inch iron pipe found for a common corner of said Parcel 2, Tract 4, said Cave tract, that certain called 8.00 acre tract described in instrument to Charles A. Cave, recorded under Clerk's File Number 2011108882, O.P.R.M.C.T., and that certain tract described in instrument to T.F. Green, Jr., recorded in Volume 573, Page 580 of the Deed Records of Montgomery County, Texas, being a northeasterly corner of the herein described 290.261 acre tract;

THENCE South 03°09'28" East, 654.46 feet, with the common line between said Parcel 2, Tract 4, and said Green, Jr. tract, to a 1 1/2 inch iron pipe found at a 5 inch by 5 inch concrete monument for a common corner of same, being an interior corner of the herein described 290.261 acre tract;

THENCE North 86°47'37" East, 697.75 feet, continuing with said common line, to a 5 inch by 5 inch concrete monument found (leaning) in the apparent common line between said Williams and Gill Surveys, the westerly line of said Parcel 2, Tract 7, for the common easterly corner of said Parcel 2, Tract 4, and said Green, Jr. tract, being an interior corner of the herein described 290.261 acre tract;

THENCE North 03°11'40" West, 1029.86 feet, with said apparent common line, with the easterly line of said Green, Jr. tract and said Alanis tract, common to the westerly line of said Parcel 2, Tract 7, to a 1 1/2 inch iron pipe found for the common westerly corner of said Parcel 2, Tract 7, and said Alanis tract, being a northwesterly corner of the herein described 290.261 acre tract;

THENCE North 86°26'54" East, 90.28 feet, with the common line between said Parcel 2, Tract 7, and said Alanis tract, to the POINT OF BEGINNING.

CONTAINING a computed area of 290.261 acres of land within this Field Note Description.

TRACT 2: BEING a 54.071 acre tract situated in the Presley Gill Survey, Abstract Number 230, Montgomery County, Texas, being comprised of all of that same called 43.220 acre tract described as "Tract 1", and all of that same called 10.868 acre tract described as "Tract II", both in instrument to Kenneth R. Brown and Janet L. Brown, recorded under Clerk's File Number 9622133 of the Real Property Records of Montgomery County, Texas (R.P.R.M.C.T.), said 54.071 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch capped iron rod found in the southerly right-of-way of G.C. and S.F. Railroad for the common northerly corner of said 43.220 acre tract and that certain called 290.261 acre tract described in instrument to Martin Land Ventures, LTD., recorded under Clerk's File No. 2020120629 of the Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.), being the northerly northeast corner of the herein described 54.071 acre tract, said POINT OF BEGINNING having a Texas State Plane Coordinate value of N:10,114,598.92, E:3,910,333.89, Central Zone (4203), grid measurement;

THENCE South 03°52'37" East, 232.64 feet, with the common line between said 43.220 acre tract and said 290.261 acre tract, to a 5/8 inch capped iron rod found for a common corner of the same, being an interior corner of the herein described 54.071 acre tract;

THENCE North 86°13'15" East, departing said common line, with the easterly north line of said 43.220 acre tract at a distance of 515.73 feet, pass a westerly line of said 290.261 acre tract, in all, a total distance of 532.66 feet, to a 1/2 inch iron rod found for the easterly northeast corner of said 43.22 acre tract and the herein described 54.071 acre tract, from which a 5/8 inch iron rod with cap found for an interior corner of said 290.261 acre tract bears North 78°49'35" West, 17.55 feet;

THENCE South 03°46'58" East, 1762.34 feet, with an easterly line of said 43.220 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the southeasterly corner of said 43.220 acre tract, being a southeasterly corner of the herein described 54.071 acre tract;

THENCE South 89°04'08" West, 7.16 feet, with the southerly line of said 43.220 acre tract, to a 5" x 5" concrete monument found in a westerly line of said 290.261 acre tract for the common corner of said 43.220 acre tract and said 10.868 acre tract, being an interior corner of the herein described 54.071 acre tract;

THENCE South 03°05'16" East, 328.78 feet, with the common line between said 10.868 acre tract and said 290.261 acre tract, to a 1/2 inch capped iron rod found for a common corner of the same, being an interior corner of the herein described 54.071 acre tract;

THENCE South 87°41'41" East, 19.57 feet, continuing with said common line, to a 5" x 5" concrete monument found for a common corner of the same, being a northeasterly corner of the herein described 54.071 acre tract;

THENCE South 03°23'15" East, 328.65 feet, continuing with said common line, to a 5" x 5" concrete monument found for the common corner of said 10.868 acre tract, said 290.261 acre tract, that certain called 10.560 acre tract described in instrument to Ralph Wilkerson recorded under Clerk's File No. 2005132699, O.P.R.M.C.T., and that certain called 10 acre tract described in instrument to Betty A. Wilkerson Trust recorded under Clerk's File No. 9454859, R.P.R.M.C.T., being the southerly southeast corner of the herein described 54.071 acre tract;

THENCE South 86°45'36" West, 728.01 feet, with the common line between said 10.868 acre tract and said 10 acre tract, to 1/2 inch iron rod found in an easterly line of that certain called 15.49 acre tract described in instrument to Barbara Ann Brock Craft, recorded under Clerk's File No. 9648165, R.P.R.M.C.T., for the southwesterly corner of said 10.868 acre tract, being the southerly southwest corner of the herein described 54.071 acre tract;

THENCE North 02°58'08" West, 661.14 feet, with the easterly line of said 15.49 acre tract, the southerly east line of that certain called 9.282 acre tract described in instrument to Fred J. Craft recorded under Clerk's File No. 7736103, R.P.R.M.C.T., common to the westerly line of said 10.868 acre tract, to a 1/2 inch iron rod found in the southerly line of said 43.220 acre tract, for the common northerly corner of said 10.868 acre tract and said 9.282 acre tract, being an interior corner of the herein described 54.071 acre tract;

THENCE South 86°38'36" West, 298.43 feet, with the common line between said 43.220 acre tract and said 9.282 acre tract, to a 1-1/2 inch iron pipe found a common corner of the same, being the westerly southwest corner of the herein described 54.071 acre tract;

THENCE North 03°47'12" West, 1965.61 feet, with the northerly east line of said 9.282 acre tract and that certain called 20.120 acre tract described in instrument to Fred J. Craft recorded under Clerk's File No. 962832, R.P.R.M.C.T., common to the westerly line of said 43.220 acre tract, to a 1-1/2 inch iron pipe found in the Southerly right-of-way of said G. C. and S.F. Railroad, for the common northerly corner of said 43.220 acre tract and said 20.120 acre tract, being the northwesterly corner of the herein described 54.071 acre tract;

THENCE North 84°01'17" East, 478.39 feet, with the southerly right-of-way of said G.C. and S.F. Railroad, the northerly line of said 43.220 acre tract, to the POINT OF BEGINNING, containing a computed area of 54.071 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on May 2, 2022, by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 25023.

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 7970A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7970A.0307 to read as follows:

Sec. 7970A.0307.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 5332 was passed by the House on May 9, 2023, by the following vote:  Yeas 108, Nays 34, 2 present, not voting.

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

Chief Clerk of the House

I certify that H.B. No. 5332 was passed by the Senate on May 24, 2023, by the following vote:  Yeas 27, Nays 3, 1 present, not voting.

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

Secretary of the Senate

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

                    Date

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

                  Governor