By:  Metcalf (Senate Sponsor - Creighton) H.B. No. 5337

(In the Senate - Received from the House May 10, 2023; May 10, 2023, read first time and referred to Committee on Local Government; May 15, 2023, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt                    X

Gutierrez                   X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 204; 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 8061 to read as follows:

CHAPTER 8061. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 204

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8061.0101.  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. 204.

Sec. 8061.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8061.0103.  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. 8061.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8061.0103 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. 8061.0105.  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. 8061.0106.  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. 8061.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8061.0202, directors serve staggered four-year terms.

Sec. 8061.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Rusty Campbell;

(2)  Gordon Richardson;

(3)  Greg Eknoyan;

(4)  Clint Pendleton; and

(5)  Mark Butler.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8061.0103; or

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

(c)  If permanent directors have not been elected under Section 8061.0103 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 8061.0103; 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. 8061.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8061.0302.  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. 8061.0303.  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. 8061.0304.  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. 8061.0305.  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. 8061.0306.  DIVISION OF DISTRICT. (a) 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.

(b)  An order dividing a district may create one or more new districts and may provide for the continuation of the district.

(c)  An order dividing the district shall:

(1)  name any new district;

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

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

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

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

(e)  The district may be divided only if the district:

(1)  has no outstanding bonded debt; and

(2)  is not imposing ad valorem taxes.

(f)   A 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.

(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)  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.

(i)  A new district created by the division of the district shall hold a confirmation and directors' election.

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

(k)  A 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)  The district may continue to rely on confirmation, directors', bond, or tax elections held prior to the division.

(m)  Municipal consent to the creation of the district and to the inclusion of land in the district 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.

Sec. 8061.0307.  LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1)  a road project authorized by Section 8061.0303; or

(2)  a recreational facility as defined by Section 49.462, Water Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8061.0401.  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 8061.0403.

(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. 8061.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8061.0401, 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. 8061.0403.  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. 8061.0501.  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. 8061.0502.  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. 8061.0503.  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. 204 initially includes all the territory contained in the following area:

Being the 2506.15 acres of land, situated in the SAMUEL LINDLEY SURVEY, A-23, JOSE MARIA DE LA GARZA GRANT, A-15, RICHARD WILLIAMS SURVEY, A-596 and the T.C. STEVENS SURVEY, A-525, Montgomery County, Texas and being:

1.  Part of a called 1432.5101 acre tract of land described as PARCEL 4 in a Special Warranty Deed dated April 25, 2018 from Apitx 5 LLC to Michael G. Manners, Trustee of the Michael G. Manners Revocable Trust Dated September 8, 2017recorded in Volume 1322, Page 463, Official Public Records, Montgomery County, Texas (MCOPR);

2.  All of a called 532.4888 acre tract of land described as PARCEL 1 in said Deed dated April 25, 2018 from Apitx 5 LLC to Michael G. Manners, Trustee of the Michael G. Manners Revocable Trust Dated September 8, 2017 recorded in Volume 1322, Page 463, MCOPR;

3.  All of a called 66.3792 acre tract of land described in a Deed dated December 8, 2017 from Maria De La Luz Ortiz, et vir to Michael G. Manners, Trustee of the Michael G. Manners Revocable Trust recorded under Clerk's File Number (CFN) 2017111540, MCOPR;

4.  All of the following four (4) tracts described in a Deed dated October 15, 2014 from Harry N. Kerr and Rendy Kerr to Michael G. Manners recorded under CFN 2017111540, MCOPR:

●  PARCEL ONE (1) 187.56 acre tract of land,

●  PARCEL TWO (2) 131.49 acre tract of land,

●  PARCEL THREE (3) 104.94 acre tract of land,

●  PARCEL FOUR (4) 85.32 acre tract of land;

Said 2506.15 acres being all of the 2510.10 acre tract described hereafter, SAVE AND EXCEPT 3.95 acres within the fenced margin of Rogers Road, a.k.a. Old Willis New Waverly Road (county maintained asphalt surface), described hereinafter the below description;

Said 2510.10 acres being more definitely described by metes and bounds as follows:

BEGINNING at the northernmost west corner of the said 1432.5101 acre Manners tract and this tract, the northernmost corner of a called 132.3296 acre tract of land described in a Deed to Edward E. Hartline, et ux recorded under CFN 9656185, MCOPR, the easternmost corner of a called 9.333 acre tract of land described in a Deed to Edward E. Hartline and Deborah W. Hartline recorded under CFN 2001052161, MCOPR and the southernmost corner of a called 45.19 acre tract of land described in a Deed to Francine Stewart recorded under CFN 56023, Official Public Records of Walker County, TX (WCOPR);

THENCE N 65°41'07" E, a distance of 884.12 feet <calculated> with the following boundary lines:

●  a northwesterly line of the said 1432.5101 acre Manners tract and this tract,

●  the south east line of the said 45.19 acre Stewart tract, to a point for corner of the following tracts:

●  in the northernmost northwest line of the said 1432.5101 acre Manners tract and a west angle corner in the westerly north line this tract,

●  in the southerly line of the said 45.19 acre Stewart tract,

●  in the common line of the SAMUEL LINDLEY SURVEY, A-23 (Montgomery County) and A-29 (Walker County),

●  in the approximate Montgomery County/Walker County line;

THENCE N 87°31'06" E, across the said 1432.5101 acre Manners tract, a distance of 1394.41 feet <calculated based upon GIS data, see note no. 3> with the following boundary lines:

●  the westerly north line of this tract,

●  the common line of the SAMUEL LINDLEY SURVEY, A-23 (Montgomery County) and A-29 (Walker County),

●  the approximate Montgomery County/Walker County line, to a point for corner of the following tracts:

●  in a northerly interior line of the said 1432.5101 acre Manners tract and a northeast corner of this tract,

●  the approximate northwest corner of the said JOSE MARIA DE LA GARZA GRANT, A-15,

●  in the southwesterly line of a called 30.6 acre tract of land described in a Deed to Francine F. Stewart recorded under Inst. 57729, WCOPR;

THENCE S 24°31'02" E, a distance of 394.55 feet <calculated> with the following boundary lines:

●  a northerly interior line of the said 1432.5101 acre Manners tract and this tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

●  the southwesterly line of the said 30.6 acre Stewart tract,

to a point for corner of the following tracts:

●  the northernmost interior ell corner of the said 1432.5101 acre Manners tract and this tract,

●  the southernmost corner of the said 30.6 acre Stewart tract;

THENCE N 65°30'38" E, a distance of 975.97 feet with the following boundary lines:

●  a northerly interior line of the said 1432.5101 acre Manners tract and this tract,

●  the southeasterly line of the said 30.6 acre Stewart tract,

to a point for corner of the following tracts:

●  in a northerly interior line of the said 1432.5101 acre Manners tract and an exterior angle corner in the easterly north line of this tract,

●  in the southeasterly line of the said 30.6 acre Stewart tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 (Montgomery County) and A-22 (Walker County),

●  in said approximate Montgomery County/Walker County line;

THENCE N 87°31'06" E, across the said 1432.5101 acre Manners tract, a distance of 533.70 feet <calculated based upon GIS data, see note no. 3> with the following boundary lines:

●  the easterly north line of this tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 (Montgomery County) and A-22 (Walker County),

●  the said approximate Montgomery County/Walker County line,

to a point for corner of the following tracts:

●  in a northeasterly line of the said 1432.5101 acre Manners tract and an angle corner in the easterly north line of this tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 (Montgomery County) and A-22 (Walker County),

●  in the said approximate Montgomery County/Walker County line;

●  in an interior line of a called 50.23 acre tract of land described as Tract 2 in a Deed to Richard William Buckner recorded in Vol. 702, pg. 59, MCOPR;

THENCE S 58°32'55" E, a distance of 74.17 feet with the following boundary lines:

●  the northernmost northeast line of the said 1432.5101 acre Manners tract and this tract,

●  an interior line of the said 50.23 acre Buckner tract,

to a point for corner of the following tracts:

●  a northeasterly angle corner of the said 1432.5101 acre Manners tract and this tract,

●  a westerly interior angle corner of the said 50.23 acre Buckner tract;

THENCE S 13°37'55" W, a distance of 940.82 feet with the following boundary lines:

●  a northerly east line of the said 1432.5101 acre Manners tract and this tract,

●  a south west line of the said 50.23 acre Buckner tract,

to a point for corner of the following tracts:

●  a northeasterly angle corner of the said 1432.5101 acre Manners tract and this tract,

●  the southernmost southwest corner of the said 50.23 acre Buckner tract,

●  in the westernmost north line of a called 199.62 acre tract of land described in a Deed to David W. Thompson and Lisa Ann Thompson recorded under CFN 2018005335, MCOPR;

THENCE S 88°54'31" W, a distance of 134.13 feet with the following boundary lines:

●  the northernmost south line of the said 1432.5101 acre Manners tract and this tract,

●  the southernmost north line of the said 199.62 acre Thompson tract,

to a point in the center of Chicken Creek for corner of the following tracts:

●  a northeasterly interior angle corner of the said 1432.5101 acre Manners tract and this tract,

●  the southernmost northwest corner of the said 199.62 acre Thompson tract;

THENCE S 16°14'50" W, a distance of 1214.37 feet with the following boundary lines:

●  a northerly east line of the said 1432.5101 acre Manners tract and this tract,

●  a west line of the said 199.62 acre Thompson tract,

to a point for corner of the following tracts:

●  an easterly interior angle corner of the said 1432.5101 acre Manners tract and this tract,

●  the westernmost corner of the said 199.62 acre Thompson tract;

THENCE S 24°54'33" E, a distance of 1140.32 feet with the following boundary lines:

●  an easterly interior line of the said 1432.5101 acre Manners tract and this tract,

●  the southernmost west line of the said 199.62 acre Thompson tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

to a point for corner of the following tracts:

●  an easterly interior ell corner of the said 1432.5101 acre Manners tract and this tract,

●  the southwest corner of the said 199.62 acre Thompson tract;

THENCE N 65°38'47" E, a distance of 839.59 feet with the following boundary lines:

●  an easterly north line of the said 1432.5101 acre Manners tract and this tract,

●  the southerly line of the said 199.62 acre Thompson tract,

to a point for corner of the following tracts:

●  an easterly northeast corner of the said 1432.5101 acre Manners tract and this tract,

●  in the southerly line of the said 199.62 acre Thompson tract,

●  the westernmost corner of a called 67.542 acre tract of land described in a Deed to Donnie O. Chumley, et ux recorded under Film Code Number (FCN) 472-01-2169, Official Public Records of Real Property, Montgomery County, TX (MCRPR);

THENCE S 25°05'13" E, a distance of 3498.14 feet with the following boundary lines:

●  an east line of the said 1432.5101 acre Manners tract and this tract,

●  the west line of the said 67.542 acre Chumley tract,

●  the southernmost westerly line of a called 30.00 acre tract of land described in a Deed to Glen E. Koy, Jr. recorded under FCN 743-01-1612, MCRPR,

●  the westerly line of a called 10.00 acre tract of land described in a Deed to James A. Hammons, et ux recorded under FCN 323-01-2205, MCRPR,

●  the westerly line of a called 10.00 acre tract of land described in a Deed to James T. Hammons, et ux recorded under FCN 452-13-1112, MCOPR,

●  the westerly line of a called 9.95 acre tract of land described in a Deed to James T. Hammons recorded under CFN 2018095675, MCOPR,

●  the northernmost west line of a called 29.90 acre tract of land described in a Deed to Matthew S. Herridge recorded under CFN 2018090717, MCOPR,

to a point for corner of the following tracts:

●  a southeast corner of the said 1432.5101 acre Manners tract and this tract,

●  a westerly interior ell corner of the said 29.90 acre Herridge tract;

THENCE S 62°57'14" W, a distance of 920.75 feet with the following boundary lines:

●  an easterly southeast line of the said 1432.5101 acre Manners tract and this tract,

●  the lower northwest line of the said 29.90 acre Herridge tract,

to a point for corner of the following tracts:

●  an easterly interior ell corner of the said 1432.5101 acre Manners tract and this tract,

●  the westernmost corner of the said 29.90 acre Herridge tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23;

THENCE S 25°14'14" E, a distance of 3418.55 feet with the following boundary lines:

●  an easterly northeast line of the said 1432.5101 acre Manners tract and this tract,

●  the westerly southwest line of the said 29.90 acre Herridge tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

●  the westerly line of a called 20.000 acre tract of land described in a Deed to Glen E. Koy, et ux recorded under CFN 9676130, MCRPR,

●  the westerly line of a called 16.416 acre tract of land described in a Deed to Glen Koy and Janice Koy recorded under CFN 2004112851, MCRPR,

●  the westerly line of a called 4.933 acre tract of land described in a Deed to Chad William Baylor recorded under CFN 2011077678, MCOPR,

●  the westerly line of a called 4.0000 acre tract of land described in a Deed to Rubin Allen Wood, et ux recorded under CFN 201108049, MCOPR,

●  the westerly line of a called 1.63 acre tract of land described in a Deed to Halbert L. Martin, Sr. and Kathryn L. Martin recorded under CFN 2015039488, MCOPR,

to a point for corner of the following tracts:

●  an easterly angle corner of the said 1432.5101 acre Manners tract and this tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

●  in the fenced west margin of said Rogers Road;

THENCE S 26°59'30" E, across the fenced margins of said Rogers Road, a distance of 174.33 feet <calculated> to a point for corner of the following tracts;

●  the northernmost corner of the said 532.4888 acre Manners tract and an easterly angle corner of this tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

●  in the fenced east margin of said Rogers Road,

●  the westernmost northwest corner of Mt. Zion Acres Subdivision according to Plat recorded in Cabinet D, Sheet 108-B and also recorded under CFN 8311986;

THENCE S 25°40'43" E, a distance of 1275.80 feet with the following boundary lines:

●  a westerly northeast line of the said 532.4888 acre Manners tract and an interior northeast line of this tract,

●  the westernmost line of the said Mt. Zion Acres Subdivision,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23,

to a point for corner of the following tracts:

●  a westerly interior angle corner of the said 532.4888 acre Manners tract and a central interior angle corner of this tract,

●  the westernmost southwest corner of the said Mt. Zion Acres Subdivision,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said SAMUEL LINDLEY SURVEY, A-23;

THENCE S 88°39'00" E, a distance of 527.46 feet with the following boundary lines:

●  the westernmost north line of the said 532.4888 acre Manners tract and an central north line of this tract,

●  the westernmost south line of the said Mt. Zion Acres Subdivision,

to a point for corner of the following tracts:

●  the westernmost northeast corner of the said 532.4888 acre Manners tract and a northeast corner of this tract,

●  a southerly interior angle corner of the said Mt. Zion Acres Subdivision;

THENCE S 25°03'48" E, a distance of 398.07 feet with the following boundary lines:

●  a northerly interior line of the said 532.4888 acre Manners tract and this tract,

●  the southernmost west line of the said Mt. Zion Acres Subdivision,

to a point for corner of the following tracts:

●  a northerly interior angle corner of the said 532.4888 acre Manners tract and this tract,

●  the southernmost southwest corner of the said Mt. Zion Acres Subdivision;

THENCE S 87°44'57" E, a distance of 477.38 feet with the following boundary lines:

●  a north line of the said 532.4888 acre Manners tract and this tract,

●  the southernmost line of the said Mt. Zion Acres Subdivision,

to a point for corner of the following tracts:

●  in a north line of the said 532.4888 acre Manners tract and this tract,

●  the southeast corner of the said Mt. Zion Acres Subdivision,

●  the southwest corner of the said 66.3792 acre Manners tract;

THENCE N 22°23'08" W, a distance of 2871.09 feet with the following boundary lines:

●  the west line of the said 66.3792 acre Manners tract and a west line of this tract,

●  the east line of the said Mt. Zion Acres Subdivision,

to a point for corner of the following tracts:

●  the northwest corner of the said 66.3792 acre Manners tract and a lower northwest corner of this tract,

●  the northeast corner of the said Mt. Zion Acres Subdivision,

●  in the south margin of Mt. Zion Road (a county maintained asphalt surface);

THENCE S 87°44'03" E, a distance of 1089.77 feet with the following boundary lines:

●  the north line of the said 66.3792 acre Manners tract and a north line of this tract,

●  the south margin of said Mt. Zion Road,

to a point for corner of the following tracts:

●  the northeast corner of the said 66.3792 acre Manners tract and a northeast corner of this tract,

●  in the south margin of said Mt. Zion Road,

●  the northwest corner of a called 4.00 acre tract described in a Deed to John Wesley Castine recorded under CFN 2011071469, MCOPR;

THENCE S 22°32'05" E, a distance of 874.15 feet with the following boundary lines:

●  an east line of the said 66.3792 acre Manners tract and this tract,

●  the west line of the said 4.00 acre Castine tract,

to a point for corner of the following tracts:

●  an angle corner of the said 66.3792 acre Manners tract and this tract,

●  the southwest corner of the said 4.00 acre Castine tract,

●  the westernmost northwest corner of a called 44.5 acre tract conveyed to Ian Martin Gerrard recorded under CFN 2018099526, MCOPR and being more particularly described in a Deed recorded in Vol. 483, pg. 485, Deed Records of Montgomery County, TX (MCDR);

THENCE S 22°35'50" E, a distance of 1126.95 feet with the following boundary lines:

●  an east line of the said 66.3792 acre Manners tract and this tract,

●  the west line of the said 44.5 acre Gerrard tract,

to a point for corner of the following tracts:

●  an angle corner of the said 66.3792 acre Manners tract and this tract,

●  the southwest corner of the said 44.5 acre Gerrard tract,

●  the easternmost northwest corner of the said 532.4888 acre Manners tract;

THENCE N 89°38'34" E, a distance of 1363.00 feet with the following boundary lines:

●  a north line of the said 532.4888 acre Manners tract and this tract,

●  the south line of the said 44.5 acre Gerrard tract,

to a point for corner of the following tracts:

●  a northeast corner of the said 532.4888 acre Manners tract and this tract,

●  in the south line of the said 44.5 acre Gerrard tract,

●  the southernmost northwest corner of a called 57.790 acre tract of land described in a Deed to Jacob Slott recorded under CFN 2017071820, MCOPR;

THENCE S 14°49'59" E, a distance of 901.02 feet with the following boundary lines:

●  an east line of the said 532.4888 acre Manners tract and this tract,

●  the west line of the said 57.790 acre Slott tract,

to a point for corner of the following tracts:

●  an interior corner of the said 532.4888 acre Manners tract and this tract,

●  the westernmost southwest corner of the said 57.790 acre Slott tract;

THENCE S 87°45'59" E, a distance of 194.05 feet with the following boundary lines:

●  an easterly north line of the said 532.4888 acre Manners tract and this tract,

●  a south line of the said 57.790 acre Slott tract,

to a point for corner of the following tracts:

●  an angle corner of the said 532.4888 acre Manners tract and this tract,

●  in a south line of the said 57.790 acre Slott tract;

●  the northwest corner of a called 55.5169 acre tract of land described in a Deed to Jacob Slott recorded under CFN 2018057080, MCOPR;

THENCE generally in a southerly direction, with an east line of the said 532.4888 acre Manners tract and of this tract and the westerly line of the said 55.5169 acre Slott tract, the following five (5) calls:

●  S 39°40'05" E, a distance of 437.68 feet to a point for corner,

●  S 14°13'08" E, a distance of 84.58 feet to a point for corner,

●  S 16°28'28" W, a distance of 289.38 feet to a point for corner,

●  S 27°16'56" W, a distance of 648.82 feet to a point for corner,

●  S 25°42'27" W, a distance of 1411.29 feet to a point for corner in the center of Little Caney Creek;

THENCE generally in an easterly direction with the center of said Little Caney Creek, with a lower north line of the said 532.4888 acre Manners tract and of this tract and the south line of the said 55.5169 acre Slott tract, the following eleven (11) calls:

1)  S 58°09'36" E, a distance of 260.72 feet to a point for corner,

2)  N 25°57'38" E, a distance of 230.21 feet to a point for corner,

3)  S 76°55'51" E, a distance of 62.79 feet to a point for corner,

4)  N 82°18'25" E, a distance of 250.28 feet to a point for corner,

5)  S 65°20'13" E, a distance of 341.62 feet to a point for corner,

6)  N 23°34'04" E, a distance of 133.93 feet to a point for corner,

7)  N 74°54'27" E, a distance of 209.23 feet to a point for corner,

8)  S 77°34'31" E, a distance of 104.01 feet to a point for corner,

9)  S 23°52'36" W, a distance of 145.46 feet to a point for corner,

10)  S 23°19'34" E, a distance of 147.34 feet to a point for corner,

11)  S 66°15'17" E, a distance of 271.00 feet to a point for the southernmost northeast corner of the said 532.4888 acre Manners tract, a lower northeast corner of this tract, the southernmost corner of the said 55.5169 acre Slott tract, in the center of said Little Caney Creek and in the westernmost line of a called 250 acre tract of land described in a Deed to Henry L. Pratt and Arthur C. Pratt recorded in Vol. 194, pg. 192, MCDR;

THENCE S 00°25'07" W, a distance of 808.32 feet with the following boundary lines:

●  the easternmost line of the said 532.4888 acre Manners tract and an east line of this tract,

●  the westernmost line of the said 250 acre Pratt tract,

to a point for corner of the following tracts:

●  an angle corner in the easternmost line of the said 532.4888 acre Manners tract and a central interior ell corner of this tract,

●  the southwest corner of the said 250 acre Pratt tract,

●  the northwest corner of the said 187.56 acre Manners tract;

THENCE S 89°05'15" E, a distance of 2447.10 feet with the following boundary lines:

●  the north line of the said 187.56 acre Manners tract and a north line of this tract,

●  the south line of the said 250 acre Pratt tract,

to a point in the center of Caney Creek for corner of the following tracts:

●  an angle corner in the north line of the said 187.56 acre Manners tract and a central angle corner of this tract,

●  in the south line of the said 250 acre Pratt tract,

●  the northwest corner of a called 15.00 acre tract of land described in a Deed to Sue Ellen Dewees Gibson recorded under FCN 957-01-2189, MCRPR;

THENCE generally in a southerly direction with the center of said Caney Creek and with the east line of the following tracts:

●  the said 187.56 acre Manners tract,

●  the said 131.49 acre Manners tract,

same being the west line of the following tracts:

●  the said 15.00 acre Gibson tract,

●  the residue of a called 218.401 acre tract of land described as Tract 2 in a Deed to Ellen Stewart Dewees recorded in Vol. 764, pg. 819, MCDR,

●  a called 153.695 acre tract of land described as Tract 1 in a Deed to Lonny Carmen Dewees, Jr., also recorded in said Vol. 764, pg. 819, MCDR,

and establishing the easternmost line of this tract, the following twenty-six (26) calls:

1)  S 47°35'47" E, a distance of 369.51 feet to a point for corner,

2)  S 05°34'58" E, a distance of 80.55 feet to a point for corner,

3)  S 22°06'00" W, a distance of 174.59 feet to a point for corner,

4)  S 68°23'25" E, a distance of 246.43 feet to a point for corner,

5)  S 20°57'28" W, a distance of 472.28 feet to a point for corner,

6)  S 38°49'39" E, a distance of 172.36 feet to a point for corner,

7)  S 31°38'49" W, a distance of 313.29 feet to a point for corner,

8)  N 86°53'33" E, a distance of 339.86 feet to a point for corner,

9)  S 07°55'58" W, a distance of 192.47 feet to a point for corner,

10)  S 01°11'55" E, a distance of 354.49 feet to a point for corner,

11)  S 57°37'12" E, a distance of 60.18 feet to a point for corner in the called intersection of Caney Creek and Bee Creek, at the southeast corner of the said 187.56 acre Manners tract, a northerly angle corner of the said 131.49 acre Manners tract and a southwesterly angle corner of the said residue of 218.401 acre Dewees tract,

12)  N 76°07'45" E, a distance of 572.30 feet to a point for corner,

13)  N 87°59'39" E, a distance of 94.34 feet to a point for corner,

14)  S 30°56'42" E, a distance of 102.96 feet to a point for corner,

15)  S 09°04'20" W, a distance of 119.06 feet to a point for corner,

16)  S 74°35'08" E, a distance of 320.44 feet to a point for corner,

17)  S 47°00'21" E, a distance of 70.61 feet to a point for corner,

18)  S 01°15'09" W, a distance of 217.80 feet to a point for corner,

19)  S 45°44'15" W, a distance of 496.51 feet to a point for corner,

20)  S 21°42'10" E, a distance of 121.03 feet to a point for corner,

21)  S 26°42'53" E, a distance of 243.78 feet to a point for corner,

22)  S 20°55'35" E, a distance of 168.98 feet to a point for corner,

23)  N 77°52'34" E, a distance of 168.03 feet to a point for corner,

24)  S 35°33'58" E, a distance of 253.63 feet to a point for corner,

25)  S 25°35'00" W, a distance of 260.82 feet to a point for corner,

26)  S 26°50'22" E, a distance of 192.61 feet to a point for the easternmost southeast corner of the said 131.49 acre Manners tract and this tract, an angle corner in the west line of the said 153.695 acre Dewees, Jr. tract and the northernmost corner of a called 70.000 acre tract of land described in a Deed to Ed H. Red, et ux recorded under FCN 532-01-0235, MCRPR;

THENCE S 64°56'17" W, with the following boundary lines:

●  the southernmost southeast line of the said 131.49 acre Manners tract and a southeast line of this tract,

●  the northwest line of the said 70.000 acre Red tract,

at 1996.36 feet, a point for corner of the following tracts:

●  the southernmost southwest corner of the said 131.49 acre Manners tract,

●  in the northwest line of the said 70.000 acre Red tract,

●  the easternmost corner of the said 85.32 acre Manners tract,

●  in a southeast line of this tract,

continue with the following boundary lines:

●  the easternmost south line of the said 85.32 acre Manners tract and a southwest line of this tract,

●  the northwest line of the said 70.000 acre Red tract,

at a TOTAL DISTANCE OF 3133.99 FEET to a point for corner of the following tracts:

●  an easterly interior ell corner of the said 85.32 acre Manners tract and a southerly interior ell corner of this tract,

●  the northwest corner of the said 70.000 acre Red tract

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said T.C. STEVENS SURVEY, A-525;

THENCE S 25°06'06" E, a distance of 2100.00 feet with the following boundary lines:

●  the southernmost east line of the said 85.32 acre Manners tract and this tract,

●  the westernmost line of the said 70.000 acre Red tract,

to a point for corner of the following tracts:

●  the southernmost east corner of the said 85.32 acre Manners tract and this tract,

●  the southernmost corner of the said 70.000 acre Red tract

●  in the northwest margin of Farm-to-Market Road No. 1097;

THENCE S 47°04'59" W, a distance of 1137.91 feet with the following boundary lines:

●  the southernmost southeast line of the said 85.32 acre Manners tract and this tract,

●  the northwest margin of said F.M. 1097,

to a point for corner of the following tracts:

●  an angle corner in the southernmost southwest line of the said 85.32 acre Manners tract and this tract,

●  an angle corner in the northwest margin of said F.M. 1097;

THENCE with a curve to the right, having an arc length of 557.49 feet, a radius of 7595.18 feet, a chord bearing of S 49°11'09" W and a chord length of 557.36 feet and with the following boundary lines:

●  the southernmost southwest line of the said 85.32 acre Manners tract and this tract,

●  the northwest margin of F.M. 1097,

to a point for corner of the following tracts:

●  the southernmost corner of the said 85.32 acre Manners tract and this tract,

●  the northwest margin of said F.M. 1097,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said T.C. STEVENS SURVEY, A-525,

●  the easternmost corner of a called 4.5210 acre tract of land conveyed to Jimmy R. Moore, et ux, recorded under FCN 923-01-2387, MCRPR and more particularly described under CFN 8728136, MCRPR;

THENCE N 23°50'53" W, with the following boundary lines:

●  the southernmost westerly line of the said 85.32 acre Manners tract and this tract,

●  the easterly line of the said 4.5210 acre Moore tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said T.C. STEVENS SURVEY, A-525,

at 507.39 feet, a point for corner of the following tracts:

●  the southernmost northwest corner of the said 85.32 acre Manners tract and an angle corner in a southwest line of this tract,

●  in the easterly line of the said 4.5210 acre Moore tract,

●  the southernmost corner of the said 104.94 acre Manners tract,

●  in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said T.C. STEVENS SURVEY, A-525,

continue with the following boundary lines:

●  the southernmost westerly line of the said 104.94 acre Manners tract and this tract,

●  the easterly line of the said 4.5210 acre Moore tract,

●  the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the said T.C. STEVENS SURVEY, A-525,

●  the easterly line of a called 2.467 acre tract of land described in a Deed to Scott Allen Baker and Angela Marie Cherry recorded under FCN 750-10-0608, MCRPR,

●  the easterly line of a called 2.890 acre tract of land described in a Deed to Dewayne Marshall, et ux recorded under FCN 096-00-1649, MCRPR,

●  the easterly line of a called 1.9991 acre tract of land described in a Deed to C. Dewayne Marshall recorded under FCN 715-01-1507, MCRPR,

●  the easterly line of a called 2.00017 acre tract of land described in a Deed to Albert E. Munn recorded in Vol. 590, pg. 176, MCDR,

●  the easterly line of a called 75.837 acre tract of land described in a Deed to Glenn A. Johnson recorded under FCN 667-10-2479, MCRPR,

at a TOTAL DISTANCE OF 2876.60 FEET to a point for corner of the following tracts:

●  the southernmost interior angle corner of the said 104.94 acre Manners tract and this tract,

●  the northeast corner of the said 75.837 acre Johnson tract,

●  a called point of intersection of the east line of the Alfred Johnson Survey, A-298, the northernmost corner of the T.C. STEVENS SURVEY, A-525 and in the west line of the JOSE MARIA DE LA GARZA GRANT, A-15;

THENCE N 88°43'55" W, a distance of 930.68 feet with the following boundary lines:

●  an upper south line of the said 104.94 acre Manners tract and a lower south line of this tract,

●  the north line of the said 75.837 acre Johnson tract,

●  crossing the common line of the said T.C. STEVENS SURVEY, A-525 and the said Alfred Johnson Survey, A-298,

to a point for corner of the following tracts:

●  an upper southwest corner of the said 104.94 acre Manners tract and a lower southwest corner of this tract,

●  in the north line of the said 75.837 acre Johnson tract,

●  the easternmost southeast corner of a called 110.440 acre tract of land described in a Deed to Working Dog Ranch, LP recorded under CFN 2017098732, MCOPR,

●  in the centerline of Bee Creek;

THENCE generally in a northerly direction with the center of said Bee Creek, with the westernmost boundary line of the said 104.94 acre Manners tract, with the easternmost boundary line of the said 110.440 acre Working Dog Ranch tract and establishing a lower west line of this tract, the following twenty-nine (29) calls:

1)  N 25°18'32" E, a distance of 48.63 feet to a point for corner,

2)  N 22°27'19" W, a distance of 36.00 feet to a point for corner,

3)  N 22°52'33" E, a distance of 29.00 feet to a point for corner,

4)  N 37°52'42" W, a distance of 29.00 feet to a point for corner,

5)  S 69°06'43" W, a distance of 62.00 feet to a point for corner,

6)  N 24°51'27" W, a distance of 26.00 feet to a point for corner,

7)  N 38°19'39" E, a distance of 69.00 feet to a point for corner,

8)  N 04°50'33" E, a distance of 32.00 feet to a point for corner,

9)  N 76°46'14" E, a distance of 34.00 feet to a point for corner,

10)  N 10°15'37" E, a distance of 24.00 feet to a point for corner,

11)  N 38°58'27" W, a distance of 28.00 feet to a point for corner,

12)  N 01°06'33" E, a distance of 30.00 feet to a point for corner,

13)  N 61°46'33" E, a distance of 31.00 feet to a point for corner,

14)  N 07°29'33" E, a distance of 34.00 feet to a point for corner,

15)  N 30°41'27" W, a distance of 70.00 feet to a point for corner,

16)  N 65°56'33" E, a distance of 63.00 feet to a point for corner,

17)  N 08°30'33" E, a distance of 49.00 feet to a point for corner,

18)  N 43°15'33" E, a distance of 35.00 feet to a point for corner,

19)  N 03°49'27" W, a distance of 22.00 feet to a point for corner,

20)  N 43°59'33" E, a distance of 53.00 feet to a point for corner,

21)  N 00°07'27" W, a distance of 90.00 feet to a point for corner,

22)  S 80°46'33" W, a distance of 41.00 feet to a point for corner,

23)  N 63°02'27" W, a distance of 37.00 feet to a point for corner,

24)  N 24°24'23" W, a distance of 84.00 feet to a point for corner,

25)  N 12°48'34" E, a distance of 90.00 feet to a point for corner,

26)  N 24°57'27" W, a distance of 37.00 feet to a point for corner,

27)  N 25°17'33" E, a distance of 35.48 feet to a point for corner,

28)  N 72°27'33" E, a distance of 73.70 feet to a point for corner,

29)  N 10°27'19" E, a distance of 15.01 feet to a point for corner at the westernmost northwest corner of the said 104.94 acre Manners tract and the southernmost northwest corner of this tract, the easternmost northeast corner of the 110.440 acre Walking Dog Ranch tract and in the south line of a called 67.831 acre tract of land described in a Deed to Thornberry Properties L.L.C. recorded under CFN 2013137435, MCOPR;

THENCE S 88°13'52" E, a distance of 850.58 feet with the following boundary lines:

●  the westerly north line of the said 104.94 acre Manners tract and the southernmost north line of this tract,

●  the south line of the said 67.831 acre Thornberry tract,

to a point for corner of the following tracts:

●  the northerly interior ell corner of the said 104.94 acre Manners tract and a southerly interior ell corner of this tract,

●  the southeast corner of the said 67.831 acre Thornberry tract;

THENCE N 01°21'00" E, with the following boundary lines:

●  the northernmost west line of the said 104.94 acre Manners tract and a southerly west line of this tract,

●  the east line of the said 67.831 acre Thornberry tract,

at 439.52 feet, a point for corner of the following tracts:

●  the northernmost northwest corner of the said 104.94 acre Manners tract and in a southerly west line of this tract,

●  the westernmost southwest corner of the said 131.49 acre Manners tract,

in the east line of the said 67.831 acre Thornberry tract,

at 1205.90 feet, a point for corner of the following tracts:

●  the westernmost northwest corner of the said 131.49 acre Manners tract and in a southerly west line of this tract,

●  the southwest corner of the said 187.56 acre Manners tract,

●  in the east line of the said 67.831 acre Thornberry tract,

continue with the following boundary lines:

●  the west line of the said 187.56 acre Manners tract and a southerly west line of this tract,

●  the east line of the said 67.831 acre Thornberry tract,

●  the east line of a called 219.15 acre tract of land described in a Deed to Norman Conroy recorded in Vol. 619, pg. 759, MCDR, also referred to as Woodland Lakes Addition, an unrecorded subdivision;

at a TOTAL DISTANCE OF 3671.52 FEET to a point for corner of the following tracts:

●  in the west line of the said 187.56 acre Manners tract and a southerly interior ell corner of this tract,

●  the northeast corner of the said 219.15 acre Conroy tract,

●  the southeast corner of the said 532.4888 acre Manners tract;

THENCE generally in a westerly direction with the south line of the said 532.4888 acre Manners tract and a central south line of this tract and the north line of the said 219.15 acre Conroy tract, the following three (3) calls:

●  N 87°06'32" W, a distance of 2129.31 feet to a point for corner in the common line of the said JOSE MARIA DE LA GARZA GRANT, A-15 and the RICHARD WILLIAMS SURVEY, A-596,

●  N 87°44'29" W, a distance of 1802.06 feet to a point for corner,

●  N 89°32'46" W, a distance of 1057.19 feet to a point for the southernmost southwest corner of the said 532.4888 acre Manners tract and a central southwest corner of this tract, in the north line of the said 219.15 acre Conroy tract and the southeast corner of a called 2 acre tract of land described in a Deed to Cynthia Stubblefield Walker under CFN 2007104519, MCRPR;

THENCE N 33°11'15" E, a distance of 287.84 feet with the following boundary lines:

●  a southerly west line of the said 532.4888 acre Manners tract and this tract,

●  the east line of the said 2 acre Walker tract,

to a point for corner of the following tracts:

●  a southwesterly interior corner of the said 532.4888 acre Manners tract and this tract,

●  the northeast corner of the said 2 acre Walker tract;

THENCE N 85°32'50" W, a distance of 275.40 feet with the following boundary lines:

●  a lower south line of the said 532.4888 acre Manners tract and this tract,

the north line of the said 2 acre Walker tract,

to a point for corner of the following tracts:

●  a southwest corner of the said 532.4888 acre Manners tract and this tract,

●  the northwest corner of the said 2 acre Walker tract,

●  in the fenced easterly margin of said Rogers Road;

THENCE generally in a northerly direction with the west line of the said 532.4888 acre Manners tract and a lower west line of this tract and the fenced easterly margin of said Rogers Road, the following eleven (11) calls:

1)  N 29°37'22" E, a distance of 572.10 feet to a point for corner,

2)  N 18°19'14" W, a distance of 99.93 feet to a point for corner,

3)  N 13°46'19" E, a distance of 67.91 feet to a point for corner,

4)  N 02°28'15" W, a distance of 287.64 feet to a point for corner,

5)  N 12°22'29" W, a distance of 789.17 feet to a point for corner,

6)  N 18°08'26" W, a distance of 264.59 feet to a point for corner,

7)  N 22°52'05" W, a distance of 1258.59 feet to a point for corner,

8)  N 06°39'44" W, a distance of 176.67 feet to a point for corner,

9)  N 07°35'27" E, a distance of 189.92 feet to a point for corner,

10)  N 15°07'11" E, a distance of 116.72 feet to a point for corner,

11)  N 25°24'45" E, a distance of 212.11 feet to a point for corner in a west line of the said 532.4888 acre Manners tract and a southerly interior angle corner of this tract and in the fenced easterly margin of said Rogers Road;

THENCE N 82°41'38" W, across said Rogers Road,

at 79.03 feet <calculated>, a point for corner of the following tracts:

●  the southeast corner of the said 1432.5101 acre Manners tract and in a south line of this tract,

●  in the fenced westerly margin of said Rogers Road,

●  the northeast corner of a called 2.15 acre tract described in a Constable's Resale Deed to Lauren Marie Ahmadian recorded under CFN 2020045765, MCOPR,

continue with the following boundary lines:

●  a southerly line of the said 1432.5101 acre Manners tract and this tract,

●  the north line of the said 2.15 acre Ahmadian tract,

at a TOTAL DISTANCE OF 242.88 FEET to a point for corner of the following tracts:

●  an angle corner in a south line of the said 1432.5101 acre Manners tract and this tract,

●  in the north line of the said 2.15 acre Ahmadian tract;

THENCE S 87°48'07" W, a distance of 284.50 feet with the following boundary lines:

●  a southerly line of the said 1432.5101 acre Manners tract and this tract,

●  the north line of the said 2.15 acre Ahmadian tract,

to a point for corner of the following tracts:

●  an angle corner in a southerly line of the said 1432.5101 acre Manners tract and this tract,

in the northeast line of the residue a called 137-1/2 acre tract of land described in a Deed to Tobe Westmoreland recorded in Vol. 68, pg. 516, MCDR;

THENCE generally with the south and east lines of the said 1432.5101 acre Manners tract and this tract and the north and west lines of the residue of the said 137-1/2 acre Westmoreland tract, the following four (4) calls:

●  S 76°27'30" W, a distance of 443.84 feet to a point for corner,

●  S 88°25'17" W, a distance of 29.40 feet to a point for corner,

●  S 65°23'34" W, a distance of 1254.85 feet to a point for a lower interior corner of the said 1432.5101 acre Manners tract, a central interior corner of this tract and the northwest corner of the said Westmoreland tract,

●  S 24°28'25" E, a distance of 1447.51 feet to a point for the southernmost east corner of the said 1432.5101 acre Manners tract and a southerly southeast corner of this tract, in the west line of the said 137-1/2 acre Westmoreland tract and the northernmost corner of a called 164.5285 acre tract of land described in a Deed to William A. Marek, Jr. recorded under CFN 2006001720, MCRPR;

THENCE S 65°53'56" W, a distance of 3496.08 feet with the following boundary lines:

●  a southeast line of the said 1432.5101 acre Manners tract and this tract,

●  the northerly line of the said 164.5285 acre Marek tract,

to a point for corner of the following tracts:

●  a southwest corner of the said 1432.5101 acre Manners tract and this tract,

●  the westernmost corner of the said 164.5285 acre Marek tract,

●  the called east line of Arrowhead Lakes Subdivision, Section 1 according to plat recorded in Vol. 7, pg. 55, MCDR;

THENCE generally in a northerly and westerly direction, with the southwesterly interior lines of the said 1432.5101 acre Manners tract and this tract and the northerly lines of the said Arrowhead Lakes Subdivision, the following four (4) calls:

●  N 24°56'14" W, a distance of 752.00 feet to a point for corner,

●  S 63°58'23" W, a distance of 246.57 feet to a point for corner,

●  S 31°05'04" W, a distance of 476.60 feet to a point for corner,

●  S 56°11'46" W, a distance of 297.66 feet <calculated> to a point at the most westerly southwest corner of this tract and being at the approximate intersection of a south line of the said 1432.5101 acre Manners tract, a north line of the said Arrowhead Lakes Subdivision and the boundary line of the extraterritorial jurisdiction of the City of Willis (Willis ETJ);

THENCE with the boundary of the said Willis ETJ, across the said 1432.5101 acre Manners tract and establishing a westerly boundary line of this tract, the following call:

●  with a curve to the left, having an arc length of 1776.43 feet, a radius of 5231.37 feet, a chord bearing of N 01°59'23" W and a chord length of 1767.90 feet <calculated based upon GIS data, see note no. 4> to a point for an angle corner in a westerly line of the said 1432.5101 acre Manners tract and a west corner this tract and being in the easterly fenced margin of I&GN Railroad (100 ft. Right-of-Way);

THENCE with the easterly fenced margin of the said I&GN Railroad, a westerly line of the said 1432.5101 acre Manners tract and this tract, the following three (3) calls:

●  N 20°39'08" E, a distance of 2741.71 feet <calculated> to a point for corner,

●  with a curve to the left, having an arc length of 1669.21 feet, a radius of 1960.08 feet, a chord bearing of N 03°44'40" W and a chord length of 1619.23 feet to a point for corner,

●  N 28°09'35" W, a distance of 4349.47 feet to a point for a west corner of the said 1432.5101 acre Manners tract and this tract and the southernmost corner of a called 132.3296 acre tract of land described in a Deed to Edward E. Hartline, et ux recorded under CFN 9656185, MCOPR;

THENCE N 62°22'01" E, a distance of 3534.42 feet with the following boundary lines:

●  a northwest line of the said 1432.5101 acre Manners tract and this tract,

●  the southeast line of the said 132.3296 acre Hartline tract,

●  the southeast line of a called 36.5193 acre tract of land described in a Deed to Rick L. Carter recorded under FCN 402-00-0096, MCRPR,

to a point for corner of the following tracts:

●  a northwesterly interior ell corner of the said 1432.5101 acre Manners tract and this tract,

●  the easternmost corner of the said 36.5193 acre Marek tract;

THENCE N 26°50'53" W, a distance of 1562.36 feet with the following boundary lines:

●  a northerly interior line of the said 1432.5101 acre Manners tract and this tract,

●  the northeast line of the said 36.5193 acre Carter tract,

to a point for corner of the following tracts:

●  a northwesterly interior ell corner of the said 1432.5101 acre Manners tract and this tract,

●  the northernmost corner of the said 36.5193 acre Marek tract;

THENCE S 62°27'48" W, a distance of 529.70 feet with the following boundary lines:

●  an upper interior line of the said 1432.5101 acre Manners tract and this tract,

●  the northwest line of the said 36.5193 acre Carter tract,

to a point for corner of the following tracts:

●  a southwest corner of the said 1432.5101 acre Manners tract and this tract,

●  in the northwest line of the said 36.5193 acre Marek tract

●  the easternmost corner of a called 5.0000 acre tract of land described in a Deed to Rick L. Carter recorded under CFN 9666189, MCRPR;

THENCE N 26°32'15" W, a distance of 929.45 feet with the following boundary lines:

●  within the residue of the said 1432.5101 acre Manners tract,

●  the northeast line of the said 5.0000 acre Carter tract,

to a point for corner of the following tracts:

●  a northwesterly interior angle corner of this tract,

●  the north corner of the said 5.0000 acre Carter tract;

THENCE S 28°20'22" W, a distance of 283.23 feet with the following boundary lines:

●  within the residue of the said 1432.5101 acre Manners tract,

●  the north line of the said 5.0000 acre Carter tract,

to a point for corner of the following tracts:

●  an upper southwest corner of this tract,

●  in an upper southwest line of the residue of the said 1432.5101 acre Manners tract,

●  the west corner of the said 5.0000 acre Carter tract,

●  in a northeasterly line of the said 132.3296 acre Hartline tract;

THENCE N 24°34'56" W, a distance of 1509.81 feet with a southwesterly line of the said 1432.5101 acre Manners tract and this tract and with a northeasterly line of the said 132.3296 acre Hartline tract to the PLACE OF BEGINNING and containing 2510.102 acres of land, SAVE AND EXCEPT THEREFROM the hereinafter described 3.95 acres within the fenced margins of Rogers Road, leaving a NET AREA OF 2506.15 ACRES OF LAND.

SAVE AND EXCEPT 3.95 ACRE TRACT

Being a 3.95 acre tract of land located within the fenced margins of Rogers Road, a.k.a. Old Willis New Waverly Road (county maintained asphalt surface, no Right-of-Way Deed found of record), situated in the SAMUEL LINDLEY SURVEY, A-23 and being more definitely described by metes and bounds as follows:

BEGINNING at a point for the northwest corner of this tract, the most southerly northeast corner of a called 1432.5101 acre tract of land described as PARCEL 4 in a Special Warranty Deed dated April 25, 2018 from Apitx 5 LLC to Michael G. Manners, Trustee of the Michael G. Manners Revocable Trust Dated September 8, 2017recorded in Volume 1322, Page 463, Official Public Records, Montgomery County, Texas (MCOPR), the south corner of a called 1.63 acre tract of land described in a Deed to Halbert L. Martin, Sr. and Kathryn L. Martin recorded under Clerk's File Number (CFN) 2015039488, MCOPR and in the west fenced margin of said Rogers Road;

THENCE S 26°59'30" E, across said Rogers Road with the north line of this tract, a distance of 174.33 feet <calculated> to a point for corner of the following tracts:

●  at the northeast corner of this tract,

●  the northernmost corner of a called 532.4888 acre tract of land described as PARCEL 1 in said Deed dated April 25, 2018 from Apitx 5 LLC to Michael G. Manners, Trustee of the Michael G. Manners Revocable Trust Dated September 8, 2017 recorded in Volume 1322, Page 463, MCOPR,

●  in the east fenced margin of said Rogers Road;

THENCE generally in a southerly direction with a fence in the east margin of said Rogers Road, with the east line of this tract and with the westerly line of the said 532.4888 acre Manners tract, the following four (4) calls:

●  S 00°51'20" W, a distance of 1094.43 feet to a point for corner,

●  S 06°15'10" W, a distance of 172.07 feet to a point for corner,

●  S 19°34'05" W, a distance of 211.74 feet to a point for corner,

●  S 25°24'45" W, a distance of 618.10 feet to a point for corner;

THENCE N 82°41'38" W, across said Rogers Road with the south line of this tract, a distance of 79.03 feet <calculated> to a point for corner of the following tracts:

●  the southwest corner of this tract,

●  a southeast corner of the said 1432.5101 acre Manners tract,

●  in the west fenced margin of said Rogers Road,

●  in the north line of a called 2.15 acre tract described in a Constable's Resale Deed to Lauren Marie Ahmadian recorded under CFN 2020045765, MCOPR;

THENCE generally in a northerly direction with a fence in the west margin of said Rogers Road, with the west line of this tract and with the easternmost line of the said 1432.5101 acre Manners tract, the following four (4) calls:

●  N 25°12'20" E, a distance of 650.20 feet to a point for corner,

●  N 18°28'57" E, a distance of 186.20 feet to a point for corner,

●  N 06°06'35" E, a distance of 155.11 feet to a point for corner,

●  N 00°49'44" E, a distance of 1249.46 feet to the PLACE OF BEGINNING, containing 3.95 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) Section 8061.0307, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b)  If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8061, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8061.0307 to read as follows:

Sec. 8061.0307.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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