By:  Bettencourt S.B. No. 2600

(In the Senate - Filed April 6, 2023; April 11, 2023, read first time and referred to Committee on Local Government; April 28, 2023, reported favorably by the following vote: Yeas 7, Nays 0; April 28, 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 Firefly Municipal Utility District No. 1; 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 7985A to read as follows:

CHAPTER 7985A. FIREFLY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7985A.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 Firefly Municipal Utility District No. 1.

Sec. 7985A.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7985A.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. 7985A.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7985A.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. 7985A.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. 7985A.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. 7985A.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7985A.0202, directors serve staggered four-year terms.

Sec. 7985A.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Mike Terechenok;

(2)  Bryan D. Kinsler;

(3)  Donnie Reed;

(4)  Walker French; and

(5)  Mark C. Hodges.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 7985A.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 7985A.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 7985A.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. 7985A.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7985A.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. 7985A.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. 7985A.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. 7985A.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. 7985A.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 never issued any bonds; 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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7985A.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 7985A.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. 7985A.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7985A.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. 7985A.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. 7985A.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. 7985A.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. 7985A.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 Firefly Municipal Utility District No. 1 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a calculated 2,454 acre tract of land situated in the Walker County School Land Survey, Abstract No. 494, the Michael H. Hinch Survey, Abstract No. 253, and the Presley Gill Survey, Abstract No. 230, in Montgomery County, Texas, being all of a calculated 2,540 acre tract (Tract 1), being a portion of a called 3,045.032 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records, being all of a called 5.00 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2021177867, Montgomery County Official Public Records, and being all of a called 4.709 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2023003933, Montgomery County Official Public Records, save and except a calculated 20.720 acre tract (Tract 2), being all of called Tract Nos. Thirty-Five (35) and Forty-Three (43), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to John Schneider by deed recorded in Volume 85, Page 230, Montgomery County Deed Records, and being all of called Tract Nos. Fifty-One (51) and Fifty-Nine (59), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Rita S. Wolven and Margy A. Long by deed recorded in Clerk's File No. 9534020, Montgomery County Official Public Records of Real Property, save and except a calculated 10.087 acre tract (Tract 3), being all of called Tract Nos. Seventy (70) and Seventy-Eight (78), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Eleanore Triplett by deed recorded in Clerk's File No. 7930998, Montgomery County Deed Records, save and except a calculated 20.02 acre tract (Tract 4), being all of a called 10.0 acre tract conveyed to Splendora Independent School District by deed recorded in Clerk's File No. 2013090370, Montgomery County Official Public Records, and being all of called 10.0 acre tract conveyed to Jack W. Mayo, Jr. by deed recorded in Clerk's File No. 7829854, Montgomery County Official Public Records of Real Property, save and except a calculated 10.000 acre tract (Tract 5), being all of called Tract Numbers (114) and (122), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Dana Lynn Sprayberry by deed recorded in Clerk's File No. 2000-072045, Montgomery County Official Public Records of Real Property, save and except a calculated 10.00 acre tract (Tract 6), being all of called Tract Twenty-Two (22), of Section 5 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to John F. Darst by deed recorded in Clerk's File No. 2014005435, Montgomery County Official Public Records, save and except a calculated 10.05 acre tract (Tract 7), being all of called Lots One (1) and Two (2), of Section 6 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Milton Howard Sands, Jr. by deed recorded in Clerk's File No. 8842100, Montgomery County Official Public Records of Real Property, and save and except a calculated 5.009 acre tract (Tract 8), being all of a called 5.000 acre tract conveyed to Bill Ellison by deed recorded in Clerk's File No. 2018004658, Montgomery County Official Public Records; said calculated 2,454 acre tract of land being more particularly described in eight parts as follows:

TRACT 1:

A METES & BOUNDS description of a certain 2,540 acre (110,650,140 square feet) tract of land situated in the Walker County School Land Survey, Abstract No. 494, the Michael H. Hinch Survey, Abstract No. 253, and the Presley Gill Survey, Abstract No. 230, in Montgomery County, Texas, being a portion of a called 3,045.032 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records, being all of a called 5.00 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2021177867, Montgomery County Official Public Records, and being all of a called 4.709 acre tract conveyed to East Montgomery Acquisition Company LLC, a Texas limited liability company, by deed recorded in Clerk's File No. 2023003933, Montgomery County Official Public Records; said 2,540 acre (110,650,140 square feet) tract of land being more particularly described as follows with all bearings being based on said deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records:

BEGINNING at the southeast corner of that certain tract described in instrument to Shirley Gay, recorded under Clerk's File Number 8121692, Real Property Records of Montgomery County, Texas (R.P.R.M.C.T.);

THENCE South 03°11'09" East, 959.24 feet, with the apparent common line between said Hinch Survey and the Presley Gill Survey, Abstract Number 230, the westerly line of that certain called 20.00 acre tract described in instrument to Henry A. Butcher, recorded under Clerk's File Number 2003068544, Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.) and the remainder of that certain called 20.00 acre tract described in instrument to George Anthony Cleary, recorded under Clerk's File No. 2010043083, O.P.R.M.C.T., common to an easterly line of that certain 2,396.371 acre tract described as "Parcel 2, Tract 2" in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070 (O.P.R.M.C.T.), to a point for the common westerly corner of that certain called 1711.54 acre tract described as "Tract 1" in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070 (O.P.R.M.C.T.) and the remainder of said Cleary 20.00 acre tract, being an interior corner of said 3045.032 acre tract;

THENCE North 86°40'19" East, with the common line between said Tract 1 and the remainder of said Cleary 20.00 acre tract, 1321.82 feet, to a point in the approximate centerline of Daw Collins Road for the northerly northeast corner of said Tract 1, being a northeasterly corner of said 3045.032 acre tract;

THENCE South 20°15'23" West, 6489.04 feet, with the approximate centerline of said Daw Collins Road, a southeasterly line of said Tract 1, to a point in the approximate centerline of said Daw Collins Road for a southeasterly corner of said Tract 1 and said 3045.032 acre tract;

THENCE with the common line between said Parcel 2, Tract 2, that certain called 2.3540 acre tract described as "Tract 5", that certain called 2.3540 acre tract described as "Tract 1", that certain called 3.531 acre tract described as "Tract 4", that certain called 3.531 acre tract described as "Tract 3", all in instrument to Willene Wells, recorded under Clerk's File Number 2020102236, O.P.R.M.C.T., that certain called 5.37 acre tract described in instrument to Tony M. Nelson and Colleen O. Nelson, recorded under Clerk's File Number 8616675, R.P.R.M.C.T., that certain called 1.6695 acre tract described in instrument to David Michael Fortson, recorded under Clerk's File Number 2002-058180, O.P.R.M.C.T., that certain called 2 acre tract described in instrument to Robert G. Wear, recorded under Clerk's File Number 2013101034, O.P.R.M.C.T., that certain called 0.771 acre tract described in instrument to David Lippoldt and Kanwal Ghaznavi, recorded under Clerk's File Number 2021079078, O.P.R.M.C.T., that certain called 2 acre tract described in instrument to Kristina Ann Wear, recorded under Clerk's File Number 2018085170, O.P.R.M.C.T., that certain called 5.01 acre tract described as "Tract One", that certain called 7.39 acre tract described as "Tract Two", both in instrument to Stanley Maurice Wiggins, recorded under Clerk's File Number 2006-009852, O.P.R.M.C.T., that certain called 5.462 acre tract described in instrument to Walter R. Ritchie and Sheri L. Ritchie, recorded under Clerk's File Number 99102906, R.P.R.M.C.T., that certain called 5.315 acre tract described as "Tract One" in instrument to Ronald D. Dacus, Jr., and Stephanie E. Dacus, recorded under Clerk's File Number 2014006911, O.P.R.M.C.T., that certain called 5.315 acre tract described in instrument to Steven Hansen, recorded under Clerk's File Number 9148377, R.P.R.M.C.T., that certain called 5.315 acre tract described in instrument to Steve Hansen and Tracy Hansen, recorded under Clerk's File Number 2001-031281, O.P.R.M.C.T., that certain called 5.310 acre tract described in instrument to Steven Hansen and Becky Hansen, recorded under Clerk's File Number 2016068815, O.P.R.M.C.T., that certain called 5.2970 acre tract described in instrument to Benjamin E. Pope and Angelina M. Pope, recorded under Clerk's File Number 2016092968, O.P.R.M.C.T., that certain called 3.2957 acre tract described in instrument to Douglas A. Hansen and Kimberly S. Hansen, recorded under Clerk's File Number 2008-091402, O.P.R.M.C.T., that certain called 11.0415 acre tract described in instrument to Douglas Alan Hansen and Kimberly Suzanne Hansen, recorded under Clerk's File Number 9657453, R.P.R.M.C.T., that certain called 2.008 acre tract described in instrument to Douglas A. Hansen and Kimberly S. Hansen, recorded under Clerk's File Number 2015035058, O.P.R.M.C.T., that certain called 10.697 acre tract described in instrument to Douglas A. Hansen and Kimberly S. Hansen, recorded under Clerk's File Number 2016094339, O.P.R.M.C.T., that certain called 10.78 acre tract described in instrument to Gerald Lloyd Helms and Robin Lynn Helms, recorded under Clerk's File Number 2006-009851, O.P.R.M.C.T., that certain called 4.7941 acre tract described as "Tract One" in instrument to James A. Boucher and Dorothy S. Boucher, recorded under Clerk's File Number 2002-126807, O.P.R.M.C.T., that certain called 2.3936 acre tract described in said instrument to James A. Boucher and Dorothy S. Boucher, that certain called 1.0028 acre tract described in instrument to James Boucher, recorded under Clerk's File Number 2019016786, O.P.R.M.C.T., the remainder of that certain called 4.7941 acre tract described as "Tract One" in instrument to Rodney Powdrill and Dina Powdrill, recorded under Clerk's File Number 2018055271, O.P.R.M.C.T., and that certain called 4.7508 acre tract described in instrument to Rodney Wayne Powdrill and Dina Powdrill, recorded under Clerk's File Number 2015007986, O.P.R.M.C.T., the following seventeen (17) courses and distances:

1.  North 01°45'36" East, 1181.57 feet, to a point;

2.  South 86°39'31" West, 859.21 feet, to a point;

3.  North 11°14'50" West, 752.34 feet, to a point;

4.  South 87°11'19" West, 670.34 feet, to a point;

5.  North 11°12'20" West, 1400.01 feet, exiting said Carter Road, to a point in the apparent common line between said Hinch Survey and said Walker County School Land Survey;

6.  South 86°28'52" West, 1197.12 feet, with the apparent common line between said Hinch Survey and said Walker County School Land Survey, to a point;

7.  South 11°01'57" East, 946.88 feet, to a point;

8.  South 86°52'25" West 1199.49 feet, to a point;

9.  South 11°13'53" East, 1467.15 feet, to a point;

10.  North 87'00'43" East, 1203.44 feet, to a point;

11.  North 11°22'57" West, 466.67 feet, to a point;

12.  North 86'56'12" East, 890.38 feet, to a point;

13.  South 10°59'48" East, 561.21 feet, to a point;

14.  South 10°39'32" East, 251.55 feet, to a point;

15.  South 66°20'03" East, 632.93 feet, to a point;

16.  South 02°06'01" West, 1251.39 feet, to a point;

17.  North 86°47'51" East, 908.92 feet, to a point in the approximate centerline of said Daw Collins Road for a northeasterly corner of said Atakapa Tract 1 and said 3045.032 acre tract;

THENCE South 13"58'35" West, 536.27 feet, with the approximate centerline of said Daw Collins Road, an easterly line of said Atakapa Tract 1, to a point;

THENCE South 15°06'43" West, 693.00 feet, continuing with the approximate centerline of said Daw Collins Road, an easterly line of said Atakapa Tract 1, to a point at the intersection of the approximate centerline of said Daw Collins Road with the approximate centerline of farm to Market Road 2090 (F.M. 2090, 100 feet wide), in the arc of a curve to the left, for a southeasterly corner of said Atakapa Tract 1 and said 3045.032 acre tract;

THENCE in a southwesterly direction, with the approximate centerline of said F.M. 2090, a southeasterly line of said Atakapa Tract 1, the following two (2) courses and distances:

1.  Westerly, 562.92 feet with the arc of said curve to the left having a radius of 1432.39 feet, a central angle of 22°31'00", a chord that bears South 89°14'24" West, 559.30 feet, to a point for the end of said curve;

2.  South 77°58'54" West, 963.96 feet, to a point for the beginning of a curve to the left;

THENCE, North 36°07'25" West, 878.19 feet to a point;

THENCE, North 36°11'26" West, 20.26 feet to a point;

THENCE, North 38°07'57" West, 159.93 feet to a point, on the west line of that certain called 32.00 acre tract described in instrument to American Tower Asset Sub, LLC., recorded under Clerk's File Number 2008-003741, O.P.R.M.C.T.;

THENCE, North 47°18'57" East, 733.05 feet to a point, being the northeast corner of said 32.00 acre tract;

THENCE, North 73°38'16" West, 1,336.65 feet to a point, on the north line of said 32.00 acre tract;

THENCE, over and across said 3045.032 acre tract, the following sixteen (16) courses and distances:

1.  North 42°36'59" West, 197.51 feet to a point;

2.  North 44°41'10" West, 259.36 feet to a point;

3.  North 45°36'53" West, 1,532.11 feet to a point;

4.  North 46°33'40" West, 264.22 feet to a point;

5.  North 48°38'50" West, 317.88 feet to a point;

6.  North 49°47'12" West, 2,882.54 feet to a point;

7.  North 50°31'19" West, 205.25 feet to a point;

8.  North 52°04'32" West, 228.25 feet to a point;

9.  North 52°53'37" West, 1,141.02 feet to a point;

10.  North 53°57'01" West, 294.40 feet to a point;

11.  North 55°29'27" West, 135.48 feet to a point;

12.  North 55°58'28" West, 189.03 feet to a point;

13.  North 57°21'57" West, 388.65 feet to a point;

14.  North 60°37'56" West, 523.06 feet to a point;

15.  North 62°52'36" West, 104.39 feet to a point;

16.  North 63°14'45" West, 1,699.13 feet to a point, on the west line of said 3045.032 acre tract and on the east line of that certain 5 acre tract described in instrument to Robert John Rillie and Jerry Lee Rillie, recorded under Clerk's File Number 87989, Deed Records of Montgomery County, Texas (D.R.M.C.T.);

THENCE North 03°23'31" West, with the easterly line of that certain 421.116 acre tract described in instrument to 3M Land Partners, LTD., recorded under Clerk's File Number 2020120633, O.P.R.M.C.T., and said Rillie 5 acre tract, 2,600.76 feet, to a point in the southerly line of that certain called 5.00 acre tract described in instrument to Brian Ballard and Sinthia Koepke, recorded under Clerk's File Number 2004-037959, O.P.R.M.C.T., for the common northerly corner of said Parcel 2, Tract 2 and said 421.116 acre tract, being a northwesterly corner of said 3045.032 acre tract;

THENCE North 86°24'37" East, 22.81 feet, with the common line between said Parcel 2, Tract 2 and said Ballard 5.00 acre tract, to a point for a common corner of the same, being an interior corner of said 3045.032 acre tract;

THENCE North 03°24'52" West, 330.06 feet, continuing with said common line, to a point for the common northerly corner of said Parcel 2, Tract 2 and said Ballard 5.00 acre tract, being an interior corner of said 3045.032 acre tract;

THENCE South 86°24'28" West, 660.00 feet, to a point in the easterly line of that certain called 7.250 acre tract described in instrument to Mellisa F. Crawford recorded under Clerk's File Number 2020126272, O.P.R.M.C.T., for the westerly corner of said Ballard 5.00 acre tract, being a southwesterly corner of said 3045.032 acre tract;

THENCE North 03°24'52" West, with the easterly line of said 7.250 acre tract, the remainder of that certain 14.600 acre tract described in instrument to Rajendra Ramoutarsingh, recorded under Clerk's File Number 2007-068424, O.P.R.M.C.T., common to a westerly line of said Tract 18, 329.97 feet, to a point for a corner of said Ramoutarsingh tract, being an interior corner of said 3045.032 acre tract;

THENCE South 86°24'37" West, 749.18 feet, to a point in the common line between said Hinch Survey, and the H.S. Williamson Survey, Abstract Number 635, the easterly line of that certain called 275.861 acre tract described in instrument to Miguel Prado and Danielle P. Prado, recorded under Clerk's File Number 2009-014225, O.P.R.M.C.T., for the westerly corner of said Ramoutarsingh tract, being a southwesterly corner of said 3045.032 acre tract;

THENCE North 03°23'25" West, 990.20 feet, with the apparent common line between said Hinch Survey and said Williamson Survey, the east line of said 275.861 acre tract, to a point for the corner of the Oaks Subdivision, an unrecorded subdivision, for a northwesterly corner of said 3045.032 acre tract;

THENCE North 86°29'56" East, 3601.32 feet, with the southerly line of said Oaks Subdivision and that certain called 1.128 acre tract described in instrument to Donald Baker, recorded under Clerk's File Number 9460482, R.P.R.M.C.T., common to a northerly line of said Parcel 2, Tract 2, to a point for the common corner of said Parcel 2, Tract 2, said 1.128 acre tract, and that certain called 337.328 acre tract described in instrument to MWM Ventures, LTD, recorded under Clerk's File Number 2020096337, O.P.R.M.C.T., being an angle point in the northerly line of said 3045.032 acre tract;

THENCE North 86°30'58" East, 3093.08 feet, with the common line between said Parcel 2, Tract 2, and said 337.328 acre tract, to a point for the common corner of said Parcel 2, Tract 2, said 337.328 acre tract, and that certain called 810.277 (NET) acre tract, described in instrument to Splendora Acquisitions, LTD., recorded under Clerk's File Number 2021066058, O.P.R.M.C.T., being an angle point in the northerly line of said 3045.032 acre tract;

THENCE North 86°30'57" East, 1331.14 feet, with the common line between said Parcel 2, Tract 2, and said 810.277 (NET) acre tract, to a point for the common corner of said Parcel 2, Tract 2, said 810.277 (NET) acre tract, that certain called 5.2 acre tract described in instrument to Trudy Ledoux, recorded under Clerk's File Number 2015117010, O.P.R.M.C.T., and that certain called 10 acre tract described in instrument to Stephen P. Graham, recorded under Clerk's File Number 2001079573, O.P.R.M.C.T., being a northeasterly corner of the herein described 3045.032 acre tract;

THENCE South 03°36'00" East, 665.18 feet, with the common line between said Parcel 2, Tract 2, and said Graham 10 acre tract, to a point for a common corner of same, being an interior corner of the herein described tract;

THENCE North 85°58'48" East, 640.76 feet, continuing with said common line, to a point for the southerly common easterly corner of said Parcel 2, Tract 2, and said 10 acre tract, being an interior corner of the herein described tract;

THENCE, North 03°30'51" West, 681.45 feet, to a point for the common corner of said Parcel 2, Tract 2, said 10 acre tract, and said 5.2 acre tract, being an angle point in a westerly line of the herein described tract;

THENCE, North 03°20'27" West, 996.35 feet, with the easterly line of said 5.2 acre tract, that certain called 10 acre tract described in instrument to Stephen P. Graham, recorded under Clerk's File Number 2001079574, O.P.R.M.C.T., common to a westerly line of said Parcel 2, Tract 2, to a point in the southerly line of said 810.277 (NET) acre tract, for the common northerly corner of said Parcel 2, Tract 2, and said mentioned Graham 10 acre tract, being a northwesterly corner of the herein described tract;

THENCE, North 86°56'40" East, 3,307.47 feet, with the northerly line of said Parcel 2, Tract 2, common to a southerly line of said 810.277 (NET) acre tract, to a point for a common corner of said Parcel 2, Tract 2, said 810.277 (NET) acre tract, and that certain tract described in instrument to James Metts and Angela Metts, recorded under Clerk's File Number 2017073037, O.P.R.M.C.T., being an angle point in a northerly line of the herein described tract;

THENCE, North 86°56'40" East, 660.08 feet, with the common line between said Parcel 2, Tract, and said Metts tract, to a point for a common corner of said Parcel 2, Tract 2, said Metts tract and said 810.277 (NET) acre tract, being an angle point of the herein described tract;

THENCE, North 86°56'40" East, 1,321.06 feet, with the common line between said Parcel 2, Tract 2 and said 810.277 (NET) acre tract to a point;

THENCE South 03°07'29" East, 1057.31 feet, with the apparent common line between said Hinch Survey and said Gill Survey, the westerly line of said 24.4867 acre tract and that certain called 18.4867 acre tract described in instrument to Kelly Keith Jordan, recorded under Clerk's File Number 9723749, Real Property Records of Montgomery County, Texas (R.P.R.M.C.T.), common to an easterly line of said Parcel 2, Tract 2, to a point for the common westerly corner of that certain called 2.4723 acre tract described as "Tract 5" in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070, O.P.R.M.C.T., and said 18.4867 acre tract, being an interior corner of said 3045.032 acre tract;

THENCE South 03°15'20" East, 60.15 feet to a point in the apparent common line between said Hinch Survey and said Gill survey, an easterly line of said Parcel 2, Tract 2, for the common westerly corner of said Tract 5 and the remainder of that certain called 37.546 acre tract described in instrument to Elton Kane Angers and Angela M. Angers, recorded under Clerk's File Number 2013084043, O.P.R.M.C.T., being an interior corner of said 3045.032 acre tract;

South 03°05'53" East, 908.31 feet, with the apparent common line between said Hinch Survey and said Gill Survey, an easterly line of said Parcel 2, Tract 2 and that certain tract described as "Tract 14" in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070, O.P.R.M.C.T., common to the westerly line of said remainder of 37.546 acre tract and that certain called 18.500 acre tract described in instrument to James Glenn Richardson and Daphne Lynn Richardson, recorded under Clerk's File Number 2013108135, O.P.R.M.C.T., to a point for the common corner of said Tract 14, said 18.500 acre tract, and that certain called 20.1336 acre tract described in instrument to Reggie Clayton Jackson, Sr. and Leslie Louise Jackson, recorded under Clerk's File Number 2012040560, O.P.R.M.C.T., being an angle point in an easterly line of said 3045.032 acre tract;

THENCE South 03°08'44" East, 491.63 feet, continuing with the apparent common line between said Hinch Survey and said Gill Survey, the common line between said Tract 14 and said 20.1336 acre tract, to a point for the common westerly corner of that certain called 20.00 acre tract described as "Tract 9" in instrument to Atakapa, LLC., recorded under Clerk's File Number 2013016070, O.P.R.M.C.T., and said 20.1663 acre tract, being an interior corner of said 3045.032 acre tract;

THENCE North 86°37'59" East, 1810.75 feet, with the common line between said Tract 9 and said 20.1336 acre tract, to a point in the westerly margin of said Daw Collins Road for the common easterly corner of said Tract 9 and said 20.1336 acre tract, being a northeasterly corner of said 3045.032 acre tract;

THENCE South 03°51'02" East, 480.42 feet, with the westerly margin of said Daw Collins Road, the easterly line of said Tract 9, to a point for the common easterly corner of said Tract 9 and that certain called 20.00 acre tract described in instrument to Campbell Ready-Mix, Inc., recorded under Clerk's File Number 9622955, R.P.R.M.C.T., being a southeasterly corner of said 3045.032 acre tract;

THENCE South 86°37'59" West, 1816.24 feet, with the common line between said Tract 9 and said Campbell Ready-Mix 20.00 acre tract, to a point in the apparent common line between said Hinch Survey and said Gill Survey, an easterly line of said Parcel 2, Tract 2 for the common westerly corner of said Tract 9 and said Campbell Ready-Mix 20.00 acre tract, being an interior corner of the herein described 3045.032 acre tract;

THENCE South 03°09'19" East, 956.51 feet, with the apparent common line between said Hinch Survey and said Gill Survey, the westerly line of said Campbell Ready-Mix 20.00 acre tract and that certain called 20.02 acre tract described in instrument to David C. Lee and Anne T. LeBlanc, recorded under Clerk's File Number 2010096690, O.P.R.M.C.T., common to an easterly line of said Parcel 2, Tract 2 to a point for the common corner of said Parcel 2, Tract 2, said 20.02 acre tract, the remainder of that certain called 20.000 acre tract described in instrument to Brian Ballard and Sinthia Koepke, recorded under Clerk's File Number 2003149365, O.P.R.M.C.T., and that certain tract described in instrument to Shirley Gay, recorded under Clerk's File Number 8121692, R.P.R.M.C.T., being a southeasterly corner of said 3045.032 acre tract;

THENCE with the common line between said Parcel 2, Tract 2 and said Gay tract, South 86°48'24" West, 1318.78 feet, to a point for corner;

THENCE South 03°05'13" East, 662.49 feet, to a point on the southwest corner of said Gay tract;

THENCE North 86°42'16" East, 1,319.85 feet to the POINT OF BEGINNING, CONTAINING 2,540 acres (110,650,140 square feet) of land in Montgomery County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

TRACT 2:

A METES & BOUNDS description of a certain 20.720 acre (902,563 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of called Tract Nos. Thirty-Five (35) and Forty-Three (43), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to John Schneider by deed recorded in Volume 85, Page 230, Montgomery County Deed Records, and being all of called Tract Nos. Fifty-One (51) and Fifty-Nine (59), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Rita S. Wolven and Margy A. Long by deed recorded in Clerk's File No. 9534020, Montgomery County Official Public Records of Real Property; said 20.720 acre (902,563 square feet) tract of land being more particularly described as follows with all bearings being based on said deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records:

BEGINNING at a point for the easterly common northerly corner of said Schneider tract and said Parcel 2, Tract 2, being the northeasterly corner of the herein described 20.720 acre tract, from which a point for the common corner of said Parcel 2, Tract 2, said 810.277 (NET) acre tract, that certain called 10 acre tract described in instrument to Stephen P. Graham, recorded under Clerk's File Number 2001079573, O.P.R.M.C.T., and that certain called 5.2 acre tract described in instrument to Trudy Ledoux, recorded under Clerk's File Number 2015117010, O.P.R.M.C.T., bears North 60°03'52" East, 2,948.79 feet;

THENCE South 03°04'04" East, 1,319.97 feet, with a westerly line of said Parcel 2, Tract 2, the westerly line of that certain called 20.00 acre tract described as "Tract 12" in instrument to Atakapa, LLC, recorded under Clerk's File Number 2013016070, O.P.R.M.C.T., common to the easterly line of said Schneider tract, the continuing with a common line between said Long 10 acre tract and said Parcel 2, Tract 2, to a point for the easterly common southerly corner of said Long 10 acre tract and said Parcel 2, Tract 2, being the southeasterly corner of the herein described 20.720 acre tract;

THENCE South 85°55'43" West, 683.88 feet, with the common line between said Long 10 acre tract and said Parcel 2, Tract 2, to a point for a common corner of same, being the southwesterly corner of the herein described 20.720 acre tract;

THENCE North 03°04'04" West, 1,319.97 feet, with the westerly line of said Long 10 acre tract and said Schneider tract, common to an easterly line of said Parcel 2, Tract 2, to a point for the westerly common northerly corner of said Schneider tract and said Parcel 2, Tract 2, being the northwesterly corner of the herein described 20.720 acre tract;

THENCE North 85°55'43" East, 683.88 feet, with the common line between said Schneider tract and said Parcel 2, Tract 2, to the POINT OF BEGINNING, CONTAINING 20.720 acre (902,563 square feet) of land in Montgomery County, Texas.

TRACT 3:

A METES & BOUNDS description of a certain 10.087 acre (439,400 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of called Tract Nos. Seventy (70) and Seventy-Eight (78), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Eleanore Triplett by deed recorded in Clerk's File No. 7930998, Montgomery County Deed Records; said 10.087 acre (439,400 square feet) tract of land being more particularly described as follows with all bearings being based on said deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records:

BEGINNING at a point for the common easterly corner of said Tract Nos. Seventy (70) and Seventy-Eight (78) and that certain called 5.00 acre tract described in instrument to Atakapa, LLC, recorded under Clerk's File Number 2021170759, O.P.R.M.C.T., in a westerly line of said Parcel 2, Tract 2, being the northeasterly corner of the herein described 10.087 acre tract, from which a point for the common corner of said Parcel 2, Tract 2, said 810.277 (NET) acre tract, said 5.2 acre tract, and said 10 acre tract to Stephen P. Graham bears North 10°59'37" East, 2,719.29 feet;

THENCE South 02°13'03" East, 666.93 feet, with the easterly line of said Tract 55, common to a westerly line of said Parcel 2, Tract 2, to a point for the easterly common south corner of said Tract 55 and said Parcel 2, Tract 2, being the southeasterly corner of the herein described 10.087 acre tract;

THENCE South 87°23'17" West, 658.82 feet, continuing the common line between said Tract 55 and said Parcel 2, Tract 2, to a point for the westerly common south corner of same, being the southwesterly corner of the herein described 10.087 acre tract;

THENCE North 02°39'53" West, 661.75 feet, with the common line between said Tract 55 and said Parcel 2, Tract 2, to a point for the common westerly corner of said Tract 55 and said 5.00 acre tract to Atakapa, LLC, being the northwesterly corner of the herein described 10.087 acre tract;

THENCE North 86°56'31" East, 664.04 feet, with the common line between said Tract 55 and said 5.00 acre tract to Atakapa, LLC, to the POINT OF BEGINNING, CONTAINING 10.087 acre (439,400 square feet) of land in Montgomery County, Texas.

TRACT 4:

A METES & BOUNDS description of a certain 20.02 acre (872,176 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of a called 10.0 acre tract conveyed to Splendora Independent School District by deed recorded in Clerk's File No. 2013090370, Montgomery County Official Public Records, and being all of called 10.0 acre tract conveyed to Jack W. Mayo, Jr. by deed recorded in Clerk's File No. 7829854, Montgomery County Official Public Records of Real Property; said 20.02 acre (872,176 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD 83:

COMMENCING at a 1/2-inch iron rod (with cap) found, being the northwest corner of a called 20 acre tract conveyed to Shirley Gay by deed recorded in Clerk's File No. 8121692, Montgomery County Official Public Records of Real Property;

THENCE, North 79°11'52" West, 2,715.92 feet to a 5/8-inch iron rod (with cap) found, being the northeast corner of said called 10.0 acre tract conveyed to Splendora Independent School District and being the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 02°42'00" East, 658.42 feet to a 3/8-inch iron rod found, being the northeast corner of said called 10.0 acre tract conveyed to Jack W. Mayo, Jr. and being the southeast corner of said called 10.0 acre tract conveyed to Splendora Independent School District;

THENCE, South 03°05'32" East, 658.95 feet to a 5/8-inch iron rod (with cap) found, being the southeast corner of said called 10.0 acre tract conveyed to Jack W. Mayo, Jr. and being the southeast corner of the herein described tract;

THENCE, South 86°28'21" West, 664.91 feet to a 1/2-inch iron rod (with cap) found, being the southwest corner of said called 10.0 acre tract conveyed to Jack W. Mayo, Jr. and being the southwest corner of the herein described tract;

THENCE, North 02°40'33" West, 661.85 feet to a 3/8-inch iron rod found, being the northwest corner of said called 10.0 acre tract conveyed to Jack W. Mayo, Jr. and being the southwest corner of said called 10.0 acre tract conveyed to Splendora Independent School District;

THENCE, North 02°39'39" West, 659.17 feet to a 5/8-inch iron rod (with cap) found, being the northwest corner of said called 10.0 acre tract conveyed to Splendora Independent School District and being the northwest corner of the herein described tract;

THENCE, North 86°47'02" East, 659.62 feet to the POINT OF BEGINNING, CONTAINING 20.02 acres (872,176 square feet) of land in Montgomery County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

TRACT 5:

A METES & BOUNDS description of a certain 10.000 acre (435,591 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of called Tract Numbers (114) and (122), of Section 4 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Dana Lynn Sprayberry by deed recorded in Clerk's File No. 2000-072045, Montgomery County Official Public Records of Real Property; said 10.000 acre (435,591 square feet) tract of land being more particularly described as follows with all bearings being based on said deed recorded in Clerk's File No. 2021177868, Montgomery County Official Public Records:

BEGINNING at a point for the westerly common southerly corner of said Sprayberry tract and said Parcel 2, Tract 2, being the southwesterly corner of the herein described 10.000 acre tract, from which a point for the common southerly corner of said Parcel 2, Tract 2, and said 421.116 acre tract bears, South 70°53'39" West, 2744.66 feet;

THENCE North 03°02'48" West, 660.00 feet, with the common line between said Sprayberry tract and said Parcel 2, Tract 2, to a point for the common westerly corner of said Sprayberry tract and that certain tract described as Farm Tracts 97, 98 and 106 in instrument to Atakapa LLC, recorded under Clerk's File Number 2018080651, O.P.R.M.C.T., being the northwesterly corner of the herein described 10.000 acre tract;

THENCE North 86°35'15" East, 660.00 feet, with the common line between said Sprayberry tract and said Farm Tracts 97, 98 and 106, to a point in a westerly line of said Parcel 2, Tract 2, for the common easterly corner of same, being the northeasterly corner of the herein described 10.000 acre tract;

THENCE South 03°02'48" East, 660.00 feet, with the common line between said Sprayberry tract and said Parcel 2, Tract 2, to a point for the common westerly corner of said Sprayberry tract and common southerly corner of said Sprayberry tract and said Parcel 2, Tract 2, being the southeasterly corner of the herein described 10.000 acre tract;

THENCE, South 86°35'15" West, 660.00 feet, continuing with said common line, to the POINT OF BEGINNING, CONTAINING 10.000 acre (435,591 square feet) of land in Montgomery County, Texas.

TRACT 6:

A METES & BOUNDS description of a certain 10.00 acre (435,658 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of called Tract Twenty-Two (22), of Section 5 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to John F. Darst by deed recorded in Clerk's File No. 2014005435, Montgomery County Official Public Records; said 10.00 acre (435,658 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD 83:

COMMENCING at a 1/2-inch iron rod (with cap) found, being the northwest corner of a called 20 acre tract conveyed to Shirley Gay by deed recorded in Clerk's File No. 8121692, Montgomery County Official Public Records of Real Property;

THENCE, South 67°07'55" West, 7,025.16 feet to a 1/2-inch iron rod (with cap) found, being the northeast corner of said called Tract Twenty-Two (22) and being the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 03°20'59" East, 660.24 feet to a 5/8-inch iron rod (with cap) found, being the southeast corner of said called Tract Twenty-Two (22) and being the southeast corner of the herein described tract;

THENCE, South 86°28'39" West, 660.12 feet to a 5/8-inch iron rod found, being the southwest corner of said called Tract Twenty-Two (22) and being the southwest corner of the herein described tract;

THENCE, North 03°19'03" West, 660.07 feet to a 5/8-inch iron rod (with cap) found, being the northwest corner of said called Tract Twenty-Two (22) and being the northwest corner of the herein described tract;

THENCE, North 86°27'46" East, 659.75 feet to the POINT OF BEGINNING, CONTAINING 10.00 acres (435,658 square feet) of land in Montgomery County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

TRACT 7:

A METES & BOUNDS description of a certain 10.05 acre (437,646 square feet) tract of land situated in the Michael H. Hinch Survey, Abstract No. 253, in Montgomery County, Texas, being all of called Lots One (1) and Two (2), of Section 6 of Security Subdivision according to the plat thereof recorded in Volume 1, Page 23, Montgomery County Deed Records, conveyed to Milton Howard Sands, Jr. by deed recorded in Clerk's File No. 8842100, Montgomery County Official Public Records of Real Property; said 10.05 acre (437,646 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD 83:

COMMENCING at a 1/2-inch iron rod (with cap) found, being the northwest corner of a called 20 acre tract conveyed to Shirley Gay by deed recorded in Clerk's File No. 8121692, Montgomery County Official Public Records of Real Property;

THENCE, South 56°22'01" West, 4,599.31 feet to an axle found, being the northeast corner of said called Lots One (1) and Two (2) and being the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 03°01'51" East, 329.54 feet to a 5/8-inch iron rod (with cap) found, being the southeast corner of said called Lots One (1) and Two (2) and being the southeast corner of the herein described tract;

THENCE, South 86°30'27" West, 1,318.54 feet to a 5/8-inch iron rod (with cap) found, being the southwest corner of said called Lots One (1) and Two (2) and being the southwest corner of the herein described tract;

THENCE, North 03°23'34" West, 333.78 feet to a 5/8-inch iron rod (with cap) found, being the northwest corner of said called Lots One (1) and Two (2) and being the northwest corner of the herein described tract;

THENCE, North 86°41'29" East, 1,320.62 feet to the POINT OF BEGINNING, CONTAINING 10.05 acres (437,646 square feet) of land in Montgomery County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

TRACT 8:

A METES & BOUNDS description of a certain 5.009 acre (218,190 square feet) tract of land situated in the Walker County School Land Survey, Abstract No. 494, in Montgomery County, Texas, being all of a called 5.000 acre tract conveyed to Bill Ellison by deed recorded in Clerk's File No. 2018004658, Montgomery County Official Public Records; said 5.009 acre (218,190 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, Central Zone, NAD 83:

COMMENCING at a 1/2-inch iron rod (with cap) found, being the northwest corner of a called 20 acre tract conveyed to Shirley Gay by deed recorded in Clerk's File No. 8121692, Montgomery County Official Public Records of Real Property;

THENCE, North 21°41'20" West, 2,084.68 feet to a concrete monument (disturbed) found, being the southeast corner of said called 5.000 acre tract and being the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, South 86°56'55" West, 658.50 feet to a concrete monument found, being the southwest corner of said called 5.000 acre tract and being the southwest corner of the herein described tract;

THENCE, North 03°15'30" West, 330.34 feet to a 1/2-inch iron rod (with cap) found, being the northwest corner of said called 5.000 acre tract and being the northwest corner of the herein described tract;

THENCE, North 86°52'08" East, 660.69 feet to a 1-1/2-inch iron pipe (bent) found, being the northeast corner of said called 5.000 acre tract and being the northeast corner of the herein described tract;

THENCE, South 02°52'48" East, 331.25 feet to the POINT OF BEGINNING, CONTAINING 5.009 acres (218,190 square feet) of land in Montgomery County, Texas, filed in the offices of Elevation Land Solutions in The Woodlands, Texas.

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 7985A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7985A.0307 to read as follows:

Sec. 7985A.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 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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