

By: Bell of Montgomery

H.B. No. 5306

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 225; 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 8074 to read as follows:

CHAPTER 8074. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 225

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8074.0101. 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. 225.

Sec. 8074.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8074.0103. 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.

1 Sec. 8074.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 8074.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8074.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 8074.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8074.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8074.0202, directors
6 serve staggered four-year terms.

7 Sec. 8074.0202. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8074.0103; or

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

19 (c) If permanent directors have not been elected under
20 Section 8074.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8074.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8074.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8074.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8074.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8074.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 8074.0305. COMPLIANCE WITH MUNICIPAL CONSENT
10 ORDINANCE OR RESOLUTION. The district shall comply with all
11 applicable requirements of any ordinance or resolution that is
12 adopted under Section 54.016 or 54.0165, Water Code, and that
13 consents to the creation of the district or to the inclusion of land
14 in the district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8074.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The district may issue, without an election, bonds and other
18 obligations secured by:

- 19 (1) revenue other than ad valorem taxes; or
20 (2) contract payments described by Section 8074.0403.

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

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

1 election held for that purpose.

2 Sec. 8074.0402. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8074.0401, the
4 district may impose an operation and maintenance tax on taxable
5 property in the district in accordance with Section 49.107, Water
6 Code.

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

9 Sec. 8074.0403. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8074.0501. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, contract payments, grants, or other district money, or any
23 combination of those sources, to pay for any authorized district
24 purpose.

25 Sec. 8074.0502. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

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

4 Sec. 8074.0503. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 SECTION 2. The Montgomery County Municipal Utility District
10 No. 225 initially includes all the territory contained in the
11 following area:

12 Those certain tracts or parcels of land situated in
13 Montgomery County, Texas, described as follows, to-wit:

14 TRACT 1

15 Being a portion of a 298.473 acre tract, conveyed to DJS Land
16 Company, LTD et al, as recorded under Clerk's File No. 8916747 of
17 the Official Public Records of Real Property Montgomery County
18 (O.P.R.R.P.M.C.), and all of Tract 5, 0.1914 acre, as recorded
19 under Clerk's File No. 2000108801 of the O.P.R.R.P.M.C., the basis
20 of bearing is the north right-of-way line of FM 2854 as shown on
21 right-of-way map, September 27, 1968:

22 BEGINNING at the southeast corner of a 0.0046 acre tract as
23 recorded under Clerk's File No. 2017098941 of the Official Public
24 Records Montgomery County, Texas (O.P.R.M.C.), lying in a southerly
25 line of said 28.473 acre tract, and a northerly line of State
26 Highway 2854 as recorded in Volume 630, Page 609 of the Montgomery
27 County Deed Records (M.C.D.R.),

1 THENCE (from the 2017098941 deed) NORTH 39 degrees 44 minutes
2 08 seconds WEST, 28.29 feet, to a westerly corner of the herein
3 described tract, lying in an easterly right-of-way line of
4 Southwest Drive as shown on the replat of Southwest Center as
5 recorded in Cabinet "I", Sheet 169 of M.R.M.C.;

6 THENCE NORTHERLY along the easterly right-of-way line
7 Southwest Drive the following calls, based on the replat of said
8 Southwest Center:

9 NORTH 07 degrees 32 minutes 17 seconds EAST, 179.20 feet;

10 NORTHERLY along a curve to the right, through a central angle
11 of 24 degrees 26 minutes 31 seconds, to a point of tangency, said
12 curve having a radius of 303.02 feet, an arc length of 129.27 feet;

13 NORTH 31 degrees 56 minutes 48 seconds EAST, 317.57 feet;

14 NORTHEASTERLY along a curve to the right, through a central
15 angle of 06 degrees 08 minutes 31 seconds, to a point of, said curve
16 having a radius of 1,793.94 feet, an arc length of 192.31 feet;

17 NORTH 36 degrees 07 minutes 19 seconds EAST, 17.54 feet; to
18 the north corner of the herein described tract, also being the west
19 corner of a 2.273 acre tract and shown on the plat of Southwest
20 Center Section 1, as recorded on Cabinet "H" Sheet 126A of the
21 M.C.M.R.;

22 Thence (from the Southwest Center Section 1) SOUTH 51 degrees
23 52 minutes 41 seconds EAST, 484.63 feet, to an easterly corner of
24 the herein described tract, lying in a westerly line of Reserve "A"
25 of said Southwest Center;

26 THENCE (from the Southwest Center Section 1 replat) SOUTH 16
27 degrees 14 minutes 36 seconds EAST, 269.68 feet (calculated), with

1 and adjoining said westerly line of Reserve "A", to a southerly line
2 of said 298.473 acre tract;

3 THENCE (from the Southwest Center Section 1 replat) SOUTH 73
4 degrees 32 minutes 51 seconds WEST, 131.63 feet (calculated), with
5 and adjoining said southerly line of the 298.473 acre tract;

6 THENCE SOUTH 72 degrees 17 minutes 44 seconds WEST, 375.97
7 feet (calculated), with and adjoining said southerly line of the
8 289.473 acre tract, also being the northeast corner of said 0.1914
9 acre tract;

10 THENCE (from the 2000-108801 deed) SOUTH 21 degrees 17
11 minutes 12 seconds EAST, 80.76 feet, (SOUTH 16 degrees 44 minutes 06
12 seconds EAST rotated) with and adjoining the east line of said
13 0.1914 acre tract, in the northerly right-of-way line of FM 2854
14 (100 feet wide) for the southeast corner of this tract;

15 THENCE (from the 2000-108801 deed) SOUTH 89 degrees 13
16 minutes 30 seconds WEST, 220.49 feet, (NORTH 86 degrees 13 minutes
17 24 seconds WEST rotated), along the northerly right-of-way line of
18 FM 2854, to a southerly corner of said 298.473 acre tract;

19 THENCE (from the 8916747 deed) NORTH 85 degrees 12 minutes 47
20 seconds WEST, 88.59 feet, along a southerly line of said 298.473
21 acre tract;

22 THENCE NORTH 82 degrees 27 minutes 43 seconds WEST, 26.52
23 feet (calculated), along a southerly line of said 298.473 acre
24 tract, to the POINT OF BEGINNING, and containing 8.59 acres of land.

25 TRACT 2

26 Being 178.42 acres of land in the Denward James Survey,
27 A-289, Montgomery County, Texas, and being a portion of a 298.473

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1 acre tract conveyed to DJS Land Company, LTD. A Texas limited
2 partnership described in a deed recorded under Clerk's File No.
3 8916747 of the Official Public Records of Real Property, Montgomery
4 County, Texas (O.P.R.R.P.M.C.), more fully described as follows:

5 BEGINNING at the southwest corner of a 0.0046 acre tract as
6 described in Clerk's File No. 201800316 of the Official Public
7 Records of Montgomery County, Texas (O.P.R.M.C.), lying in the
8 northerly right-of-way line of FM 2854 as recorded in Volume 630,
9 Page 609 of the Montgomery County Deed Records (M.C.D.R.) also
10 being a southerly line of said 298.473 acre tract;

11 THENCE N 50° 15' 52" E, 28.28 feet, to a point lying in a
12 westerly right-of-way line of Southwest Drive. (width varies), as
13 shown on the replat of Southwest Center, as recorded in Cabinet "I",
14 Sheet 169 of the Montgomery County Map Records (M.C.M.R.);

15 THENCE along the westerly line of said Southwest Drive the
16 following calls:

17 N 07° 32' 17" E, 178.18 feet;

18 NORTHERLY along a curve to the right, through a central angle
19 of 24° 26' 31", and a radius of 373.02 feet, an arc length of 159.13
20 feet, and having a long chord bearing and distance of N 19° 44' 27"
21 E, 157.92 feet;

22 N 31° 58' 48" E, 317.57 feet;

23 NORTHEASTERLY along a curve to the right, through a central
24 angle of 06° 08' 31", and a radius of 1,863.94 feet, an arc length of
25 199.81 feet, and having a long chord bearing and distance of N 35°
26 01' 58" E, 199.71 feet;

27 N 38° 07' 19" E, 317.57 feet;

1 Northeasterly along a curve to the right, through a central
2 angle of $37^{\circ} 32' 21''$, and a radius of 833.88 feet, an arc length of
3 546.34 feet, and having a long chord bearing and distance of N 56°
4 $52' 21''$ E, 536.63 feet;

5 N $75^{\circ} 25' 55''$ E, 1,017.29 feet;

6 Northeasterly along a curve to the left, through a central
7 angle of $49^{\circ} 10' 22''$, to a point of tangency, said curve having a
8 radius of 901.06 feet, an arc length of 773.32 feet, and having a
9 long chord bearing and distance of N $50^{\circ} 48' 41''$ E, 749.80 feet;

10 N $26^{\circ} 13' 30''$ E, 289.81 feet, to the southeast corner of
11 Unrestricted Reserve "A" as shown on the plat of Towne Center as
12 recorded in Cabinet "J", Sheet 67 of the M.C.M.R.

13 Along the north and west lines according to the deed recorded
14 under File No. 8916747, the following calls:

15 THENCE N $63^{\circ} 29' 31''$ W, 139.16 feet, with and adjoining the
16 southerly line of said Unrestricted Reserve "A", to a northerly
17 corner of the herein described tract;

18 THENCE: N $63^{\circ} 41' 09''$ W, 812.35 ft. along the Southwest line
19 of the Moran tract to a $3/8''$ iron rod for corner in the South line of
20 the B. M. Hill tract;

21 THENCE: S $74^{\circ} 09' 16''$ W, 217.47 ft. to a concrete monument for
22 the Hill Southwest corner and the southeast corner of the Parkwest
23 Subdivision;

24 THENCE: S $73^{\circ} 59' 37''$ W, 179.31 ft. and S $73^{\circ} 59' 47''$ W, 1185.0
25 ft. along the South line of Parkwest Subdivision to its Southwest
26 corner and the Southeast corner of Woodbranch Subdivision, an axle
27 found for corner;

1 THENCE: S 74° 29' 30" W, 506.30 ft. to a 1/2" iron pipe found
2 in the South line of the Parkwest Subdivision;

3 THENCE S 74° 18' 28" W, 249.66 ft. to a concrete monument
4 found in the South line of the Parkwest Subdivision;

5 THENCE: S 74° 11' 06" W, 374.74 ft. along the South line of the
6 Parkwest Subdivision to a stake for corner;

7 THENCE: S 73° 43' 55" W, 1607.01 ft. to an angle iron found for
8 the Southwest corner of the W. F. Newton tract;

9 THENCE: S 76° 39' 39" W, 275.49 ft. to a 3/4" iron pipe for
10 the Southwest corner of the Abe Brown tract and the Southeast corner
11 of the C. Brown tract;

12 THENCE: S 74° 54' 18" W, 181.95 ft. to a broken concrete
13 monument;

14 THENCE: S 74° 23' 44" W, 185.32 ft. to a 1/2" iron rod found
15 for corner;

16 THENCE: S 15° 45' 29" E, 1167.80 ft along the Madeley East
17 line to a 5/8" iron rod for corner in the North right of way line of
18 F. M. Highway 2854;

19 THENCE: Along the North line of F. M. 2854:

20 1) S 81° 45' 48" E, 469.90 ft;

21 2) S 85° 16' 23" E, 769.62 ft.;

22 3) S 79° 32' 37" E, 201.0 ft.;

23 4) S 85° 15' 15" E, 699.03 ft.;

24 5) S 88° 04' 37" E, 201.22 ft.;

25 6) S 85° 18' 46" E, 199.38 ft.;

26 7) S 82° 27' 43" E, 63.06 ft, to the place of beginning and
27 containing a calculated 178.42 acres of land.

1 TRACT 3

2 Approximately 57.15 acres of land out of the north one-half
3 of the Denward James Survey, Montgomery County, Texas, more
4 particularly described by metes and bounds, as follows:

5 BEGINNING at a 1/2 inch iron pipe on the south right-of-way
6 line of the GC&SF Railway, being 100 feet at right angles from the
7 center line of said railroad and being also at the northeast corner
8 of the 75 acre tract formerly belonging to J. Smith;

9 THENCE down the south line of said right-of-way on a curve to
10 the left with chords as follows: s. 78 degrees, 03 minutes East
11 450.9 feet; South 82 degrees, 33 minutes East 432.6 feet to the
12 approximate P.T.;

13 THENCE continuing down the said right-of-way South 85
14 degrees, 05 minutes East 2855.3 feet to a point on the middle line
15 of the said D. James survey, a point for corner;

16 THENCE South 74 degrees, 39 minutes West along the said
17 middle line of the D. James survey 3818.5 feet to the Southeast
18 corner of the said Smith tract;

19 THENCE North 1 degree, 20 minutes West along the East line of
20 the said Smith tract 1405.3 feet to the PLACE OF BEGINNING and
21 containing 57.15 acres of land, more or less.

22 TRACT 4

23 The surface estate and only the surface estate of 12.74
24 acres, more or less, in the Denward James Survey, Abstract 289,
25 Montgomery County, Texas, and being the same land described in the
26 Deed executed by Doyle Tow dated July 24, 1963, recorded in Volume
27 546, Page 67, Deed Records, Montgomery County, Texas, as shown

1 below.

2 BEGINNING at the N.W. corner of the Dan Madeley 10 acre tract
3 for the most westerly S. W. corner of this tract, and situated in
4 the E.B.L. of the C. J. Cartwright tract 1-1/21" I. pipe for corner;

5 THENCE N. 00° 181 E. 174.0 ft. with the dividing line of this
6 tract and the Cartwright tract to a 211 I. Rod for the most westerly
7 N.W. corner of this tract;

8 THENCE N. 74° 22' E., 437.0 ft. with the dividing line of this
9 tract and the Keppler tract to fence post for corner and situated in
10 the South R.O.W. line of the A.C. & S.F. R.R.;

11 THENCE 100 ft. South of and parallel with the South R.O.W.
12 line of A.C. & S. F. R.R. with the following calls, to-wit:

13 S. 62° 59' E., 203.5 ft.;

14 S. 65° 09' E., 203.5 ft.;

15 S. 67° 05' E., 203.5 ft.

16 S. 69° 07' E., 203.5 ft.;

17 S. 71° 13' E., 203.5 ft.;

18 S. 72° 59' E., 203.5 ft.

19 S. 75° 33' E., 111.8 ft. for an over all distance of 1332.8 ft.

20 to fence post for the N.E. corner of this tract and situated in the
21 W.B.L. of a County Road;

22 THENCE S.00° 52' W., 198.7 ft. with the dividing line of this
23 tract and the West R.O.W. line of a County Road to I. Pipe for the
24 S.E. corner of this tract;

25 THENCE N. 89° 08' W., 940.0 ft. with the dividing line of this
26 tract and the J. W. Dinkins 16.00 acre tract to an I. Pipe for the
27 most Easterly s.w. corner of this tract, same being the N. W. corner

1 of the Dinkins 16.00 acre tract and situated in the E.B.L. of the
2 Madeley 10. acre tract;

3 THENCE N. 00° 321 W., 188.5 ft. with the dividing line of this
4 tract and the said Madeley tract to a 1-1/2" I.P. for an inner
5 corner of this tract, same being the N.E. corner of the Madeley
6 tract;

7 THENCE N. 75° 171 W. 747 ft. with the dividing line of this
8 tract and the Madeley tract to the place of beginning, and to
9 contain 12.74 acres of land, more or less, being the same property
10 described in that certain Deed dated May 15, 1963, from J. W.
11 Dinkins to Doyle Tow, recorded in Volume 542, Page 20, Deed Records,
12 Montgomery County, Texas.

13 This document was prepared under 22 Texas Administrative Code
14 §138.95, does not reflect the results of an on the ground survey,
15 and is not to be used to convey or establish interests in real
16 property except those rights and interests implied or established
17 by the creation or reconfiguration of the boundary of the political
18 subdivision for which it was prepared.

19 TRACT 5

20 BEING a 10.09 acre tract of land situated in the Denward James
21 Survey, Abstract No. 289, Montgomery County, Texas, and being that
22 same called 10-acre tract described in deed to Etta Margaret
23 Madeley Hill and Billy Sue Henna recorded under Clerk's File No.
24 9809486 of the Real Property Records of Montgomery County, Texas,
25 said 10.09 acre tract of land being more particularly described as
26 follows:

27 BEGINNING at a 1-1/2 inch iron pipe found for the

1 northwesterly corner of the herein described tract and
2 southwesterly corner of a called 12.74 acre Tract 1 described in
3 deed to HAMARCO LTD. recorded under Clerk's File No. 9625877 of said
4 Real Property Records;

5 THENCE with the upper 'southerly line of said HAMARCO 12.47
6 acre tract South 75° 27' 33" East a distance of 743.98 feet to a
7 1-1/2 inch iron pipe found for corner;

8 THENCE with the lower westerly line of said 12.74 acre tract
9 South 01° 36' 15" East a distance of 189.3ff feet to a 1/2 inch iron
10 pipe found for the northwesterly corner of a 15.955 acre tract
11 described in deed to Larry Steve Taylor recorded under Clerk's File
12 No., 8013113 of said Real Property Records;

13 THENCE with the interior westerly line of said 15.955 acre
14 tract South 00° 39' 02" East a distance of 319.07 feet to a 3/4 inch
15 iron pipe found for corner;

16 THENCE with a northerly line of said 15.955 acre tract South
17 88°18' 37" West a distance of 716.88 feet to a 1 inch iron pipe found
18 in the easterly line of a called 131.71 acre Tract 3 described in
19 said deed to HAMARCO INC. recorded under Clerk's File No. 9625877;

20 THENCE with the easterly line of said 131.71 acre Tract 3
21 North 01°00' 00" West a distance of 716.39 feet to the POINT OF
22 BEGINNING, and containing a computed area of 10.09 acres of land
23 within this Field Note Description.

24 TRACT 6

25 A tract or parcel of land containing 64.52 acres out of the
26 Denward James Survey, Abstract No. 289, Montgomery County, Texas,
27 being a portion of a 131.71 acre tract, conveyed to DJS Land

1 Company, LTD et al, as recorded under Clerk's File No. 2000108801 of
2 the Official Public Records of Real Property Montgomery County
3 (O.P.R.R.P.M.C.), said 64.52 acres being more particularly
4 described by metes and bounds as follows, the basis of bearing is
5 the deed call for the northerly line said 131.71 acre tract:

6 THENCE South 1 degree 00 minute 00 second East, 832.9 varas
7 (2,313.62 feet called), (2,281.10 feet calculated), along the
8 common boundary line with the John Smith Tract to the southwest
9 corner of the John Smith Tract;

10 THENCE South 75 degrees 15 minutes 13 seconds West, 1,631.85
11 feet, along the south line of said 131.71 acre tract, to the
12 easterly right-of-way line of Loop 336 acquisition, as recorded
13 under Clerk's File No. 8645929 of the Official Public Records of
14 Real Property Montgomery County, Texas (O.P.R.R.P.M.C.), and being
15 the southwest corner of the herein described tract, and the
16 southeast corner of the 1.339 acre right-of-way description;

17 THENCE along the easterly line of Loop 336 based on deed
18 recorded under Clerk's File No. 8645929 of the O.P.R.R.P.M.C. the
19 following calls:

20 Northerly along a curve to the right, through a central angle
21 of 34 degrees 12 minutes 12 seconds, to a westerly corner of the
22 herein described tract, said curve having a radius of 2,764.93
23 feet, an arc length of 1,650.56 feet, and a long chord bearing and
24 distance of North 12 degrees 19 minutes 56 seconds East, 1,626.16
25 feet;

26 North 29 degrees 47 minutes 36 seconds EAST (called), (North
27 32 degrees 25 minutes 21 seconds East calculated), 290.92 feet

1 along said easterly right-of-way line of Loop 336, to a westerly
2 corner of the herein described tract;

3 Northeasterly along a curve to the left, with and adjoining
4 said easterly right-of-way line of Loop 336, through a central
5 angle of 01 degree 41 minutes 42 seconds, to a westerly corner of
6 the herein described tract, said curve having a radius of 5,180.38
7 feet, an arc length of 153.26 feet, and a long chord bearing and
8 distance of North 25 degrees 22 minutes 02 seconds East (called),
9 (North 27 degrees 59 minutes 47 seconds East (calculated), 153.25
10 feet;

11 North 65 degrees 28 minutes 49 seconds West (called), (North
12 62 degrees 51 minutes 04 seconds West calculated), 15.00 feet,
13 along easterly right-of-way line of Loop 336, to a non-tangent
14 curve and westerly corner of the herein described tract;

15 Northeasterly along a curve to the left, through a central
16 angle of 01 degree 16 minutes 06 seconds, to a westerly corner of
17 the herein described tract, also being the southerly corner of a
18 0.657 acre Loop 336 right-of-way acquisition as recorded under
19 Clerk's File No 9007438 of the O.P.R.R.P.M.C., said curve having a
20 radius of 5,126.33 feet, an arc length of 113.48 feet, and a long
21 chord bearing and distance of North 26 degrees 31 minutes 01 seconds
22 East (calculated), 113.48 feet;

23 THENCE along the easterly line of Loop 336 based on deed
24 recorded under Clerk's File No. 90074389 of the O.P.R.R.P.M.C. the
25 following calls

26 North 26 degrees 57 minutes 15 seconds East (called), (North
27 29 degrees 35 minutes 24 seconds East calculated), 5.27 feet, along

1 said easterly right-of-way line of Loop 336, to a westerly corner of
2 the herein described tract;

3 Northeasterly along a curve to the left, with and adjoining
4 said easterly right-of-way line of Loop 336, through a central
5 angle of 04 degrees 12 minutes 19 seconds, to a westerly corner of
6 the herein described tract, said curve having a radius of 2,822.59
7 feet, an arc length of 207.17 feet, and having a long chord bearing
8 and distance of North 31 degrees 41 minutes 34 seconds East, 207.12
9 feet;

10 North 31 degrees 09 minutes 34 seconds E (called), North 33
11 degrees 47 minutes 43 seconds East calculated), 186.70 feet, with
12 and adjoining said easterly line of Loop 3366, to a non-tangent
13 curve and westerly corner of the herein described tract;

14 Northeasterly along a curve to the left, through a central
15 angle of 03 degrees 22 minutes 56 seconds, to the northwest corner
16 of the herein described tract, also being the northeast corner of
17 said 0.657 acre acquisition tract, said curve having a radius of
18 2,922.59 feet, an arc length of 172.52, and having a long chord
19 bearing an distance of North 32 degrees 06 minutes 15 seconds East,
20 172.50 feet;

21 THENCE North 74 degrees 17 minutes 00 second East, 567.51
22 feet, to the POINT OF BEGINNING, and containing 64.52 acres of land,
23 more or less. Based on an on-the-ground survey conducted on October
24 20, 2022.

25 TRACT 7

26 A tract or parcel of land containing 48.0 acres out of the
27 Denward James Survey, Abstract No. 289, Montgomery County, Texas,

1 being a portion of a 131.71 acre tract, conveyed to DJS Land
2 Company, LTD et al, as recorded under Clerk's File No. 2000108801 of
3 the Official Public Records of Real Property Montgomery County
4 (O.P.R.R.P.M.C.), said 48.0 acres being more particularly
5 described by metes and bounds as follows, the basis of bearing is
6 the deed call for the northerly line said 131.71 acre tract:

7 COMMENCING at the northeast corner of said 131.71 acre tract,
8 lying in the north line of the Denward James Survey;

9 THENCE South 74 degrees 17 minutes 00 second West, with and
10 adjoining the north line of said 131.71 acre tract also being the
11 north line of the Denward James Survey, at 567.51 feet, passing the
12 east right-of-way line of Loop 336 as recorded under Clerk's File
13 No. 9007438 of the O.P.R.R.P.M.C., and continuing a total distance
14 of 1,025.45 feet (calculated), to the POINT OF BEGINNING and
15 northeast corner of the herein described tract, also being the
16 northwest corner of a loop 336, 0.738 ac acquisition parcel as
17 recorded under Clerk's File No. 9007438 of the O.P.R.R.P.M.C.;

18 THENCE along the westerly line of Loop 336 based on deed
19 recorded under Clerk's File No. 9007438 of the O.P.R.R.P.M.C. the
20 following calls:

21 South 15 degrees 19 minutes 54 seconds West, 292.67 feet, to a
22 found TxDOT monument;

23 Southerly along a curve to the right, through a central angle
24 of 05 degrees 06 minutes 38 seconds, to the south corner of said
25 0.738ac acquisition tract, lying in a westerly line of a 1.664 acre
26 right-o-way acquisition tract as recorded under Clerk's File No.
27 8645929 of the O.P.R.R.P.M.C., said curve having a radius of

1 2,822.83 feet, an arc length of 251.79 feet, and a long chord
2 bearing and distance of South 20 degrees 31 minutes 48 seconds West,
3 251.70 feet;

4 THENCE along the westerly line of Loop 336 based on deed
5 recorded under Clerk's File No. 8645929 of the O.P.R.R.P.M.C. the
6 following calls:

7 South 25 degrees 46 minutes 19 seconds West 255.96 feet;

8 Southwesterly along a curve to the left, through a central
9 angle of 14 degrees 47 minutes 00 second, to a found 5/8-inch iron
10 rod for an easterly corner of the herein described tract, said curve
11 having a radius of 2,964.93 feet, an arc length of 765.01 feet, and
12 having a long chord bearing and distance of South 24 degrees 41
13 minutes 21 seconds West, 762.89 feet;

14 North 75 degrees 20 minutes 59 seconds West, 10.00 feet, to a
15 found 5/8-inch iron rod;

16 Southerly along a curve to the left, through a central angle
17 of 20 degrees 16 minutes 31 seconds to the southeast corner of said
18 1.664 acre acquisition tract, said curve having a radius of
19 2,974.93 feet, an arc length of 1,052.73 feet, and having a long
20 chord bearing and distance of South 07 degrees 09 minutes 35 seconds
21 West, 1,047.25 feet;

22 THENCE South 74 degrees 50 minutes 24 seconds West, 1,330.16
23 feet, at 1,058.77 feet, passing a found 5/8-inch iron rod, along the
24 southerly line of said 131.31 acre tract, to a southwest corner of
25 the herein described tract;

26 THENCE North 27 degrees 54 minutes 46 seconds East, 279.89
27 feet, to a westerly corner of the herein described tract;

1 THENCE North 66 degrees 31 minutes 59 seconds East, 465.28
2 feet, to a westerly corner of the herein described tract;
3 THENCE North 41 degrees 46 minutes 54 seconds East, 404.13
4 feet, to a westerly corner of the herein described tract;
5 THENCE North 00 degree 11 minutes 45 seconds West, 293.64
6 feet, to a westerly corner of the herein described tract;
7 THENCE North 34 degrees 26minutes 10 seconds West, 139.65
8 feet, to a westerly corner of the herein described tract;
9 THENCE North 45 degrees 40 minutes 37 seconds West, 317.65
10 feet, to a westerly corner of the herein described tract;
11 THENCE North 78 degrees 31 minutes 11 seconds West, 135.42
12 feet, to a westerly corner of the herein described tract;
13 THENCE North 37 degrees 54 minutes 16 seconds West, 102.05
14 feet, to a westerly corner of the herein described tract;
15 THENCE North 13 degrees 54 minutes 22 seconds East, 113.49
16 feet, to a westerly corner of the herein described tract;
17 THENCE North 60 degrees 27 minutes 57 seconds East, 190.37
18 feet, to a westerly corner of the herein described tract;
19 THENCE North 44 degrees 31 minutes 09 seconds East, 371.18
20 feet, to a westerly corner of the herein described tract;
21 THENCE North 25 degrees 01 minute 17 seconds East, 208.41
22 feet, to a westerly corner of the herein described tract;
23 THENCE North 07 degrees 59 minutes 22 seconds West, 92.95
24 feet, to a westerly corner of the herein described tract;
25 THENCE North 07 degrees 53 minutes 51 seconds East, 272.81
26 feet, to a westerly corner of the herein described tract, lying in
27 said northerly of the 131.41 acre tract and the northerly line of

1 the Denward James Survey;

2 THENCE North 74 degrees 17 minutes 00 second East, 1,197.41
3 feet, with and adjoining said northerly line of the 131.41 acre
4 tract, to the POINT OF BEGINNING, and containing 47.92 acres more or
5 less. Based on an on-the-ground survey conducted on October 20,
6 2022.

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

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

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

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

25 SECTION 4. (a) If this Act does not receive a two-thirds
26 vote of all the members elected to each house, Subchapter C, Chapter
27 8074, Special District Local Laws Code, as added by Section 1 of

1 this Act, is amended by adding Section 8074.0306 to read as follows:

2 Sec. 8074.0306. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

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

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