

1-1 By: Creighton S.B. No. 2574
 1-2 (In the Senate - Filed March 22, 2023; March 23, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 28, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 28, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker			X	
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Montgomery County Municipal Utility
 1-20 District No. 228; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7969A to read as follows:

1-26 CHAPTER 7969A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-27 NO. 228

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7969A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Montgomery County Municipal
 1-35 Utility District No. 228.

1-36 Sec. 7969A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 7969A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7969A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7969A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 7969A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7969A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
2-2 field notes or in copying the field notes in the legislative process
2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
2-6 for which the district is created or to pay the principal of and
2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7969A.0201. GOVERNING BODY; TERMS. (a) The district
2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7969A.0202, directors
2-14 serve staggered four-year terms.

2-15 Sec. 7969A.0202. TEMPORARY DIRECTORS. (a) On or after
2-16 September 1, 2023, the owner or owners of a majority of the assessed
2-17 value of the real property in the district may submit a petition to
2-18 the commission requesting that the commission appoint as temporary
2-19 directors the five persons named in the petition. The commission
2-20 shall appoint as temporary directors the five persons named in the
2-21 petition.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under
2-24 Section 7969A.0103; or
- 2-25 (2) September 1, 2027.

2-26 (c) If permanent directors have not been elected under
2-27 Section 7969A.0103 and the terms of the temporary directors have
2-28 expired, successor temporary directors shall be appointed or
2-29 reappointed as provided by Subsection (d) to serve terms that
2-30 expire on the earlier of:

- 2-31 (1) the date permanent directors are elected under
2-32 Section 7969A.0103; or
- 2-33 (2) the fourth anniversary of the date of the
2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
2-36 majority of the assessed value of the real property in the district
2-37 may submit a petition to the commission requesting that the
2-38 commission appoint as successor temporary directors the five
2-39 persons named in the petition. The commission shall appoint as
2-40 successor temporary directors the five persons named in the
2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7969A.0301. GENERAL POWERS AND DUTIES. The district
2-44 has the powers and duties necessary to accomplish the purposes for
2-45 which the district is created.

2-46 Sec. 7969A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-47 DUTIES. The district has the powers and duties provided by the
2-48 general law of this state, including Chapters 49 and 54, Water Code,
2-49 applicable to municipal utility districts created under Section 59,
2-50 Article XVI, Texas Constitution.

2-51 Sec. 7969A.0303. AUTHORITY FOR ROAD PROJECTS. Under
2-52 Section 52, Article III, Texas Constitution, the district may
2-53 design, acquire, construct, finance, issue bonds for, improve,
2-54 operate, maintain, and convey to this state, a county, or a
2-55 municipality for operation and maintenance macadamized, graveled,
2-56 or paved roads, or improvements, including storm drainage, in aid
2-57 of those roads.

2-58 Sec. 7969A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-59 road project must meet all applicable construction standards,
2-60 zoning and subdivision requirements, and regulations of each
2-61 municipality in whose corporate limits or extraterritorial
2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
2-64 or extraterritorial jurisdiction of a municipality, the road
2-65 project must meet all applicable construction standards,
2-66 subdivision requirements, and regulations of each county in which
2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
 3-2 Sec. 7969A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-4 applicable requirements of any ordinance or resolution that is
 3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-6 consents to the creation of the district or to the inclusion of land
 3-7 in the district.
 3-8 Sec. 7969A.0306. DIVISION OF DISTRICT. (a) The district
 3-9 may be divided into two or more new districts only if the district:
 3-10 (1) has no outstanding bonded debt; and
 3-11 (2) is not imposing ad valorem taxes.
 3-12 (b) This chapter applies to any new district created by the
 3-13 division of the district, and a new district has all the powers and
 3-14 duties of the district.
 3-15 (c) Any new district created by the division of the district
 3-16 may not, at the time the new district is created, contain any land
 3-17 outside the area described by Section 2 of the Act enacting this
 3-18 chapter.
 3-19 (d) The board, on its own motion or on receipt of a petition
 3-20 signed by the owner or owners of a majority of the assessed value of
 3-21 the real property in the district, may adopt an order dividing the
 3-22 district.
 3-23 (e) The board may adopt an order dividing the district
 3-24 before or after the date the board holds an election under Section
 3-25 7969A.0103 to confirm the district's creation.
 3-26 (f) An order dividing the district shall:
 3-27 (1) name each new district;
 3-28 (2) include the metes and bounds description of the
 3-29 territory of each new district;
 3-30 (3) appoint temporary directors for each new district;
 3-31 and
 3-32 (4) provide for the division of assets and liabilities
 3-33 between or among the new districts.
 3-34 (g) On or before the 30th day after the date of adoption of
 3-35 an order dividing the district, the district shall file the order
 3-36 with the commission and record the order in the real property
 3-37 records of each county in which the district is located.
 3-38 (h) Any new district created by the division of the district
 3-39 shall hold a confirmation and directors' election as required by
 3-40 Section 7969A.0103. If the voters of a new district do not confirm
 3-41 the creation of the new district, the assets, obligations,
 3-42 territory, and governance of the new district revert to the
 3-43 original district.
 3-44 (i) If the creation of the new district is confirmed, the
 3-45 new district shall provide the election date and results to the
 3-46 commission.
 3-47 (j) Municipal consent to the creation of the district and to
 3-48 the inclusion of land in the district granted under Section
 3-49 7969A.0104 acts as municipal consent to the creation of any new
 3-50 district created by the division of the district and to the
 3-51 inclusion of land in the new district.
 3-52 (k) Any new district created by the division of the district
 3-53 must hold an election as required by this chapter to obtain voter
 3-54 approval before the district may impose a maintenance tax or issue
 3-55 bonds payable wholly or partly from ad valorem taxes.
 3-56 (l) This chapter applies to any new district created by the
 3-57 division of the district, and a new district has all the powers and
 3-58 duties of the district.
 3-59 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 3-60 Sec. 7969A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-61 The district may issue, without an election, bonds and other
 3-62 obligations secured by:
 3-63 (1) revenue other than ad valorem taxes; or
 3-64 (2) contract payments described by Section
 3-65 7969A.0403.
 3-66 (b) The district must hold an election in the manner
 3-67 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-68 before the district may impose an ad valorem tax or issue bonds
 3-69 payable from ad valorem taxes.

4-1 (c) The district may not issue bonds payable from ad valorem
4-2 taxes to finance a road project unless the issuance is approved by a
4-3 vote of a two-thirds majority of the district voters voting at an
4-4 election held for that purpose.

4-5 Sec. 7969A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-6 authorized at an election held under Section 7969A.0401, the
4-7 district may impose an operation and maintenance tax on taxable
4-8 property in the district in accordance with Section 49.107, Water
4-9 Code.

4-10 (b) The board shall determine the tax rate. The rate may not
4-11 exceed the rate approved at the election.

4-12 Sec. 7969A.0403. CONTRACT TAXES. (a) In accordance with
4-13 Section 49.108, Water Code, the district may impose a tax other than
4-14 an operation and maintenance tax and use the revenue derived from
4-15 the tax to make payments under a contract after the provisions of
4-16 the contract have been approved by a majority of the district voters
4-17 voting at an election held for that purpose.

4-18 (b) A contract approved by the district voters may contain a
4-19 provision stating that the contract may be modified or amended by
4-20 the board without further voter approval.

4-21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-22 Sec. 7969A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-23 OBLIGATIONS. The district may issue bonds or other obligations
4-24 payable wholly or partly from ad valorem taxes, impact fees,
4-25 revenue, contract payments, grants, or other district money, or any
4-26 combination of those sources, to pay for any authorized district
4-27 purpose.

4-28 Sec. 7969A.0502. TAXES FOR BONDS. At the time the district
4-29 issues bonds payable wholly or partly from ad valorem taxes, the
4-30 board shall provide for the annual imposition of a continuing
4-31 direct ad valorem tax, without limit as to rate or amount, while all
4-32 or part of the bonds are outstanding as required and in the manner
4-33 provided by Sections 54.601 and 54.602, Water Code.

4-34 Sec. 7969A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-35 issuance, the total principal amount of bonds or other obligations
4-36 issued or incurred to finance road projects and payable from ad
4-37 valorem taxes may not exceed one-fourth of the assessed value of the
4-38 real property in the district.

4-39 SECTION 2. The Montgomery County Municipal Utility District
4-40 No. 228 initially includes all the territory contained in the
4-41 following area:

4-42 BEING a 319.424 acre tract of land situated in the Clark Beach
4-43 Survey, Abstract Number 79, Montgomery County, Texas, being a
4-44 portion of that certain called 1,278.671 acre tract described as
4-45 "Parcel 2, Tract 1" in instrument to Atakapa, LLC., recorded under
4-46 Clerk's File Number 2013016070 of the Official Public Records of
4-47 Montgomery County, Texas (O.P.R.M.C.T.), and all of that certain
4-48 tract described as "Tract 68, of Security Subdivision, described in
4-49 instrument to Lone Star Timber II, LP, recorded under Clerk's File
4-50 Number 200 I 106195, O.P.R.M.C.T., said 319.424 acre tract being
4-51 more particularly described by metes and bounds as follows:

4-52 BEGINNING at 5/8 inch iron rod found in the northeasterly margin of
4-53 Crockett Martin Road for the common westerly comer of said Parcel 2,
4-54 Tract 1 and that certain called 13.98 acre tract described in
4-55 instrument to Tee Total Engineering Expectations, LLC., recorded
4-56 under Clerk's File Number 2016093633, O.P.R.M.C.T., being a
4-57 southwesterly corner of the herein described 319.424 acre tract;
4-58 THENCE North 22°38'32" West, 4 I 8.13 feet, with the northeasterly
4-59 margin of said Crockett Martin Road, a southwesterly I ine of said
4-60 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS I
4-61 00834-00" set for an angle point in the northeasterly margin of said
4-62 Crockett Martin Road, being an angle point in a southwesterly line
4-63 of the herein described 31 9.424 acre tract;

4-64 THENCE North 24°02'13" West, 163.31 feet, continuing with the
4-65 northeasterly margin of said Crockett Martin Road, a southwesterly
4-66 line of said Parcel 2, Tract I, to a 5/8 inch iron rod found for an
4-67 angle point in the northeasterly margin of said Crockett Martin
4-68 Road, being an angle point in a southwesterly line of the herein
4-69 described 319.424 acre tract;

5-1 THENCE North 24°51'11" West, 464.87 feet, continuing with the
5-2 northeasterly margin of said Crockett Martin Road, a southwesterly
5-3 line of said Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum
5-4 cap found at a 1 1/2 inch iron pipe for the common westerly comer of
5-5 said Parcel 2, Tract I and that certain called 2.61 acre tract
5-6 described in instrument to Anja C. Joyce and Kenton Joyce, recorded
5-7 under Clerk's File Number 9813446 of the Real Property Records of
5-8 Montgomery County, Texas (R.P.R.M.C.T.), being the westerly
5-9 northwest comer of the herein described 319.424 acre tract;
5-10 THENCE North 82°55'00" East, 281.41 feet, with the common line
5-11 between said Parcel 2, Tract I and said 2.61 acre tract, to a 5/8
5-12 inch iron rod with aluminum cap found at a 1 1/2 inch iron pipe for
5-13 the common easterly comer of said Parcel 2, Tract I and said 2.61
5-14 acre tract, being an interior comer of the herein described 319.424
5-15 acre tract;
5-16 THENCE North 02°23'26" West, 319.49 feet, with the easterly line of
5-17 said 2.61 acre tract and that certain called
5-18 4.00 acre tract described in instrument to Anja C. Joyce and Kenton
5-19 Joyce, recorded under Clerk's File Number 9802056, R.P.R.M.C.T.,
5-20 common to a westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch
5-21 iron pipe found for the common westerly corner of said Parcel 2,
5-22 Tract I and the remainder of that certain called 1.56 acre tract
5-23 described as "Tract One" in instrument to Enderli Family Living
5-24 Trust, recorded under Clerk's File Number 2002026404,
5-25 O.P.R.M.C.T., being a northwesterly corner of the herein described
5-26 319.424 acre tract;
5-27 THENCE North 87°30'12" East, 658.45 feet, with the southerly line of
5-28 said remainder of 1.56 acre tract, and that certain called 2.46 acre
5-29 tract described in instrument to Richard Ebert, recorded under
5-30 Clerk's File Number 2006034086, O.P.R.M.C.T., common to a northerly
5-31 line of said Parcel 2, Tract I, to a 1 inch iron pipe found for the
5-32 common corner of said Parcel 2, Tract 1, said 2.46 acre tract, and
5-33 that certain called 19 acre tract described in instrument to John
5-34 Ganze, recorded under Clerk's File Number 20 I 5084061,
5-35 O.P.R.M.C.T., being an angle point in a northerly line of the herein
5-36 described 319.424 acre tract;
5-37 THENCE North 85°37'24" East, 1,329.41 feet, with the common line
5-38 between said Parcel 2, Tract 1 and said 19 acre tract, to a 1 inch
5-39 pinched top iron pipe at a 1/2 inch iron rod found for a common
5-40 corner of the same, being an interior corner of the herein described
5-41 319.424 acre tract, from which a 1-1/2 inch iron pipe found for
5-42 reference bears North 60°14' 16" East, 0.83 feet;
5-43 THENCE North 03°09'58" West, 661.01 feet, continuing with said
5-44 common line, to a 1 1/2 inch iron pipe found for a common corner of
5-45 the same, being an interior corner of the herein described 319.424
5-46 acre tract;
5-47 THENCE South 86°27'29" West, 1,321.54 feet, continuing with said
5-48 common line, to a 1 inch iron pipe found in an easterly line of that
5-49 certain called 3.12 acre tract described in instrument to Kelly
5-50 Kenney, recorded under Clerk's File Number 2018073035,
5-51 O.P.R.M.C.T., for the common westerly corner of said Parcel 2,
5-52 Tract 1 and said 19 acre tract, being a southwesterly comer of the
5-53 herein described 319.424 acre tract, from which a 2 inch iron pipe
5-54 found for reference bears South 02°56'06" East, 38.45 feet;
5-55 THENCE North 03°22'48" West, with the easterly line of said 3.12
5-56 acre tract, that certain called 4.08 acre tract described in
5-57 instrument to Sherry Navarro, recorded under Clerk's File Number
5-58 2021025975, O.P.R.M.C.T., and that certain called 5.47 acre tract
5-59 described in instrument to Sherry Brewer, recorded under Clerk's
5-60 File Number 2021025976, O.P.R.M.C.T., common to a westerly line of
5-61 said Parcel 2, Tract I, at a distance of 58.22 feet, pass a 1 1/2 inch
5-62 iron pipe found for reference, at a distance of 58.82 feet, pass a
5-63 3/8 inch iron rod found for the common easterly corner of said 3.12
5-64 acre tract and said 4.08 acre tract, at a distance of 278.14 feet,
5-65 pass a 5/8 inch iron rod found for reference, at a distance of
5-66 654.62 feet, pass a 2 inch iron pipe found for reference, in all, a
5-67 total distance of
5-68 660.48 feet, to a 5/8 inch iron rod with aluminum cap found at a 1
5-69 1/2 inch iron pipe in the southerly line of that certain called 5.05

6-1 acre tract described as "Tract 2" in instrument to Douglas Edward
6-2 Young, recorded under Clerk's File Number 99097271, R.P.R.M.C.T.,
6-3 for the common northerly corner of said Parcel 2, Tract 1 and said
6-4 5.47 acre tract, being a northwesterly corner of the herein
6-5 described 319.424 acre tract;
6-6 THENCE North 86°36'04" East, 660.46 feet, with the common line
6-7 between said Parcel 2, Tract 1 and said 5.05 acre tract, to a 5/8
6-8 inch iron rod with aluminum cap found at a 1 1/2 inch iron pipe found
6-9 for a common corner of the same, being an interior corner of the
6-10 herein described 319.424 acre tract;
6-11 THENCE North 03°15'45" West, 660.05 feet, with the easterly line of
6-12 said 5.05 acre tract and that certain called
6-13 11.64 acre tract described in instrument to Douglas Young, recorded
6-14 under Clerk's File Number 2011098942, O.P.R.M.C.T., common to a
6-15 westerly line of said Parcel 2, Tract 1, to a 1 1/2 inch iron pipe
6-16 found for the common northerly corner of said Parcel 2, Tract 1 and
6-17 said 11.64 acre tract, being a northwesterly corner of the herein
6-18 described 319.424 acre tract, from which a 3/8 inch iron rod found
6-19 for reference bears South 86°35'15" West, 1,087.27 feet;
6-20 THENCE North 86°23'02" East, 1,975.99 feet, severing, over and
6-21 across said Parcel 2, Tract 1, to a 1 1/2 inch iron pipe found at a
6-22 5/8 inch iron rod for the northwesterly corner of that certain tract
6-23 described as "Tracts 55 and 58" of Security Subdivision, Section
6-24 One, in instrument to Gary Mitchel Lippert, recorded under Clerk's
6-25 File Number 2015112584, O.P.R.M.C.T., being a northeasterly corner
6-26 of the herein described 319.424 acre tract;
6-27 THENCE with the common line between said Parcel 2, Tract I and said
6-28 Tracts 55 and 58, the following three (3) courses and distances:
6-29 South 03°11'45" East, 656.19 feet, to a 1/2 inch iron rod with cap
6-30 stamped "TPS 100834-00" set for corner;
6-31 North 87°11'48" East, 661.77 feet, to a 1/2 inch iron rod with cap
6-32 stamped "TPS 100834-00" set for corner;
6-33 North 03°25'52" West, 662.49 feet, to a 1 inch iron pipe found for
6-34 the northeasterly corner of said Tracts 55 and 58, being a
6-35 northwesterly corner of the herein described 319.424 acre tract;
6-36 THENCE North 86°39'04" East, 652.56 feet, severing, over and across
6-37 said Parcel 2, Tract 1, to a 1/2 inch iron rod with cap stamped "TPS
6-38 100834-00" set for a northeasterly corner of the herein described
6-39 319.424 acre tract;
6-40 THENCE South 03°37'03" East, 2,642.97 feet, continuing, over and
6-41 across said Parcel 2, Tract 1, to a 1 inch iron pipe found, bent, for
6-42 the easterly common north corner of said Parcel 2, Tract 1, and that
6-43 certain tract described as being Tract 120 of said Section 1, in
6-44 instrument to Felix Canseco, recorded under Clerk's File Number
6-45 8742170, R.P.R.M.C.T., being a southeasterly corner of the herein
6-46 described 319.424 acre tract;
6-47 THENCE with the common line between said Parcel 2, Tract I and said
6-48 Canseco tract, the following three (3) courses and distances:
6-49 South 86°27'22" West, 660.84 feet, to a 5/8 inch iron rod with cap
6-50 found for corner;
6-51 South 03°37'00" East, 329.72 feet, to a 1/2 inch iron rod with cap
6-52 stamped "TPS I 00834-00" set for corner;
6-53 North 86°27'48" East, at a distance of 659.12 feet, pass a 1 inch
6-54 iron pipe found, bent, for reference, in all, a total distance of
6-55 660.85 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00"
6-56 set for the common southerly corner of said Parcel 2, Tract 1 and
6-57 said Canseco tract, being the northeasterly corner of the herein
6-58 described 319.424 acre tract;
6-59 THENCE South 03°37'03" East, 1,034.68 feet, continuing across said
6-60 Parcel 2, Tract I, to a 1/2 inch iron rod with cap stamped "TPS
6-61 100834-00" set in the northerly line of that certain called 4.00
6-62 acre tract described in instrument to Joshua Kevin Perry, recorded
6-63 under Clerk's File Number 2005129306, O.P.R.M.C.T., being a
6-64 southeasterly corner of the herein described 319.424 acre tract,
6-65 from which a 5/8 inch iron rod found for reference bears North
6-66 86°39'34" East, 1,102.43 feet;
6-67 THENCE South 86°39'34" West, 217.01 feet, with the common line
6-68 between said Parcel 2, Tract 1 and said 4.00 acre tract, to a 1 1/2
6-69 inch iron pipe found for a common corner of the same, being an

7-1 interior corner of the herein described 319.424 acre tract;
 7-2 THENCE South 03°14'53" East, 681.43 feet, continuing with said
 7-3 common line, to a 5/8 inch iron rod found in the northerly margin of
 7-4 Farm to Market Road 2090 (F.M. 2090), for the common southerly comer
 7-5 of said Parcel 2, Tract I and said 4.00 acre tract, being the
 7-6 southerly southeast comer of the herein described 319.424 acre
 7-7 tract;
 7-8 THENCE North 77°10'20" West, 559.86 feet, with the northerly
 7-9 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,
 7-10 Tract 1, to a 1/2 inch iron rod with cap stamped "TPS 1 00834-00" set
 7-11 for the beginning of a curve to the left;
 7-12 THENCE Northwesterly, 809.97 feet, continuing with the northerly
 7-13 right-of-way of said F.M. 2090, a southerly line of said Parcel 2,
 7-14 Tract 1, along the arc of said curve to the left, having a radius of
 7-15 5,779.81 feet, a central angle of 08°01'46", a chord that bears
 7-16 North 81°09'00" West, 809.31 feet, to a 1/2 inch iron rod with cap
 7-17 stamped "TPS 100834-00" set for the common southerly comer of said
 7-18 Parcel 2, Tract I and that certain called 1.74 acre tract described
 7-19 in instrument to Innerfaith Disciple House, recorded under Clerk's
 7-20 File Number 20 I 8099589, O.P.R.M.C.T., being the most southerly
 7-21 southwest comer of the herein described 319.424 acre tract;
 7-22 THENCE North 03°37'57" West, 1,007.31 feet, with the easterly line
 7-23 of said I .74 acre tract and the remainder of that certain tract
 7-24 described as being Lots I 33 and 134 of said Section I, in
 7-25 instrument to Robert L. Bartlett, recorded under Clerk's File
 7-26 Number 2019030913, O.P.R.M.C.T., common to a westerly line of said
 7-27 Parcel 2, Tract I, to a 5/8 inch iron rod with aluminum cap found at
 7-28 a 1 1/2 inch iron pipe for the common northerly comer of said Parcel
 7-29 2, Tract I and said Bartlett tract, being an interior comer of the
 7-30 herein described 319.424 acre tract;
 7-31 THENCE South 86°53'08" West, 659.72 feet, with the northerly line of
 7-32 said Bartlett tract and that certain called 5.10 acre tract
 7-33 described as "Tract I" in instrument to John D. Mitchell, recorded
 7-34 under Clerk's File Number
 7-35 20 I 7066131, O.P.R.M.C.T., common to a southerly line of said
 7-36 Parcel 2, Tract 1, to a 5/8 inch iron rod with aluminum cap found at
 7-37 a 1 1/2 inch iron pipe found for the common comer of said Parcel 2,
 7-38 Tract I, said 5.10 acre tract, and that certain called 28.112 acre
 7-39 tract described in instrument to Bobby Giles and Renata Giles,
 7-40 recorded under Clerk's File Number 2016011300, O.P.R.M.C.T., being
 7-41 an angle point in a southerly line of the herein described 319.424
 7-42 acre tract;
 7-43 THENCE South 87°19'09" West, 1,319.93 feet, with the common line
 7-44 between said Parcel 2, Tract 1 and said 28.112 acre tract, to a I
 7-45 inch pinched top iron pipe found at a 1 inch iron pipe found for the
 7-46 common comer of said Parcel 2, Tract I, said 28.112 acre tract, and
 7-47 said 13.98 acre tract, being an angle point in a southerly line of
 7-48 the herein described 3 I 9.424 acre tract;
 7-49 THENCE South 87°38'49" West, 1,024.19 feet, with the common line
 7-50 between said Parcel 2, Tract 1 and said 13.98 acre tract, to the
 7-51 POINT OF BEGINNING.
 7-52 CONTAINING a computed area of 319.424 acres of land within this
 7-53 Field Note Description Save and Except the following described
 7-54 5.090 acre tract:
 7-55 FIELD NOTE DESCRIPTION 5.090ACRES
 7-56 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
 7-57 TEXAS
 7-58 BEING a 5.090 acre tract of land situated in the Clark Beach Survey,
 7-59 Abstract Number 79, Montgomery County, Texas, being all of that
 7-60 same tract described as "Parcel I", being Farm Tract 75, of said
 7-61 Section 1, described in instrument to JBMG, LTD., recorded under
 7-62 Clerk's File Number 9569681, R.P.R.M.C.T., said 5.090 acre tract
 7-63 being more particularly described by metes and bounds as follows:
 7-64 BEGINNING at a 5/8 inch iron rod with aluminum cap found at a I inch
 7-65 pinched top iron pipe for the southerly common east corner of said
 7-66 Parcel 2, Tract I and said JBMG tract, being the southeasterly
 7-67 corner of the herein described 5.090 acre tract, from which a 1 inch
 7-68 iron pipe found, for the easterly common north comer of said Parcel
 7-69 2, Tract 1 and said Canseco tract bears South 48°23' 51" East,

8-1 1,866.30 feet;
8-2 THENCE with the common line between said Parcel 2, Tract 1 and said
8-3 JBMG tract, the following four (4) courses and distances:
8-4 South 86°34' 17" West, 657.10 feet, to a 1 inch pinched top iron
8-5 pipe found, disturbed for corner, from which a 1 inch iron pipe found
8-6 at a 1/2 inch iron rod found for the southerly common east corner of
8-7 said Parcel 2, Tract I and said 19 acre tract bears South 41°635'3 I"
8-8 West, 938.44 feet;
8-9 North 04°19'03" West, 336.19 feet, to a 5/8 inch iron rod with cap
8-10 found at a 1 inch iron pipe for corner;
8-11 North 86°25' 10" East, 658.66 feet, to a 5/8 inch iron rod found at a
8-12 1 inch iron pipe for corner;
8-13 South 04°02'56" East, 337.92 feet, to the POINT OF BEGINNING.
8-14 CONTAINING a computed area of 5.090 acres of land within this Field
8-15 Note Description Save and Except the following described 4.999 acre
8-16 tract
8-17 FIELD NOTE DESCRIPTION 4.999ACRES
8-18 IN THE CLARK BEACH SURVEY, ABSTRACT NUMBER 79 MONTGOMERY COUNTY,
8-19 TEXAS
8-20 BEING a 4.999 acre tract of land situated in the Clark Beach Survey,
8-21 Abstract Number 79, Montgomery County, Texas, being all of that
8-22 same tract described as being Farm Tract 108 of said Section I,
8-23 described in instrument to Adeline A. Barnes, et al, recorded under
8-24 Clerk's File Number 7506958, R.P.R.M.C.T., said 4.999 acre tract
8-25 being more particularly described by metes and bounds as follows:
8-26 BEGINNING at a 5/8 inch iron rod with aluminum cap at a 1 1/2 inch
8-27 iron pipe found for the easterly common south corner of said Parcel
8-28 2, Tract I and said Barnes tract, being the southeasterly corner of
8-29 the herein described 4.999 acre tract, from which a 1/2 inch iron rod
8-30 with cap stamped "TPS 100834-00" set for the westerly common south
8-31 corner of said Parcel 2, Tract I and said Canseco tract bears South
8-32 66°46'02" East, 739.05 feet;
8-33 THENCE with the common line between said Parcel 2, Tract I and said
8-34 Barnes tract, the following four (4) courses and distances:
8-35 1) South 86°39'47" West, 660.00 feet, to a 5/8 inch iron rod found
8-36 at a 1 1/2 inch iron pipe for corner, from which a 5/8 inch iron rod
8-37 found in the northeasterly margin of said Crockett Martin Road for
8-38 the common westerly corner of said Parcel 2, Tract 1 and said 13.98
8-39 acre tract bears South 71°56'17" West, 2655.96 feet;
8-40 North 03°24'08" West, 330.04 feet. to a 5/8 inch iron rod found at a
8-41 1 1/2 inch iron pipe for corner;
8-42 North 86°40'24" East, 659.95 feet, to a 5/8 inch iron rod with
8-43 aluminum cap found at a 1 1/2 inch iron pipe for corner;
8-44 South 03°24'41" East, 329.92 feet, to the POINT OF BEGINNING.
8-45 CONTAINING a computed area of 4.999 acres of land within this Field
8-46 Note Description
8-47 LEAVING a computed NET area of 309.335 acres of land within this
8-48 Field Note Description.
8-49 This Field Note Description was prepared from a survey performed on
8-50 the ground on April 1, 2021 by Texas Professional Surveying, LLC.,
8-51 Registered Professional Land Surveyors and is referenced to Survey
8-52 Drawing Project Number S458-103-SW S HALF.
8-53 Bearings recited hereon are based on GPS observations and are
8-54 referenced to the North American Datum (NAO) 1983, Texas State
8-55 Plane Coordinate System, Central Zone (4203).
8-56 SECTION 3. (a) The legal notice of the intention to
8-57 introduce this Act, setting forth the general substance of this
8-58 Act, has been published as provided by law, and the notice and a
8-59 copy of this Act have been furnished to all persons, agencies,
8-60 officials, or entities to which they are required to be furnished
8-61 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-62 Government Code.
8-63 (b) The governor, one of the required recipients, has
8-64 submitted the notice and Act to the Texas Commission on
8-65 Environmental Quality.
8-66 (c) The Texas Commission on Environmental Quality has filed
8-67 its recommendations relating to this Act with the governor, the
8-68 lieutenant governor, and the speaker of the house of
8-69 representatives within the required time.

9-1 (d) All requirements of the constitution and laws of this
9-2 state and the rules and procedures of the legislature with respect
9-3 to the notice, introduction, and passage of this Act are fulfilled
9-4 and accomplished.

9-5 SECTION 4. (a) If this Act does not receive a two-thirds
9-6 vote of all the members elected to each house, Subchapter C, Chapter
9-7 7969A, Special District Local Laws Code, as added by Section 1 of
9-8 this Act, is amended by adding Section 7969A.0307 to read as
9-9 follows:

9-10 Sec. 7969A.0307. NO EMINENT DOMAIN POWER. The district may
9-11 not exercise the power of eminent domain.

9-12 (b) This section is not intended to be an expression of a
9-13 legislative interpretation of the requirements of Section 17(c),
9-14 Article I, Texas Constitution.

9-15 SECTION 5. This Act takes effect September 1, 2023.

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