

1-1 By: Creighton S.B. No. 2268
 1-2 (In the Senate - Filed April 7, 2017; April 10, 2017, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 26, 2017, reported favorably by the following
 1-5 vote: Yeas 6, Nay 0; April 26, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell	X			
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Montgomery County Municipal Utility
 1-18 District No. 159; granting a limited power of eminent domain;
 1-19 providing authority to issue bonds; providing authority to impose
 1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8003 to read as follows:
 1-24 CHAPTER 8003. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 159

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8003.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Montgomery County Municipal
 1-32 Utility District No. 159.

1-33 Sec. 8003.002. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8003.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8003.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 8003.003
 1-42 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8003.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
 1-52 relate to the construction, acquisition, improvement, operation,
 1-53 or maintenance of macadamized, graveled, or paved roads, or
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8003.006. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 does not affect the district's:

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

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8003.051. GOVERNING BODY; TERMS. (a) The district is
 2-9 governed by a board of five elected directors.
 2-10 (b) Except as provided by Section 8003.052, directors serve
 2-11 staggered four-year terms.

2-12 Sec. 8003.052. TEMPORARY DIRECTORS. (a) The temporary
 2-13 board consists of:

- 2-14 (1) Roxanne Ellis;
- 2-15 (2) Elizabeth Galvan;
- 2-16 (3) George Moody;
- 2-17 (4) Doug OwYang; and
- 2-18 (5) Nick Terry.

2-19 (b) Temporary directors serve until the earlier of:
 2-20 (1) the date permanent directors are elected under
 2-21 Section 8003.003; or
 2-22 (2) the fourth anniversary of the effective date of
 2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under
 2-25 Section 8003.003 and the terms of the temporary directors have
 2-26 expired, successor temporary directors shall be appointed or
 2-27 reappointed as provided by Subsection (d) to serve terms that
 2-28 expire on the earlier of:

- 2-29 (1) the date permanent directors are elected under
 2-30 Section 8003.003; or
- 2-31 (2) the fourth anniversary of the date of the
 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the commission requesting that the
 2-36 commission appoint as successor temporary directors the five
 2-37 persons named in the petition. The commission shall appoint as
 2-38 successor temporary directors the five persons named in the
 2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8003.101. GENERAL POWERS AND DUTIES. The district has
 2-42 the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8003.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-45 DUTIES. The district has the powers and duties provided by the
 2-46 general law of this state, including Chapters 49 and 54, Water Code,
 2-47 applicable to municipal utility districts created under Section 59,
 2-48 Article XVI, Texas Constitution.

2-49 Sec. 8003.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-50 52, Article III, Texas Constitution, the district may design,
 2-51 acquire, construct, finance, issue bonds for, improve, operate,
 2-52 maintain, and convey to this state, a county, or a municipality for
 2-53 operation and maintenance macadamized, graveled, or paved roads, or
 2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8003.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-56 road project must meet all applicable construction standards,
 2-57 zoning and subdivision requirements, and regulations of each
 2-58 municipality in whose corporate limits or extraterritorial
 2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits
 2-61 or extraterritorial jurisdiction of a municipality, the road
 2-62 project must meet all applicable construction standards,
 2-63 subdivision requirements, and regulations of each county in which
 2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the
 2-66 Texas Transportation Commission must approve the plans and
 2-67 specifications of the road project.

2-68 Sec. 8003.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8003.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) The district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 8003.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 8003.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 8003.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 8003.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 8003.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 8003.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 8003.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Montgomery County Municipal Utility District
3-53 No. 159 initially includes all the territory contained in the
3-54 following area:

3-55 Tract 1: BEING A TRACT OF LAND CONTAINING 35.5536 ACRES
3-56 (1,548,716 SQUARE FEET) OUT OF THAT CERTAIN CALLED 66.9304 ACRE
3-57 TRACT RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 8522036 AND
3-58 FILM CODE NO. 342-01-1353 SITUATED IN THE SOLOMON BROWN SURVEY,
3-59 ABSTRACT NO. 5, IN MONTGOMERY COUNTY, TEXAS. SAID 35.5536 ACRE
3-60 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
3-61 FOLLOWS:

3-62 BEGINNING: AT A 1 INCH IRON PIPE FOUND AT THE NORTHEAST CORNER
3-63 OF SAID 66.9304 ACRE, BEING THE NORTHWEST CORNER OF LOT 1,
3-64 CYPRESSWOOD ESTATES (UNRECORDED) IN THE SOUTH LINE OF THAT CERTAIN
3-65 CALLED 14.580 ACRE TRACT RECORDED IN FILM CODE NO. 577-01-1042 OF
3-66 THE MONTGOMERY COUNTY DEED RECORDS;

3-67 THENCE: SOUTH 03 DEGREES 10 MINUTES 26 SECONDS EAST, ALONG
3-68 THE EAST LINE OF SAID 66.9304 ACRE TRACT, BEING THE WEST LINE OF
3-69 SAID CYPRESSWOOD SUBDIVISION, A DISTANCE OF 3538.47 FEET TO A 1/2

4-1 INCH IRON ROD SET FOR THE SOUTHEAST CORNER IN THE NORTH LINE OF
 4-2 PROPOSED NICHOLS SAWMILL ROAD (150 FEET WIDE) BEING IN A CURVE TO
 4-3 THE RIGHT HAVING A RADIUS OF 1425.00 FEET;

4-4 THENCE: IN A NORTHWESTERLY DIRECTION WITH SAID NORTH LINE OF
 4-5 NICHOLS SAWMILL ROAD ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL
 4-6 ANGLE OF 50 DEGREES 04 MINUTES 41 SECONDS, AN ARC LENGTH OF
 4-7 1255.68 FEET (CHORD BEARING NORTH 27 DEGREES 24 MINUTES 49 SECONDS
 4-8 WEST, 1206.22 FEET) TO A 1/2 INCH IRON ROD SET FOR THE POINT OF
 4-9 TANGENCY IN THE WEST LINE OF SAID 66.9304 ACRE TRACT IN THE EAST LINE
 4-10 OF SAID NICHOLS SAWMILL ROAD;

4-11 THENCE: NORTH 02 DEGREES 22 MINUTES 28 SECONDS WEST, ALONG
 4-12 THE WEST LINE OF SAID 66.9304 ACRE TRACT AND THE EAST LINE OF SAID
 4-13 NICHOLS SAWMILL ROAD, A DISTANCE OF 2445.24 FEET TO A 1/2 INCH IRON
 4-14 ROD SET FOR THE NORTHWEST CORNER BEING THE NORTHWEST OF SAID 66.9304
 4-15 ACRE TRACT IN THE SOUTH LINE OF SAID 14.580 ACRE TRACT;

4-16 THENCE: NORTH 87 DEGREES 37 MINUTES 18 SECONDS EAST, ALONG
 4-17 THE NORTH LINE OF SAID 66.9304 ACRE TRACT, AND THE SOUTH LINE OF
 4-18 SAID 14.580 ACRE TRACT, A DISTANCE OF 461.15 FEET {CALLED 509.27
 4-19 FEET) TO THE POINT OF BEGINNING AND CONTAINING 35.5536 ACRES
 4-20 (1,548,716 SQUARE FEET) OF LAND.

4-21 Tract 2: BEING A TRACT OF LAND CONTAINING 26.8287 ACRES
 4-22 (1,168,660 SQUARE FEET) OUT OF THAT CERTAIN CALLED 66.9304 ACRES OF
 4-23 LAND, IN THE SOLOMON BROWN SURVEY, ABSTRACT NO. 5, IN MONTGOMERY
 4-24 COUNTY, TEXAS RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO.
 4-25 8522036 AND FILM CODE NO. 342-01-1353, SAID 26.8287 ACRE TRACT
 4-26 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4-27 COMMENCING: AT A CALLED 1-1/2 INCH IRON PIPE NOT FOUND AT THE
 4-28 SOUTHEAST CORNER OF 100.35 ACRE TRACT, RECORDED IN VOLUME 564, PAGE
 4-29 557 OF THE DEED RECORDS OF HARRIS COUNTY TEXAS;

4-30 THENCE: NORTH 02 DEGREES 46 MINUTES 25 SECONDS WEST (CALLED
 4-31 NORTH), ALONG THE EAST LINE OF SAID 100.35 ACRE TRACT, A DISTANCE OF
 4-32 2778.97 FEET TO A POINT IN THE CENTER LINE OF SPRING CREEK, SAME
 4-33 BEING THE COUNTY LINE BETWEEN HARRIS AND MONTGOMERY COUNTIES FOR
 4-34 THE PLACE OF BEGINNING;

4-35 THENCE: UP THE CENTER LINE OF SPRING CREEK WITH THE MEANDERS
 4-36 AS FOLLOWS: SOUTH 59 DEGREES 16 MINUTES 19 SECONDS WEST, 73.65 FEET;

4-37 NORTH 80 DEGREES 15 MINUTES 00 SECONDS WEST, 134.72 FEET;

4-38 SOUTH 89 DEGREES 36 MINUTES 09 SECONDS WEST, 157.34 FEET;

4-39 NORTH 47 DEGREES 50 MINUTES 43 SECONDS WEST, 86.74 FEET;

4-40 NORTH 02 DEGREES 59 MINUTES 46 SECONDS EAST, 62.79 FEET;

4-41 NORTH 32 DEGREES 06 MINUTES 33 SECONDS WEST, 73.42 FEET;

4-42 SOUTH 75 DEGREES 04 MINUTES 22 SECONDS WEST, 80.38 FEET TO A
 4-43 POINT FOR CORNER IN THE WEST LINE OF SAID 100.35 ACRE TRACT;

4-44 THENCE: NORTH 02 DEGREES 22 MINUTES 28 SECONDS WEST, A
 4-45 DISTANCE OF 2483.93 TO A 1/2 INCH IRON ROD SET IN THE SOUTH LINE OF
 4-46 PROPOSED NICHOLS SAWMILL ROAD (150 FEET WIDE), BEING IN A CURVE TO
 4-47 THE LEFT HAVING A RADIUS OF 1575.00 FEET;

4-48 THENCE: IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTH LINE OF
 4-49 SAID NICHOLS SAWMILL ROAD AND SAID CURVE TO THE LEFT, WITH CENTRAL
 4-50 ANGLE OF 29 DEGREES 17 MINUTES 28 SECONDS ARC LENGTH OF 805.18 FEET
 4-51 (CHORD BEARS SOUTH 42 DEGREES 13 MINUTES 44 SECONDS EAST, 796.44
 4-52 FEET) TO A 1/2 INCH IRON ROD SET FOR THE NORTHEAST CORNER IN THE EAST
 4-53 LINE OF SAID 66.9304 ACRE TRACT;

4-54 THENCE: SOUTH 02 DEGREES 46 MINUTES 25 SECONDS EAST (CALLED
 4-55 SOUTH), ALONG THE EAST LINE OF SAID 66.9304 ACRE TRACT, 2,040.94
 4-56 FEET TO THE PLACE OF BEGINNING.

4-57 Tract 3: BEING 1.3561 ACRES (59,074 SQUARE FEET) OF LAND
 4-58 KNOWN AS LOTS 19 AND 20, BLOCK 4, CYPRESS WOOD ESTATES, AN
 4-59 UNRECORDED SUBDIVISION OF 145.93 ACRES SITUATED IN THE SOLOMON
 4-60 BROWN SURVEY A-5, MONTGOMERY COUNTY, TEXAS, A PART OF AND OUT OF A
 4-61 50.01 ACRE TRACT, CONVEYED BY DEED, TO DREW T. SPENCER, TRUSTEE,
 4-62 DATED JUNE 8, 1978, RECORDED IN VOLUME 1082, PAGE 112 OF THE DEED
 4-63 RECORDS, MONTGOMERY COUNTY, TEXAS, SAID 1.3561 ACRES BEING MORE
 4-64 PARTICULARLY AS FOLLOWS:

4-65 BEGINNING: AT A 1/2 INCH IRON ROD SET FOR THE NORTHWEST CORNER
 4-66 OF SAID LOT 19, THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT,
 4-67 SOUTH 03 DEGREES 10 MINUTES 26 SECONDS EAST, 1815.03 FEET FROM THE
 4-68 NORTHWEST CORNER OF SAID 50.01 ACRE TRACT;

4-69 THENCE: NORTH 86 DEGREES 40 MINUTES 18 SECONDS EAST, ALONG

5-1 THE SOUTH LINE OF LOT 18, A DISTANCE OF 293.56 FEET, TO A 1/2 INCH
5-2 IRON ROD SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;
5-3 THENCE: SOUTH 02 DEGREES 39 MINUTES 21 SECONDS EAST, ALONG
5-4 THE WEST LINE OF SPENCER BOULEVARD (60 FOOT RIGHT-OF-WAY), A
5-5 DISTANCE OF 201.87 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHEAST
5-6 CORNER OF THE HEREIN DESCRIBED TRACT;
5-7 THENCE: SOUTH 86 DEGREES 40 MINUTES 18 SECONDS WEST, ALONG
5-8 THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 291.74 FEET TO A 1/2
5-9 INCH IRON ROD SET IN THE WEST LINE OF SAID 50.01 ACRE TRACT, ALSO
5-10 BEING THE WEST LINE OF SAID 145.93 ACRE TRACT, FOR THE SOUTHWEST
5-11 CORNER OF THE HEREIN DESCRIBED TRACT;
5-12 THENCE: NORTH 03 DEGREES 10 MINUTES 26 SECONDS WEST, ALONG
5-13 THE WEST LINE OF SAID 50.01 ACRE TRACT AND THE 145.93 ACRE TRACT, A
5-14 DISTANCE OF 201.86 FEET TO THE POINT OF BEGINNING, AND CONTAINING
5-15 WITHIN THESE METES AND BOUNDS 1.3561 ACRES OF LAND.
5-16 Tract 4: BEING 55.630 ACRES (2,423,234 SQUARE FEET) OF LAND
5-17 SITUATED IN SOLOMON BROWN SURVEY, A-5 MONTGOMERY COUNTY AND BEING
5-18 THE REMAINDER OF A TRACT OF LAND DESCRIBED AS 100.0262 ACRES AS
5-19 RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 8200920. SAID 55.630
5-20 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
5-21 FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE
5-22 SYSTEM, SOUTH CENTRAL ZONE, NAD 83:
5-23 BEGINNING: AT A 5/8 INCH IRON ROD FOUND LOCATED AT THE
5-24 NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND BEING THE
5-25 NORTHEAST CORNER OF A 132.92 ACRE TRACT OF LAND CONVEYED TO LARRY M.
5-26 ROBINSON IN MONTGOMERY COUNTY CLERK'S FILE NO 2000008877, ON THE
5-27 NORTH LINE OF THE SOLOMON BROWN SURVEY, A-5 MONTGOMERY COUNTY, ON
5-28 THE SOUTH LINE OF THE A.F. BARRON SURVEY, A-94 AND ON THE SOUTH LINE
5-29 OF A 14.580 ACRE TRACT OF LAND AS CONVEYED TO RICHARD A. ABEL AND
5-30 WIFE, BETTY J. ABEL IN MONTGOMERY COUNTY CLERK'S FILE NO 8902849;
5-31 THENCE: NORTH 87 DEGREES 37 MINUTES 18 SECONDS EAST, ALONG
5-32 THE NORTH LINE OF THE SOLOMON BROWN SURVEY, A-5, THE SOUTH LINE OF
5-33 THE A. F. BARRON SURVEY, A-94 AND THE SOUTH LINE OF THE ABOVE
5-34 MENTIONED 14.580 ACRE TRACT OF LAND, A DISTANCE OF 359.00 FEET TO A
5-35 5/8 INCH IRON ROD WITH CAP FOUND AND THE NORTHEAST CORNER OF THE
5-36 TRACT HEREIN DESCRIBED. SAID IRON ROD ALSO BEING THE NORTHWEST
5-37 CORNER OF A 9.976 ACRE TRACT OF LAND AS CONVEYED TO MONTGOMERY
5-38 COUNTY, TEXAS IN MONTGOMERY COUNTY CLERK'S FILE NO 2008081469, IN
5-39 THE WEST RIGHT-OF-WAY LINE OF NICHOLS SAWMILL ROAD;
5-40 THENCE: SOUTH 02 DEGREES 22 MINUTES 28 SECONDS EAST, ALONG
5-41 THE WEST LINE OF THE ABOVE MENTIONED 9.976 ACRE TRACT OF LAND, AND
5-42 NICHOLS SAWMILL ROAD, A DISTANCE OF 2445.24 FEET TO A 5/8 INCH IRON
5-43 ROD WITH CAP SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;
5-44 THENCE: CONTINUING ALONG THE SAID WEST RIGHT-OF-WAY LINE
5-45 CURVING TO THE LEFT HAVING A RADIUS OF 1575.00 FEET, AN ARC LENGTH
5-46 OF 692.95 FEET, A CENTRAL ANGLE OF 25 DEGREES 12 MINUTES 30 SECONDS
5-47 AND A CHORD WHICH BEARS SOUTH 14 DEGREES 58 MINUTES 45 SECONDS EAST,
5-48 A DISTANCE OF 687.38 FEET TO A 5/8 INCH IRON ROD WITH CAP SET AT THE
5-49 INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF NICHOLS SAWMILL
5-50 ROAD AND THE EASTERLY LINE OF SAID 100.0262 ACRE TRACT, THE
5-51 NORTHWEST CORNER OF A 26.8287 ACRE TRACT RECORDED UNDER MONTGOMERY
5-52 COUNTY CLERK'S FILE NO. 2015026351;
5-53 THENCE: SOUTH 02 DEGREES 22 MINUTES 28 SECONDS EAST, ALONG
5-54 THE EAST LINE OF SAID 100.0262 ACRE TRACT AND THE WEST LINE OF SAID
5-55 26.8287 ACRE TRACT, A DISTANCE OF 2492.06 FEET A 5/8 INCH IRON ROD
5-56 WITH CAP SET IN THE CENTERLINE OF SPRING CREEK (BEING THE DIVISION
5-57 LINE FOR HARRIS AND MONTGOMERY COUNTIES);
5-58 THENCE: ALONG THE CENTERLINE OF SAID SPRING CREEK, THE
5-59 FOLLOWING 8 COURSES:
5-60 1. NORTH 82 DEGREES 54 MINUTES 57 SECONDS WEST 40.47 FEET;
5-61 2. SOUTH 88 DEGREES 58 MINUTES 17 SECONDS WEST 26.59 FEET;
5-62 3. SOUTH 60 DEGREES 29 MINUTES 26 SECONDS WEST 45.00 FEET;
5-63 4. SOUTH 56 DEGREES 27 MINUTES 17 SECONDS WEST 37.16 FEET;
5-64 5. SOUTH 89 DEGREES 19 MINUTES 21 SECONDS WEST 90.45 FEET;
5-65 6. NORTH 81 DEGREES 15 MINUTES 31 SECONDS WEST 64.32 FEET;
5-66 7. NORTH 75 DEGREES 39 MINUTES 19 SECONDS WEST 46.75 FEET;
5-67 8. NORTH 80 DEGREES 45 MINUTES 16 SECONDS WEST 176.07 FEET
5-68 TO THE WEST LINE OF SAID 100.0262 ACRE TRACT FOR THE SOUTHWEST
5-69 CORNER OF THE HEREIN DESCRIBED TRACT;

6-1 THENCE: NORTH 02 DEGREES 22 MINUTES 24 SECONDS WEST, ALONG
6-2 THE WEST LINE OF SAID 100.0262 ACRE TRACT, AT 9.96 FEET PASS THE
6-3 SOUTHEAST CORNER OF A CALLED 132.92 ACRES RECORDED UNDER MONTGOMERY
6-4 COUNTY CLERK'S FILE NO. 2000008877, IN ALL A TOTAL DISTANCE OF
6-5 5576.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 55.630
6-6 (2,423,234 SQUARE FEET) ACRES OF LAND.

6-7 SECTION 3. (a) The legal notice of the intention to
6-8 introduce this Act, setting forth the general substance of this
6-9 Act, has been published as provided by law, and the notice and a
6-10 copy of this Act have been furnished to all persons, agencies,
6-11 officials, or entities to which they are required to be furnished
6-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-13 Government Code.

6-14 (b) The governor, one of the required recipients, has
6-15 submitted the notice and Act to the Texas Commission on
6-16 Environmental Quality.

6-17 (c) The Texas Commission on Environmental Quality has filed
6-18 its recommendations relating to this Act with the governor, the
6-19 lieutenant governor, and the speaker of the house of
6-20 representatives within the required time.

6-21 (d) All requirements of the constitution and laws of this
6-22 state and the rules and procedures of the legislature with respect
6-23 to the notice, introduction, and passage of this Act are fulfilled
6-24 and accomplished.

6-25 SECTION 4. (a) If this Act does not receive a two-thirds
6-26 vote of all the members elected to each house, Subchapter C, Chapter
6-27 8003, Special District Local Laws Code, as added by Section 1 of
6-28 this Act, is amended by adding Section 8003.106 to read as follows:

6-29 Sec. 8003.106. NO EMINENT DOMAIN POWER. The district may
6-30 not exercise the power of eminent domain.

6-31 (b) This section is not intended to be an expression of a
6-32 legislative interpretation of the requirements of Section 17(c),
6-33 Article I, Texas Constitution.

6-34 SECTION 5. This Act takes effect immediately if it receives
6-35 a vote of two-thirds of all the members elected to each house, as
6-36 provided by Section 39, Article III, Texas Constitution. If this
6-37 Act does not receive the vote necessary for immediate effect, this
6-38 Act takes effect September 1, 2017.

6-39

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