

1-1 By: Creighton S.B. No. 2458  
 1-2 (In the Senate - Filed March 25, 2019; March 27, 2019, read  
 1-3 first time and referred to Committee on Intergovernmental  
 1-4 Relations; April 23, 2019, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 0; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner	X			
1-9 Alvarado	X			
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Menéndez			X	
1-13 Nichols	X			

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

1-17 relating to the creation of the Wood Trace Municipal Utility  
 1-18 District No. 4 of Montgomery County, Texas; granting a limited  
 1-19 power of eminent domain; providing authority to issue bonds;  
 1-20 providing authority to impose 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 8052 to read as follows:

1-24 CHAPTER 8052. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 4 OF  
 1-25 MONTGOMERY COUNTY, TEXAS

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8052.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on  
 1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Wood Trace Municipal Utility  
 1-33 District No. 4 of Montgomery County, Texas.

1-34 Sec. 8052.0102. NATURE OF DISTRICT. The district is a  
 1-35 municipal utility district created under Section 59, Article XVI,  
 1-36 Texas Constitution.

1-37 Sec. 8052.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-38 REQUIRED. The temporary directors shall hold an election to  
 1-39 confirm the creation of the district and to elect five permanent  
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8052.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-42 temporary directors may not hold an election under Section  
 1-43 8052.0103 until each municipality in whose corporate limits or  
 1-44 extraterritorial jurisdiction the district is located has  
 1-45 consented by ordinance or resolution to the creation of the  
 1-46 district and to the inclusion of land in the district.

1-47 Sec. 8052.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a municipal utility district as provided by  
 1-51 general law and Section 59, Article XVI, Texas Constitution; and

1-52 (2) Section 52, Article III, Texas Constitution, that  
 1-53 relate to the construction, acquisition, improvement, operation,  
 1-54 or maintenance of macadamized, graveled, or paved roads, or  
 1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 8052.0106. INITIAL DISTRICT TERRITORY. (a) The  
 1-57 district is initially composed of the territory described by  
 1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of  
 1-60 the Act enacting this chapter form a closure. A mistake made in the  
 1-61 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:  
2-2 (1) organization, existence, or validity;  
2-3 (2) right to issue any type of bond for the purposes  
2-4 for which the district is created or to pay the principal of and  
2-5 interest on a bond;  
2-6 (3) right to impose a tax; or  
2-7 (4) legality or operation.

2-8 SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 8052.0201. GOVERNING BODY; TERMS. (a) The district  
2-10 is governed by a board of five elected directors.

2-11 (b) Except as provided by Section 8052.0202, directors  
2-12 serve staggered four-year terms.

2-13 Sec. 8052.0202. TEMPORARY DIRECTORS. (a) On or after the  
2-14 effective date of the Act enacting this chapter, the owner or owners  
2-15 of a majority of the assessed value of the real property in the  
2-16 district may submit a petition to the commission requesting that  
2-17 the commission appoint as temporary directors the five persons  
2-18 named in the petition. The commission shall appoint as temporary  
2-19 directors the five persons named in the petition.

2-20 (b) Temporary directors serve until the earlier of:

2-21 (1) the date permanent directors are elected under  
2-22 Section 8052.0103; or

2-23 (2) the fourth anniversary of the effective date of  
2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under  
2-26 Section 8052.0103 and the terms of the temporary directors have  
2-27 expired, successor temporary directors shall be appointed or  
2-28 reappointed as provided by Subsection (d) to serve terms that  
2-29 expire on the earlier of:

2-30 (1) the date permanent directors are elected under  
2-31 Section 8052.0103; or

2-32 (2) the fourth anniversary of the date of the  
2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a  
2-35 majority of the assessed value of the real property in the district  
2-36 may submit a petition to the commission requesting that the  
2-37 commission appoint as successor temporary directors the five  
2-38 persons named in the petition. The commission shall appoint as  
2-39 successor temporary directors the five persons named in the  
2-40 petition.

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8052.0301. GENERAL POWERS AND DUTIES. The district  
2-43 has the powers and duties necessary to accomplish the purposes for  
2-44 which the district is created.

2-45 Sec. 8052.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-46 DUTIES. The district has the powers and duties provided by the  
2-47 general law of this state, including Chapters 49 and 54, Water Code,  
2-48 applicable to municipal utility districts created under Section 59,  
2-49 Article XVI, Texas Constitution.

2-50 Sec. 8052.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
2-51 52, Article III, Texas Constitution, the district may design,  
2-52 acquire, construct, finance, issue bonds for, improve, operate,  
2-53 maintain, and convey to this state, a county, or a municipality for  
2-54 operation and maintenance macadamized, graveled, or paved roads, or  
2-55 improvements, including storm drainage, in aid of those roads.

2-56 Sec. 8052.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
2-57 road project must meet all applicable construction standards,  
2-58 zoning and subdivision requirements, and regulations of each  
2-59 municipality in whose corporate limits or extraterritorial  
2-60 jurisdiction the road project is located.

2-61 (b) If a road project is not located in the corporate limits  
2-62 or extraterritorial jurisdiction of a municipality, the road  
2-63 project must meet all applicable construction standards,  
2-64 subdivision requirements, and regulations of each county in which  
2-65 the road project is located.

2-66 (c) If the state will maintain and operate the road, the  
2-67 Texas Transportation Commission must approve the plans and  
2-68 specifications of the road project.

2-69 Sec. 8052.0305. COMPLIANCE WITH MUNICIPAL CONSENT

3-1 ORDINANCE OR RESOLUTION. The district shall comply with all  
3-2 applicable requirements of any ordinance or resolution that is  
3-3 adopted under Section 54.016 or 54.0165, Water Code, and that  
3-4 consents to the creation of the district or to the inclusion of land  
3-5 in the district.

3-6 Sec. 8052.0306. DIVISION OF DISTRICT. (a) The district  
3-7 may be divided into two or more new districts only if the district:

3-8 (1) has no outstanding bonded debt; and

3-9 (2) is not imposing ad valorem taxes.

3-10 (b) This chapter applies to any new district created by the  
3-11 division of the district, and a new district has all the powers and  
3-12 duties of the district.

3-13 (c) Any new district created by the division of the district  
3-14 may not, at the time the new district is created, contain any land  
3-15 outside the area described by Section 2 of the Act enacting this  
3-16 chapter.

3-17 (d) The board, on its own motion or on receipt of a petition  
3-18 signed by the owner or owners of a majority of the assessed value of  
3-19 the real property in the district, may adopt an order dividing the  
3-20 district.

3-21 (e) The board may adopt an order dividing the district  
3-22 before or after the date the board holds an election under Section  
3-23 8052.0103 to confirm the district's creation.

3-24 (f) An order dividing the district shall:

3-25 (1) name each new district;

3-26 (2) include the metes and bounds description of the  
3-27 territory of each new district;

3-28 (3) appoint temporary directors for each new district;

3-29 and

3-30 (4) provide for the division of assets and liabilities  
3-31 between or among the new districts.

3-32 (g) On or before the 30th day after the date of adoption of  
3-33 an order dividing the district, the district shall file the order  
3-34 with the commission and record the order in the real property  
3-35 records of each county in which the district is located.

3-36 (h) Any new district created by the division of the district  
3-37 shall hold a confirmation and directors' election as required by  
3-38 Section 8052.0103.

3-39 (i) Municipal consent to the creation of the district and to  
3-40 the inclusion of land in the district granted under Section  
3-41 8052.0104 acts as municipal consent to the creation of any new  
3-42 district created by the division of the district and to the  
3-43 inclusion of land in the new district.

3-44 (j) Any new district created by the division of the district  
3-45 must hold an election as required by this chapter to obtain voter  
3-46 approval before the district may impose a maintenance tax or issue  
3-47 bonds payable wholly or partly from ad valorem taxes.

3-48 (k) If the creation of the new district is confirmed, the  
3-49 new district shall provide the election date and results to the  
3-50 commission.

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8052.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-53 (a) The district may issue, without an election, bonds and other  
3-54 obligations secured by:

3-55 (1) revenue other than ad valorem taxes; or

3-56 (2) contract payments described by Section 8052.0403.

3-57 (b) The district must hold an election in the manner  
3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-59 before the district may impose an ad valorem tax or issue bonds  
3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem  
3-62 taxes to finance a road project unless the issuance is approved by a  
3-63 vote of a two-thirds majority of the district voters voting at an  
3-64 election held for that purpose.

3-65 Sec. 8052.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3-66 authorized at an election held under Section 8052.0401, the  
3-67 district may impose an operation and maintenance tax on taxable  
3-68 property in the district in accordance with Section 49.107, Water  
3-69 Code.

4-1 (b) The board shall determine the tax rate. The rate may not  
4-2 exceed the rate approved at the election.

4-3 Sec. 8052.0403. CONTRACT TAXES. (a) In accordance with  
4-4 Section 49.108, Water Code, the district may impose a tax other than  
4-5 an operation and maintenance tax and use the revenue derived from  
4-6 the tax to make payments under a contract after the provisions of  
4-7 the contract have been approved by a majority of the district voters  
4-8 voting at an election held for that purpose.

4-9 (b) A contract approved by the district voters may contain a  
4-10 provision stating that the contract may be modified or amended by  
4-11 the board without further voter approval.

4-12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-13 Sec. 8052.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
4-14 OBLIGATIONS. The district may issue bonds or other obligations  
4-15 payable wholly or partly from ad valorem taxes, impact fees,  
4-16 revenue, contract payments, grants, or other district money, or any  
4-17 combination of those sources, to pay for any authorized district  
4-18 purpose.

4-19 Sec. 8052.0502. TAXES FOR BONDS. At the time the district  
4-20 issues bonds payable wholly or partly from ad valorem taxes, the  
4-21 board shall provide for the annual imposition of a continuing  
4-22 direct ad valorem tax, without limit as to rate or amount, while all  
4-23 or part of the bonds are outstanding as required and in the manner  
4-24 provided by Sections 54.601 and 54.602, Water Code.

4-25 Sec. 8052.0503. BONDS FOR ROAD PROJECTS. At the time of  
4-26 issuance, the total principal amount of bonds or other obligations  
4-27 issued or incurred to finance road projects and payable from ad  
4-28 valorem taxes may not exceed one-fourth of the assessed value of the  
4-29 real property in the district.

4-30 SECTION 2. The Wood Trace Municipal Utility District No. 4  
4-31 of Montgomery County, Texas initially includes all the territory  
4-32 contained in the following area:

4-33 TRACT 1 - 505.83 ACRES:

4-34 Being a 505.83-acre tract of land, located in the Andrew J.  
4-35 Hensley, Abstract No. 255 and the J.D. Cochran Survey, A-123 in  
4-36 Montgomery County, Texas; said 505.83-acre tract being out of a  
4-37 called 2,253.2253-acre tract of land conveyed to Terra Investments,  
4-38 LP in Clerk's File Number 2004023496 of the Official Public Records  
4-39 of Real Property of Montgomery County Texas (O.P.R.R.P.M.C.T.);  
4-40 said 505.83 acre tract being more particularly described by metes  
4-41 and bounds as follows (all bearings are referenced to the north line  
4-42 of said 2,253.2253-acre tract):

4-43 Beginning at the northwest corner of a called 34.6647-acre  
4-44 tract of land recorded in Clerk's File Number 2018021947 of the  
4-45 O.P.R.R.P.M.C.T., same being on the northwest line of said called  
4-46 2,253.2253-acre tract;

4-47 Thence, with the northwest line of said called  
4-48 2,253.2253-acre tract, the following three (3) courses:

4-49 1. North 43 degrees 05 minutes 06 seconds East, a distance  
4-50 of 63.12 feet;

4-51 2. North 41 degrees 30 minutes 39 seconds East, a distance  
4-52 of 1,876.15 feet;

4-53 3. North 41 degrees 50 minutes 49 seconds East, a distance  
4-54 of 3,343.49 feet to the most northerly corner of aforesaid called  
4-55 2,253.2253-acre tract;

4-56 4. Thence, with the northeast line of said called  
4-57 2,253.2253-acre tract, South 47 degrees 49 minutes 11 seconds East,  
4-58 a distance of 3,142.99 feet;

4-59 5. Thence, with an interior northeasterly line, South 41  
4-60 degrees 26 minutes 02 seconds West, a distance of 317.57 feet to the  
4-61 centerline of Mills Creek;

4-62 Thence, with the meanders of the centerline of said Mills  
4-63 Creek, the following twelve (12) courses:

4-64 6. South 40 degrees 14 minutes 25 seconds East, a distance  
4-65 of 3.45 feet;

4-66 7. South 58 degrees 25 minutes 02 seconds East, a distance  
4-67 of 201.92 feet;

4-68 8. South 73 degrees 09 minutes 05 seconds East, a distance  
4-69 of 115.58 feet;

5-1 9. North 74 degrees 20 minutes 37 seconds East, a distance  
5-2 of 46.27 feet;  
5-3 10. North 73 degrees 47 minutes 22 seconds East, a distance  
5-4 of 166.85 feet;  
5-5 11. North 17 degrees 09 minutes 37 seconds East, a distance  
5-6 of 45.08 feet;  
5-7 12. North 26 degrees 27 minutes 19 seconds East, a distance  
5-8 of 23.35 feet;  
5-9 13. North 82 degrees 53 minutes 07 seconds East, a distance  
5-10 of 26.89 feet;  
5-11 14. South 84 degrees 07 minutes 38 seconds East, a distance  
5-12 of 30.93 feet;  
5-13 15. South 55 degrees 11 minutes 42 seconds East, a distance  
5-14 of 34.75 feet;  
5-15 16. South 15 degrees 00 minutes 28 seconds East, a distance  
5-16 of 61.82 feet;  
5-17 17. South 58 degrees 09 minutes 25 seconds East, a distance  
5-18 of 25.03 feet to a northerly corner of a called 1295.994-acre tract  
5-19 of land (Tract B) recorded in Clerk's File Number 99074137 of the  
5-20 O.P.R.R.P.M.C.T.;

5-21 Thence, with the northwest line of said called 1295.994-acre  
5-22 tract, the following eight (8) courses:  
5-23 18. South 41 degrees 15 minutes 36 seconds West, a distance  
5-24 of 462.62 feet;  
5-25 19. South 41 degrees 34 minutes 29 seconds West, a distance  
5-26 of 189.21 feet;  
5-27 20. South 41 degrees 16 minutes 52 seconds West, a distance  
5-28 of 919.78 feet;  
5-29 21. South 41 degrees 02 minutes 20 seconds West, a distance  
5-30 of 705.64 feet;  
5-31 22. South 42 degrees 48 minutes 40 seconds West, a distance  
5-32 of 1,020.09 feet;  
5-33 23. South 44 degrees 10 minutes 27 seconds West, a distance  
5-34 of 494.99 feet;  
5-35 24. South 44 degrees 52 minutes 56 seconds West, a distance  
5-36 of 1,038.47 feet;  
5-37 25. South 44 degrees 34 minutes 39 seconds West, a distance  
5-38 of 736.16 feet to the northerly northwest corner of aforesaid  
5-39 called 1295.994-acre tract, same being on an interior southwesterly  
5-40 line of aforesaid called 2,253.2253-acre tract;

5-41 Thence, with a southerly interior line of said called  
5-42 2,253.2253-acre tract, the following three (3) courses:  
5-43 26. North 47 degrees 37 minutes 18 seconds West, a distance  
5-44 of 408.29 feet;  
5-45 27. South 41 degrees 26 minutes 02 seconds West, a distance  
5-46 of 257.19 feet;  
5-47 28. South 41 degrees 39 minutes 25 seconds West, a distance  
5-48 of 1,370.07 feet to the east corner of aforesaid called  
5-49 34.6647-acre tract;

5-50 Thence, with the northeast line of said called 34.6647-acre  
5-51 tract, the following seven (7) courses:  
5-52 29. 803.07 feet along the arc of a curve to the right, said  
5-53 curve having a central angle of 08 degrees 19 minutes 16 seconds, a  
5-54 radius of 5,529.58 feet and a chord that bears North 14 degrees 15  
5-55 minutes 32 seconds West, a distance of 802.36 feet;  
5-56 30. North 10 degrees 05 minutes 54 seconds West, a distance  
5-57 of 516.07 feet;  
5-58 31. North 10 degrees 05 minutes 54 seconds West, a distance  
5-59 of 300.00 feet;  
5-60 32. North 10 degrees 05 minutes 54 seconds West, a distance  
5-61 of 415.32 feet;  
5-62 33. 1,374.38 feet along the arc of a curve to the left, said  
5-63 curve having a central angle of 25 degrees 41 minutes 38 seconds, a  
5-64 radius of 3,064.79 feet and a chord that bears North 22 degrees 56  
5-65 minutes 43 seconds West, a distance of 1,362.89 feet;  
5-66 34. North 07 degrees 44 minutes 45 seconds West, a distance  
5-67 of 123.56 feet;  
5-68 35. 219.14 feet (called 214.12 feet) along the arc of a  
5-69 curve to the left, said curve having a central angle of 04 degrees

6-1 01 minutes 06 seconds, a radius of 3,124.79 feet and a chord that  
 6-2 bears North 39 degrees 48 minutes 05 seconds West, a distance of  
 6-3 219.10 feet to the Point of Beginning and containing 505.83 acres of  
 6-4 land.

6-5 TRACT 2 - 344.04 ACRES:

6-6 Being a 344.04-acre tract of land, located in the J.D.  
 6-7 Cochran Survey, A-123 in Montgomery County, Texas; said 344.04-acre  
 6-8 tract being out of a called 1295.994-acre tract of land conveyed to  
 6-9 Primewood Investments, LP in Clerk's File Number 99074137 of the  
 6-10 Official Public Records of Real Property of Montgomery County Texas  
 6-11 (O.P.R.R.P.M.C.T.); said 344.04-acre tract being more particularly  
 6-12 described by metes and bounds as follows (all bearings are  
 6-13 referenced to the northwest line of said called 1295.994-acre  
 6-14 tract):

6-15 Beginning at a 5/8-inch iron rod (bent) found for a westerly  
 6-16 corner of said called 1295.994-acre tract, same being on the  
 6-17 southwesterly line of said J.D. Cochran Survey;

6-18 1. Thence, with the southwest line of said called  
 6-19 1295.994-acre tract, North 22 degrees 08 minutes 07 seconds East, a  
 6-20 distance of 273.34 feet to an axle found;

6-21 2. Thence, continuing with said southwest line, North 47  
 6-22 degrees 37 minutes 18 seconds West, a distance of 85.96 feet to the  
 6-23 south corner of a called 4.080-acre tract of land recorded in  
 6-24 Clerk's File Number 2008111916 of the O.P.R.R.P.M.C.T.;

6-25 Thence, with the southeast, northeast and northwest lines of  
 6-26 said 4.080-acre tract common with a southerly interior line of said  
 6-27 called 1295.994-acre tract, the following three (3) courses:

6-28 3. North 44 degrees 38 minutes 41 seconds East, a distance  
 6-29 of 485.30 feet;

6-30 4. North 49 degrees 09 minutes 03 seconds West, a distance  
 6-31 of 370.80 feet;

6-32 5. South 44 degrees 38 minutes 42 seconds West, a distance  
 6-33 of 475.40 feet to the west corner of aforesaid called 4.080-acre  
 6-34 tract and exterior corner of aforesaid 1295.994 acre tract;

6-35 6. Thence, continuing with the southwest line of said called  
 6-36 1295.994-acre tract, North 47 degrees 37 minutes 18 seconds West, a  
 6-37 distance of 25.00 feet;

6-38 7. Thence, with the northwest line of said called  
 6-39 1295.994-acre tract, North 44 degrees 34 minutes 39 seconds East, a  
 6-40 distance of 736.16 feet;

6-41 8. Thence, continuing with the northwest line of said called  
 6-42 1295.994-acre tract, North 44 degrees 52 minutes 56 seconds East, a  
 6-43 distance of 808.31 feet;

6-44 Thence, through said called 1295.994-acre tract, the  
 6-45 following seven (7) courses:

6-46 9. 1,450.72 feet along the arc of a curve to the right, said  
 6-47 curve having a central angle of 10 degrees 23 minutes 24 seconds, a  
 6-48 radius of 8,000.00 feet and a chord that bears South 82 degrees 21  
 6-49 minutes 13 seconds East, a distance of 1,448.73 feet;

6-50 10. South 77 degrees 09 minutes 31 seconds East, a distance  
 6-51 of 335.90 feet;

6-52 11. 1,858.47 feet along the arc of a curve to the left, said  
 6-53 curve having a central angle of 13 degrees 18 minutes 37 seconds, a  
 6-54 radius of 8,000.00 feet and a chord that bears South 83 degrees 48  
 6-55 minutes 49 seconds East, a distance of 1,854.29 feet;

6-56 12. South 00 degrees 28 minutes 20 seconds East, a distance  
 6-57 of 3,754.11 feet;

6-58 13. 1,342.91 feet along the arc of a curve to the right, said  
 6-59 curve having a central angle of 19 degrees 14 minutes 09 seconds, a  
 6-60 radius of 4,000.00 feet and a chord that bears South 09 degrees 08  
 6-61 minutes 44 seconds West, a distance of 1,336.62 feet;

6-62 14. North 47 degrees 50 minutes 58 seconds West, a distance  
 6-63 of 492.91 feet;

6-64 15. North 47 degrees 50 minutes 58 seconds West, a distance  
 6-65 of 2,930.27 feet to a westerly interior corner of aforesaid called  
 6-66 1295.994-acre tract;

6-67 16. Thence, with the southwest line of said called  
 6-68 1295.944-acre tract, North 47 degrees 39 minutes 46 seconds West, a  
 6-69 distance of 2,329.59 feet to the Point of Beginning and containing

7-1 344.04 acres of land.

7-2 TRACT 3 - 602.53 ACRES:

7-3 Being a 209.21-acre tract of land (Tract A) and a 393.32-acre

7-4 tract of land (Tract B), both located in the J.D. Cochran Survey,

7-5 A-123 in Montgomery County, Texas; said 209.21-acre tract being out

7-6 of a called 1295.994-acre tract of land conveyed to Primewood

7-7 Investments, LP in Clerk's File Number 99074137 and said

7-8 393.32-acre tract being out of a called 2,253.2253-acre tract of

7-9 land conveyed to Terra Investments, LP in Clerk's File Number

7-10 2004023496, both of the Official Public Records of Real Property of

7-11 Montgomery County Texas (O.P.R.R.P.M.C.T.); said tracts being more

7-12 particularly described by metes and bounds as follows (all bearings

7-13 are referenced to the northwest line of said called 1295.994-acre

7-14 tract):

7-15 TRACT A - 209.21 ACRES:

7-16 Beginning at a 3-inch iron pipe found for the north corner of

7-17 a called 38.52-acre tract of land recorded in Clerk's File Number

7-18 9471668 of the O.P.R.R.P.M.C.T. and a northeasterly corner of said

7-19 called 1295.994, same being the north corner of a called

7-20 43.0969-acre tract (Ninth Tract) and on the southwesterly line of a

7-21 called 26.3229-acre tract of land (Tenth Tract) both described in

7-22 Clerk's File Number 2004023496 of the O.P.R.R.P.M.C.T.;

7-23 Thence, with the common line of said called 1295.994-acre

7-24 tract and said called 38.52-acre tract, the following five (5)

7-25 courses:

7-26 1. South 41 degrees 42 minutes 29 seconds West, a distance

7-27 of 1,630.66 feet to a concrete monument found;

7-28 2. South 47 degrees 58 minutes 31 seconds East, a distance

7-29 of 1,233.64 feet to a concrete monument found;

7-30 3. North 42 degrees 11 minutes 59 seconds East, a distance

7-31 of 587.70 feet;

7-32 4. South 24 degrees 12 minutes 25 seconds East, a distance

7-33 of 500.00 feet;

7-34 5. North 42 degrees 12 minutes 04 seconds East, a distance

7-35 of 439.67 feet to the east corner of aforesaid called 43.0969-acre

7-36 tract, same being on the common line of aforesaid called

7-37 26.3229-acre tract and aforesaid called 1295.994-acre tract;

7-38 6. Thence, with said common line, South 24 degrees 12

7-39 minutes 25 seconds East, a distance of 938.29 feet;

7-40 Thence, through said called 1295.994-acre tract, the

7-41 following six (6) courses:

7-42 7. 1,679.81 feet along the arc of a curve to the right, said

7-43 curve having a central angle of 12 degrees 01 minutes 51 seconds, a

7-44 radius of 8,000.00 feet and a chord that bears South 83 degrees 30

7-45 minutes 57 seconds West, a distance of 1,676.73 feet;

7-46 8. North 00 degrees 28 minutes 21 seconds West, a distance

7-47 of 1.74 feet;

7-48 9. South 00 degrees 28 minutes 21 seconds East, a distance

7-49 of 1.74 feet;

7-50 10. 1,858.47 feet along the arc of a curve to the right, said

7-51 curve having a central angle of 13 degrees 18 minutes 37 seconds, a

7-52 radius of 8,000.00 feet and a chord that bears North 83 degrees 48

7-53 minutes 49 seconds West, a distance of 1,854.29 feet;

7-54 11. North 77 degrees 09 minutes 31 seconds West, a distance

7-55 of 335.90 feet;

7-56 12. 1,450.73 feet along the arc of a curve to the left, said

7-57 curve having a central angle of 10 degrees 23 minutes 24 seconds, a

7-58 radius of 8,000.00 feet and a chord that bears North 82 degrees 21

7-59 minutes 13 seconds West, a distance of 1,448.74 feet to the

7-60 northwest line of aforesaid called 1295.994-acre tract;

7-61 Thence, with said northwest line, the following seven (7)

7-62 courses:

7-63 13. North 44 degrees 53 minutes 03 seconds East, a distance

7-64 of 230.17 feet;

7-65 14. North 44 degrees 10 minutes 27 seconds East, a distance

7-66 of 494.99 feet;

7-67 15. North 42 degrees 48 minutes 40 seconds East, a distance

7-68 of 1,020.09 feet;

7-69 16. North 41 degrees 02 minutes 20 seconds East, a distance

8-1 of 705.64 feet;  
 8-2 17. North 41 degrees 16 minutes 52 seconds East, a distance  
 8-3 of 919.78 feet;  
 8-4 18. North 41 degrees 34 minutes 29 seconds East, a distance  
 8-5 of 189.21 feet;  
 8-6 19. North 41 degrees 15 minutes 36 seconds East, a distance  
 8-7 of 462.69 feet to the center line of Mills Creek, same being a  
 8-8 northwesterly corner of said called 1295.994-acre tract;  
 8-9 Thence, with the meanders of the centerline of said Mills  
 8-10 Creek and the north line of said called 1295.994-acre tract, the  
 8-11 following thirty-one (31) courses:  
 8-12 20. South 58 degrees 09 minutes 25 seconds East, a distance  
 8-13 of 18.91 feet;  
 8-14 21. North 75 degrees 25 minutes 05 seconds East, a distance  
 8-15 of 44.23 feet;  
 8-16 22. North 76 degrees 29 minutes 06 seconds East, a distance  
 8-17 of 46.94 feet;  
 8-18 23. South 80 degrees 42 minutes 55 seconds East, a distance  
 8-19 of 64.72 feet;  
 8-20 24. South 86 degrees 50 minutes 45 seconds East, a distance  
 8-21 of 60.53 feet;  
 8-22 25. North 36 degrees 39 minutes 15 seconds East, a distance  
 8-23 of 73.15 feet;  
 8-24 26. North 18 degrees 33 minutes 02 seconds West, a distance  
 8-25 of 57.31 feet;  
 8-26 27. North 18 degrees 45 minutes 50 seconds East, a distance  
 8-27 of 83.26 feet;  
 8-28 28. North 27 degrees 55 minutes 55 seconds East, a distance  
 8-29 of 34.76 feet;  
 8-30 29. South 85 degrees 18 minutes 17 seconds East, a distance  
 8-31 of 34.54 feet;  
 8-32 30. South 29 degrees 46 minutes 38 seconds East, a distance  
 8-33 of 30.04 feet;  
 8-34 31. South 17 degrees 21 minutes 13 seconds East, a distance  
 8-35 of 55.65 feet;  
 8-36 32. South 02 degrees 17 minutes 41 seconds West, a distance  
 8-37 of 19.33 feet;  
 8-38 33. South 25 degrees 27 minutes 35 seconds West, a distance  
 8-39 of 31.69 feet;  
 8-40 34. South 36 degrees 58 minutes 17 seconds East, a distance  
 8-41 of 29.30 feet;  
 8-42 35. North 66 degrees 24 minutes 25 seconds East, a distance  
 8-43 of 27.50 feet;  
 8-44 36. North 30 degrees 38 minutes 53 seconds East, a distance  
 8-45 of 68.33 feet;  
 8-46 37. North 66 degrees 53 minutes 07 seconds East, a distance  
 8-47 of 42.01 feet;  
 8-48 38. South 69 degrees 35 minutes 09 seconds East, a distance  
 8-49 of 51.93 feet;  
 8-50 39. South 83 degrees 58 minutes 20 seconds East, a distance  
 8-51 of 33.40 feet;  
 8-52 40. South 57 degrees 01 minutes 02 seconds East, a distance  
 8-53 of 20.46 feet;  
 8-54 41. South 55 degrees 56 minutes 01 seconds East, a distance  
 8-55 of 45.88 feet;  
 8-56 42. South 52 degrees 24 minutes 02 seconds East, a distance  
 8-57 of 35.24 feet;  
 8-58 43. North 85 degrees 55 minutes 25 seconds East, a distance  
 8-59 of 35.59 feet;  
 8-60 44. North 73 degrees 28 minutes 31 seconds East, a distance  
 8-61 of 45.24 feet;  
 8-62 45. North 53 degrees 54 minutes 24 seconds East, a distance  
 8-63 of 41.78 feet;  
 8-64 46. North 15 degrees 19 minutes 11 seconds West, a distance  
 8-65 of 36.63 feet;  
 8-66 47. North 39 degrees 16 minutes 38 seconds West, a distance  
 8-67 of 61.69 feet;  
 8-68 48. North 22 degrees 42 minutes 12 seconds West, a distance  
 8-69 of 26.40 feet;



9-1 49. North 71 degrees 43 minutes 49 seconds East, a distance  
9-2 of 98.69 feet;  
9-3 50. South 83 degrees 02 minutes 24 seconds East, a distance  
9-4 of 172.00 feet to the northwest corner of aforesaid called  
9-5 26.3229-acre tract;  
9-6 Thence, with the southwest line of said called 26.3229-acre  
9-7 tract and the northeast line of aforesaid called 1295.994-acre  
9-8 tract, the following three (3) courses:  
9-9 51. South 24 degrees 12 minutes 25 seconds East, a distance  
9-10 of 750.22 feet;  
9-11 52. North 65 degrees 47 minutes 35 seconds East, a distance  
9-12 of 100.00 feet;  
9-13 53. South 24 degrees 12 minutes 25 seconds East, a distance  
9-14 of 275.57 feet to the Point of Beginning and containing 209.21 acres  
9-15 of land.

9-16 TRACT B - 393.32 ACRES:  
9-17 Beginning at a 5/8-inch iron rod found for the most easterly  
9-18 corner of the aforesaid Tenth Tract and the most southerly corner of  
9-19 a called 23.686-acre Houston Lighting and Power Company easement  
9-20 recorded in Clerk's File number 8316278 of the O.P.R.R.P.M.C.T.,  
9-21 same being on the southeasterly line of aforesaid called  
9-22 2,253.2253-acre tract and the northwesterly line of Decker Woods, a  
9-23 subdivision recorded in Cabinet C, Sheets 109 A and B of the  
9-24 Montgomery County Plat Records (M.C.P.R.)  
9-25 Thence, with the common line of said Tenth Tract and said  
9-26 called 23.686-acre tract, the following fifteen (15) courses:  
9-27 1. North 24 degrees 12 minutes 25 seconds West, a distance  
9-28 of 863.48 feet to a 1/2-iron rod found;  
9-29 2. North 65 degrees 47 minutes 35 seconds East, a distance  
9-30 of 50.00 feet to a 1/2-iron rod found;  
9-31 3. North 24 degrees 12 minutes 25 seconds West, a distance  
9-32 of 1,700.00 feet;  
9-33 4. South 65 degrees 47 minutes 35 seconds West, a distance  
9-34 of 50.00 feet;  
9-35 5. North 24 degrees 12 minutes 25 seconds West, a distance  
9-36 of 1,001.00 feet;  
9-37 6. North 65 degrees 47 minutes 35 seconds East, a distance  
9-38 of 50.00 feet;  
9-39 7. North 24 degrees 12 minutes 25 seconds West, a distance  
9-40 of 1,501.00 feet;  
9-41 8. South 65 degrees 47 minutes 35 seconds West, a distance  
9-42 of 50.00 feet;  
9-43 9. North 24 degrees 12 minutes 25 seconds West, a distance  
9-44 of 1,000.00 feet;  
9-45 10. North 65 degrees 47 minutes 35 seconds East, a distance  
9-46 of 25.00 feet;  
9-47 11. North 24 degrees 12 minutes 25 seconds West, a distance  
9-48 of 300.00 feet;  
9-49 12. South 65 degrees 47 minutes 35 seconds West, a distance  
9-50 of 25.00 feet;  
9-51 13. North 24 degrees 12 minutes 25 seconds West, a distance  
9-52 of 400.00 feet;  
9-53 14. North 65 degrees 47 minutes 35 seconds East, a distance  
9-54 of 100.00 feet to 5/8-inch iron rod (bent) found;  
9-55 15. North 24 degrees 12 minutes 25 seconds West, a distance  
9-56 of 261.27 feet to the most easterly northeast corner of aforesaid  
9-57 Tenth Tract and the most northerly northwest corner of aforesaid  
9-58 called 23.686-acre tract, same being on the north line of aforesaid  
9-59 called 2,253.2253-acre tract in the centerline of Mill Creek;  
9-60 Thence, with the north line of said called 2,253.2253-acre  
9-61 tract common with the meanders of the centerline of said Mill Creek,  
9-62 the following forty-three (43) courses;  
9-63 16. North 86 degrees 04 minutes 11 seconds East, a distance  
9-64 of 16.99 feet;  
9-65 17. North 65 degrees 03 minutes 06 seconds East, a distance  
9-66 of 35.22 feet;  
9-67 18. North 28 degrees 51 minutes 31 seconds East, a distance  
9-68 of 24.61 feet;  
9-69 19. North 38 degrees 48 minutes 42 seconds East, a distance

10-1 of 22.80 feet;  
 10-2 20. North 55 degrees 36 minutes 13 seconds East, a distance  
 10-3 of 32.36 feet;  
 10-4 21. North 78 degrees 50 minutes 25 seconds East, a distance  
 10-5 of 74.30 feet;  
 10-6 22. North 50 degrees 08 minutes 54 seconds East, a distance  
 10-7 of 28.09 feet;  
 10-8 23. North 26 degrees 11 minutes 13 seconds East, a distance  
 10-9 of 22.71 feet;  
 10-10 24. North 19 degrees 28 minutes 17 seconds East, a distance  
 10-11 of 26.11 feet;  
 10-12 25. North 14 degrees 06 minutes 25 seconds West, a distance  
 10-13 of 20.13 feet;  
 10-14 26. North 42 degrees 38 minutes 46 seconds West, a distance  
 10-15 of 43.42 feet;  
 10-16 27. North 12 degrees 00 minutes 05 seconds West, a distance  
 10-17 of 113.03 feet;  
 10-18 28. North 39 degrees 02 minutes 17 seconds East, a distance  
 10-19 of 34.22 feet;  
 10-20 29. South 69 degrees 43 minutes 50 seconds East, a distance  
 10-21 of 27.69 feet;  
 10-22 30. South 30 degrees 14 minutes 18 seconds East, a distance  
 10-23 of 56.66 feet;  
 10-24 31. North 36 degrees 24 minutes 53 seconds East, a distance  
 10-25 of 29.94 feet;  
 10-26 32. North 44 degrees 53 minutes 54 seconds East, a distance  
 10-27 of 37.03 feet;  
 10-28 33. North 03 degrees 15 minutes 42 seconds West, a distance  
 10-29 of 51.37 feet;  
 10-30 34. North 49 degrees 56 minutes 32 seconds East, a distance  
 10-31 of 29.20 feet;  
 10-32 35. South 82 degrees 03 minutes 05 seconds East, a distance  
 10-33 of 102.24 feet;  
 10-34 36. North 14 degrees 15 minutes 56 seconds East, a distance  
 10-35 of 47.43 feet;  
 10-36 37. North 70 degrees 36 minutes 01 seconds East, a distance  
 10-37 of 52.42 feet;  
 10-38 38. North 61 degrees 12 minutes 25 seconds East, a distance  
 10-39 of 104.30 feet;  
 10-40 39. North 20 degrees 17 minutes 28 seconds West, a distance  
 10-41 of 166.23 feet;  
 10-42 40. North 62 degrees 49 minutes 54 seconds West, a distance  
 10-43 of 40.61 feet;  
 10-44 41. North 32 degrees 41 minutes 01 seconds East, a distance  
 10-45 of 40.55 feet;  
 10-46 42. North 60 degrees 40 minutes 18 seconds West, a distance  
 10-47 of 46.50 feet;  
 10-48 43. North 30 degrees 09 minutes 24 seconds East, a distance  
 10-49 of 37.94 feet;  
 10-50 44. North 43 degrees 46 minutes 37 seconds West, a distance  
 10-51 of 42.24 feet;  
 10-52 45. North 45 degrees 55 minutes 50 seconds East, a distance  
 10-53 of 37.07 feet;  
 10-54 46. North 08 degrees 17 minutes 58 seconds East, a distance  
 10-55 of 142.81 feet;  
 10-56 47. North 33 degrees 29 minutes 34 seconds East, a distance  
 10-57 of 100.25 feet;  
 10-58 48. North 64 degrees 02 minutes 14 seconds West, a distance  
 10-59 of 59.00 feet;  
 10-60 49. North 71 degrees 17 minutes 47 seconds East, a distance  
 10-61 of 133.57 feet;  
 10-62 50. North 64 degrees 02 minutes 14 seconds West, a distance  
 10-63 of 100.00 feet;  
 10-64 51. North 68 degrees 32 minutes 18 seconds East, a distance  
 10-65 of 140.42 feet;  
 10-66 52. North 64 degrees 02 minutes 14 seconds West, a distance  
 10-67 of 104.80 feet;  
 10-68 53. North 72 degrees 14 minutes 34 seconds East, a distance  
 10-69 of 151.92 feet;

11-1 54. North 07 degrees 44 minutes 37 seconds East, a distance  
 11-2 of 67.17 feet;  
 11-3 55. North 57 degrees 14 minutes 54 seconds West, a distance  
 11-4 of 42.30 feet;  
 11-5 56. North 12 degrees 46 minutes 20 seconds East, a distance  
 11-6 of 26.29 feet;  
 11-7 57. North 13 degrees 07 minutes 58 seconds East, a distance  
 11-8 of 99.07 feet;  
 11-9 58. North 26 degrees 58 minutes 13 seconds East, a distance  
 11-10 of 44.75 feet (called 45.08 feet) to a northerly corner of aforesaid  
 11-11 called 2,253.2253-acre tract, same being the common line of  
 11-12 aforesaid J.D. Cochran Survey and the J.H. Smith Survey, A-553;  
 11-13 59. Thence, with the northeast line of said called  
 11-14 2,253.2253-acre tract, same being the common line of said J.D.  
 11-15 Cochran Survey and J.H. Smith Survey, South 47 degrees 56 minutes 17  
 11-16 seconds East, a distance of 2,140.08 feet (called 2140.82 feet) to  
 11-17 an angle iron found for the north corner of a called 55-acre tract  
 11-18 recorded in Volume 189, Page 286 of the Montgomery County Deed  
 11-19 Records;  
 11-20 60. Thence, with the north line of said called 55-acre tract  
 11-21 and a southerly interior line of said called 2,253.2253-acre tract,  
 11-22 South 42 degrees 29 minutes 43 seconds West, a distance of 1,756.17  
 11-23 feet (called 1727.49) to the west corner of said called 55-acre  
 11-24 tract, same being the centerline of aforesaid Mills Creek;  
 11-25 Thence, with the meanders of the centerline of said Mills  
 11-26 Creek and an interior line of said called 2,253.2253-acre tract,  
 11-27 the following thirty-six (36) courses  
 11-28 61. South 64 degrees 41 minutes 47 seconds East, a distance  
 11-29 of 2.74 feet;  
 11-30 62. South 21 degrees 48 minutes 18 seconds East, a distance  
 11-31 of 52.81 feet;  
 11-32 63. South 64 degrees 41 minutes 36 seconds East, a distance  
 11-33 of 54.96 feet;  
 11-34 64. South 83 degrees 18 minutes 32 seconds East, a distance  
 11-35 of 61.10 feet;  
 11-36 65. South 54 degrees 20 minutes 49 seconds East, a distance  
 11-37 of 27.20 feet;  
 11-38 66. South 11 degrees 07 minutes 49 seconds East, a distance  
 11-39 of 113.60 feet;  
 11-40 67. South 27 degrees 09 minutes 49 seconds East, a distance  
 11-41 of 45.71 feet;  
 11-42 68. South 07 degrees 58 minutes 28 seconds East, a distance  
 11-43 of 42.29 feet;  
 11-44 69. South 17 degrees 45 minutes 44 seconds East, a distance  
 11-45 of 32.30 feet;  
 11-46 70. South 21 degrees 41 minutes 48 seconds East, a distance  
 11-47 of 61.06 feet;  
 11-48 71. South 44 degrees 44 minutes 07 seconds East, a distance  
 11-49 of 56.04 feet;  
 11-50 72. South 34 degrees 40 minutes 32 seconds East, a distance  
 11-51 of 30.79 feet;  
 11-52 73. South 55 degrees 36 minutes 46 seconds East, a distance  
 11-53 of 90.41 feet;  
 11-54 74. South 73 degrees 54 minutes 21 seconds East, a distance  
 11-55 of 118.49 feet;  
 11-56 75. South 85 degrees 59 minutes 57 seconds East, a distance  
 11-57 of 83.51 feet;  
 11-58 76. North 84 degrees 57 minutes 13 seconds East, a distance  
 11-59 of 116.43 feet;  
 11-60 77. North 57 degrees 37 minutes 43 seconds East, a distance  
 11-61 of 140.93 feet;  
 11-62 78. South 57 degrees 05 minutes 09 seconds East, a distance  
 11-63 of 84.24 feet;  
 11-64 79. South 17 degrees 30 minutes 52 seconds West, a distance  
 11-65 of 51.67 feet;  
 11-66 80. South 04 degrees 55 minutes 00 seconds East, a distance  
 11-67 of 10.08 feet;  
 11-68 81. South 31 degrees 47 minutes 41 seconds East, a distance  
 11-69 of 55.23 feet;

12-1 82. North 89 degrees 15 minutes 06 seconds East, a distance  
12-2 of 224.42 feet;  
12-3 83. South 48 degrees 47 minutes 25 seconds East, a distance  
12-4 of 107.54 feet;  
12-5 84. North 74 degrees 55 minutes 17 seconds East, a distance  
12-6 of 61.27 feet;  
12-7 85. South 78 degrees 55 minutes 54 seconds East, a distance  
12-8 of 121.00 feet;  
12-9 86. North 71 degrees 52 minutes 15 seconds East, a distance  
12-10 of 77.90 feet;  
12-11 87. North 49 degrees 58 minutes 05 seconds East, a distance  
12-12 of 278.38 feet;  
12-13 88. North 26 degrees 38 minutes 59 seconds East, a distance  
12-14 of 43.39 feet;  
12-15 89. North 09 degrees 39 minutes 19 seconds East, a distance  
12-16 of 135.91 feet;  
12-17 90. North 73 degrees 14 minutes 43 seconds East, a distance  
12-18 of 110.43 feet;  
12-19 91. North 72 degrees 44 minutes 00 seconds East, a distance  
12-20 of 130.57 feet;  
12-21 92. South 61 degrees 47 minutes 52 seconds East, a distance  
12-22 of 31.32 feet;  
12-23 93. South 14 degrees 45 minutes 20 seconds East, a distance  
12-24 of 47.51 feet;  
12-25 94. South 37 degrees 46 minutes 20 seconds East, a distance  
12-26 of 70.58 feet;  
12-27 95. South 79 degrees 12 minutes 47 seconds East, a distance  
12-28 of 37.44 feet;  
12-29 96. South 47 degrees 23 minutes 10 seconds East, a distance  
12-30 of 6.47 feet to the most easterly south corner of a called  
12-31 44.3605-acre tract recorded in Clerk's File Number 9342675 of the  
12-32 O.P.R.R.P.M.C.T.;

12-33 97. Thence, with the common line of said called 44.3605-acre  
12-34 tract and said called 2,253.2253-acre tract, North 42 degrees 36  
12-35 minutes 51 seconds East, at 25.66 feet pass a 1-inch pipe found,  
12-36 continuing a total a distance of 557.63 feet to a northeasterly  
12-37 exterior corner of said called 2,253.2253-acre tract;

12-38 98. Thence, with the northeast line of said 2,253.2253-acre  
12-39 tract, South 47 degrees 32 minutes 00 seconds East, a distance of  
12-40 2,965.39 feet (called 2965.05 feet) to the east corner of said  
12-41 called 2,253.2253-acre tract;

12-42 99. Thence, with the southeast line of said called  
12-43 2,253.2253-acre tract, South 41 degrees 31 minutes 41 seconds West,  
12-44 a distance of 3,998.52 feet to a 4" X 4" concrete monument found;

12-45 100. Thence, continuing with said southeast line, South 41  
12-46 degrees 31 minutes 03 seconds West, a distance of 446.14 feet  
12-47 (called S41°32'47"W, 446.10') to the Point of Beginning and  
12-48 containing 393.32 acres of land.

12-49 TRACT 4 - 306.03 ACRES:  
12-50 Being a 306.03-acre tract of land, located in the J.D.  
12-51 Cochran Survey, A-123 in Montgomery County, Texas; said 306.03-acre  
12-52 tract being out of a called 1295.994-acre tract of land conveyed to  
12-53 Primewood Investments, LP in Clerk's File Number 99074137 of the  
12-54 Official Public Records of Real Property of Montgomery County Texas  
12-55 (O.P.R.R.P.M.C.T.); said 306.03-acre tract being more particularly  
12-56 described by metes and bounds as follows (all bearings are  
12-57 referenced to the northwest line of said called 1295.994-acre  
12-58 tract):

12-59 Beginning at the most easterly corner of said called  
12-60 1295.994-acre tract and the most southerly corner of a called  
12-61 26.3329-acre tract of land (Tenth Tract) described in Clerk's File  
12-62 Number 2004023496 of the O.P.R.R.P.M.C.T. from which a 5/8-inch  
12-63 iron rod found for the most easterly corner of said called  
12-64 26.3229-acre tract bears N41°32'34"E, 109.67', same being on the  
12-65 common line of aforesaid J.D. Cochran Survey and the E. R. Hale  
12-66 Survey, A-264;

12-67 54. Thence, with the southwest line of said called  
12-68 1295.994-acre tract, the northwest line of said E. R. Hale Survey  
12-69 and the southeast line of said J.D. Cochran Survey, South 41 degrees

13-1 32 minutes 47 seconds West, at a distance of 2,079.24 feet pass and  
 13-2 interior corner of said called 1295.994-acre tract, continuing  
 13-3 through said called 1295.994-acre tract and with the common line of  
 13-4 said J.D. Cochran Survey and the E.R Hale Survey, a total distance  
 13-5 of 3698.53 feet to the south corner of said J.D. Cochran Survey and  
 13-6 a northerly interior corner of said E.R. Hale Survey;

13-7 55. Thence, with the common line of said J.D. Cochran Survey  
 13-8 and said E.R. Hale Survey, North 47 degrees 50 minutes 58 seconds  
 13-9 West, a distance of 1,298.58 feet;

13-10 Thence, through said called 1295.994-acre tract, the  
 13-11 following three (3) courses:

13-12 56. 1,342.91 feet along the arc of a curve to the left, said  
 13-13 curve having a central angle of 19 degrees 14 minutes 09 seconds, a  
 13-14 radius of 4,000.00 feet and a chord that bears North 09 degrees 08  
 13-15 minutes 44 seconds East, a distance of 1,336.62 feet;

13-16 57. North 00 degrees 28 minutes 20 seconds West, a distance  
 13-17 of 3,754.11 feet;

13-18 58. 1,679.81 feet along the arc of a curve to the left, said  
 13-19 curve having a central angle of 12 degrees 01 minutes 51 seconds, a  
 13-20 radius of 8,000.00 feet and a chord that bears North 83 degrees 30  
 13-21 minutes 57 seconds East, a distance of 1,676.73 feet to the  
 13-22 southwest line of aforesaid called 26.3229-acre tract common with  
 13-23 the northeast line of aforesaid called 1295.994-acre tract;

13-24 Thence, with said common line, the following seven (7)  
 13-25 courses:

13-26 59. South 24 degrees 12 minutes 25 seconds East, a distance  
 13-27 of 103.86 feet;

13-28 60. North 65 degrees 47 minutes 35 seconds East, a distance  
 13-29 of 50.00 feet;

13-30 61. South 24 degrees 12 minutes 25 seconds East, a distance  
 13-31 of 1,001.00 feet;

13-32 62. South 65 degrees 47 minutes 35 seconds West, a distance  
 13-33 of 50.00 feet;

13-34 63. South 24 degrees 12 minutes 25 seconds East, a distance  
 13-35 of 1,700.00 feet;

13-36 64. North 65 degrees 47 minutes 35 seconds East, a distance  
 13-37 of 50.00 feet;

13-38 65. South 24 degrees 12 minutes 25 seconds East, a distance  
 13-39 of 908.52 feet to the Point of Beginning and containing 306.03 acres  
 13-40 of land.

13-41 SECTION 3. (a) The legal notice of the intention to  
 13-42 introduce this Act, setting forth the general substance of this  
 13-43 Act, has been published as provided by law, and the notice and a  
 13-44 copy of this Act have been furnished to all persons, agencies,  
 13-45 officials, or entities to which they are required to be furnished  
 13-46 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 13-47 Government Code.

13-48 (b) The governor, one of the required recipients, has  
 13-49 submitted the notice and Act to the Texas Commission on  
 13-50 Environmental Quality.

13-51 (c) The Texas Commission on Environmental Quality has filed  
 13-52 its recommendations relating to this Act with the governor, the  
 13-53 lieutenant governor, and the speaker of the house of  
 13-54 representatives within the required time.

13-55 (d) All requirements of the constitution and laws of this  
 13-56 state and the rules and procedures of the legislature with respect  
 13-57 to the notice, introduction, and passage of this Act are fulfilled  
 13-58 and accomplished.

13-59 SECTION 4. (a) If this Act does not receive a two-thirds  
 13-60 vote of all the members elected to each house, Subchapter C, Chapter  
 13-61 8052, Special District Local Laws Code, as added by Section 1 of  
 13-62 this Act, is amended by adding Section 8052.0307 to read as follows:

13-63 Sec. 8052.0307. NO EMINENT DOMAIN POWER. The district may  
 13-64 not exercise the power of eminent domain.

13-65 (b) This section is not intended to be an expression of a  
 13-66 legislative interpretation of the requirements of Section 17(c),  
 13-67 Article I, Texas Constitution.

13-68 SECTION 5. This Act takes effect immediately if it receives  
 13-69 a vote of two-thirds of all the members elected to each house, as

14-1 provided by Section 39, Article III, Texas Constitution. If this  
14-2 Act does not receive the vote necessary for immediate effect, this  
14-3 Act takes effect September 1, 2019.

14-4

\* \* \* \* \*