

By: Bell

H.B. No. 1440

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7974 to read as follows:

CHAPTER 7974. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 154

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7974.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 154.

Sec. 7974.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7974.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 7974.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7974.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 7974.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 The district is created to serve a public purpose and benefit.

9       (b) The district is created to accomplish the purposes of:  
10       (1) a municipal utility district as provided by  
11 general law and Section 59, Article XVI, Texas Constitution; and  
12       (2) Section 52, Article III, Texas Constitution, that  
13 relate to the construction, acquisition, improvement, operation,  
14 or maintenance of macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16       Sec. 7974.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23       (1) organization, existence, or validity;  
24       (2) right to issue any type of bond for the purposes  
25 for which the district is created or to pay the principal of and  
26 interest on a bond;  
27       (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 7974.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7974.052, directors serve  
6 staggered four-year terms.

7           Sec. 7974.052. TEMPORARY DIRECTORS. (a) On or after the  
8 effective date of the Act enacting this chapter, the owner or owners  
9 of a majority of the assessed value of the real property in the  
10 district may submit a petition to the commission requesting that  
11 the commission appoint as temporary directors the five persons  
12 named in the petition. The commission shall appoint as temporary  
13 directors the five persons named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 7974.003; or

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

19           (c) If permanent directors have not been elected under  
20 Section 7974.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 7974.003; or

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

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

8                    SUBCHAPTER C. POWERS AND DUTIES

9        Sec. 7974.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12        Sec. 7974.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17        Sec. 7974.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

23        Sec. 7974.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
24 project must meet all applicable construction standards, zoning and  
25 subdivision requirements, and regulations of each municipality in  
26 whose corporate limits or extraterritorial jurisdiction the road  
27 project is located.

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

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

9        Sec. 7974.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15        Sec. 7974.106. DIVISION OF DISTRICT. (a) The district may  
16 be divided into two or more new districts only if the district:

17                (1) has no outstanding bonded debt; and

18                (2) is not imposing ad valorem taxes.

19        (b) This chapter applies to any new district created by the  
20 division of the district, and a new district has all the powers and  
21 duties of the district.

22        (c) Any new district created by the division of the district  
23 may not, at the time the new district is created, contain any land  
24 outside the area described by Section 2 of the Act enacting this  
25 chapter.

26        (d) The board, on its own motion or on receipt of a petition  
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the  
2 district.

3 (e) The board may adopt an order dividing the district  
4 before or after the date the board holds an election under Section  
5 7974.003 to confirm the district's creation.

6 (f) An order dividing the district must:

7 (1) name each new district;

8 (2) include the metes and bounds description of the  
9 territory of each new district;

10 (3) appoint temporary directors for each new district;

11 and

12 (4) provide for the division of assets and liabilities  
13 between or among the new districts.

14 (g) On or before the 30th day after the date of adoption of  
15 an order dividing the district, the district shall file the order  
16 with the commission and record the order in the real property  
17 records of each county in which the district is located.

18 (h) Any new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 7974.003.

21 (i) Municipal consent to the creation of the district and to  
22 the inclusion of land in the district granted under Section  
23 7974.004 acts as municipal consent to the creation of any new  
24 district created by the division of the district and to the  
25 inclusion of land in the new district.

26 (j) Any new district created by the division of the district  
27 must hold an election as required by this chapter to obtain voter

approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7974.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7974.153.

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

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

Sec. 7974.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7974.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7974.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from  
2 the tax to make payments under a contract after the provisions of  
3 the contract have been approved by a majority of the district voters  
4 voting at an election held for that purpose.

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

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 7974.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 7974.202. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections [54.601](#) and [54.602](#), Water Code.

21 Sec. 7974.203. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other obligations  
23 issued or incurred to finance road projects and payable from ad  
24 valorem taxes may not exceed one-fourth of the assessed value of the  
25 real property in the district.

26 SECTION 2. The Montgomery County Municipal Utility District  
27 No. 154 initially includes all the territory contained in the



1 following area:

2 TRACT 1

3 A METES AND BOUNDS description of a 279.07 acre tract of land  
4 situated in the Edward Taylor Survey, Abstract Number 554,  
5 Montgomery County, Texas; being all of a called 279.65 acre tract  
6 conveyed to Mitchell Energy Corporation by Surface Deed and  
7 Subsurface Easement dated January 1, 1995 and filed for record  
8 under Clerk's File No. 9509774 of the Montgomery County Official  
9 Public Records of Real Property; said 279.07 acres being more  
10 particularly described as follows with all bearing based on the  
11 Texas Coordinate System of 1983, Central Zone:

12 BEGINNING at a found 1/2-inch iron rod in the apparent west  
13 right-of-way of Cripple Creek Drive North, for an angle corner in  
14 the north line of Lot 1 of Galleria Oaks Estates as shown on a plat  
15 filed for record in Cabinet B, Sheet 79 of the Montgomery County Map  
16 Records and the southeast corner of said 279.65 acres, same being  
17 the southeast corner of the herein described tract, from which a  
18 found 1/2-inch iron rod bears North 77°23'58" East, 38.23 feet;

19 THENCE, South 86°25'45" West, along the north line of Lots 1-  
20 7 of said Galleria Oaks Estates and the south line of said 279.65  
21 acres, passing a found 1-inch iron pipe at 244.84 feet, a found axle  
22 at 544.26 feet, 5.56 feet right, a found 8-inch by 8-inch concrete  
23 monument at 544.89 feet, 4.90 feet right, and a found 1-inch iron  
24 pipe at 1170.28 feet, continuing for a total distance of 1988.05  
25 feet (called 1997.31) to a set 3/4-inch iron rod (with cap stamped  
26 "Jones|Carter Property Corner") in the northeast right-of-way of  
27 the Union Pacific Railroad (formerly I & G.N. Railroad Company)

H.B. No. 1440

(width varies) filed for record under Volume 26, Page 351 of the Montgomery County Deed Records, for the south corner of the herein described tract, from which a found 8-inch by 8-inch concrete monument bears South 86°25'45" West, 9.14 feet;

THENCE, along the northeast right-of-way of the said Union Pacific Railroad and the southwest line of the herein described tract the following five (5) courses and distances:

1. North 59°15'02" West, 1127.60 feet, departing the north line of said Lot 7, to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

2. North 30°44'58" East, 25.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

3. North 59°15'02" West, 600.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

4. South 30°44'58" West, 25.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

5. North 59°15'02" West, 1371.85 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the south line of a called 139.384 acre tract conveyed to Norma Helen Schoessow by Special Warranty Deed dated October 23, 1995 and filed for record under Clerk's File No. 9559657 of the Montgomery County Official Public Records of Real Property, for the west corner of the herein described tract, from which a found 8-inch by 8-inch concrete monument bears South 87°11'00" East, 8.79 feet;

THENCE, North 87°11'00" East, 2105.63 feet (called 2114.59 feet), departing the northeast right-of-way of the said Union Pacific Railroad, along the south line of said 139.384 acres, a

H.B. No. 1440

1 north line of said 279.65 acres, and a north line of the herein  
2 described tract to a found 8-inch by 8-inch concrete monument, for  
3 an angle corner for said 139.384 acres, said 279.65 acres, and the  
4 herein described tract;

5       THENCE, North 32°44'24" East, along the southeast line of said  
6 139.384 acres, the northwest line of said 279.65 acres, and the  
7 northwest line of the herein described tract, passing a found  
8 1/2-inch iron rod (bent) at 2037.03 feet, 4.74 feet right,  
9 continuing for a total distance of 2056.48 feet to a found 1-inch  
10 pinched top pipe, for an angle corner for said 139.384 acres, said  
11 279.65 acres, and the herein described tract;

12       THENCE, North 02°29'44" West, 2678.96 feet (called 2681.84  
13 feet) along the east line of said 139.384 acres, the west line of  
14 said 279.65 acres, and the west line of the herein described tract  
15 to a found 8-inch by 8-inch concrete monument in the south line of a  
16 called 77.051 acre tract conveyed to Susan Halstead, Vincent S.  
17 Halstead, Steven B. Schoessow, Clarice J. Fore, Curtis F.  
18 Schoessow, Douglas P. Schoessow, Jana B. McNeil and Adrienne Leigh  
19 Fore by Gift Deed dated October 10, 2014 and filed for record under  
20 Clerk's File No. 2014100067 of the Montgomery County Official  
21 Public Records of Real Property, for the northeast corner of said  
22 139.384 acres and the northwest corner of said 279.65 acres, same  
23 being the northwest corner of the herein described tract, from  
24 which a found 1/2-inch iron pipe bears North 01°41'45" East, 0.61  
25 feet;

26       THENCE, North 86°56'34" East, along the south line of said  
27 77.051 acres, the north line of said 279.65 acres, and the north

H.B. No. 1440

1 line of the herein described tract, passing a found 1-inch pinched  
2 top pipe at 298.14 feet, continuing along the north line of said  
3 279.65 acres and the north line of the herein described tract for a  
4 total distance of 715.80 feet to a set 3/4-inch iron rod (with cap  
5 stamped "Jones|Carter Property Corner") for an angle corner;

6       THENCE, North 86°38'34" East, 561.72 feet (called 561.50  
7 feet), continuing along the north line of said 279.65 acres and the  
8 north line of the herein described tract to a found 1/2-inch iron  
9 pipe in the apparent east line of the Edward Taylor Survey, Abstract  
10 Number 554 and the apparent west line of the Leander Wescott Survey,  
11 Abstract Number 616, for the southeast corner of a called 10 acre  
12 tract conveyed to Axe Em Investments, L.P. by Special Warranty Deed  
13 dated October 1, 2003 and filed for record under Clerk's File  
14 No. 2003-134286 of the Montgomery County Official Public Records of  
15 Real Property and the northeast corner of said 279.65 acres, same  
16 being the northeast corner of the herein described tract, from  
17 which a found 1/2-inch iron rod bears North 03°18'03" West, 941.08  
18 feet;

19       THENCE, South 02°35'38" East, along the apparent east line of  
20 the Edward Taylor Survey, Abstract Number 554, the apparent west  
21 line of the Leander Wescott Survey, Abstract Number 616, the east  
22 line of said 279.65 acres and the east line of the herein described  
23 tract, passing a found 1/2-inch iron pipe at a distance of 2090.96  
24 feet, 12.71 feet right, a found 5/8-inch iron rod at a distance of  
25 2094.87 feet, 12.74 feet right and a found 3/4-inch iron rod (with  
26 cap stamped "Jones|Carter Property Corner") (previously set for  
27 survey of adjoining acreage) at a distance of 2107.96 feet,

H.B. No. 1440

1 continuing along apparent east line of the Edward Taylor Survey,  
2 Abstract Number 554, the apparent west line of the Robin George  
3 Survey, Abstract Number 470, the apparent west line of the Leander  
4 Wescott Survey, Abstract Number 615, the west line of Block 4 of  
5 Cripple Creek Farms North Section Three (an unrecorded  
6 subdivision), the east line of said 279.65 acres and the east line  
7 of the herein described tract, same being the common line of a  
8 Boundary Agreement dated August 11, 1958 filed for record in Volume  
9 458, Page 386 of the Montgomery County Deed Records, passing a found  
10 1/2-inch iron pipe at a distance of 2978.61 feet, 4.46 feet right, a  
11 found 1/2-inch iron pipe at a distance of 3178.70 feet, 4.50 feet  
12 right, a found 5/8-inch iron rod at a distance of 3408.76 feet, 4.96  
13 feet right, a found 1/2-inch iron pipe at a distance of 3638.37  
14 feet, 5.76 feet right, a found 1/2-inch iron pipe at a distance of  
15 3846.97 feet, 5.42 feet right, a found 1/2-inch iron pipe at a  
16 distance of 4046.44 feet, 4.77 feet right, a found 3/4-inch iron rod  
17 at a distance of 4246.56 feet, 4.32 feet right, a found 1/2-inch  
18 iron pipe at a distance of 4446.96 feet, 5.22 feet right, a found  
19 1/2-inch iron pipe at a distance of 4646.61 feet, 6.40 feet right, a  
20 found 5/8-inch iron rod at a distance of 4845.95 feet, 6.30 feet  
21 right, a found 1/2-inch iron pipe at a distance of 5044.96 feet,  
22 6.79 feet right, a found 1/2-inch iron pipe at a distance of 5644.64  
23 feet, 6.54 feet right, a found 1/4-inch iron pipe at a distance of  
24 5665.25 feet, 7.16 feet right, a found 5/8-inch iron rod at a  
25 distance of 5665.30 feet, 6.86 feet right, continuing for a total  
26 distance of 6047.81 feet (called 6051.88 feet) to the POINT OF  
27 BEGINNING, CONTAINING 279.07 acres of land in Montgomery County,

Texas, as shown on drawing number 9629-A.

TRACT 2

A METES AND BOUNDS description of a 842.23 acre tract of land situated in the Charles Frazier Survey, Abstract Number 206, the Andrew J. Hensley Survey, Abstract Number 255, the Azariah Prather Survey, Abstract Number 427 and the Leander Wescott Survey, Abstract Number 616, Montgomery County, Texas; being out of and a part of a called 881.183 acre tract (Tract 1) conveyed to Mitchell Energy Corporation by Special Warranty Deed dated July 31, 1997 and filed for record under Clerk's File No. 9746155 of the Montgomery County Official Public Records of Real Property; said 842.23 acres being more particularly described as follows with all bearings based on the Texas Coordinate System of 1983, Central Zone:

BEGINNING at a found 3-inch iron pipe for the north corner Greentree Forest Estates (an Unrecorded Subdivision), same being an interior corner of the herein described tract;

THENCE, South 42°47'48" West, along the northwest line of said Greentree Forest Estates and a southeast line of said 881.183 acres, passing a found 5/8-inch iron rod at 256.52 feet, a found 1/2-inch iron rod at 374.49 feet, 0.17 feet left, a found 5/8-inch iron rod at 847.40 feet, a found 5/8-inch iron rod at 965.59 feet, 0.38 feet right, a found 1/2-inch iron rod at 1202.01 feet, a found 1/2-inch iron rod at 1442.52 feet, 1.05 feet right, a found 5/8-inch iron rod at 1686.50 feet and a found 1/2-inch iron rod at 1921.45 feet, continuing for a total distance of 2155.95 feet (called 2155.95 feet) to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the northeast line of called

H.B. No. 1440

1 4.615 acre tract, known as Tract 17, Block 4 of Cripple Creek Farms  
2 North Section Three (an unrecorded subdivision), conveyed to Larry  
3 Dan McQuerry and wife, Mary Margaret McQuerry by General Warranty  
4 Deed dated April 2, 1980 and filed for record under Clerk's File  
5 No. 8011618 of the Montgomery County Official Public Records of  
6 Real Property, for a southwest corner of the herein described  
7 tract, from which a found 1/2-inch iron rod bears South 47°45'18"  
8 East, 171.07 feet;

9       THENCE, North 47°25'32" West, 433.31 feet (called 1246.42  
10 feet), departing the northwest line of said Greentree Forest  
11 Estates, along the northeast line of said 4.615 acres and a  
12 southwest line of said 881.183 acres to a set 3/4-inch iron rod  
13 (with cap stamped "Jones|Carter Property Corner") in the east line  
14 of a called 279.65 acre tract conveyed to Mitchell Energy  
15 Corporation by Surface Deed and Subsurface Easement dated January  
16 1, 1995 and file for record under Clerk's File No. 9509774 of the  
17 Montgomery County Official Public Records of Real Property, same  
18 being the apparent east line of the Edward Taylor Survey, Abstract  
19 Number 554 and the apparent west line of the Leander Wescott Survey,  
20 Abstract Number 616, from which found 3-1/2" iron pipe bears North  
21 47°25'32" West, 812.94 feet, and a found 1/2-inch iron rod bears  
22 South 02°35'38" East, 3939.85 feet;

23       THENCE, North 02°35'38" West, departing the northeast line of  
24 said 4.615 acres, along the east line of said 279.65 acres, the  
25 apparent east line of the Edward Taylor Survey, Abstract Number 554  
26 and the apparent west line of the Leander Wescott Survey, Abstract  
27 Number 616, passing a 5/8-inch iron rod at 13.09 feet, 12.74 feet

H.B. No. 1440

1 left and a found 1/2-inch iron pipe at 17.01 feet, 12.71 feet left,  
2 continuing for a total distance of 2107.96 feet to a found 1/2-inch  
3 iron pipe for the southeast corner of a called 10 acre tract  
4 conveyed to Axe Em Investments, L.P. by Special Warranty Deed dated  
5 October 1, 2003 and filed for record under Clerk's File  
6 No. 2003-134286 of the Montgomery County Official Public Records of  
7 Real Property, the northeast corner of said 279.65 acres and an  
8 angle point in the west line of the herein described tract, from  
9 which a found 3/4-inch iron rod (with cap stamped "Jones|Carter  
10 Property Corner") bears South 86°38'34" West, 561.72 feet;

11       THENCE, North 03°18'03" West, continuing along the apparent  
12 east line of the Edward Taylor Survey, Abstract Number 554, the  
13 apparent west line of the Leander Wescott Survey, Abstract Number  
14 616, and the east line of said 10 acres, passing a 1/2-inch iron rod  
15 at 220.99 feet, continuing along the east line of said 10 acres, the  
16 east line of a called 5 acre tract and another called 10 acre tract  
17 (hereinafter referred to as "northern 10 acres"), both conveyed to  
18 Axe Em Investments, L.P. by Special Warranty Deed dated October 1,  
19 2003 and filed for record under Clerk's File No. 2003-134286 of the  
20 Montgomery County Official Public Records of Real Property for a  
21 total distance of 941.08 feet to a found 1/2-inch iron rod in the  
22 north line of said 881.183 acres for an angle point in the south  
23 line of a called 757.02 acre tract ("Tract III") conveyed to 1488  
24 Corp. by Special Warranty Deed dated December 29, 2015 and filed for  
25 record under Clerk's File No. 2016002467 of the Montgomery County  
26 Official Public Records of Real Property, same being the northwest  
27 corner of the herein described tract, from which a found axle bears



H.B. No. 1440

1 North 48°48'43" West, 728.19 feet and a found 3/4-inch pinched top  
2 pipe bears North 03°04'57" West, 1286.89 feet;

3       THENCE, departing the east line of said northern 10 acres,  
4 the apparent east line of the Edward Taylor Survey, Abstract Number  
5 554 and the apparent west line of the Leander Wescott Survey,  
6 Abstract Number 616, along the south line of said 757.02 acres and  
7 the north line of said 881.183 acres the following six (6) courses  
8 and distances:

9               1. South 48°52'00" East, 593.66 feet (called 1321.86  
10 feet) to a found 3-inch iron pipe for an angle point;

11              2. North 42°00'28" East, 807.36 feet (called 807.98  
12 feet) to a found 3-inch iron pipe;

13              3. North 43°20'46" East, 781.14 feet (called 779.36  
14 feet) to a found 3/4-inch iron pipe;

15              4. North 41°41'25" East, 1538.43 feet (called 1540.14  
16 feet) to a found 3-inch iron pipe;

17              5. North 42°24'04" East, 777.81 feet (called 778.99  
18 feet) to a found 1/2-inch iron rod;

19              6. North 42°15'57" East, 706.71 feet (called 710.25  
20 feet) to a point in the centerline of Mill Creek, for the west  
21 corner of a called 6.11186 acre tract, known as Tract 12 of Wildwood  
22 Estates (an unrecorded subdivision), conveyed to John M. Burdick  
23 and wife, Sandra A. Burdick by Warranty Deed dated October 14, 1991  
24 and file for record under Clerk's File No. 9148107 of the  
25 Montgomery County Official Public Records of Real Property, same  
26 being the north corner of said 881.183 acres and the herein  
27 described tract, from which a found 1-inch iron pipe bears North

1 42°15'57" East, 1881.50 feet;

2       THENCE, departing the south line of said 757.02 acres, along  
3 the centerline meanders of said Mill Creek, same being the east line  
4 of said 881.183 acres, the following two-hundred and forty-six  
5 (246) courses and distances:

- 6           1. South 12°18'18" East, 20.94 feet to a point;
- 7           2. South 22°23'59" East, 74.66 feet to a point;
- 8           3. South 42°53'52" West, 46.44 feet to a point;
- 9           4. South 36°58'56" West, 46.01 feet to a point;
- 10          5. South 09°52'55" East, 37.33 feet to a point;
- 11          6. North 87°56'29" East, 80.12 feet to a point;
- 12          7. South 45°12'31" East, 17.10 feet to a point;
- 13          8. South 10°52'22" East, 26.87 feet to a point;
- 14          9. South 02°05'39" East, 26.13 feet to a point;
- 15          10. South 12°44'29" East, 19.29 feet to a point;
- 16          11. South 04°45'43" West, 43.16 feet to a point;
- 17          12. South 35°59'36" East, 36.12 feet to a point;
- 18          13. South 09°16'25" West, 32.54 feet to a point;
- 19          14. South 12°40'55" West, 171.14 feet to a point;
- 20          15. South 06°14'53" East, 70.78 feet to a point;
- 21          16. South 41°23'52" East, 61.54 feet to a point;
- 22          17. South 14°42'38" East, 130.27 feet to a point;
- 23          18. South 23°55'53" East, 126.21 feet to a point;
- 24          19. South 10°03'51" East, 50.67 feet to a point;
- 25          20. South 36°50'20" East, 107.39 feet to a point;
- 26          21. South 10°43'38" East, 60.21 feet to a point;
- 27          22. South 21°14'15" West, 153.28 feet to a point;

- 1 23. South 22°33'14" West, 58.07 feet to a point;
- 2 24. South 05°35'01" West, 20.25 feet to a point;
- 3 25. South 61°22'44" East, 38.41 feet to a point;
- 4 26. South 69°02'33" East, 58.99 feet to a point;
- 5 27. South 12°12'50" East, 124.16 feet to a point;
- 6 28. South 32°31'48" East, 44.10 feet to a point;
- 7 29. South 57°36'47" East, 61.05 feet to a point;
- 8 30. South 53°27'39" East, 56.94 feet to a point;
- 9 31. South 33°14'19" East, 97.80 feet to a point;
- 10 32. South 21°00'11" East, 47.88 feet to a point;
- 11 33. South 00°14'08" West, 9.48 feet to a point;
- 12 34. South 35°38'34" West, 15.42 feet to a point;
- 13 35. South 05°09'49" West, 35.23 feet to a point;
- 14 36. South 41°24'16" East, 29.71 feet to a point;
- 15 37. South 59°26'29" East, 22.32 feet to a point;
- 16 38. South 69°02'33" East, 324.70 feet to a point;
- 17 39. South 85°20'52" East, 48.71 feet to a point;
- 18 40. North 78°12'44" East, 26.46 feet to a point;
- 19 41. North 42°26'02" East, 37.26 feet to a point;
- 20 42. North 09°57'57" East, 21.44 feet to a point;
- 21 43. North 71°11'45" West, 44.32 feet to a point;
- 22 44. North 43°20'43" West, 8.72 feet to a point;
- 23 45. North 01°04'41" West, 22.38 feet to a point;
- 24 46. North 21°27'17" East, 14.55 feet to a point;
- 25 47. North 35°12'16" East, 57.34 feet to a point;
- 26 48. South 40°49'24" East, 26.21 feet to a point;
- 27 49. South 26°33'49" East, 19.14 feet to a point;

- 1            50.    South 78°44'47" East, 39.61 feet to a point;
- 2            51.    South 42°37'50" East, 117.76 feet to a point;
- 3            52.    South 63°31'02" East, 54.42 feet to a point;
- 4            53.    North 86°22'35" East, 14.48 feet to a point;
- 5            54.    South 83°23'38" East, 50.81 feet to a point;
- 6            55.    South 41°53'26" East, 37.41 feet to a point;
- 7            56.    South 10°42'29" East, 156.83 feet to a point;
- 8            57.    South 50°37'37" East, 26.55 feet to a point;
- 9            58.    South 35°05'48" East, 74.85 feet to a point;
- 10           59.    South 34°45'59" East, 50.28 feet to a point;
- 11           60.    South 63°14'51" East, 163.53 feet to a point;
- 12           61.    South 87°53'24" East, 20.12 feet to a point;
- 13           62.    North 48°15'22" East, 95.09 feet to a point;
- 14           63.    South 57°40'49" East, 12.18 feet to a point;
- 15           64.    South 55°52'46" East, 39.03 feet to a point;
- 16           65.    South 30°38'19" East, 13.33 feet to a point;
- 17           66.    South 17°12'36" East, 20.13 feet to a point;
- 18           67.    South 54°53'29" East, 145.28 feet to a point;
- 19           68.    South 66°39'02" East, 56.87 feet to a point;
- 20           69.    South 75°44'05" East, 87.52 feet to a point;
- 21           70.    South 58°53'21" East, 90.35 feet to a point;
- 22           71.    North 88°28'59" East, 42.27 feet to a point;
- 23           72.    South 56°16'37" East, 181.99 feet to a point;
- 24           73.    South 40°53'21" East, 125.58 feet to a point;
- 25           74.    South 31°26'40" West, 50.99 feet to a point;
- 26           75.    South 28°10'18" West, 24.21 feet to a point;
- 27           76.    South 77°29'22" East, 19.73 feet to a point;

- 1 77. South 50°09'42" East, 96.47 feet to a point;
- 2 78. South 56°32'41" East, 38.23 feet to a point;
- 3 79. South 54°49'44" East, 31.98 feet to a point;
- 4 80. North 77°40'42" East, 30.26 feet to a point;
- 5 81. North 80°05'57" East, 64.03 feet to a point;
- 6 82. South 66°03'01" East, 290.35 feet to a point;
- 7 83. South 63°25'23" East, 170.62 feet to a point;
- 8 84. South 62°41'27" East, 181.12 feet to a point;
- 9 85. South 49°53'40" East, 59.94 feet to a point;
- 10 86. South 39°07'27" East, 46.28 feet to a point;
- 11 87. South 05°14'20" West, 92.52 feet to a point;
- 12 88. South 63°37'44" West, 38.32 feet to a point;
- 13 89. South 46°52'08" West, 17.69 feet to a point;
- 14 90. South 30°30'24" West, 32.48 feet to a point;
- 15 91. South 52°08'30" West, 30.87 feet to a point;
- 16 92. North 88°59'43" West, 56.63 feet to a point;
- 17 93. South 40°10'42" West, 137.98 feet to a point;
- 18 94. South 17°29'36" West, 77.42 feet to a point;
- 19 95. South 00°37'28" East, 30.27 feet to a point;
- 20 96. South 83°36'36" East, 64.24 feet to a point;
- 21 97. South 86°39'20" East, 105.45 feet to a point;
- 22 98. South 46°06'16" East, 176.19 feet to a point;
- 23 99. South 56°22'42" East, 61.38 feet to a point;
- 24 100. South 53°51'41" East, 64.61 feet to a point;
- 25 101. North 46°16'54" East, 19.60 feet to a point;
- 26 102. North 42°53'51" East, 33.81 feet to a point;
- 27 103. North 81°54'47" East, 105.65 feet to a point;

1	104.	South 78°49'30" East, 53.59 feet to a point;
2	105.	South 39°53'14" East, 18.21 feet to a point;
3	106.	South 27°02'07" East, 57.44 feet to a point;
4	107.	South 40°36'08" East, 83.23 feet to a point;
5	108.	South 36°14'03" East, 104.79 feet to a point;
6	109.	South 21°55'33" West, 120.32 feet to a point;
7	110.	South 45°28'18" West, 24.82 feet to a point;
8	111.	North 87°16'18" West, 60.19 feet to a point;
9	112.	South 04°03'57" West, 40.49 feet to a point;
10	113.	South 19°30'55" West, 113.56 feet to a point;
11	114.	South 17°09'33" West, 26.63 feet to a point;
12	115.	South 06°32'51" West, 52.58 feet to a point;
13	116.	South 48°03'00" East, 198.07 feet to a point;
14	117.	South 78°07'22" East, 39.83 feet to a point;
15	118.	South 45°15'38" East, 108.53 feet to a point;
16	119.	South 15°27'32" East, 74.05 feet to a point;
17	120.	South 29°42'12" East, 187.05 feet to a point;
18	121.	South 10°51'23" East, 98.64 feet to a point;
19	122.	South 13°57'22" West, 16.81 feet to a point;
20	123.	South 05°41'13" East, 152.49 feet to a point;
21	124.	South 04°31'17" East, 117.06 feet to a point;
22	125.	South 04°48'51" West, 67.94 feet to a point;
23	126.	South 20°51'03" West, 86.27 feet to a point;
24	127.	South 48°35'35" West, 63.11 feet to a point;
25	128.	South 48°58'11" West, 27.31 feet to a point;
26	129.	South 41°19'59" West, 147.94 feet to a point;
27	130.	South 16°43'24" West, 51.25 feet to a point;

1	131.	South 38°48'25" West, 129.88 feet to a point;
2	132.	South 48°43'18" West, 33.26 feet to a point;
3	133.	South 49°33'27" West, 63.28 feet to a point;
4	134.	South 34°02'23" West, 138.93 feet to a point;
5	135.	South 43°19'50" West, 77.02 feet to a point;
6	136.	South 21°42'27" East, 21.32 feet to a point;
7	137.	South 19°31'50" East, 69.55 feet to a point;
8	138.	South 10°43'23" East, 164.23 feet to a point;
9	139.	South 50°46'56" East, 96.05 feet to a point;
10	140.	South 38°12'17" East, 124.95 feet to a point;
11	141.	South 14°25'39" East, 40.20 feet to a point;
12	142.	South 04°53'50" East, 123.95 feet to a point;
13	143.	South 32°39'47" East, 115.61 feet to a point;
14	144.	South 15°59'49" East, 145.05 feet to a point;
15	145.	South 44°34'59" East, 144.65 feet to a point;
16	146.	South 62°03'10" East, 95.40 feet to a point;
17	147.	South 79°38'44" East, 72.91 feet to a point;
18	148.	South 10°24'52" East, 229.66 feet to a point;
19	149.	North 68°22'11" West, 80.47 feet to a point;
20	150.	South 07°25'05" East, 48.42 feet to a point;
21	151.	South 02°41'47" West, 198.27 feet to a point;
22	152.	South 43°12'25" West, 88.27 feet to a point;
23	153.	South 51°53'13" West, 53.80 feet to a point;
24	154.	South 46°45'22" East, 42.20 feet to a point;
25	155.	South 61°43'29" East, 161.36 feet to a point;
26	156.	South 28°19'40" East, 101.12 feet to a point;
27	157.	South 32°48'06" East, 144.76 feet to a point;

1	158.	South 50°37'24" East, 51.47 feet to a point;
2	159.	South 28°01'42" East, 126.58 feet to a point;
3	160.	South 38°57'45" East, 107.31 feet to a point;
4	161.	South 50°24'34" East, 71.71 feet to a point;
5	162.	South 09°29'22" East, 212.34 feet to a point;
6	163.	South 00°20'59" West, 132.90 feet to a point;
7	164.	South 19°40'54" East, 86.34 feet to a point;
8	165.	South 14°58'26" West, 140.70 feet to a point;
9	166.	South 10°08'09" West, 74.76 feet to a point;
10	167.	South 53°21'21" West, 115.04 feet to a point;
11	168.	South 27°54'49" West, 62.71 feet to a point;
12	169.	South 34°48'30" East, 61.40 feet to a point;
13	170.	South 66°20'22" East, 141.85 feet to a point;
14	171.	South 72°53'56" East, 64.16 feet to a point;
15	172.	South 80°40'10" East, 93.92 feet to a point;
16	173.	North 88°21'42" East, 215.53 feet to a point;
17	174.	North 72°22'13" East, 72.02 feet to a point;
18	175.	North 30°33'22" East, 51.13 feet to a point;
19	176.	North 53°06'11" East, 67.65 feet to a point;
20	177.	South 89°23'41" East, 60.02 feet to a point;
21	178.	North 69°42'48" East, 89.16 feet to a point;
22	179.	North 84°21'21" East, 28.12 feet to a point;
23	180.	South 65°03'29" East, 63.15 feet to a point;
24	181.	South 24°31'20" East, 153.15 feet to a point;
25	182.	South 79°55'10" East, 74.23 feet to a point;
26	183.	South 30°19'44" East, 69.41 feet to a point;
27	184.	South 26°36'17" West, 67.33 feet to a point;



1	185.	South 51°53'55" East, 28.30 feet to a point;
2	186.	South 48°09'02" East, 20.98 feet to a point;
3	187.	South 69°54'32" East, 42.71 feet to a point;
4	188.	South 49°35'02" East, 114.15 feet to a point;
5	189.	South 61°51'29" East, 70.82 feet to a point;
6	190.	North 56°45'53" East, 81.24 feet to a point;
7	191.	North 10°22'42" West, 27.52 feet to a point;
8	192.	North 44°20'07" West, 46.76 feet to a point;
9	193.	North 14°23'02" West, 40.60 feet to a point;
10	194.	North 81°26'55" East, 88.16 feet to a point;
11	195.	South 81°27'52" East, 225.26 feet to a point;
12	196.	North 50°13'30" East, 52.21 feet to a point;
13	197.	South 83°42'53" East, 38.65 feet to a point;
14	198.	South 53°20'17" East, 54.33 feet to a point;
15	199.	South 34°41'44" East, 78.36 feet to a point;
16	200.	South 04°59'36" West, 17.83 feet to a point;
17	201.	South 75°56'24" West, 26.48 feet to a point;
18	202.	North 80°06'10" West, 22.44 feet to a point;
19	203.	South 15°30'22" West, 102.03 feet to a point;
20	204.	South 77°49'42" West, 77.55 feet to a point;
21	205.	South 05°43'31" West, 17.16 feet to a point;
22	206.	South 36°38'48" East, 52.50 feet to a point;
23	207.	South 22°17'18" West, 18.42 feet to a point;
24	208.	South 46°04'19" West, 106.13 feet to a point;
25	209.	South 00°20'40" East, 46.25 feet to a point;
26	210.	North 86°03'23" East, 65.78 feet to a point;
27	211.	South 88°15'33" East, 59.39 feet to a point;

- 1 212. South 72°52'21" East, 84.16 feet to a point;
- 2 213. South 22°30'03" East, 31.04 feet to a point;
- 3 214. South 07°37'19" West, 34.13 feet to a point;
- 4 215. South 13°51'28" East, 32.68 feet to a point;
- 5 216. South 42°01'46" East, 82.75 feet to a point;
- 6 217. South 32°57'14" East, 31.07 feet to a point;
- 7 218. South 26°42'20" West, 36.83 feet to a point;
- 8 219. South 51°10'47" West, 104.44 feet to a point;
- 9 220. South 78°09'38" West, 133.44 feet to a point;
- 10 221. North 65°18'54" West, 40.51 feet to a point;
- 11 222. North 20°57'04" West, 19.22 feet to a point;
- 12 223. North 20°58'16" East, 21.54 feet to a point;
- 13 224. North 31°10'24" West, 21.19 feet to a point;
- 14 225. South 86°54'36" West, 98.56 feet to a point;
- 15 226. South 62°17'52" West, 61.48 feet to a point;
- 16 227. South 10°48'36" West, 14.13 feet to a point;
- 17 228. South 68°28'09" West, 146.02 feet to a point;
- 18 229. South 66°50'57" West, 13.98 feet to a point;
- 19 230. South 54°14'31" West, 9.13 feet to a point;
- 20 231. South 28°53'35" West, 47.36 feet to a point;
- 21 232. South 14°53'51" East, 38.67 feet to a point;
- 22 233. South 33°16'15" West, 110.49 feet to a point;
- 23 234. South 25°51'57" West, 87.36 feet to a point;
- 24 235. South 24°40'48" West, 168.46 feet to a point;
- 25 236. South 18°07'49" West, 119.57 feet to a point;
- 26 237. South 07°55'38" West, 73.03 feet to a point;
- 27 238. South 30°22'38" East, 68.89 feet to a point;

1           239.   South 08°41'13" West, 43.89 feet to a point;  
2           240.   South 20°25'31" West, 64.73 feet to a point;  
3           241.   South 06°48'07" West, 63.29 feet to a point;  
4           242.   South 07°37'07" West, 39.79 feet to a point;  
5           243.   South 28°55'17" West, 36.09 feet to a point;  
6           244.   South 66°13'24" West, 56.17 feet to a point;  
7           245.   South 43°02'27" West, 59.63 feet to a point;  
8           246.   South 13°44'31" West, 6.84 feet to a point in the  
9 northeast line of Mill Creek Forest as shown on a plat filed for  
10 record in Volume 5, Page 491 of the Montgomery County Deed Records  
11 for the most southerly corner of said 881.183 acres and the herein  
12 described tract;

13           THENCE, North 46°43'05" West, departing the centerline  
14 meanders of said Mill Creek, along the northeast line of said Mill  
15 Creek Forest, and the southwest line of said 881.183 acres, passing  
16 a found 1/2-inch iron rod (with cap stamped "Reinke 3971") at 61.41  
17 feet, continuing for a total distance of 397.79 feet (called  
18 414.06) to a found 1/2-inch iron rod (with cap stamped "Geomatics  
19 Inc.") for the north corner of said Mill Creek Forest, and an  
20 interior corner of said 881.183 acres and the herein described  
21 tract;

22           THENCE, South 43°03'45" West, along the northwest line of said  
23 Mill Creek Forest and a southeast line of said 881.183 acres,  
24 passing a found 3/4-inch iron pipe at 104.79 feet, 0.97 feet right,  
25 continuing for a total distance of 198.18 feet (called 192.78 feet)  
26 to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property  
27 Corner") for the east corner of Lot 14, Block 44 of Hazy Hollow East

H.B. No. 1440

Estates Section 7 (an unrecorded subdivision) conveyed to Malcom James Johnson by Warranty Deed dated April 5, 1991 and filed for record under Clerk's File No. 9230908 of the Montgomery County Official Public Records of Real Property, a south corner of said 881.183 acres and the herein described tract;

THENCE, departing the northwest line of said Mill Creek Forest along the southwest line of said 881.183 acres and the herein described tract the following seven (7) courses and distances:

1. North 47°15'15" West, along the northeast line said Hazy Hollow East Estates Section 7, passing a found 3/8-inch iron rod at 1321.03 feet, 1.17 feet left, passing a found 1/2-inch iron rod at 1429.95 feet, 1.21 feet left, continuing for a total distance of 1755.51 feet to an angle point, from which a found 1/2-inch iron rod bears North 21°27'43" West 4.22 feet;

2. North 47°29'30" West, along the northeast line of said Hazy Hollow East Estates Section 7 and the northeast line of Hazy Hollow East Estates Section 4 (an unrecorded subdivision), passing a found 3/8-inch iron rod at 393.30 feet, 1.24 feet right, continuing for a total distance of 711.72 feet to a point;

3. North 47°20'39" West, along the northeast line of Hazy Hollow East Estates Section 10 (an unrecorded subdivision), passing a found 3/8-inch iron rod at 126.64 feet, 2.16 feet right, passing a found 3/8-inch iron rod at 375.33 feet, 1.09 feet right, passing a found 3/8-inch iron rod at 499.77 feet, 0.63 feet right, continuing for a total distance of 527.41 feet to a point;

4. North 47°17'20" West, along the northeast line of said Hazy Hollow East Estates Section 10, passing a found 5/8-inch

H.B. No. 1440

1 iron rod at 96.90 feet, 0.38 feet right, a found 1/2-inch iron rod  
2 (bent) at 289.53 feet, a found 3/8-inch iron rod at 422.16 feet,  
3 0.24 feet right, a found 1/2-inch iron rod at 554.92 feet, a found  
4 5/8-inch iron rod at 687.54 feet, a found 3/8-inch iron rod at  
5 1116.06 feet, 0.31 feet left, a found 3/8-inch iron rod at 1239.11  
6 feet, 0.41 feet left, a found 3/8-inch iron rod at 1484.87 feet,  
7 0.98 feet left, a found 3/8-inch iron rod at 1608.04 feet, 1.32 feet  
8 left, a found 3/8-inch iron rod at 1731.04 feet, 1.21 feet left, a  
9 found 3/8-inch iron rod at 1854.08 feet, 0.55 feet left, a found  
10 5/8-inch square iron bar at 1977.47 feet, 0.11 feet right, a found  
11 5/8-inch square iron bar at 2037.11 feet, 0.36 feet right, a found  
12 3/8-inch iron rod at 2159.55 feet, 1.03 feet right, a found 1/2-inch  
13 iron rod (with cap stamped "C&C Surveying") at 2282.80 feet, 0.18  
14 feet right, a found 1/2-inch iron rod (with cap stamped "C&C  
15 Surveying") at 2405.70 feet, and a found 3/8-inch iron rod at  
16 2897.75 feet, 0.13 feet right, continuing for a total distance of  
17 3015.29 feet to a point;

18               5. North 47°22'30" West, along the northeast line of  
19 Hazy Hollow East Estates Section 11 (an unrecorded subdivision),  
20 passing a found 3/8-inch iron rod at 5.37 feet, 2.20 feet left, a  
21 found 3/8-inch iron rod at 128.11 feet, 3.14 feet left, a found  
22 3/8-inch iron rod at 251.00 feet, 3.59 feet left, a found 3/8-inch  
23 iron rod at 373.97 feet, 3.79 feet left, a found 3/8-inch iron rod  
24 at 496.74 feet, 3.70 feet left, a found 3/8-inch iron rod at 619.44  
25 feet, 3.76 feet left, a found 3/8-inch iron rod at 743.26 feet,  
26 1.81 feet left, and a found 3/8-inch iron rod at 988.51 feet, 0.13  
27 feet left, continuing for a total distance of 1784.65 feet to a

1 found 1/2-inch iron rod for the north corner of said Hazy Hollow  
2 East Estates Section 11 and the east corner of Greentree Forest  
3 Estates (an unrecorded subdivision);

4           6. North 47°01'59" West, along the northeast line of  
5 said Greentree Forest Estates, passing a found 1/2-inch iron rod at  
6 354.40 feet, passing a found 5/8-inch iron rod at 414.22 feet,  
7 continuing for a total distance of 498.04 feet to a found 3-1/2-inch  
8 iron pipe;

9           7. North 47°36'37" West, 270.64 feet (called 270.76  
10 feet) to the POINT OF BEGINNING, CONTAINING 842.23 acres of land in  
11 Montgomery County, Texas, as shown on drawing number 9630-A.

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

19           (b) The governor, one of the required recipients, has  
20 submitted the notice and Act to the Texas Commission on  
21 Environmental Quality.

22           (c) The Texas Commission on Environmental Quality has filed  
23 its recommendations relating to this Act with the governor, the  
24 lieutenant governor, and the speaker of the house of  
25 representatives within the required time.

26           (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds  
4 vote of all the members elected to each house, Subchapter C, Chapter  
5 7974, Special District Local Laws Code, as added by Section 1 of  
6 this Act, is amended by adding Section 7974.107 to read as follows:

7 Sec. 7974.107. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

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

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