CHAPTER 909
H.B. No. 1260
AN ACT
relating to the creation of the Montgomery County Municipal Utility District No. 132; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8414 to read as follows:

CHAPTER 8414. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 132

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8414.001. 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. 132.

Sec. 8414.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8414.003. 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.

Sec. 8414.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8414.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8414.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

Sec. 8414.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district’s:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.

Sec. 8414.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT REINVESTMENT ZONE. (a) The district is eligible to be included in a tax increment reinvestment zone created under Chapter 311, Tax Code.
(b) If the City of Conroe has created or creates a tax increment reinvestment zone described by Subsection (a) that includes all or part of the territory of the district, the City of Conroe and the board of directors of the zone or a developer of property within the tax increment reinvestment zone that receives or will receive money from the tax increment fund, by contract with the district, may grant money to the district from the tax increment fund to be used for a permissible purpose of the district, including:

(1) the right to pledge the money as security for a bond or other obligation issued by the district; and

(2) any permissible purpose of a corporation under Section 380.002(b), Local Government Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8414.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8414.052, directors serve staggered four-year terms.

Sec. 8414.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Bill Odle;

(2) Brandon Macey;

(3) Troy Koteras;

(4) Greg Snider; and

(5) Abby McMahon.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8414.003; or

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

(c) If permanent directors have not been elected under Section 8414.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8414.003; or

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

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8414.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8414.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8414.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8414.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.
Sec. 8414.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. (a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

(b) In addition to all the rights and remedies provided by other law, if the district violates the terms of an ordinance or resolution described by Subsection (a), the municipality is entitled to injunctive relief or a writ of mandamus issued by a court requiring the district and the district's officials to observe and comply with the terms of the ordinance or resolution.

Sec. 8414.106. EFFECT OF ANNEXATION OR INCLUSION WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CONROE. Notwithstanding Section 54.016(t)(2), Water Code, an allocation agreement between the City of Conroe and the district that provides for the allocation of the taxes or revenues of the district and the city following the date of inclusion of all the district's territory in the corporate limits of the city may provide that the total annual ad valorem taxes collected by the city and the district from taxable property in the district may exceed the city's ad valorem tax on that property.

Sec. 8414.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district without the written consent of the City of Conroe.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8414.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue other than ad valorem taxes.

(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. 8414.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8414.151, 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.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8414.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, tax increment payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8414.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8414.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects

83rd LEGISLATURE—REGULAR SESSION Ch. 909, § 1

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

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.
and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. Montgomery County Municipal Utility District No. 132 initially includes all the territory contained in the following area: TRACT I (23.69 acres):

Metes and bounds description of all that certain 23.69 acre tract or parcel of land, lying and being situated in the John McDillon Survey, A-347, Conroe, Montgomery County, Texas, and being a portion out of that same 57.98 acre tract conveyed to Wedgewood Falls, Ltd., as described by deed recorded in Volume 589.10, Page 1036 of the Deed Records of Montgomery County ("DRMC") and also being formerly referred to as "Tract III", as depicted on drawing entitled "Composite Map of 135.750 Acres", said 23.69 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of this tract, being also the northwest corner of said 57.98 acre tract, and lying in the south line of the P.H. Herndon Survey, A-258 and also being in the south line of the Aaron Fasternak Estate (No Citation);

THENCE N 72° 13' 41" E—526.41 feet with the said common line to a plastic capped 1/2" iron (stamped Taggart, RPLS #5676) found for the northeasterly corner of this tract and being in the westerly right-of-way line of Longmire Road (variable width ROW), a public road;

THENCE S 39° 52' 51" E—381.09 feet with the said right-of-way line to a 1/2" iron rod found for an angle point; said point common with the Carolyn A. Ditore called 7.4682 acre tract recorded in Volume 192.00 Page 1355 (CCFN9519083) of the said DRMC;

THENCE S 16° 0' 58" 57" E—1,066.76 feet with the said common line to a plastic capped 1/2" iron (stamped Taggart, RPLS #5676) set for the southeasterly corner of this tract, a 1/2" iron rod found marking an east corner of said 57.98 acre tract, and lying in the northwest right-of-way line of FM 3083 bears S 16° 58' 57" E—865.51 feet;

Thence the following calls across the said 57.98 acre tract:

S 6° 52' 19" W—449.66 feet to a plastic capped 1/2" iron (stamped Taggart, RPLS # 5676) set for corner;

S 24° 00'13" E—3.19 feet to a plastic capped 1/2" iron (stamped Taggart, RPLS # 5676) set for corner;

S 66° 00' 12" W—120.00 feet to a plastic capped 1/2" (stamped Taggart, RPLS # 5676) set for corner in the west line of said 57.98 acre tract from which a 1/2" iron rod found for a point of curvature in the west boundary line of said 57.98 acre tract bears S 26° 59' 48" E—282.79 feet for reference;

Thence the following calls along the said westerly boundary line:

N 23° 59' 48" W—129.37 feet to a 1/2" iron rod found for an angle point;

N 36° 28' 06" W—699.32 feet to a 1/2" iron rod found for an angle point;

N 14° 51' 50" W—405.17 feet to a 1/2" iron rod found for an angle point;

N 09° 18' 12" E—278.32 feet to a 1/2" iron rod found for an angle point;

N 18° 07' 05" W—57.77 feet to the PLACE OF BEGINNING and containing 23.69 acres of land.

Tract II (31 acres):

Metes and bounds description of all that is certain 35.00 acre tract or parcel of land, lying and being situated in the John McDillon Survey, A-347, Conroe, Montgomery County, Texas, and being a portion out of that same 57.98 acre tract conveyed to Wedgewood Falls, Ltd., as described by deed recorded in Volume 589.10, Page 1036 of the said DRMC, and also being formerly referred to as "Tract III", as depicted on a drawing entitled "Composite Map of 135.750 Acres", said 35.00 acre tract being more particularly described as follows:

BEGINNING at a capped 1/2" iron rod set in the northeast line of said 57.98 acre tract for the north corner of this tract. A capped 1/2" iron rod found at an angle point in the southwest right-of-way line of Longmire Road (Variable width ROW), bears N 16° 58' 57" W—1058.28 feet for reference;
THENCE S 16° 58’ 57” E—873.99 feet with said northeast line to a capped 1/2” iron rod found for corner in the northwest right-of-way line of FM 3083, and being the beginning of a curve to the left;

THENCE in a southwesterly direction for a distance of 447.74 feet along the arc of said curve (Curve data: central angle = 20° 16’ 46”, radius = 1265.00 feet, tangent = 226.24 feet, the chord bears S 26° 44’ 49” W—445.40 feet), to a capped 1/2” iron rod set for end of said curve and being and angle point in said right-of-way line;

THENCE S 09° 28’ 56” W—201.56 feet with said right-of-way line to a capped 1/2” iron rod set for angle point;

THENCE S 16° 36’ 26” W—151.34 feet with said right-of-way line to a capped 5/8” iron rod found for the southeast corner of this tract, and being also the northeast corner of an 8.23 acre tract, formerly referred to as “Tract IV” as depicted on said “Composite Map”;

THENCE S 090 28’ 56” W—201.56 feet with said right-of-way line to a capped 1/2” iron rod set for angle point;

THENCE S 160 36’ 26” W—151.34 feet with said right-of-way line to a capped 5/8” iron rod found for the southeast corner of this tract, and being also the northeast corner of an 8.23 acre tract, formerly referred to as “Tract IV” as depicted on said “Composite Map”;

THENCE S 090 28’ 56” W—201.56 feet with said right-of-way line to a capped 1/2” iron rod set for angle point;

THENCE S 720 08’ 32” W—892.01 feet with the common line between said 57.98 acre tract and said 8.23 acre tract to a 1-1/4” iron pipe found for the southwest corner of this tract;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 45’ 50” W—282.18 feet to a 1/2” iron rod found for corner, and being also the east corner of that same 12.65 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE S 720 08’ 32” W—892.01 feet with the common line between said 57.98 acre tract and said 8.23 acre tract to a 1-1/4” iron pipe found for the southwest corner of this tract;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 45’ 50” W—282.18 feet to a 1/2” iron rod found for corner, and being also the east corner of that same 12.65 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE S 720 08’ 32” W—892.01 feet with the common line between said 57.98 acre tract and said 8.23 acre tract to a 1-1/4” iron pipe found for the southwest corner of this tract;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 45’ 50” W—282.18 feet to a 1/2” iron rod found for corner, and being also the east corner of that same 12.65 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 45’ 50” W—282.18 feet to a 1/2” iron rod found for corner, and being also the east corner of that same 12.65 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;

THENCE N 170 56’ 22” W—445.40 feet with the west line of said 57.98 acre tract to a capped 1/2” iron rod in the line of said 57.98 acre tract and being also the northeast corner of an 8.23 acre tract conveyed to Allen Acquisitions, Ltd. as described by deed recorded in Volume 625.10, Page 128 of the said DRMC, and being in the southerly boundary line of Wedgewood Golf Course;
THENCE: 103.60 feet along the west right-of-way of said FM 3083 being the arc of said curve, in a northeasterly direction (Curve data: Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent = 51.83 feet, the Long Chord bears N 18° 57' 33" E—103.57 feet) to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for an exterior corner and southeast corner and being the PLACE OF BEGINNING:

Thence the following six (6) calls across the said 57.98 acre tract:

N 65° 30' 34" W—202.01 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior corner and the southwest corner;
N 24° 28' 26" E—185.44 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and an interior corner;
N 04° 23' 30" W—190.97 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior corner and the northwest corner;
N 70° 14' 58" E—48.02 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and interior corner;
N 75° 26' 16" E—114.17 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior point and interior corner;
N 68° 55' 24" E—62.16 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found in the northeast line of the said 57.98 acres for an exterior corner, said point being in the westerly boundary of a 5.7260 acre tract conveyed to James L. Schulte et ux and recorded as Firm Code No. 0456-00-1454 of the said Official Records;
THENCE: S 16° 58' 57" E—225.37 feet along the said common boundary line to a 5/8" iron rod found with plastic cap stamped "Carter Burgess, Inc." for a common corner of the 57.98 acre tract of the said 5.7260 acre tract in the northwesterly right-of-way line of FM 3083 and being the beginning of a non-tangent curve to the left; for reference the radial bearing is S 53° 41' 54" E—1,265.00 feet;
THENCE: 331.19 feet along the said right-of-way line of said FM 3083 being the arc of said curve, in a southwesterly direction (Curve data: Central Angle = 15° 00' 03", Radius = 1,265.00 feet, Tangent = 166.535 feet, the Long Chord bears S 28° 44' 04" W—330.24 feet) to the PLACE OF BEGINNING, and containing 2.33 acres of land.

And Save and Except the following:

Metes and bounds description of all that certain 1.67 acre tract or parcel of land, lying and being situated in the John McDillon Survey, A—347, Conroe, Montgomery County, Texas, and being a part of a 57.98 acre tract conveyed to Wedgewood Falls, Ltd., and recorded as County Clerk Film Code No. 2004-05-5312 and File No. 5891035 of the Official Public Records of Real Property, Montgomery County, Texas; said tract being that same Restricted Reserve "E" (Commercial) as graphically depicted on the proposed plat of Wedgewood Falls, Phase 1, and being more particularly described as follows:

COMMENCING: at a 5/8" iron rod with cap stamped "Carter & Burgess, Inc." found for the southeasterly corner of the said 57.98 acre tract and being in the westerly right-of-way line of FM 3083 (Carter Moore Drive), being a 180 foot public street as depicted by right-of-way map prepared by Carter & Burgess, dated August, 1995, and being an exterior corner; said point being common with a 51.440 acre tract conveyed to 58 ACRE JOINT VENTURE and recorded as Film Code No. 635-01-0333 of the said Official Records;
THENCE: N 16° 36' 26" E—196.54 feet (N 15° 50' 40" E Record) along the said right-of-way line to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior corner and the southeast corner of this tract and being the PLACE OF BEGINNING;

Thence the following eight (8) calls across the said 57.98 acre tract:

N 70° 59' 21" W—208.06 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for the southwest corner of this tract and being an exterior corner;
N 16° 36' 26" E—37.60 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and interior corner;
N 06° 18' 15" E—49.79 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and an interior corner;
N 03° 13' 27" E—50.35 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and an exterior corner;

N 11° 43' 43" E—87.74 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and an exterior corner;

N 19° 54' 20" E—41.95 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an angle point and an exterior corner;

N 24° 29' 26" E—92.08 feet to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for the northwest corner and an exterior corner;

S 65° 30' 34" E—202.01 feet to plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for the northeast corner and an exterior corner in the westerly right-of-way line of FM 3083; said point being in a non-tangent curve to the left; for reference the radial bearing is S 68° 41' 57" E—1,265.00 feet;

THENCE: 103.60 feet along the said right-of-way line in a southwesterly direction along the arc of said curve (Curve data: Central Angle = 04° 41' 33", Radius = 1,265.00 feet, Tangent = 51.88 feet, the Long Chord bears S 18° 57' 33" W—103.57 feet) to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for the end of said curve and an interior corner; a 5/8" iron rod with cap stamped "Carter & Burgess, Inc." found for reference bears S 01° 25' 07" W—0.45 feet;

THENCE: S 09° 28' 55" W—201.56 feet (S 08° 43' 10" W Record) continuing along the said west right-of-way line of FM 3083 to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) set for an exterior corner and angle point; a 5/8" iron rod with cap stamped "Carter & Burgess, Inc." found for reference bears S 13° 01' 11" W—0.42 feet;

THENCE: S 16° 36' 28" W—33.61 feet (S 15° 50' 40" W Record) continuing along the said right-of-way line to PLACE OF BEGINNING and containing 1.67 acres of land.

Tract III (4.58 acres)

Metes and bounds description of all that certain 4.58 acre tract of parcel of land, lying and being situated in the John Mc Dillon Survey, A-347, Conroe, Montgomery County, Texas, and being a part of a called 51.440 acre tract conveyed to a 55 Acre Joint Venture and recorded in Montgomery County Clerk's File No. 9000377 of the said Official Records; said 4.58 acre tract being more particularly described as follows:

BEGINNING at a 1" square head bolt for the northwest corner of the said 51.440 acre tract, and common with the southwest corner of a called 57.98 acre tract conveyed to Wedgewood Falls, Ltd. and recorded in Montgomery County Clerk's File No. 2004-055312 of the said Official Records; said point also being common with southeast corner of the Lomax 4.8 acre tract and angle point of the said 57.98 acre tract; a 5/8" iron rod with cap stamped "Carter & Burgess, Inc." found for reference bears S 01° 25' 07" W—0.45 feet;

THENCE N 72° 08' 32" E—630.88 feet (N 74° 33' E Record) along the common line of the 51.440 acre tract and the said 57.98 acre tract, to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior corner, and the northeast corner of this tract;

THENCE S 19° 03' 16" W—626.46 feet across the said 51.440 acre tract to a plastic capped 1/2" iron rod (stamped Taggart, RPLS # 5676) found for an exterior corner, and the southeast corner of this tract;

THENCE N 73° 21' 43" W—308.18 feet (N 70° 54' W Record) to a plastic capped 1/2" iron rod (stamped Taggart, RPLS 5676) found for an exterior corner, and the southwest corner of the said 51.440 acre tract; said point being and the northeasterly line of a 1.716 acre lot referred to as Restricted Reserve "A" of Section 1 of the Crouch Subdivision and recorded in Montgomery County Clerk's File No. 9984545 of the said DRMC, said point is an exterior corner in the northwest corner of this tract;

THENCE N 17° 52' 57" W—326.35 feet (N 15° 28' W—326.15 feet Record) along the common line of Crouch Subdivision and the said 51.440 acre tract and continuing along the
northeast boundary line of a 2.0438 acre tract conveyed to E. Vernon Bowers, et ux and recorded as Montgomery County Clerk's File No. 9603445 of the said Official Records to the PLACE OF BEGINNING and containing 4.58 acres.

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

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

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

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

SECTION 4. (a) Section 8414.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8414, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8414.107 to read as follows:

Sec. 8414.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 17, 2013: Yeas 134, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 910

H.B. No. 1284

AN ACT
relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 51, Education Code, is amended by adding Section 51.219 to read as follows:

Sec. 51.219. NOTIFICATION OF PENALTY FOR FALSE ALARM OR REPORT. (a) In this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) Each institution of higher education and private or independent institution of higher education shall notify all incoming students, as soon as practicable, of the penalty for the offense under Section 42.06, Penal Code, of making a false alarm or report involving a public or private institution of higher education.