AN ACT
relating to filling certain vacancies on the governing body of certain home-rule municipalities.

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

SECTION 1. Section 26.045, Local Government Code, is amended to read as follows:

Sec. 26.045. FILLING VACANCY ON GOVERNING BODY OF MUNICIPALITY WITH POPULATION OF 1.5 MILLION OR MORE.

(a) Except as provided by Subsection (b), if a vacancy occurs on the governing body of a municipality with a population of 1.5 million or more and more than 270 days remain before the date of the next general election of members of the governing body, the governing body shall order a special election in the district in which the vacancy occurred, or in the entire municipality if the vacancy occurred in an at-large position, to fill the vacancy. The special election shall be held on an authorized uniform election date prescribed by the Election Code that occurs before the general election and that allows enough time to hold the election in the manner required by law and shall be conducted in the same manner as the municipality's general election except as provided by provisions of the Election Code applicable to special elections to fill vacancies.

(b) This section does not apply to a municipality that has provided by charter or charter amendment a different procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

SECTION 2. This Act takes effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Passed by the House on May 1, 2013: Yeas 141, Nays 4, 1 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective November 5, 2013, upon approval of constitutional amendment proposed in H.J.R. 87.

CHAPTER 1395
H.B. No. 1385

AN ACT
relating to the creation of the Montgomery County Municipal Utility District No. 139; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or 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 8449 to read as follows:
CHAPTER 8449. MONTGOMERY COUNTY MUNICIPAL
UTILITY DISTRICT NO. 139

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8449.001. 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. 139.

Sec. 8449.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8449.003. 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. 8449.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8449.003 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. 8449.005. 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 59, 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. 8449.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8449.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.
(b) Except as provided by Section 8449.052, directors serve staggered four-year terms.

Sec. 8449.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2013, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.
(b) Temporary directors serve until the earlier of:
(1) the date permanent directors are elected under Section 8449.003; or
(2) September 1, 2017.
(c) If permanent directors have not been elected under Section 8449.003 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 8449.003; 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. 8449.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8449.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. (a) The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

(b) Section 54.016(f), Water Code, does not apply to the district.

Sec. 8449.103. 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. 8449.104. 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.

(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.

Sec. 8449.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. 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.

Sec. 8449.106. STRATEGIC PARTNERSHIP; CONTINUATION OF DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may continue to exist as a limited district after full-purpose annexation by a municipality if the district and the annexing municipality state the terms of the limited district's existence in a strategic partnership agreement under Section 43.0751, Local Government Code.

(b) The strategic partnership agreement may provide for a term of any number of years and may be amended from time to time with the consent of the parties to the agreement. The limitation in Section 43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

Sec. 8449.107. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if:

1. the district has no outstanding bonded debt; and
2. the district is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.
(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8449.151 to authorize the district's bonds.

(f) An order dividing the district shall:
   (1) name each new district;
   (2) include the metes and bounds description of the territory of each new district;
   (3) appoint temporary directors for each new district; and
   (4) provide for the division of assets and liabilities between or among the new districts.

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8449.003.

(i) Any new district created by the division of the district 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.

(j) 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. 8449.151. 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 8449.153.

(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. 8449.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8449.151, 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. 8449.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8449.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes.
Sec. 8449.202. 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. 8449.203. 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 and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 139 initially includes all the territory contained in the following area:

TRACT ONE

DESCRIPTION OF A 750.7 ACRE TRACT OF LAND SITUATED IN THE JAMES HODGE SURVEY, ABSTRACT NO. 19, MONTGOMERY COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND CALLED 750.354 ACRES AS DESCRIBED IN DEED TO MADELEY INTERESTS LTD. III RECORDER UNDER MONTGOMERY COUNTY CLERK’S FILE (M.C.C.F.) No. 2002-015834 AND No. 2002-015835 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 750.7 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch capped iron rod stamped “EHRA 713-784-4500” set marking the southwesterly corner of the called 750.354 acre tract, being in the northerly line of the Block 1 of Red Oak Ranch Section One, as per plat recorded in Cabinet I, Sheet 200 of the Montgomery County Map Records (M.C.M.R.), from which a 3/4-inch iron rod found marking the southeast corner of Lake Creek Forest Section One, as per plat recorded in Cabinet C, Sheet 31A of the M.C.M.R., bears North 03'50' West, 0.29 feet;

(1) THENCE, North 03'50'49" West, along the east line of said Lake Creek Forest Section One for a distance of 1,484.44 feet to a 5/8-inch iron rod found for corner;

(2) THENCE, North 03'40'21" West, continuing along the east line of said Lake Creek Forest Section One for a distance of 1,469.00 feet to a point for corner from which a bent 5/8-inch iron rod was found South 01'30' East, 0.40 feet;

(3) THENCE, North 03'42'28" West, continuing along the east line of said Lake Creek Forest Section One for a distance of 1,320.61 feet to a point for corner from which a 1/2-inch capped iron rod stamped “Jeff Moon RPLS 4639” was found South 87° 14’ West, 0.15 feet;

(4) THENCE, North 03°53'51" West, continuing along the east line of said Lake Creek Forest Section One, passing at 1,801.32 feet a 5/8-inch capped iron rod stamped “EHRA 713-784-4500” set for reference and continuing for a total distance of 1901.32 feet to a point for corner set in the centerline of the bed of Lake Creek; THENCE, along the meanders of the centerline of Lake Creek the following seventy one (71) courses and distances:

(5) THENCE, North 61'32'51" East for a distance of 228.05 feet to a point for corner;

(6) THENCE, North 54'58'17" East for a distance of 92.46 feet to a point for corner;

(7) THENCE, North 51'58'09" East for a distance of 259.16 feet to a point for corner;

(8) THENCE, North 45'58'35" East for a distance of 159.83 feet to a point for corner;

(9) THENCE, North 22'01'45" East for a distance of 192.41 feet to a point for corner;

(10) THENCE, North 27°13'37" East for a distance of 76.84 feet to a point for corner;

(11) THENCE, North 24°56'45" East for a distance of 95.43 feet to a point for corner;

(12) THENCE, North 67°30'56" East for a distance of 184.27 feet to a point for corner;

(13) THENCE, North 76°56'09" East for a distance of 133.56 feet to a point for corner;

(14) THENCE, North 61°26'41" East for a distance of 177.31 feet to a point for corner;

(15) THENCE, North 50°22'55" East for a distance of 560.07 feet to a point for corner;

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THENCE, North 37°46'34" East for a distance of 133.00 feet to a point for corner;
(17) THENCE, North 17°21'11" East for a distance of 139.15 feet to a point for corner;
(18) THENCE, North 00°11'57" East for a distance of 274.14 feet to a point for corner;
(19) THENCE, North 18°11'55" East for a distance of 116.51 feet to a point for corner;
(20) THENCE, North 39°54'45" East for a distance of 121.72 feet to a point for corner;
(21) THENCE, North 45°18'12" East for a distance of 291.99 feet to a point for corner;
(22) THENCE, North 37°14'21" East for a distance of 92.22 feet to a point for corner;
(23) THENCE, North 52°07'40" East for a distance of 103.35 feet to a point for corner;
(24) THENCE, North 55°52'04" East for a distance of 193.01 feet to a point for corner;
(25) THENCE, North 72°11'32" East for a distance of 110.77 feet to a point for corner;
(26) THENCE, South 88°08'03" East for a distance of 92.11 feet to a point for corner;
(27) THENCE, South 65°53'45" East for a distance of 84.92 feet to a point for corner;
(28) THENCE, South 07°21'05" East for a distance of 107.07 feet to a point for corner;
(29) THENCE, South 21°25'57" West for a distance of 121.20 feet to a point for corner;
(30) THENCE, South 33°41'30" West for a distance of 76.93 feet to a point for corner;
(31) THENCE, South 42°09'05" West for a distance of 131.48 feet to a point for corner;
(32) THENCE, South 45°03'47" West for a distance of 122.62 feet to a point for corner;
(33) THENCE, South 00°26'36" East for a distance of 102.07 feet to a point for corner;
(34) THENCE, South 42°26'12" East for a distance of 73.01 feet to a point for corner;
(35) THENCE, North 76°58'30" East for a distance of 70.93 feet to a point for corner;
(36) THENCE, North 61°57'33" East for a distance of 110.10 feet to a point for corner;
(37) THENCE, North 86°49'59" East for a distance of 57.05 feet to a point for corner;
(38) THENCE, North 68°06'00" East for a distance of 111.11 feet to a point for corner;
(39) THENCE, North 82°41'26" East for a distance of 271.58 feet to a point for corner;
(40) THENCE, South 88°01'13" East for a distance of 114.27 feet to a point for corner;
(41) THENCE, South 89°46'09" East for a distance of 178.21 feet to a point for corner;
(42) THENCE, North 80°49'21" East for a distance of 72.70 feet to a point for corner;
(43) THENCE, North 55°06'35" East for a distance of 162.69 feet to a point for corner;
(44) THENCE, North 19°32'42" East for a distance of 160.09 feet to a point for corner;
(45) THENCE, North 08°47'46" East for a distance of 217.65 feet to a point for corner;
(46) THENCE, North 15°27'20" East for a distance of 137.74 feet to a point for corner;
(47) THENCE, North 20°41'07" West for a distance of 117.15 feet to a point for corner;
(48) THENCE, North 75°30'38" West for a distance of 63.48 feet to a point for corner;
(49) THENCE, South 77°51'34" West for a distance of 111.84 feet to a point for corner;
(50) THENCE, South 67°14'55" West for a distance of 126.55 feet to a point for corner;
(51) THENCE, North 84°16'36" West for a distance of 92.33 feet to a point for corner;
(52) THENCE, North 54°36'56" West for a distance of 76.80 feet to a point for corner;
(53) THENCE, North 03°40'47" East for a distance of 69.88 feet to a point for corner;
(54) THENCE, North 33°55'50" East for a distance of 73.92 feet to a point for corner;
(55) THENCE, North 24°18'25" East for a distance of 83.75 feet to a point for corner;
(56) THENCE, North 34°13'45" East for a distance of 249.15 feet to a point for corner;
(57) THENCE, North 15°29'51" East for a distance of 138.40 feet to a point for corner;
(58) THENCE, North 11°47'44" West for a distance of 56.19 feet to a point for corner;
(59) THENCE, North 29°33'33" West for a distance of 146.29 feet to a point for corner;
(60) THENCE, North 03°43'48" East for a distance of 94.06 feet to a point for corner;
(61) THENCE, North 29°17'22" East for a distance of 162.96 feet to a point for corner;
(62) THENCE, North 63°15'42" East for a distance of 177.88 feet to a point for corner;
(63) THENCE, North 69°38'07" East for a distance of 195.39 feet to a point for corner;
(64) THENCE, North 61°42'03" East for a distance of 101.33 feet to a point for corner;
(65) THENCE, North 36°58'24" East for a distance of 91.65 feet to a point for corner;
(66) THENCE, North 11°57'27" East for a distance of 58.01 feet to a point for corner;
(67) THENCE, North 24°42'46" West for a distance of 51.98 feet to a point for corner;
(68) THENCE, North 56°16'37" West for a distance of 44.55 feet to a point for corner;
(69) THENCE, North 26°28'19" West for a distance of 40.47 feet to a point for corner;
(70) THENCE, North 12°06'49" East for a distance of 64.65 feet to a point for corner;
(71) THENCE, North 12°35'21" East for a distance of 126.74 feet to a point for corner;
(72) THENCE, North 51°10'24" East for a distance of 62.70 feet to a point for corner;
(73) THENCE, North 66°13'52" East for a distance of 130.17 feet to a point for corner;
(74) THENCE, North 87°14'06" East for a distance of 36.35 feet to a point for corner;
(75) THENCE, South 77°13'16" East for a distance of 50.39 feet to a point for corner in the
easterly line of the called 750.354 acre tract and the westerly line of a called 72.188 acre tract
of land described in M.C.C.F. No. 2002-016839 and a called 51.770 acre tract of land
described in M.C.C.F. No. 20100224246;
(76) THENCE, South 08°44'24" East, along the east line of the called 750.354 acre tract
and the westerly line of the called 31.770 acre tract, passing at 100.0 feet a 5/8-inch iron rod
set for reference, passing at 1,794.90 feet a 5/8-inch iron rod found 1.7 feet west of line, passing
at 3,896.04 feet a 1/2-inch capped iron rod stamped "C&C" found 0.6 feet east of line marking
the westerly common corner of a called 30.825 acre tract of land described in M.C.C.F. No.
20100224246 and a called 5.716 acre tract of land described in M.C.C.F. No. 2007-064306,
passing at 4,294.96 feet a 1/2-inch iron rod found 1.4 feet east of line marking the
northwesterly common corner of a called 3.106 acre tract of land described in M.C.C.F. No.
2007-004078, passing at 5,134.99 feet a 1/2-inch iron rod found 0.9 feet west of line marking
the westerly common corner of a called 7.5498 acre tract of land described in M.C.C.F. No.
2005-047884 and a called 10.188 acre tract of land described in M.C.C.F. No. 2005-047802,
passing at 6,193.39 feet a 1/2-inch iron rod found 1.0 feet east of line marking the westerly
common corner of a called 4.467 acre tract of land described in M.C.C.F. No. 2007-015113 and
a called 5.585 acre tract of land described in M.C.C.F. No. 9131267, passing at 6,543.21 feet
a 1/2-inch capped iron rod stamped "Laughlin" found marking the westerly common corner of
a called 5.585 acre tract of land described in M.C.C.F. No. 9131267 and a called 5.942 acre tract
of land described in M.C.C.F. No. 2001-049736 from which a 1/2-inch iron rod was found east,
2.8 feet, and continuing for a total distance of 7,630.37 feet to a 1/2-inch iron rod found
marking the westerly common corner of a called 7.232 acre tract of land described in
M.C.C.F. No. 2001-049736 and a called 5.00 acre tract of land described in M.C.C.F. No.
8643874;
(77) THENCE, South 03°51'13" East, along the westerly line of said 5.00 acre tract of land
for a distance of 625.02 feet to a point for corner in the northwesterly right-of-way line of Old
Conroe—Magnolia Road (based on a width of 60—feet as occupied) from which a 1/2-inch
capped iron rod stamped "Jeff Moon RPLS 4639" was found North 47° 22' East, 0.25 feet;
(78) THENCE, South 44°51'15" West, along the northwesterly right-of-way line of Old
Conroe—Magnolia Road for a distance of 1,973.37 feet to a 1/2-inch capped iron rod stamped
"Jeff Moon RPLS 4639" found for corner;
(79) THENCE, South 45°14'26" West, continuing along the northwesterly right-of-way line
of Old Conroe—Magnolia Road for a distance of 1,055.36 feet to a point for corner in the
northerly line of a called 5.66 acres described in M.C.C.F. No. 2006-100222 from which a
5/8-inch iron rod was found South 86° 07' East, 0.28 feet;
(80) THENCE, South 86°49'19" West, along the northerly line of said 5.66 acre tract, passing
at a distance of 1,076.10 feet a 5/8-inch iron rod found marking the northerly common of a
called 5.01 acre tract of land described in M.C.C.F. No. 8843287 and the northeasterly corner
of the aforementioned Block 1 of Red Oak Ranch Section One, and continuing along the northerly line of said Block 1 of Red Oak Ranch Section One for a total distance of 2,168.57 feet to the POINT OF BEGINNING and containing 750.7 acres of land.

TRACT TWO

DESCRIPTION OF A 42.02 ACRE TRACT OF LAND SITUATED IN THE JAMES HODGE SURVEY, ABSTRACT NO. 19, MONTGOMERY COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT OF LAND CALLED 48.939 ACRES AS DESCRIBED IN DEED TO MADELEY INTERESTS LTD. III RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE (M.C.C.F.) No. 2002-015834 AND No. 2002-015835 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY; SAID 42.02 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking the southwesterly corner of a called 7.9838 acre tract described in M.C.C.F. No. 2008-034303 and being in the northerly line of the Block 2 of Red Oak Ranch Section One, as per plat recorded in Cabinet I, Sheet 200 of the Montgomery County Map Records (M.C.M.R.);

(1) THENCE, South 86°02'11" West, along the northerly line of said Block 2 of Red Oak Ranch Section One for a distance of 599.11 feet to a fence post found for corner;

(2) THENCE, South 85°00'17" West, continuing along the northerly line of said Red Oak Ranch Section One, passing at 440.25 feet a 5/8-inch iron rod found marking the northwesterly corner of said Block 2 and the northeasterly corner of a called 8.04 acre tract described in M.C.C.F. No. 9844236, and continuing along the northerly line of said 8.04 acre tract for a total distance of 582.25 feet to a fence post found for corner;

(3) THENCE, South 89°19'14" West, along the northerly line of said 8.04 acre tract for a distance of 46.24 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set for corner in the southwesterly line of a 50-foot wide easement granted to Sinclair Pipe Line Company in Volume 431-Page 424, Volume 431-Page 428, Volume 431-Page 434, Volume 434-Page 458 and Volume 434-Page 462 of the Montgomery County Deed Records;

(4) THENCE, North 25°50'15" West, along the southwesterly line of said Sinclair easement for a distance of 407.11 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking an angle point;

(5) THENCE, North 27°51'15" West, continuing along the southeasterly line of said Sinclair easement, a distance of 281.17 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set for corner in the southeastwesterly right-of-way line of Old Conroe–Magnolia Road (based on a width of 60-feet as occupied);

(6) THENCE, North 45°14’26” East, along the southeastwesterly right-of-way line of Old Conroe–Magnolia Road for a distance of 62.40 feet to a 1/2-inch capped iron rod stamped "Jeff Moon RPLS 4639" found for corner;

(7) THENCE, North 44°51’15” East, continuing along the southeastwesterly right-of-way line of Old Conroe–Magnolia Road for a distance of 1,920.88 feet to a point for corner in the westerly line of a called 60-foot wide roadway easement described in Volume 676, Page 842 of the Montgomery County Deed Records from which a 1/2-inch iron rod was found North 43° 09’ East, 0.45 feet;

THENCE, South 03°51’13” East, along the westerly line of said 60-foot wide roadway easement, a distance of 1,934.27 feet to the POINT OF BEGINNING and containing 42.02 acres of land.

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) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8449, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8449.108 to read as follows:

Sec. 8449.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) 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 April 25, 2013: Yeas 136, Nays 0, 2 present, not voting; passed by the Senate on May 17, 2013: Yeas 31, Nays 0.

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

CHAPTER 1396
H.B. No. 1554
AN ACT
relating to the authority of municipalities to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.

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

SECTION 1. Section 54.012, Local Government Code, is amended to read as follows:

Sec. 54.012. CIVIL ACTION. A municipality may bring a civil action for the enforcement of an ordinance:

(1) for the preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) relating to the preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;

(4) establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;

(5) implementing civil penalties under this subchapter for conduct classified by statute as a Class C misdemeanor;

(6) relating to dangerously damaged or deteriorated structures or improvements;

(7) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;