CHAPTER 524

S.B. No. 482

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 136; granting a limited power of eminent domain; providing authority to issue bonds and impose a tax.

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 8433 to read as follows:

CHAPTER 8433. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 136

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8433.001. 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. 136.

Sec. 8433.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8433.003. 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. 8433.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8433.003 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. 8433.005. 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, or improvement of macadamized, graveled, or paved roads described by Section 54.231, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8433.006. 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. 8433.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.
(b) Except as provided by Section 8433.052, directors serve staggered four-year terms.

Sec. 8433.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act
enacting this chapter, 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 8433.003; 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 8433.003 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 8433.003; 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. 8433.101. GENERAL POWERS AND DUTIES. The district has the powers and
duties necessary to accomplish the purposes for which the district is created.

Sec. 8433.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The dis-
trict 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.

Sec. 8433.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article
III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for,
improve, and convey to this state, a county, or a municipality for operation and mainte-
nance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or
improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a
petition to or obtaining approval from the Texas Transportation Commission.

Sec. 8433.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a
road project authorized by Section 8433.103 unless:

(1) each municipality or county that will operate and maintain the road has approved
the plans and specifications of the road project, if a municipality or county will operate
and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of
the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval
from the Texas Transportation Commission to design, acquire, construct, finance, issue
bonds for, improve, or convey a road project.

Sec. 8433.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RES-
OLUTION. 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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8433.151. 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 8433.153.

(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. 8433.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8433.151, 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. 8433.153. 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. 8433.201. 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, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8433.202. 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. 8433.203. 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. 136 initially includes all the territory contained in the following area:

Being a 302.00 acre (13,155,064 square feet) parcel situated in the John M. Smith Survey, Abstract 533 and the John Foster Survey, Abstract 205, Montgomery County, Texas, being all of a called 292.0 acre tract conveyed to Lakes At Mill Creek, L.P. by General Warranty Deed recorded under Clerk’s File No. 2006-092982 of the Official Public Records of Real Property, Montgomery County, Texas, all of a called 10.0088 acre tract conveyed to Lakes at Mill Creek, L.P. by Deed recorded under Clerk’s File No. 2009-010587 of the Official Public Records of Real Property, Montgomery County, Texas, containing Unrestricted Reserve “A”, Unrestricted Reserve “B” and Unrestricted Reserve “C” of Silverado Ranches according to the map or plat recorded under Cabinet G, Sheet 135 of the Map Records of Montgomery County, Texas, said 302.00 acre parcel more particularly described by metes and bounds as follows with all bearings referenced to the Texas State Plane Coordinate System, Central Zone;

BEGINNING, at a concrete monument found for the most easterly corner of a called 2,420.0166 acre tract conveyed to Terra Investments, L.P. by Special Warranty Deed recorded under Clerk’s File No. 2004-023496 of the Official Public Records of Real Property, Montgomery County, Texas, for an interior corner of said 292.0 acre tract, and the herein described parcel, from which a 1-inch iron pipe found bears South 66°05’10” East, 23.42 feet;
THENCE, North 47°33'32" West, 2965.11 feet along the northeasterly line of said 2,420.0166 acre tract, and a southerly line of said 292.0 acre tract to a 5/8-inch iron rod found in the southeasterly line of a called 44.3605 acre tract conveyed to L. Frankie Hughes by Warranty Deed recorded under Clerk's File No. 9342675 of the Official Public Records of Real Property, Montgomery County, Texas, for the northerly most corner of said 2,420.0166 acre tract, a southwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 48°16'19" East, 115.62 feet along a southeasterly line of said 44.3605 acre tract, and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod found with cap for the most easterly corner of said 44.3605 acre tract, and a southwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 49°09'16" West, 111.59 feet along the northeasterly line of said 44.3605 tract, and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod found for the most southerly corner of Lot 18 of Silverado Ranches according to the map or plat thereof recorded under Cabinet G, Sheet 135 of the Map Records of Montgomery County, Texas, for angle point in the west line of said 292.0 acre tract, and the herein described parcel;

THENCE, North 06°38'19" East, 299.51 feet along the east line of said Lot 18, and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod found for the most southerly corner of Lot 16 of said Silverado Ranches, for an angle point in the westerly line of said 292.0 acre tract;

THENCE, North 16°56'26" East, 298.99 feet along the east line of said Lot 16, and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod found for the most southerly corner of Lot 15 of said Silverado Ranches, for an angle point in the southwesterly corner of said 292.0 acre tract;

THENCE, North 27°25'49" East, 406.81 feet along the south line of said Lot 16, and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod found for an angle point in the southwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 03°40'26" West, 9.91 feet along the east line of said Lot 16, and a westerly line of said 292.0 acre tract, to a 1/2-inch iron rod found for the southeast corner of said Unrestricted Reserve "A", for the northeast corner of said Lot 16, and an angle point in the westerly line of said 292.0 acre tract, and the herein described parcel;

THENCE, South 87°48'31" West, 1032.81 feet along the north line of said Lot 16, the north line of Lot 17 of said Silverado Ranches, the south line of said Unrestricted Reserve "A", the southerly line of said 292.0 acre tract to a 1/2-inch iron rod found in the east right-of-way line of Collier Smith Road (called 60 feet wide), for the northwest corner of said Lot 17, the southwest corner of said Unrestricted Reserve "A", for a southwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 02°03'22" West, 70.00 feet along the east right-of-way line of said Collier Smith Road, and the west line of said Unrestricted Reserve "A", and said 292.0 acre tract to a 1/2-inch iron rod found for the southwest corner of Lot 14 of said Silverado Ranches, for the northwest corner of said Unrestricted Reserve "A", for a southwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 03°40'26" West, along the east line of said Silverado Ranches, the west line of said 292.0 acres, and the west line of said Unrestricted Reserve "B", passing at a distance of 259.52 feet a 1/2-inch iron rod for the southeast corner of Lot 12 of said Silverado Ranches and the northeast corner of Lot 15 of said Silverado Ranches, passing at a distance of 469.34 feet a 1/2-inch iron rod found with cap for the southeast corner of Lot 11 of said Silverado Ranches and the northeast corner of said Lot 12, passing at a distance of 1188.598 feet a 1/2-inch iron rod found for the southeast corner of Lot 6 of said Silverado Ranches, passing at a distance of 1425.87 feet a 1/2-inch iron rod found for the southeast corner of Lot 7 of said Silverado Ranches, passing at a distance of 1424.35 feet a 1/2-inch iron rod found for the southeast corner of Lot 4 of said Silverado Ranches and the northeast...
corner of Lot 6 of said Silverado Ranches, continuing for a total distance of 1885.03 feet to a 5/8-inch iron rod found in the south right-of-way line of Dobbin Huffsmith Road (called 100 feet wide) for the northeast corner of said Lot 4, the northwest corner of said Unrestricted Reserve “B”, for a northerly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, South 88°35'26" East, 80.29 feet along the south right-of-way line of Dobbin Huffsmith Road, the north line of said Unrestricted Reserve “B”, and a northerly line of said 292.0 acre tract to a 5/8-inch iron rod found for the northwest corner of the residue of a called 7.6697 acre tract conveyed to Hollis Marlow by Warranty Deed with Vendor's Lien recorded under Clerk's File No. 8133571 of the Official Public Records of Real Property, Montgomery County, Texas, for the northeast corner of said Unrestricted Reserve “C”, for a northwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, South 02°39'04" East, 321.12 feet along the west line of said 7.6697 acre tract, the easterly line of said Unrestricted Reserve “C” to a 5/8-inch iron rod set with cap (stamped “4833 Town & Country”) for the southwest corner of said 7.6697 acres, for an interior corner of said Unrestricted Reserve “C”, for a northwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, North 87°42'38" East, 688.90 feet along the south line of said 7.6697 acre tract, the north line of said Unrestricted Reserve “C”, and a northerly line of said 292.0 acre tract to a 5/8-inch iron rod found for a northwesterly corner of a called 7.82 acre tract conveyed to Outback Ventures, LLC by Deed recorded under Clerk's File No. 2006-086282 of the Official Public Records of Real Property, Montgomery County, Texas, for the northeast corner of said Unrestricted Reserve “C”, for a northwesterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, South 02°29'36" East, 203.28 feet along the west line of said 7.82 acre tract, along the east line of said Unrestricted Reserve “C”, and an easterly line of said 292.0 acre tract, to a 5/8-inch iron rod found with cap for the southwest corner of said 7.82 acres, for the northwest corner of said 10.0088 acre tract, for a northwesterly corner of the herein described parcel;

THENCE, North 87°51'00" East, 786.99 feet along the south line of said 7.82 acre tract, north line of said 10.0088 acre tract to a 5/8-inch iron rod found with cap for an angle point in the south line of said 7.82 acre tract, the north line of said 10.0088 acre tract, and an angle point in the north line of the herein described parcel;

THENCE, South 61°50'46" East, 91.47 feet along the south line of said 7.82 acre tract, the north line of said 10.0088 acre tract to a 5/8-inch iron rod for an angle point in the south line of said 7.82 acre tract, and the northerly line of said 10.0088 acre tract, and the herein described parcel;

THENCE, South 07°50'00" East, 211.37 feet along a westerly line of 7.82 acre tract, and an easterly line of said 10.0088 acre tract, to a 5/8-inch iron rod found for a southeasterly corner of said 7.82 acre tract, and an angle point in the northerly line of said 10.0088 acre tract, and the herein described parcel;

THENCE, North 85°27'26" East, 172.05 feet along the southerly line of said 7.82 acre tract, and a northerly line of said 10.0088 acre tract to a 5/8-inch iron rod set with cap (stamped “4833 Town & Country”) in the west line of a called 10.00 acre tract conveyed to R.M. Prince Inc. by Deed recorded under Clerk's File No. 8709356 of the Official Public Records of Real Property, Montgomery County, Texas, for the southeast corner of said 7.82 acre tract, for a northeasterly corner of said 10.0088 acre tract, for an angle point in northerly line of the herein described parcel;

THENCE, South 03°08'05" East, 379.05 feet along the westerly line of said 10.00 acre tract, the west line of the residue of a called 3.00 acre tract conveyed to R.M. Prince Inc. by Deed recorded under Clerk's File No. 9509057 of the Official Public Records of Real Property, Montgomery County, Texas, and the east line of said 10.0088 acre tract to a 1/2-inch iron rod found in the northerly line of said 292.0 acre tract, for the southwest corner of said 3.00 acre tract, for the southeast corner of said 10.0088 acre tract, for an angle point in the northerly line of said 292.0 acre tract, and the herein described parcel;

THENCE, North 87°42'04" East, along the south line of said 3.00 acre tract, and a northerly line of said 292.0 acre tract, passing at a distance of 53.72 feet a 5/8-inch iron rod,
continuing for a total distance of 342.79 feet to a 1/2-inch iron rod found for the northwest corner of a called 3.00 acre tract conveyed to R.M. Prince Inc. by Deed recorded under Clerk's File No. 9651886 of the Official Public Records of Real Property, Montgomery County, Texas, for the southwest corner of a called 3.00 acre tract conveyed to R.M. Prince Inc. by Deed recorded under Clerk's File No. 9322880 of the Official Public Records of Real Property, Montgomery County, Texas, for the southeast corner of said 3.00 acres (C.F. No. 9509057), for an angle point in the northerly line of said 292.0 acre tract, and the herein described parcel;

THENCE, South 02°08'47" East, 343.83 feet along the west line of said 3.00 acre tract (C.F. No. 9651886), an easterly line of said 292.0 acre tract to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country) for the southwest corner of said 3.00 acre tract (C.F. No. 9651886), for an angle point in the northerly line of said 292.0 acre tract, and the herein described parcel;

THENCE, North 87°51'09" East, 268.60 feet along the south line of said 3.00 acre tract (C.F. No. 9651886), and the northerly line of said 292.0 acre tract to a 5/8-inch iron rod set with cap (stamped "4833 Town & Country) for the southeast corner of said 3.00 acre tract (C.F. No. 9651886), for an angle point in the northerly line of said 292.0 acre tract, and the herein described parcel;

THENCE, North 20°10'18" East, 1062.91 feet along the east line of said 3.00 acre tract (C.F. No. 9651886), and a westerly line of said 292.0 acre tract to a 1/2-inch iron rod in the south right-of-way line of said Dobbin Huffsmith Road, for the most northeasterly corner of said 3.00 acre tract conveyed to R.M. Prince Inc.

THENCE, South 17°27'17" West, along the westerly line of said Decker Hills Section 3, along the easterly line of said 292.0 acre tract, passing at a distance of 887.47 feet a 1/2-inch iron rod found for the southwest corner of Lot 2 of Block 10C of said Decker Hills Section 3, for the northeast corner of Lot 26, Block 4C of said Decker Hills Section 3, passing at a distance of 1274.93 feet the southwest corner of Lot 2, Block 4C of said Decker Hills Section 3, for the northwest corner of Lot 25, Block 5C of said Decker Hills Section 3, passing at a distance of 1919.97 feet a 1/2-inch iron rod found for the southwest corner of Lot 27, Block 6C, and the northwest corner of Lot 1, Block 6C of said Decker Hills Section 3, passing at a distance of 2365.65 feet a 1/2-inch iron rod for the southwest corner of Lot 26, Block 7C of said Decker Hills Section 3, for the northwest corner of Lot 1, Block 7C of said Decker Hills Section 3, passing at a distance of 2885.37 feet a 1/2-inch iron rod found for the southwest corner of Lot 1, Block 8C of said Decker Hills Section 3, for the northwest corner of Lot 2, Block 8C of said Decker Hills Section 3, passing at a distance of 3015.05 feet a 1-1/2 inch iron pipe for the southwest corner of said Lot 2, for the northwest corner of Lot 28, Block 8C of said Decker Hills Section 3, passing at a distance of 3167.88 feet a 1/2-inch iron rod found for the southwest corner of said Lot 28, for the northwest corner of Lot 2, Block 9C of said Decker Hills Section 3, passing at a distance of 3925.90 feet a 1/2-inch iron rod found for the southwest corner of said Lot 1, and the northwest corner of Lot 2 of said Block 9C, continuing for a total distance of 3746.83 feet to a fence corner found in the west line of Lot 2, Block 10C of said Decker Hills Section 3, for a southeasterly corner of said 292.0 acre tract, and the herein described parcel, beginning a curve to the left;

THENCE, along the westerly line of said Lot 2, the westerly line of Lot 3 of said Block 10C, and an easterly line of said 292.0 acre tract, along the arc of said curve to the left with a radius of 180.00 feet, an arc length of 173.99 feet, through a delta of 55°22'24", and a chord bearing South 10°12.26' East, 167.29 feet to a power pole found for a northwesterly corner of said Lot 3, for a southeasterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, South 37°53'53" East, 190.29 feet along the southwesterly line of said Block 10C, and an easterly line of said 292.0 acre tract to a fence corner found for the most southerly
corner of Lot 4 of said Block C, for the most westerly corner of Lot 5 of said Block 10C, for a
southeasterly corner of said 292.0 acre tract, and the herein described parcel, beginning a
curve to the right;

THENCE, continuing along the west line of said Block 10C, and an easterly line of said
292.0 acre tract, along the arc of said curve to the right with a radius of 175.00 feet, an arc
length of 168.47 feet, through a delta of 55°09’34”, and a chord bearing South 10°19’06” East,
162.04 feet to a 5/8-inch iron rod found in the south right-of-way line of Wichita Falls Street
(called 60 feet wide), for the most northerly corner of a Sewer Plant Site in said Decker Hills
Section 3, for a southeasterly corner of said 292.0 acre tract, and the herein described parcel;

THENCE, South 17°15’41” West, along a westerly line of said Sewer Plant Site and a tract
Reserved for Ranchette Tracts, and an easterly line of said 292.0 acre tract, passing at a
distance of 292.76 feet a 5/8-inch iron rod found, continuing for a total distance of 1811.09 feet
to a point in the center of Mill Creek, in the northerly line of Deer Creek Ranchettes
according to the map or plat thereof recorded under Cabinet D, Sheet 112 of the Map
Records of Montgomery County, Texas, for a southeasterly corner of said tract Reserved for
Ranchette Tracts, for a southeasterly corner of said 292.0 acre tract, and the herein described
parcel;

THENCE, along the northerly line of said Decker Woods Ranchettes, along a southwesterly
line of said 292.0 acre tract, along the centerline of said Mill Creek the following courses
and distances:

North 28°40’20” West, 15.81 feet;
North 72°05’01” West, 25.18 feet
South 34°21’33” West, 39.78 feet;
South 79°04’29” West, 126.76 feet;
North 71°24’37” West, 48.48 feet;
North 42°52’37” West, 69.21 feet;
North 03°18’28” West, 265.84 feet;
North 33°32’33” East, 157.09 feet;
North 21°37’23” East, 196.46 feet;
North 14°41’01” West, 179.25 feet;
North 28°11’12” West, 104.46 feet;
North 02°27’44” West, 121.90 feet;
North 82°54’33” West, 54.32 feet;
North 33°55’19” West, 130.65 feet;
North 53°40’15” West, 122.72 feet;
South 47°14’33” West, 80.96 feet;
South 87°29’16” West, 45.61 feet;
North 55°46’50” West, 120.20 feet to a point in the center of said Mill Creek, in the
southeasterly line of said 2,420.0166 acre tract, for the most northerly corner of Lot 21 of said
Decker Woods Ranchettes, for a southeasterly corner of said 292.0 acre tract and the herein
described parcel;

THENCE, North 41°38’57” East, 563.33 feet along the southeasterly line of said 2,420.0166
acre tract, and a westerly line of said 292.0 acre tract to the POINT OF BEGINNING,
CONTAINING 302.0 acres (13,155,064 square feet) of land in Montgomery County, Texas.

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.
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(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 8433, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8433.106 to read as follows:

Sec. 8433.106. 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 Subsection (c), Section 17, 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 the Senate on May 7, 2013: Yeas 30, Nays 0; passed the House on May 22, 2013: Yeas 147, Nays 1, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 525

S.B. No. 485

AN ACT

relating to the sales tax exemption period for clothing and footwear.

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

SECTION 1. Subsection (a), Section 151.326, Tax Code, is amended to read as follows:

(a) The sale of an article of clothing or footwear designed to be worn on or about the human body is exempted from the taxes imposed by this chapter if:

(1) the sales price of the article is less than $100; and

(2) the sale takes place during a period beginning at 12:01 a.m. on the Friday before the 15th [eighth] day preceding the uniform date prescribed by Section 25.0811(a), Education Code, without regard to any exception authorized by that section, before which a school district may not begin instruction for the school year [as prescribed by Section 25.0811(a), Education Code], and ending at 12 midnight on the following Sunday.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. 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 the Senate on April 15, 2013: Yeas 30, Nays 0; passed the House on May 22, 2013: Yeas 146, Nays 0, one present not voting.

Approved June 14, 2013.

Effective June 14, 2013.