

Chapter 11

H.B. No. 1440

1 AN ACT

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

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

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

9 CHAPTER 7974. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 154

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7974.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

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

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

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

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

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

9 (b) The district is created to accomplish the purposes of:

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

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

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

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

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

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

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

17 (1) has no outstanding bonded debt; and

18 (2) is not imposing ad valorem taxes.

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

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

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

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

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

6 (f) An order dividing the district must:

7 (1) name each new district;

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

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

11 and

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

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

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

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

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

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

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

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

10 (1) revenue other than ad valorem taxes; or

11 (2) contract payments described by Section 7974.153.

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

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

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

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

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

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

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

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

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

1 following area:

2 TRACT 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Texas, as shown on drawing number 9629-A.

2 TRACT 2

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

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

17 THENCE, South 42°47'48" West, along the northwest line of said
18 Greentree Forest Estates and a southeast line of said 881.183
19 acres, passing a found 5/8-inch iron rod at 256.52 feet, a found
20 1/2-inch iron rod at 374.49 feet, 0.17 feet left, a found 5/8-inch
21 iron rod at 847.40 feet, a found 5/8-inch iron rod at 965.59 feet,
22 0.38 feet right, a found 1/2-inch iron rod at 1202.01 feet, a found
23 1/2-inch iron rod at 1442.52 feet, 1.05 feet right, a found 5/8-inch
24 iron rod at 1686.50 feet and a found 1/2-inch iron rod at 1921.45
25 feet, continuing for a total distance of 2155.95 feet (called
26 2155.95 feet) to a set 3/4-inch iron rod (with cap stamped
27 "Jones|Carter Property Corner") in the northeast line of called

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

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

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

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

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

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

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

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

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

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

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

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

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

1 42°15'57" East, 1881.50 feet;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

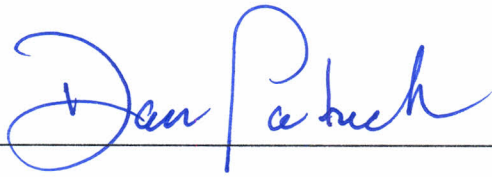
1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

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

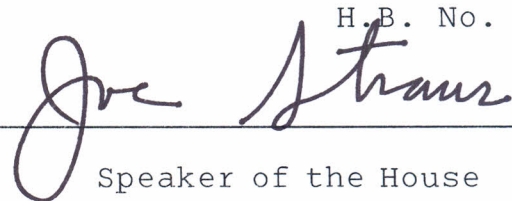
7 Sec. 7974.107. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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

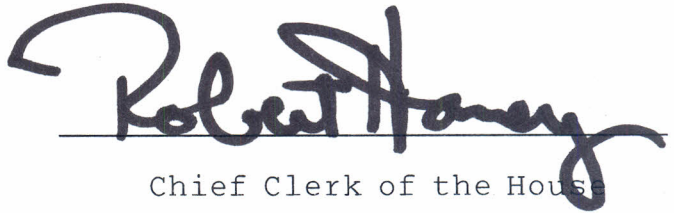


President of the Senate

H.B. No. 1440


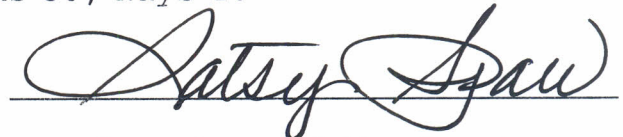
Speaker of the House

I certify that H.B. No. 1440 was passed by the House on April 20, 2017, by the following vote: Yeas 137, Nays 7, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 1440 was passed by the Senate on May 4, 2017, by the following vote: Yeas 30, Nays 1.



Secretary of the Senate

APPROVED: _____

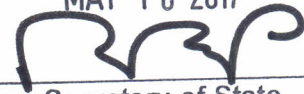
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4 PM O'CLOCK

MAY 18 2017



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 2, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1440 by Bell (Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would create the Montgomery County Municipal Utility District No 154. The bill would establish the board, the rules governing the election of the board, the duties, powers, bond authority, tax authority, and boundaries of the district. The district would not have eminent domain power.

The bill would take effect immediately if it receives two-thirds vote in both chambers; otherwise, it would take effect September 1, 2017.

Local Government Impact

According to Montgomery County no fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SD, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 14, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1440 by Bell (Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would create the Montgomery County Municipal Utility District No 154. The bill would establish the board, the rules governing the election of the board, the duties, powers, bond authority, tax authority, and boundaries of the district. The district would not have eminent domain power.

The bill would take effect immediately if it receives two-thirds vote in both chambers; otherwise, it would take effect September 1, 2017.

Local Government Impact

According to Montgomery County no fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

March 14, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1440 by Bell (Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

This bill creates Montgomery County Municipal Utility District No. 154 (the "District") with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population -The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 1440, staff is unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Montgomery County served by small systems or private wells ('County-Other') is 185,829. The Montgomery County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 293,282 in 2020, 427,682 in 2030 and 585,027 in 2040.

Location - The Proposed districts initial boundaries are described with a combination of Original Texas Land Surveys, Montgomery County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 1.75 square miles in southwestern Montgomery County. The proposed district is located north of the City of Stagecoach, and east of the City of Magnolia near FM 1774. The proposed district may overlap portions of an existing Certificate of Convenience and Necessity (CCN) boundary held by H-M-W SUD.

Comments on Powers/Duties Different from Similar Types of Districts - The bill requires the TCEQ to appoint the initial directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District authority for road projects; the bill allows the District to divide; the bill specifies that 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 real

property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services - TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision - As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use - HB 1440 specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Montgomery County, ninety-five percent of the total water use was groundwater (Gulf Coast Aquifer) in 2014. Ninety-four percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: UP, SZ

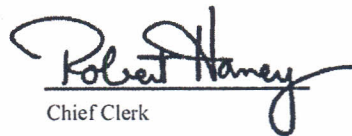
LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1440
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/15/2017
Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

February 22, 2017
Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2017

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 1440, as Filed by Representative Cecil Bell - Relating to the creation of the Montgomery County Municipal Utility District No. 154; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Cecil Bell, Texas House of Representatives

Enclosure

HB 1440, as Filed by Representative Cecil Bell
Texas Commission on Environmental Quality's Comments

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Montgomery County Municipal Utility District No. 154 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts: The bill requires the TCEQ to appoint the initial directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District authority for road projects; the bill allows the District to divide; the bill specifies that 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 real property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

**PUBLISHER'S AFFIDAVIT
STATE OF TEXAS
COUNTY OF MONTGOMERY**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MONTE WEST WHO BEING BY ME DULY SWORN, DEPOSES AND SAYS THAT HE IS AN AGENT TO THE PUBLISHER OF THE MONTGOMERY COUNTY NEWS, THAT SAID NEWSPAPER IS REGULARLY PUBLISHED IN MONTGOMERY COUNTY, TEXAS, AND GENERALLY CIRCULATED IN MONTGOMERY COUNTY, TEXAS; AND THAT THE NOTICE, A COPY OF WHICH IS HERETO ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER ON THE FOLLOWING DAYS:

28th DAY(S) OF December, 2016.

Case/Cause# LEGAL NOTICE FOR M.C. MUD #154

Monte West
PUBLISHER/PUBLISHER'S REPRESENTATIVE, MONTE WEST

NOTARY:



MY COMMISSION EXPIRES: 01-02-2019

AFFIX NOTARY SEAL ABOVE:

SWORN AND SUBSCRIBED TO ME ON THIS THE 28th DAY OF December, 2016, TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.

Merrily Thompson
NOTARY PUBLIC SIGNATURE IN AND FOR THE STATE OF TEXAS

MERRILY THOMPSON
PRINTED OR TYPED NAME OF NOTARY PUBLIC

LEGAL

LEGAL

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**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Montgomery County Municipal Utility District No. 130. The general substance of the law is as follows: AN ACT relating to the powers and duties of Montgomery County Municipal Utility District No. 130; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Montgomery County Municipal Utility District No. 131. The general substance of the law is as follows: AN ACT relating to the powers and duties of Montgomery County Municipal Utility District No. 131; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill creating and establishing a special district consisting of approximately 1,121 acres and located within the following surveys: Edward Taylor Survey, Abstract No. 554; Charles Frazier Survey, Abstract No. 206; Andrew J. Hensley Survey, Abstract No. 255 Azariah Prather Survey, Abstract No. 427; and the Leander Westcott Survey, Abstract No. 616; and partially within the extraterritorial jurisdiction of the City of Magnolia, Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 154, under the provisions of Article 16, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special government agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, and including road powers under Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. If you would like a copy of the full legal description of the property to be included in the district, please call Julie Kime at (713) 623-4531.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Wood Trace Municipal Utility District No. 3, of Montgomery County, Texas. The general substance of the law is as follows: AN ACT relating to the powers and duties of Wood Trace Municipal Utility District No. 3, of Montgomery County, Texas; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas. The general substance of the law is as follows: AN ACT relating to the powers and duties of Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

NOTICE TO CREDITORS

Notice is hereby given that Original Letters Testamentary of JUAN DEAN RUCKER, Deceased; In the county court of Montgomery County, Texas, Deceased, were issued on November 29, 2016.

GARY LYNN RUCKER

The residence address of the administrator is in Montgomery County, Texas, address is:

c/o Weston Cotter
5223 Garth Rd.
Baytown, TX 77521

All persons having claims against this Estate will be required to present them within the time and in the manner prescribed by law. Dated this the 22nd day of December, 2016

by: /s/ W
Attorney

**CITATION BY PUBLICATION
THE STATE OF TEXAS**

TO: The unknown heirs of the ESTATE OF: Muriel Mueller

GREETING:

You are commanded to appear and answer the plain cause No. 16-34698-P, filed in the County Court at Law of Montgomery County, Texas, on the first Monday after the expiration of Ten (10) days of this Citation, before the Honorable County Court at Law in the Courthouse in Conroe, Texas.

Said Plaintiff's Petition was filed on December 13, 2016

The file number of said suit being Number 16-34698-P.

The Names of the parties in said suit are:
JOSEPH "JR" ROBERT MUELLER

Applicant to determine heirship of the Estate of MURIEL MUELLER and

The Unknown heirs of the estate of MURIEL MUELLER

The nature of said suit being substantially as follows, to-wit: APPLICATION FOR LETTERS OF ADMINISTRATION, filed in the County Court at Law of Montgomery County, Texas, on December, 2016.
(SEAL County Court at Law)

MARK
MONTGOMERY

/s/ Eloisa Salinas, Deputy
Published Date: 12/28/2016

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Email
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or call 936-449-NE**