

By: Wentworth

S.B. No. 1245

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Kendall County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9022 to read as follows:

CHAPTER 9022. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9022.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means Kendall County Water Control and Improvement District No. 2.

Sec. 9022.002. NATURE OF DISTRICT. The district is a water control and improvement district in Kendall County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9022.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9022.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011,

except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Kendall County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2014.

Sec. 9022.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating 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:

(1) the organization, existence, or validity of the district;

(2) the right of the district to impose taxes;

(3) the validity of the district's bonds, notes, or indebtedness; or

(4) the legality or operation of the district or the board.

[Sections 9022.005-9022.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 9022.021. INITIAL DIRECTORS. (a) The initial board consists of:

(1) Steve Mack;

- 1 (2) Matthew Diana;
2 (3) Glen Boehm;
3 (4) Jamie D'Spain; and
4 (5) Phillip Bell.

5 (b) Notwithstanding Section 9022.051(b), the terms of the
6 first three directors named in Subsection (a) expire on the uniform
7 election date in May of the first even-numbered year after the year
8 in which the creation of the district is confirmed at an election
9 held under Section 9022.023, and the terms of the last two directors
10 named in Subsection (a) expire on the uniform election date in May
11 of the next even-numbered year.

12 Sec. 9022.022. CONSENT OF MUNICIPALITY REQUIRED. The
13 initial directors may not hold an election under Section 9022.023
14 until each municipality in whose corporate limits or
15 extraterritorial jurisdiction the district is located has adopted a
16 resolution consenting to the creation of the district.

17 Sec. 9022.023. CONFIRMATION ELECTION. The initial
18 directors shall hold an election to confirm the creation of the
19 district.

20 Sec. 9022.024. EXPIRATION OF SUBCHAPTER. This subchapter
21 expires September 1, 2011.

22 [Sections 9022.025-9022.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 9022.051. DIRECTORS; TERMS. (a) The district is
25 governed by a board of five directors.

26 (b) Directors serve staggered four-year terms.

27 Sec. 9022.052. ELECTION OF DIRECTORS. On the uniform

1 election date in May of each even-numbered year, the appropriate
2 number of directors shall be elected.

3 [Sections 9022.053-9022.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 9022.101. WATER CONTROL AND IMPROVEMENT DISTRICT
6 POWERS AND DUTIES. The district has the powers and duties provided
7 by the general law of this state, including Chapters 49 and 51,
8 Water Code, applicable to water control and improvement districts
9 created under Section 59, Article XVI, Texas Constitution.

10 Sec. 9022.102. ROAD PROJECTS. (a) To the extent authorized
11 by Section 52, Article III, Texas Constitution, the district may
12 construct, acquire, improve, maintain, or operate macadamized,
13 graveled, or paved roads or turnpikes, or improvements in aid of
14 those roads or turnpikes, inside the district.

15 (b) A road project must meet all applicable construction
16 standards, zoning and subdivision requirements, and regulatory
17 ordinances of the municipality in whose corporate limits or
18 extraterritorial jurisdiction the district is located. If the
19 district is located outside the extraterritorial jurisdiction of a
20 municipality, a road project must meet all applicable construction
21 standards, zoning and subdivision requirements, and regulatory
22 ordinances of the county in which the district is located.

23 (c) The district may not undertake a road project unless
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located consents by ordinance or
26 resolution.

27 Sec. 9022.103. DIVISION OF DISTRICT. (a) The district may

divide into two new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code. Sections 51.748 through 51.753, Water Code, do not apply to the district.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

Sec. 9022.104. DISSOLUTION OF DISTRICT. (a) Notwithstanding Section 43.0751, Local Government Code, or any other general law, before December 31, 2017, the district may not be dissolved unless the dissolution is approved by:

(1) the board; and

(2) the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

(b) This section expires December 31, 2017.

[Sections 9022.105-9022.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9022.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 9022.201.

[Sections 9022.152-9022.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9022.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 51, Water Code, to finance the construction, maintenance, or operation of projects under Section 9022.101 or 9022.102.

(b) The district may not issue bonds authorized by Section 9022.102 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9022.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. Kendall County Water Control and Improvement District No. 2 initially includes all the territory contained in the following described area:

TRACT ONE:

BEING a 232.965 acre tract of land out of the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas, said 232.965 acre tract being comprised of a 232.674 acre tract out of a 232.965 acre tract (230.65 acre tract, record) recorded in Volume 663, Pages 590, Official Records (R1), and a 0.291 acre tract (0.2915 acre tract, record) recorded in Volume 950, Page 489, Official Records, Kendall County, Texas, said 232.965 acre tract being more particularly described by metes and as follows:

BEGINNING at a 1/2" rebar found for a southwest corner of the herein described tract, the southeast corner of the David E. & Dafana J.

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1 Ebner tract recorded in Volume 582, Page 201, Official Records,
2 Kendall County, Texas (R2), located in the north right-of-way line
3 of State Highway No. 46 (100' right-of-way), from which a found
4 TxDOT concrete ROW marker bears North 89 degrees 35 minutes 23
5 seconds West for a distance of 27.86 feet (North 89 degrees 14
6 minutes 15 seconds West, 27.85 feet, R2) and from which another
7 found TxDOT concrete ROW marker bears South 89 degrees 35 minutes 23
8 seconds East for a distance of 856.87 feet;

9 THENCE departing the north right-of-way line of State Highway No.
10 46, along the east boundary line of the said David E. & Dafana J.
11 Ebner tract, along a west boundary line of the herein described
12 tract with a fence for the following bearings and distances:

13 North 00 degrees 14 minutes 02 seconds West for a distance of 637.70
14 feet (North 01 degrees 20 minutes 00 seconds West, 637.70 feet, R1)
15 to a 1/2" rebar with plastic cap "MDS SURVEY" set for an angle
16 point;

17 North 00 degrees 18 minutes 23 seconds West for a distance of 626.72
18 feet (North 01 degrees 21 minutes 00 seconds West, 515.00 feet &
19 North 01 degrees 14 minutes 00 seconds West, 112.80 feet, R1) to a
20 1/2" rebar with plastic cap "MDS SURVEY" set for an interior corner
21 next to steel fence post, being the northeast corner of said David
22 E. & Dafana J. Ebner tract;

23 THENCE along the north boundary line of said David E. & Dafana J.
24 Ebner tract, a south boundary line of the herein described tract
25 with a fence South 89 degrees 53 minutes 22 seconds West for a
26 distance of 359.62 feet (South 89 degrees 42 minutes 39 seconds
27 West, 359.69 feet, R2) to a 1/2" rebar found for an angle point at a

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1 fence tee, the northwest corner of said David E. & Dafana J. Ebner
2 tract, the northeast corner of the Dennis & Laurie Owens tract
3 recorded in Volume 867, Page 990, Official Records, Kendall County,
4 Texas (R3);

5 THENCE continuing along a south boundary line of the herein
6 described tract with a fence, along the north boundary line of said
7 Dennis & Laurie Owens tract, North 89 degrees 56 minutes 56 seconds
8 West for a distance of 200.01 feet (South 88 degrees 57 minutes
9 West, 200.00 feet, R3) to a 1/2" rebar with plastic cap "MDS SURVEY"
10 set for an angle point at a fence tee, the northwest corner of said
11 Dennis & Laurie Owens tract, the northeast corner of the Jerome A. &
12 Shirley A. Rittimann tract recorded in Volume 84, Page 31, Deed
13 Records, Kendall County, Texas;

14 THENCE continuing along a south boundary line of the herein
15 described tract with a fence, along the north boundary line of said
16 Jerome A. & Shirley A. Rittimann tract, South 89 degrees 53 minutes
17 37 seconds West for a distance of 815.19 feet to a 1/2" rebar with
18 plastic cap "MDS SURVEY" set for a southwest corner, the northwest
19 corner of said Jerome A. & Shirley A. Rittimann tract, located on
20 the east boundary line of the Janette L. Carpenter tract recorded in
21 Volume 228, Page 403, Official Records, Kendall County, Texas;

22 THENCE along the east boundary line of said Janette L. Carpenter
23 tract, a west boundary line of the herein described tract with a
24 fence North 00 degrees 46 minutes 28 seconds East for a distance of
25 326.92 feet to a 1/2" rebar found for an angle point at a fence tee,
26 the northeast corner of said Janette L. Carpenter tract, a
27 southeast corner of the L. D. Christianson tract recorded in Volume

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603, Page 310, Official Records, Kendall County, Texas;

THENCE continuing along a west boundary line of the herein described tract with a fence, an east boundary line of the L. D. Christianson tract North 00 degrees 26 minutes 30 seconds East for a distance of 1781.96 feet to a 1/2" rebar found for an angle point at a fence tee, the northeast corner of said L. D. Christianson tract, the southeast corner of the John T. & Kay E. Thornton tract recorded in Volume 351, Page 889, Official Records, Kendall County, Texas (R4);

THENCE continuing along a west boundary line of the herein described tract, the east boundary line of said John T. & Kay E. Thornton tract North 00 degrees 41 minutes 07 seconds East for a distance of 1391.18 feet (North 00 degrees 54 minutes East, 1388.15 feet, R4) to a 1/2" rebar with plastic cap "MDS SURVEY" set for an angle point at a fence tee, the northeast corner of said John T. & Kay E. Thornton tract, the southeast corner of the Boerne L. P. tract recorded in Volume 459, Page 754, Official Records, Kendall County, Texas;

THENCE continuing along a west boundary line of the herein described tract with a fence, the east boundary line of said Boerne L. P. tract North 00 degrees 43 minutes 31 seconds East for a distance of 426.30 feet to a 1/2" rebar with plastic cap "MDS SURVEY" set for a northwest corner, the southwest corner of the Weloka Ltd. tract recorded Volume 950, Page 485, Official Records, Kendall County, Texas (R5);

THENCE departing from a fence line, along the south boundary line of said Weloka Ltd. tract, a north boundary line of the herein

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1 described tract South 89 degrees 55 minutes 06 seconds East for a
2 distance of 20.00 feet (South 89 degrees 35 minutes 43 seconds East,
3 20.00 feet, R5) to a 1/2" rebar with plastic cap "MDS SURVEY" set
4 for an interior corner, the southeast corner of said Weloka Ltd.
5 tract;

6 THENCE along the east boundary line of said Weloka Ltd. tract, a
7 west boundary line of the herein described tract North 00 degrees 43
8 minutes 31 seconds East for a distance of 634.96 feet (North 00
9 degrees 01 minutes 00 seconds East, 634.96 feet, R5) to a 1/2" rebar
10 with plastic cap "MDS SURVEY" set for an angle point, being the
11 northeast corner of said Weloka Ltd tract, the southwest corner of a
12 0.291 acre tract recorded in Volume 950, Page 489, Official
13 Records, Kendall County, Texas (R6), said 0.291 acre tract being a
14 portion out of a 547.0 acre tract recorded in Volume 684, Page 614,
15 Official Records, Kendall County, Texas;

16 THENCE along the west boundary line of said 0.291 acre tract, a west
17 boundary line of the herein described tract North 01 degrees 14
18 minutes 33 seconds West for a distance of 8.04 feet (North 00
19 degrees 55 minutes 10 seconds West, 8.04 feet, R6) to a 1/2" rebar
20 with plastic cap "MDS SURVEY" set for a northwest corner, being the
21 northwest corner of said 0.291 acre tract;

22 THENCE along the north boundary line of said 0.291 acre tract, a
23 north boundary line of the herein described tract South 89 degrees
24 57 minutes 07 seconds East for a distance of 1579.92 feet (South 89
25 degrees 37 minutes 44 seconds East, 1579.92 feet, R6) to a 1/2"
26 rebar with plastic cap "MDS SURVEY" set for a northeast corner,
27 being the northeast corner of said 0.291 acre tract;

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1 THENCE along the east boundary line of said 0.291 acre tract, an
2 east boundary line of the herein described tract South 00 degrees 02
3 minutes 53 seconds West for a distance of 8.04 feet (South 00
4 degrees 22 minutes 16 seconds West, 8.04 feet, R6) to a 1/2" rebar
5 with plastic cap "MDS SURVEY" set for an interior corner, being the
6 southeast corner of said 0.291 acre tract, from which a 1/2" rebar
7 with no identification bears North 89 degrees 57 minutes 39 seconds
8 West for a distance of 21.60 feet;

9 THENCE along the south boundary line of said 547.0 acre tract, a
10 north boundary line of the herein described tract with a fence South
11 89 degrees 57 minutes 39 seconds East for a distance of 447.46 feet
12 to a 1/2" rebar with plastic cap "MDS SURVEY" set for a northeast
13 corner at a fence tee, the northwest corner of the Leroy & Lula Bell
14 Rittimann et al recorded in Volume 63, Page 300, Deed Records,
15 Kendall County, Texas;

16 THENCE along the west boundary line of said Rittimann tract, an east
17 boundary line of the herein described tract with a fence South 00
18 degrees 42 minutes 55 seconds West for a distance of 5826.77 feet
19 (South, 5786.40 feet, R1) to a 1/2" rebar with plastic cap "MDS
20 SURVEY" set for the southeast corner, the southwest corner of said
21 Rittimann tract, located in the north right-of-way line of State
22 Highway No. 46;

23 THENCE along the north right-of-way line of State Highway No. 46, a
24 south boundary line of the herein described tract with a fence North
25 89 degrees 35 minutes 23 seconds West for a distance of 641.95 feet
26 to the POINT OF BEGINNING.

27 CONTAINING 232.965 acres, more or less.

TRACT TWO:

BEING a 210.136 acre tract of land out of the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas, said 210.136 acre tract being that certain 210.2 acre tract recorded in Volume 668, Page 63, Official Records (R1), Kendall County, Texas, said 210.136 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with plastic cap "PAPE DAWSON" found for the southwest corner of the herein described tract, the southeast corner of the J.A. Schmidt Testamentary Trust tract recorded in Volume 340, Page 178, Official Records, Kendall County, Texas, located on the northern ROW line of State Highway No. 46 (100' right-of-way), from which a TxDOT concrete ROW monument found for reference has a chord bearing of South 61 degrees 34 minutes 32 seconds West with a chord distance of 127.22 feet;

THENCE along a west boundary line of the herein described tract, the east boundary line of said J.A. Schmidt tract with a fence the following bearings and distances:

North 00 degrees 15 minutes 24 seconds East for a distance of 1178.31 feet (North 00 degrees 15 minutes 21 seconds East, 1178.50 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

North 00 degrees 05 minutes 29 seconds East for a distance of 2407.20 feet (North 00 degrees 05 minutes 26 seconds East, 2407.63 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

North 00 degrees 08 minutes 41 seconds East for a distance of 352.90

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1 feet (North 00 degrees 08 minutes 37 seconds East, 352.56 feet, R1)
2 to a 1/2" rebar with no identification found for an interior corner,
3 the northeast corner of said J.A. Schmidt tract;

4 THENCE along a south boundary line of the herein described tract,
5 the north boundary line of said J.A. Schmidt tract with a fence
6 North 89 degrees 53 minutes 15 seconds West for a distance of
7 1495.54 feet (North 89 degrees 52 minutes 23 seconds West, 1495.87
8 feet, R1) to a 1/2" rebar with no identification found for angle, a
9 northeast corner of the Cliff & Rhonda Wheeler recorded in Volume
10 625, Page 155, Official Records, Kendall County, Texas;

11 THENCE along a southwestern boundary line of the herein described
12 tract, the northeastern boundary line of said Cliff & Rhonda
13 Wheeler tract with a high game fence the following bearings and
14 distances:

15 North 73 degrees 58 minutes 36 seconds West for a distance of 320.03
16 feet (North 73 degrees 58 minutes 40 seconds West, 320.00 feet, R1)
17 to a 1/2" rebar with no identification found for a southwest corner;
18 North 00 degrees 05 minutes 56 seconds West for a distance of
19 1168.00 feet (North 00 degrees 06 minutes 03 seconds West, 1168.25
20 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for
21 an interior corner;

22 North 86 degrees 44 minutes 51 seconds West for a distance of
23 1053.11 feet (North 86 degrees 44 minutes 58 seconds West, 1053.23
24 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for a
25 southwest corner, the southeast corner of the Weloka Ltd. tract
26 recorded in Volume 668, Page 94, Official Records, Kendall County,
27 Texas;

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1 THENCE along a west boundary line of the herein described tract, the
2 east boundary line of said Weloka Ltd. tract with a fence the
3 following bearings and distances:

4 North 18 degrees 08 minutes 55 seconds West for a distance of 642.04
5 feet (North 18 degrees 08 minutes 11 seconds West, 642.19 feet, R1)
6 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

7 North 00 degrees 26 minutes 21 seconds East for a distance of
8 2204.34 feet (North 00 degrees 26 minutes 12 seconds East, 2204.56
9 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for
10 the northwest corner, the northeast corner of said Weloka Ltd.
11 tract, located on the south boundary line of the Theodore C. Jr., &
12 Doris Eloise Lemm Estate recorded in Volume 76, Page 249, Deed
13 Records, Kendall County, Texas;

14 THENCE along a north boundary line of the herein described tract,
15 the south boundary line of said Lemm Estate tract, a south boundary
16 line of the Harvey Duennenberg Ranches, Ltd. tract recorded in
17 Volume 179, Page 611 and Volume 173, Page 47, Deed Records, Kendall
18 County, Texas, with a fence the following bearings and distances:

19 South 89 degrees 19 minutes 35 seconds East for a distance of 844.89
20 feet (South 89 degrees 20 minutes 08 seconds East, 844.99 feet, R1)
21 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

22 South 89 degrees 29 minutes 58 seconds East for a distance of 469.33
23 feet (South 89 degrees 30 minutes 15 seconds East, 469.51 feet, R1)
24 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for a northeast
25 corner, an interior corner of said Harvey Duennenberg Ranches, Ltd.
26 tract;

27 THENCE along the eastern boundary line of the herein described

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tract, a western boundary line of said Harvey Duennenberg Ranches, Ltd. tract with a fence the following bearings and distances:

South 00 degrees 19 minutes 48 seconds East for a distance of 787.36 feet (South 00 degrees 19 minutes 38 seconds East, 787.52 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

South 00 degrees 38 minutes 29 seconds East for a distance of 485.86 feet (South 00 degrees 38 minutes 34 seconds East, 485.15 feet, R1) to a 1/2" rebar with no identification found for an interior corner; a southwest corner of said Harvey Duennenberg Ranches, Ltd. tract;

North 87 degrees 31 minutes 13 seconds East for a distance of 666.88 feet (North 87 degrees 29 minutes 41 seconds East, 666.97 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

North 87 degrees 36 minutes 02 seconds East for a distance of 1105.74 feet (North 87 degrees 33 minutes 14 seconds East, 1103.00 feet, R1) to a 1/2" rebar with no identification found for a northeast corner, an interior corner of said Harvey Duennenberg Ranches, Ltd. tract;

South 00 degrees 01 minute 13 seconds West for a distance of 1502.01 feet (South 00 degrees 05 minutes 37 seconds East, 1503.14 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

South 00 degrees 07 minutes 05 seconds East for a distance of 990.97 feet (South 00 degrees 06 minutes 50 seconds East, 991.12 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

South 00 degrees 09 minutes 39 seconds East for a distance of 780.53 feet (South 00 degrees 09 minutes 25 seconds East, 780.75 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

South 00 degrees 04 minutes 57 seconds West for a distance of

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1 2407.19 feet (South 00 degrees 05 minutes 08 seconds West, 2407.58
2 feet, R1) to a 1/2" rebar with plastic cap "SCHWARZ" found for
3 angle;

4 South 00 degrees 16 minutes 14 seconds West for a distance of
5 1149.03 feet (South 00 degrees 15 minutes 57 seconds West, 1149.16
6 feet, R1) to a 1/2" rebar with plastic cap "SCHWARZ" found for the
7 southeast corner, the southwest corner of said Harvey Duennenberg
8 Ranches, Ltd. tract, located on the northern ROW line of State
9 Highway No. 46;

10 THENCE along a south boundary line of the herein described tract,
11 the northern ROW line of said State Highway No. 46 southwesterly
12 along a curve to the left (radius = 2914.80 feet, delta = 1°19'27",
13 chord bearing = South 63 degrees 31 minutes 58 seconds West, chord =
14 67.36 feet) for a distance of 67.36 feet (67.24, R1) to the POINT OF
15 BEGINNING.

16 CONTAINING 210.136 acres, more or less.

17 TRACT THREE:

18 BEING a 800.258 acre tract (801.071 acres, record) of land out of
19 the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County,
20 Texas, said 800.258 acre tract being comprised of the following
21 tracts:

22 Tract 1 - 199.63 acre tract recorded in Volume 282, Page 149,
23 Official Records (R3);

24 Tract 2 - 3.37 acre tract recorded in Volume 632, Page 676,
25 Official Records;

26 Tract 3 - 547.0 acre tract recorded in Volume 684, Page 614,
27 Official Records (R1);

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1 Tract 4 - 0.291 acre tract recorded in Volume 950, Page 485,
2 Official Records (R2);

3 Tract 5 - 50.48 acre tract recorded in Volume 668, Page 94,
4 Official Records (R4);

5 all tracts located in Kendall County, Texas, said 800.258 acre
6 tract being more particularly described by metes and bounds as
7 follows:

8 BEGINNING at a TxDOT concrete ROW monument on the northern ROW line
9 of State Highway No. 46 (100' right-of-way), found for a southwest
10 corner of the herein described tract, the southeast corner of the
11 Leroy & Lula Bell Rittimann et al tract recorded in Volume 347, Page
12 746, Official Records, and described in Volume 63, Page 300, Deed
13 Records, from which a TxDOT concrete ROW monument found for
14 reference bears North 75 degrees 28 minutes 23 seconds East for a
15 distance of 137.14 feet (North 75 degrees 50 minutes 23 seconds
16 East, 137.32 feet, R1);

17 THENCE along a west boundary line of the herein described tract, the
18 east boundary line of said Rittimann tract with a fence North 00
19 degrees 34 minutes 51 seconds East for a distance of 5289.20 feet
20 (North 00 degrees 50 minutes 52 seconds East, 1393.92 feet; North 00
21 degrees 55 minutes 44 seconds East, 3380.40 feet; North 00 degrees
22 44 minutes 16 seconds East, 516.29 feet, R1) to a 1/2" rebar found
23 for an interior corner of the herein described tract, the northeast
24 corner of said Rittimann tract;

25 THENCE along a south boundary line of the herein described tract,
26 the north boundary line of said Rittimann tract with a fence North
27 89 degrees 59 minutes 36 seconds West for a distance of 1750.01 feet

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1 to a 1/2" rebar with plastic cap "MDS SURVEY" found for angle, the
2 northwest corner of said Rittimann tract and the northeast corner
3 of the Elgin G. Schwarz & Jason Curt Schwarz tract recorded in
4 Volume 663, Page 590, Official Records;

5 THENCE continuing along a southern boundary line of the herein
6 described tract, the north and west boundary lines of said Schwarz
7 tract the following bearings and distances:

8 North 89 degrees 57 minutes 39 seconds West for a distance of 447.46
9 feet with a fence to a 1/2" rebar with plastic cap "MDS SURVEY"
10 found for corner;

11 North 00 degrees 02 minutes 53 seconds East for a distance of 8.04
12 feet (North 00 degrees 22 minutes 16 seconds East, 8.04 feet as
13 recorded in Volume 950, Page 489, Official Records, R6) to a 1/2"
14 rebar with plastic cap "MDS SURVEY" found for corner;

15 North 89 degrees 57 minutes 07 seconds West for a distance of
16 1579.92 feet (North 89 degrees 37 minutes 44 seconds West, 1579.92
17 feet, R6) to a 1/2" rebar with plastic cap "MDS SURVEY" found for
18 corner;

19 South 01 degrees 14 minutes 33 seconds East for a distance of 8.04
20 feet (South 00 degrees 55 minutes 10 seconds East, 8.04 feet, R6) to
21 a 1/2" rebar with plastic cap "MDS SURVEY" found for angle, the
22 northeast corner of said Tract 4;

23 South 00 degrees 43 minutes 31 seconds West for a distance of 634.96
24 feet (South 00 degrees 01 minutes 00 seconds West, 634.96 feet, R2)
25 to a 1/2" rebar with plastic cap "MDS SURVEY" found for corner; the
26 southeast corner of said Tract 4;

27 North 89 degrees 55 minutes 06 seconds West for a distance of 20.00

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1 feet (North 89 degrees 35 minutes 43 seconds West, 20.00 feet, R2)
2 to a 1/2" rebar with plastic cap "MDS SURVEY" found for corner,
3 located on the east boundary line of the Boerne L.P. tract recorded
4 in Volume 459, Page 754, Official Records;
5 THENCE along a west boundary line of the herein described tract, the
6 east boundary line of said Boerne L.P. tract with a fence North 00
7 degrees 43 minutes 31 seconds East for a distance of 634.95 feet
8 (North 00 degrees 01 minutes 00 seconds East, 634.94 feet, R2) to a
9 1/2" rebar found for angle, a southwest corner of said Tract 3;
10 THENCE continuing along a west boundary line of the herein
11 described tract, the east boundary line of said Boerne L.P. tract,
12 the east boundary line of the James L. Drought tract recorded in
13 Volume 129, Page 785, Deed Records, and the east boundary line of
14 the Carolyn Drought Evans tract recorded in Volume 129, Page 785,
15 Deed Records with a fence North 00 degrees 35 minutes 51 seconds
16 East for a distance of 1759.02 feet (North 00 degrees 55 minutes 10
17 seconds East, 1760.32 feet, R1) to a 1/2" rebar found for corner, a
18 northwest corner of said Tract 3, the southwest corner of the Spring
19 Creek Estates Subdivision (southwest corner of Lot 22) recorded in
20 Volume 4, Page 59, Plat Records (R7);
21 THENCE along northern and western boundary lines of the herein
22 described tract, southern and eastern boundary lines of said Spring
23 Creek Estates Subdivision with a fence the following bearings and
24 distances:
25 South 87 degrees 41 minutes 53 seconds East for a distance of
26 1002.01 feet (South 87 degrees 40 minutes 07 seconds East, 1002.92
27 feet, R7) to a 1/2" rebar found for corner;

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1 North 00 degrees 27 minutes 04 seconds East for a distance of 916.09
2 feet (North 00 degrees 23 minutes 29 seconds East, 916.76 feet, R7)
3 to a 1/2" rebar found for corner;
4 North 89 degrees 44 minutes 12 seconds East for a distance of 814.56
5 feet (North 89 degrees 47 minutes 14 seconds East, 815.24 feet, R7)
6 to a 1/2" rebar found for corner;
7 North 13 degrees 52 minutes 33 seconds East for a distance of
8 1098.98 feet (North 14 degrees 12 minutes 54 seconds East, 1097.38
9 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" found for
10 angle;
11 North 14 degrees 07 minutes 58 seconds East for a distance of
12 1155.79 feet (North 14 degrees 28 minutes 03 seconds East, 1155.74
13 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" found for
14 angle;
15 North 14 degrees 14 minutes 51 seconds East for a distance of
16 1085.72 feet (North 14 degrees 38 minutes 21 seconds East, 1087.79
17 feet, R1) to a MAG nail set for a northwest corner, located on the
18 south boundary line of the Betty J. Asher tract recorded in Volume
19 286, Page 734, Official Records;
20 THENCE along a north boundary line of the herein described tract,
21 the south boundary line of said Betty J. Asher tract with a fence
22 South 89 degrees 38 minutes 28 seconds East for a distance of 620.28
23 feet (South 89 degrees 21 minutes 26 seconds East, 388.82 feet, and
24 South 88 degrees 59 minutes 21 seconds East, 229.97 feet, R1) to a
25 1/2" rebar with plastic cap "SCHWARZ 4760" found for angle, a
26 northeast corner of said Tract 3, the northwest corner of said Tract
27 1;

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1 THENCE continuing along a north boundary line of the herein
2 described tract, the south boundary line of said Betty J. Asher
3 tract and the south boundary line of the Theodore C, Jr. & Doris
4 Eloise Lemm Estate tract recorded in Volume 76, Page 249, Deed
5 Records, with a fence South 89 degrees 21 minutes 42 seconds East
6 for a distance of 2029.17 feet to a 1/2" rebar with plastic cap "MDS
7 SURVEY" set for angle, the northeast corner of said Tract 1, the
8 northwest corner of said Tract 5;

9 THENCE continuing along a north boundary line of the herein
10 described tract, the south boundary line of said Lemm Estate tract
11 with a fence South 89 degrees 27 minutes 16 seconds East for a
12 distance of 751.17 feet (South 89 degrees 26 minutes 26 seconds
13 East, 749.24 feet, R4) to a 1/2" rebar with plastic cap "PAPE
14 DAWSON" found for the northeast corner of the herein described
15 tract, the northwest corner of the Esperanza Properties LP tract
16 recorded in Volume 668, Page 63, Official Records;

17 THENCE along an east boundary line of the herein described tract, a
18 west boundary line of said Esperanza Properties LP tract South 00
19 degrees 26 minutes 21 seconds West for a distance of 2204.34 feet
20 (South 00 degrees 27 minutes 24 seconds West, 2204.56 feet, R4) to a
21 1/2" rebar with plastic cap "PAPE DAWSON" found for angle at a fence
22 "T";

23 THENCE continuing along an east boundary line of the herein
24 described tract, a west boundary line of said Esperanza Properties
25 LP tract with a fence South 18 degrees 08 minutes 55 seconds East
26 for a distance of 642.04 feet (South 18 degrees 06 minutes 59
27 seconds East, 642.19 feet, R4) to a 1/2" rebar with plastic cap

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1 "PAPE DAWSON" found for a southeast corner, located on a north line
2 of the Cliff & Rhonda Wheeler tract recorded in Volume 625, Page
3 155, Official Records (R5);
4 THENCE along a south boundary line of the herein described tract, a
5 north boundary line of said Wheeler tract with a fence North 86
6 degrees 44 minutes 40 seconds West for a distance of 991.48 feet
7 (North 86 degrees 43 minutes 46 seconds West, 991.62 feet, R4) to a
8 1/2" rebar with plastic cap "SCHWARZ 4760" found for an interior
9 corner, the northwest corner of said Wheeler tract;
10 THENCE along an east boundary line of the herein described tract,
11 the west boundary line of said Wheeler tract with a fence South 01
12 degrees 16 minutes 18 seconds West for a distance of 435.03 feet
13 (South 01 degrees 32 minutes 42 seconds West, 453.03 feet, R5) to a
14 1/2" rebar with plastic cap "MDS SURVEY" set for an angle;
15 THENCE continuing along an east boundary line of the herein
16 described tract, the west boundary line of said Wheeler tract with a
17 fence South 10 degrees 32 minutes 50 seconds East for a distance of
18 4710.56 feet (South 10 degrees 16 minutes 26 seconds East, 4712.92
19 feet, R5) to a 1/2" rebar found for an angle;
20 THENCE continuing along an east boundary line of the herein
21 described tract, the west boundary line of said Wheeler tract with a
22 fence South 32 degrees 09 minutes 15 seconds East for a distance of
23 1695.14 feet (South 31 degrees 57 minutes 19 seconds East, 1695.40
24 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" set for a
25 southeast corner, located on the northern ROW line of State Highway
26 No. 46, from which a found TxDOT concrete ROW monument bears North
27 60 degrees 11 minutes 14 seconds East for a distance of 3.17 feet;

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1 THENCE along a south boundary line of the herein described tract,
2 along the northern ROW line of State Highway No. 46 South 60 degrees
3 13 minutes 33 seconds West for a distance of 197.86 feet (South 60
4 degrees 34 minutes 00 seconds West, 200.00 feet, R1) to a 1/2" rebar
5 found for a southwest corner, the southeast corner of the Pauline R.
6 Mutchler (Trustee) tract recorded in Volume 691, Page 526, Official
7 Records;

8 THENCE departing from the northern ROW line of State Highway No. 46,
9 along a western, southern, and eastern boundary line of the herein
10 described tract, the east, north, and west boundary line of said
11 Mutchler tract with a fence the following bearings and distances:

12 North 32 degrees 17 minutes 25 seconds West for a distance of
13 1285.59 feet (North 31 degrees 57 minutes 58 seconds West, 777.22
14 feet; North 31 degrees 19 minutes 32 seconds West, 118.94 feet;
15 North 32 degrees 07 minutes 34 seconds West, 389.84 feet, R1) to a
16 1/2" rebar found for corner;

17 North 89 degrees 30 minutes 12 seconds West for a distance of
18 1127.02 feet (North 89 degrees 10 minutes 00 seconds West, 1128.12
19 feet, R1) to a 1/2" rebar found for corner;

20 South 12 degrees 53 minutes 22 seconds East for a distance of
21 1991.10 feet (South 12 degrees 32 minutes 46 seconds East, 1088.61
22 feet; South 12 degrees 37 minutes 08 seconds East, 903.93 feet, R1)
23 to a 1/2" rebar with plastic cap "MDS SURVEY" set for corner, a
24 southwest corner of said Mutchler tract, located on the northern
25 ROW line of State Highway No. 46;

26 THENCE along a south boundary line of the herein described tract,
27 along the northern ROW line of State Highway No. 46 the following

bearings and distances:

South 53 degrees 09 minutes 03 seconds West for a distance of 638.48 feet (South 53 degrees 31 minutes 31 seconds West, 638.31 feet, R1) to a TxDOT concrete ROW monument found for angle;

Southwesterly along a curve to the right (radius = 2243.32 feet, delta = 11°31'04", chord bearing = South 59 degrees 53 minutes 04 seconds West, chord = 450.20 feet) for a distance of 450.96 feet (451.44, R1) to a TxDOT concrete ROW monument found for angle;

South 64 degrees 38 minutes 48 seconds West for a distance of 393.24 feet (South 64 degrees 59 minutes 15 seconds West, 393.10 feet, R1) to a TxDOT concrete ROW monument found for angle;

Southwesterly along a curve to the right (radius = 1860.33 feet, delta = 10°50'04", chord bearing = South 69 degrees 36 minutes 57 seconds West, chord = 351.26 feet) for a distance of 351.78 feet (351.75, R1) to a TxDOT concrete ROW monument found for angle;

South 75 degrees 28 minutes 23 seconds West for a distance of 137.14 feet (South 75 degrees 50 minutes 23 seconds West, 137.32 feet, R1) to the POINT OF BEGINNING.

CONTAINING 800.258 acres, more or less.

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

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. This Act takes effect September 1, 2007.