

Amend CSHB 3335 (Senate committee report) as follows:

(1) Add the following appropriately numbered ARTICLE to the bill:

ARTICLE ____ . COMAL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
NO. 5

SECTION __.01. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9036 to read as follows:

CHAPTER 9036. COMAL COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9036.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Comal County Water Control and Improvement District No. 5.

Sec. 9036.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9036.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9036.004. CONSENT REQUIRED. (a) The temporary directors may not hold an election under Section 9036.003 until:

(1) each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district;

(2) each municipality in whose extraterritorial jurisdiction the district is located has:

(A) approved and entered into a strategic partnership agreement with the district under Section 43.0751, Local Government Code; and

(B) approved and entered into a development agreement with the owners of land in the district under Section 212.172, Local Government Code;

(3) an agreement that addresses the provision of water

and wastewater treatment to the land in the district has been approved and entered into by:

(A) each municipality in whose extraterritorial jurisdiction the district is located;

(B) the commissioners court of each county in which the district is located;

(C) a retail or wholesale provider of water and wastewater treatment; and

(D) the owners of land in the district;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, the district's exercise of the power of eminent domain outside the boundaries of the district, drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

(b) A municipality that contains district territory in its corporate limits or extraterritorial jurisdiction may include in its consent to the creation of the district any restriction on or condition to the consent, including a limitation on the powers of the district otherwise granted by this chapter.

(c) Sections 51.022 through 51.025, Water Code, do not apply to the district or the order of the county under Subsection (a)(4).

Sec. 9036.005. EXTRATERRITORIAL STATUS. All of the land included in the district, as approved by the City of Bulverde for inclusion in the district, is included in the extraterritorial jurisdiction of the City of Bulverde on adoption of the resolution or ordinance consenting to the creation of the district by the governing body of the City of Bulverde.

Sec. 9036.006. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

(1) a water control and improvement district as

provided by general law and Section 59, Article XVI, Texas Constitution, as limited by this chapter, including the disposal of waste and control of storm water; and

(2) Section 52, Article III, Texas Constitution, as limited by this chapter, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 9036.007. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by the article creating this chapter.

(b) The boundaries and field notes contained in the article 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 the district's:

(1) organization, existence, or validity;

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

(3) right to impose a tax; or

(4) legality or operation.

[Sections 9036.008-9036.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9036.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 9036.052, directors serve staggered four-year terms.

Sec. 9036.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Robert W. Fischer;

(2) John Genovese;

(3) Scot Giese;

(4) Gary Rauser; and

(5) James N. Young.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9036.003; or

(2) the fourth anniversary of the effective date of the article creating this chapter.

(c) If permanent directors have not been elected under Section 9036.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 9036.003; or

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

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

[Sections 9036.053-9036.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9036.101. GENERAL POWERS AND DUTIES. The district has the powers and duties, as limited by this chapter, necessary to accomplish the purposes for which the district is created.

Sec. 9036.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution, including the powers and duties that relate to the disposal of waste and control of storm water under Section 51.331, Water Code, as limited by this chapter.

Sec. 9036.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, as limited by this chapter, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including

storm drainage, in aid of those roads.

Sec. 9036.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 9036.103 unless:

(1) the proposed road project complies with applicable municipal or county subdivision ordinances or regulations; or

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

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

Sec. 9036.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042 or 42.0425, Local Government Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 9036.106. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district shall not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 9036.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

(b) The district shall not exercise the power of eminent domain outside the boundaries of the district for any purpose unless the proposed exercise is approved by a written resolution of the commissioners court of each county in which the district is located.

Sec. 9036.107. WATER AND WASTEWATER INFRASTRUCTURE. The district may not construct any water or wastewater improvement unless the plans and specifications for the improvement have been approved by Comal County, the City of Bulverde, and any wholesale provider of water or wastewater treatment to the district.

[Sections 9036.108-9036.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9036.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9036.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 9036.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9036.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 9036.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 9036.154-9036.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9036.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9036.202. TAXES FOR BONDS. At the time the district

issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9036.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION ____ .02. The Comal County Water Control and Improvement District No. 5 initially includes all the territory contained in the following area:

PART 1:

TRACT 1A:

A 5.128 acre tract of land out of Lot 2 of the Erna Subdivision recorded in Volume 13, Page 137 of the Map and Plat Records of Comal County, Texas, out of that 5.911 acre tract of land conveyed to Travis Arthur Weidner in General Warranty Deed recorded in Document # 200506007503 of the Official Records of Comal County, Texas, out of the Agapito Gaytan Survey No. 194, Abstract No. 174, in the City of Bulverde, Comal County, Texas. Said 5.128 acre tract being more fully described as follows with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone, and the west right-of-way line of U.S. Highway 281:

COMMENCING: At a point for the southeast corner of said Lot 2, the south corner of Lot 104 of Saddleridge Subdivision Unit 1 recorded in Volume 13, Pages 42-48 of the Map and Plat Records of Comal County, Texas, on the west right-of-way line of U.S. Highway 281, a variable width right-of-way at this point;

THENCE: N 55°59'38" W, along and with the southwest line of said Lot 104 and Lot 94 of said Saddleridge Subdivision, a northeast line of said Lot 2, a distance of 319.40 feet to the POINT OF BEGINNING of the herein described tract, a point on the northwest line of the City Limits of Bulverde;

S 70°48'13" W, departing the southwest line of said Lot

94, over and across said Lot 2, a distance of 497.49 feet to a point on the north line of a 10.00 acre tract recorded in Document Number 9806013846 of the Official Records of Comal County, Texas, a south line of said Lot 2;

THENCE: N 86°10'47" W, along and with the north line of said 10.00 acre tract, a south line of said Lot 2, a distance of 194.76 feet to a point for an angle;

THENCE: S 88°26'59"W, along and with the north line of said 10.00 acre tract, the south line of said Lot 2, a distance of 60.09 feet to a point, the southwest corner of said Lot 2, the southeast corner of Lot 101 of said Saddleridge Subdivision Unit 1;

THENCE: N 05°46'24"E, departing the line of said 10.00 acre tract, and along and with the west line of said Lot 2 and the east line of said Lot 101 a distance of 503.26 feet to a point, the northwest corner of said Lot 2, the northeast corner of Lot 101, an angle in the south line of Lot 95 of said Saddleridge Subdivision Unit 1;

THENCE: S 76°13'48"E, along and with the south line of said Lot 95, and with the north line of said Lot 2, a distance of 139.91 feet to a point for an angle;

THENCE: S 72°01'55"E, along and with the south line of said Lot 95 and the north line of said Lot 2, a distance of 183.51 feet to the southeast corner of said Lot 95, the southwest western corner of Lot 94 of said Saddleridge Subdivision Unit 1;

THENCE: S 51°16'22"E, along and with the southwest line of said Lot 94 and the north line of said Lot 2, a distance of 136.67 feet to a point for an angle;

THENCE: S 55°59'38" E, along and with the southwest line of said Lot 94 and the north line of said Lot 2, a distance of 309.44 feet to the POINT OF BEGINNING and containing 5.128 acres in Comal County, Texas.

TRACT 1B:

A 10.922 acre tract of land being a portion of Bulverde Commercial Subdivision recorded in Volume 13, Page 1 of the Map and Plat Records of Comal County, Texas, and a portion of the Bulverde Commercial Subdivision, Unit 2 recorded in Volume 13, Page 57 of the Map and Plat Records of Comal County, also being out of the Agapito

Gayton Survey Number 194, Abstract Number 174, Comal County, Texas. Said 10.922 acre tract being more fully described as follows, with bearings based on the plats of said subdivisions.

COMMENCING: At a point on the south right-of-way line of F.M. 1863, a variable width right-of-way, at the north corner of said Bulverde Commercial Subdivision, the northwest corner of the said Bulverde Commercial Subdivision Unit 2, at the cutback to the east right-of-way line of U.S. 281, a variable width right-of-way;

THENCE: S 83°58'18"E, along and with the south right-of-way line of said F.M. 1863, the north line of said Bulverde Commercial Subdivision Unit 2, a distance of 352.79 feet to a point, for the northwest corner of a 45.81 acre tract of land being the remainder of that Save & Except 50.00 acre tract conveyed to Cibolo Valley Ranch, LTD in Correction Special Warranty Deed recorded in Document 200006010170 of the Official Records of Comal County, Texas;

THENCE: S 00°07'13" E, along and with said Bulverde Commercial Subdivision Unit 2, the west line of said 45.81 acre tract, a distance of 402.70 feet to a point on the south line of the City Limits of Bulverde line, the POINT OF BEGINNING;

THENCE: S 00°07'13" E, continuing along and with said Bulverde Commercial Subdivision Unit 2, the west line of said 45.81 acre tract, a distance of 36.13 feet to a point for the southeast corner of said Bulverde Commercial Subdivision Unit 2 a re-entrant corner of said 45.81 acre tract;

THENCE: S 69°12'48" W, along and with the south line of said Bulverde Commercial Subdivision Unit 2, a north line of said 45.81 acre tract a distance of 374.53 feet to a point for the southwest corner of said Bulverde Commercial Subdivision Unit 2, the northwest corner of said 45.81 acre tract, a point on the east line of said Bulverde Commercial Subdivision;

THENCE: S 00°07'12" E, along and with the east line of said Bulverde Commercial Subdivision, the west line of said 45.81 acre tract a distance of 734.07 feet to a point for the southeast corner of said Bulverde Commercial Subdivision, the north corner of a 92.37 acre tract recorded in Volume 739, Page 202 of the Deed Records of Comal County, Texas;

THENCE: S 77°53'26" W, departing the west line of said 45.81

acre tract, the north line of said 92.37 acre tract a distance of 644.66 feet to a point on curve in the northeast right-of-way line of Ancestral Trail, a 60-foot private street dedicated in the Weidner Subdivision Unit 1, recorded in Volume 11, Pages 330-331 of the Map and Plat Records of Comal County, Texas, a southwest line of said Bulverde Commercial Subdivision;

THENCE: Along the northeast right-of-way line of said Ancestral Trail, the southwest line of said Bulverde Commercial Subdivision, with a non-tangent curve to the left said curve having a radial bearing of S 65°58'51" W, a radius of 630.00 feet, a central angle of 18°57'04", a chord bearing and distance of N 33°29'41" W, 207.43 feet, an arc length of 208.38 feet to a point of tangency;

THENCE: N 42°58'13" W, continuing along and with the northeast right-of-way line of said Ancestral Trail, the southwest line of said Bulverde Commercial Subdivision, a distance of 18.13 feet to a point on the southeast City Limit of Bulverde line;

THENCE: Departing the northeast right-of-way line of said Ancestral Trail, over and across said Bulverde Commercial Subdivision and Bulverde Commercial Subdivision Unit 2, along and with said City Limit line the following calls and distances:

N 36°09'58" E, a distance of 122.57 feet to a point;

N 41°02'38" E, a distance of 663.67 feet to a point;

N 34°28'22" E, a distance of 360.94 feet to a point;

THENCE: S 83°28'46" E, a distance of 395.83 feet to the POINT OF BEGINNING, and containing 10.922 acres in Comal County, Texas.

TRACT 1C:

A 1.430 acre tract of land out of that 10.00 acre tract conveyed to Dam Investments, Ltd. in Document Number 9806013846 of the Official Records of Comal County, Texas, and Pecos Blue Moon L.P. in Document Number 9606007045 of the Official Records of Comal County, Texas, out of the Agapito Gaytan Survey No. 194, Abstract No. 174, Comal County, Texas. Said 1.430 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone.

BEGINNING: At a point at the intersection of the east right-of-way line of Saddleridge Drive, a variable width private

right-of-way, and Saddleridge Court a 60' private right-of-way as shown in Saddleridge Subdivision Unit 1 recorded in Volume 13, Pages 42-48 of the Map and Plat Records of Comal County, Texas, the northwest corner of the said 10.00 acre tract;

THENCE: N 88°25'43" E, along and with the south line of said Saddleridge Court, the north line of said 10.00 acre tract, at a distance of 283.64 feet passing a found 1/2" iron rod being at the southwest corner of Lot 101 of said Saddleridge Subdivision Unit 1, continuing along and with the south line of said Lot 101 at a distance of 490.91 passing a found pk nail being the southeast corner of said Lot 101 and the southwest corner of Lot 2 of the Erna Subdivision recorded in Volume 13, Page 137 of the Map and Plat Records of Comal County, Texas, and continuing for a total distance of 551.20 feet to a point;

THENCE: S 86°10'47" E, along and with the north line of said 10.00 acre tract and the south line of said Lot 2 a distance of 194.76 feet to a point;

THENCE: Departing the north line of said 10.00 acre tract and the south line of said Lot 2, over and across said 10.00 acres the following calls and distances:

S 70°44'16" W, a distance of 268.86 feet to a point;

S 88°25'43" W, a distance of 488.95 feet to a point on the east right-of-way line of said Saddleridge Drive;

THENCE: N 01°34'17" W, a distance of 100.00 feet to the POINT OF BEGINNING, and containing 1.430 acres in the City of Bulverde, Comal County, Texas.

TRACT 1D:

A 38.367 acre tract out of a 45.81 acre tract of land being the remainder of that Save & Except 50.00 acre tract conveyed to Cibolo Valley Ranch, LTD in Correction Special Warranty Deed recorded in Document 200006010170 of the Official Records of Comal County, Texas and being part of a 140.0 acre tract conveyed to Fritz Voges in Deed recorded in Volume M, Pages 746-747 of the Deed Records of Comal County, also being out of the Agapito Gayton Survey Number 194, Abstract Number 174, Comal County, Texas. Said 38.367 acre tract being more fully described as follows, bearings being based on the North American Datum of 1983, (CORS 1996), from Texas

Coordinate System established for the South Central Zone:

COMMENCING: At a point on the south right-of-way line of F.M. 1863 at a point for a northwest corner of a 140 acre tract recorded in Doc #200006010170 of the Deed Records of Comal County, the northeast corner of said 45.81 acre tract;

THENCE: S 00°30'11"E, departing south right-of-way line of said F.M. 1863, along and with the east line of said 45.81 acre tract, a west line of said 140 acres, a distance of 402.61 feet to a point on the south Bulverde City Limit line, the north line of the Bulverde Extra-Territorial Jurisdiction, the POINT OF BEGINNING for the herein described tract;

THENCE: S 00°30'11" E, departing the south Bulverde City Limit line, the north line of the Bulverde Extra-Territorial Jurisdiction, along and with the east line of said 45.81 acre tract, a west line of said 140 acres a distance of 1419.71 feet to a point for the southeast corner of the said 45.81 acre tract, a re-entrant corner of the said 140 acres;

THENCE: S 89°27'30"W, along and with the south line of said 45.81 acre tract, a distance of 1152.01 feet to a point, the southwest corner of this 45.81 acre tract, a point on the east line of a 92.37 acre tract recorded in Volume 739, Page 202 of the Deed Records of Comal County, a northwest corner of said 140 acre tract;

THENCE: N 00°36'44"W, along and with the west line of said 45.81 acre tract, the east line of said 92.37 acre tract, passing the southeast corner of the Bulverde Commercial Subdivision Unit 2 recorded in Volume 13, Page 1 of the Map and Plat Records of Comal County, Texas, the northeast corner of said 92.37 acre tract, and continuing along and with the east line of said Bulverde Commercial Subdivision Unit 2 for a total distance of 1343.61 feet to a point for the southwest corner of said Lot 10, a northwest corner of the said 45.81 acre tract;

THENCE: N 68°43'16"E, along and with the south line of said Lot 10, a distance of 374.53 feet to a point, the southeast corner of said Lot 10 a re-entrant corner of the said 45.81 acre tract;

THENCE: N 00°36'45" W, along and with the east line of said Lot 10, a west line of said 45.81 acre tract a distance of 36.13 feet to a point on the south Bulverde City Limit line, the north line of

the Bulverde Extra-Territorial Jurisdiction;

THENCE: S 83°58'18" E, departing the east line of said Lot 10, a west line of said 45.81 acre tract, along and with said city limit line a distance of 809.72 feet to the POINT OF BEGINNING, and containing 38.367 acres in the Comal County, Texas.

TRACT 1E:

A 116.2 acre, or 5,063,012 square feet more or less, tract of land being all of that called 115.596 acre tract described in conveyance to Dora Uecker Williamson, Wilfred Uecker and Eugene Uecker in Deed of Gift recorded in Document No. 200606015932 of the Official Records of Comal County, Texas, out of the Agapito Gayton Survey No. 194, Abstract 174, of Comal County, Texas. Said 116.2 acre tract being more fully described as follows with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone and the south right-of-way of State Farm to Market road No. 1863 (F.M. 1863), right-of-way varies:

BEGINNING: At a point on the south right-of-way line of said F.M. 1863, the northeast corner of a 140 acre tract (Tract 2) recorded in Document No. 9906009079 of the Official Records of Comal County, Texas, the northwest corner of said called 115.596 acre tract;

THENCE: Along and with the south right-of-way line of said F.M. 1863, the north line of said called 115.596 acre tract the following calls and distances:

S 89°26'32"E, a distance of 162.58 feet to a point;

S 83°57'24"E, a distance of 219.14 feet to a found point, a point of non-tangent curvature;

Northeasterly, along the arc of a curve to the left, said curve having a radial bearing of N 06°04'31" E, a radius of 1472.70 feet, a central angle of 31°02'38", a chord bearing and distance of N 80°33'12" E, 788.21 feet, for an arc length of 797.94 feet to a point, a point of non-tangency;

N 64°59'35"E, a distance of 519.99 feet to a point, a point of non-tangent curvature;

Northeasterly, along the arc of a curve to the right, said curve having a radial bearing of S 24°56'32" E, a radius of

1392.70 feet, a central angle of 22°08'45", a chord bearing and distance of N 76°07'50" E, 534.96 feet, for an arc length of 538.30 feet to a point, a point of non-tangency;

N 87°04'25"E, a distance of 321.44 feet to a point, a point of curvature;

Northeasterly, along the arc of a curve to the left, said curve having a radius of 1472.70 feet, a central angle of 2°53'47", a chord bearing and distance of N 85°37'32" E, 74.44 feet, for an arc length of 74.45 feet to a point, the northwest corner of a remaining portion of a 261.17 acre tract recorded in Volume 68, Pages 631-633 of the Deed Records of Comal County, Texas, the northeast corner of said called 115.596 acre tract;

THENCE: Departing the south right-of-way line of said F.M. 1863, along and with the west line of said remaining portion of a 261.17 acre tract, an east line of said called 115.596 acre tract the following calls and distances:

S 00°58'32"E, a distance of 110.71 feet to a point;

S 57°21'19"E, a distance of 308.75 feet to a point;

S 43°37'43"E, a distance of 138.58 feet to a point, on the centerline of the Cibolo Creek, the west line of a 220.5 acre tract recorded in Volume 2631, Pages 165-166 of the Official Records of Comal County, Texas;

THENCE: Along and with the centerline of Cibolo Creek, the west line of said 220.5 acre tract the following calls and distances:

S 21°43'47"W, a distance of 138.53 feet to a point;

S 06°54'23"W, a distance of 157.52 feet to a point;

S 12°50'20"E, a distance of 191.11 feet to a point;

S 15°52'34"W, a distance of 252.92 feet to a point;

S 44°59'18"W, a distance of 130.66 feet to a point;

S 04°26'32"W, a distance of 590.43 feet to a point;

S 18°22'43"E, a distance of 120.64 feet to a point, the northeast corner of a 387.057 acre tract, the southeast corner of the aforementioned called 115.596 acre tract;

THENCE: S 89°40'01"W, departing the west line of said 220.5 acre tract, along and with the north line of said 387.057 acre tract, a south line of said called 115.596 acre tract, at a distance

of 906.4 feet passing point for the northeast corner of a 3.002 acre tract recorded in Volume 862, Pages 874-877 of the Official Records of Comal County, Texas and continuing for a total distance of 1310.37 feet to a point, from which a found 1/2" iron rod bears N 14°43'14"E, 0.81 feet;

THENCE: S 14°52'59"W, along and with an east line of said called 115.596 acre tract, the west line of said 3.002 acre tract, at a distance of 241.2 feet passing the northwest corner of a 0.238 acre tract recorded in Document No. 464834 of the Official Records of Comal County, Texas and continuing for a total distance of 302.43 feet to a point, a common angle point of said 0.238 acre tract and said called 115.596 acre tract;

THENCE: S 00°18'53"W, continuing with an east line of said called 115.596 acre tract, the west line of said 0.238 acre tract, a distance of 132.14 feet to a point on the north line of the aforementioned 387.057 acre tract, a southeast corner of said called 115.596 acre tract, the southwest corner of said 0.238 acre tract;

THENCE: S 89°31'19"W, along and with the north line of said 387.057 acre tract, a south line of said called 115.596 acre tract, a distance of 1299.77 feet to a point, on the east line of the aforementioned 140 acre tract (Tract 2), the northwest corner of said 387.057 acre tract, the southwest corner of said called 115.596 acre tract;

THENCE: Along and with the east line of said 140 acre tract (Tract 2), the west line of said 115.596 acre tract the following calls and distances:

N 00°38'45"W, a distance of 999.92 feet to a point;

N 00°18'24"W, a distance of 855.96 feet to the POINT OF BEGINNING and containing 116.2 acres in Comal County, Texas.

TRACT 1F:

A 15.538 acre tract of land being a portion of Lot 827A and all of Lot 827B of The Crossing at 46 subdivision recorded in Volume 15, Pages 275-276 and all of Lots 828 and 829 of the River Crossing subdivision Unit Four, recorded in Volume 14, Page 219-220 and all of Lots 56, 57 and 58 of the Ridgeview Oaks West subdivision, recorded in Volume 3, Pages 28-29 all of the Map and Plat Records of

Comal County, Texas, out of the Theo Miller Survey No. 323, Abstract 384, Comal County, Texas. Said 15.538 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone.

COMMENCING: At a point at the southwest end of the cutback line at the intersection of the north right-of-way line of State Highway 46, a 130-foot right-of-way at this point, with the west right-of-way line of River Way, a 60-foot right-of-way dedicated in the River Crossing Subdivision recorded in Volume 14, Pages 19-20 of the Map and Plat Records of Comal County, Texas, for the southeast corner of said Lot 827A;

THENCE: N 43°48'10" E, along and with the southeast line of said Lot 827A a distance of 35.36 feet to a point the northwest cutback line of the intersection of the north right-of-way line of said State Highway 46, the west right-of-way line of said River Way;

N 01°13'22" W, along and with the west right-of-way line of said River Way, the east line of said Lot 827A a distance of 215.00 feet to the POINT OF BEGINNING, a point on the north City Limits of Bulverde line;

THENCE: S 88°48'10" W, departing the west right-of-way line of said River Way, over and across said Lot 827A, along and with said city limit line a distance of 736.65 feet to a point on the east line of said Lot 58; the west line of said Lot 827A;

THENCE: S 00°10'10" E, along and with the east line of said Lot 58, the west line of said 827A and the said city limit line a distance of 43.48 feet to a point for the northeast corner of said Lot 59, the southeast corner of said Lot 58, a point on the west line of said Lot 827A;

THENCE: N 89°51'24" W, along and with the north line of said Lot 59, the south line of said Lot 58 and the said city limit line a distance of 399.64 feet to a point on the east right-of-way line of Rainbow Drive, a 60-foot right-of-way dedicated in the said Ridgeview Oaks-West subdivision, the northwest corner of said Lot 59, the southwest corner of said Lot 58;

THENCE: N 00°08'36" E, departing said city limit line, along and with the east right-of-way line of said Rainbow Drive, the west

line of said Lots 58 and 57, a distance of 452.60 feet to the northwest corner of said Lot 57, the southwest corner of Lot 56 of said Ridgeview Oaks-West subdivision;

THENCE: N 00°06'58" E, and with the east right-of-way line of said Rainbow Drive, the west line of said Lot 56 a distance of 226.30 feet to a point for the northwest corner of said Lot 56, the southwest corner of Lot 55 of the said Ridgeview Oaks-West subdivision;

THENCE: S 89°53'02" E, departing the east right-of-way line of said Rainbow Drive, along and with the north line of said Lot 56, the south line of said Lot 55, a distance of 395.79 feet to a point on the west line of said Lot 828, the northeast corner of said Lot 56, the southeast corner of said Lot 55;

THENCE: S 01°00'39" E, along and with the east line of said Lot 56, the west line of said Lot 828 a distance of 38.33 feet to a point for the southwest corner of said Lot 828, the northwest corner of said Lot 827A;

THENCE: S 89°55'56" E, departing the east line of said Lot 56, along and with the south line of said Lot 828, the north line of said Lot 827A, a distance of 601.02 feet to a point on the west right-of-way line of said River Way, the southeast corner of said Lot 828, a northeast corner of said Lot 827A;

THENCE: S 18°58'49" E, along and with the west right-of-way line of said River Way, the east line of said Lot 827A and 827B a distance of 365.99 feet to a point of curvature;

THENCE: Along the west right-of-way line of said River Way, the east line of said Lot 827B with a tangent curve to the right said curve having radius of 270.00 feet, a central angle of 17°45'27", a chord bearing and distance of S 10°06'06" E, 83.35 feet, an arc length of 83.68 feet to a point of tangency;

THENCE: S 01°13'22" E, along and with the west right-of-way line of said River Way, the east line of said Lot 827A and 827B a distance of 153.08 feet to the POINT OF BEGINNING, and containing 15.538 acres in the Comal County, Texas.

PART 2:

TRACT 2A:

All that certain 105.5 acres of land in the John Kaderli

Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No. 465, Abstract No. 309, Comal County Texas, which is the remainder of the 196.62 acre tract described in the deed to Gary Eldon Bartlett recorded under Volume 764, Pages 643-649, Official Records, Comal County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

COMMENCING at a 1/2" iron rod found in the east line of Stahl Road, said iron rod is common to the southwest corner of said 196.62 acre tract, and is common to the southwest corner of a 21.00 acre tract described in the deed from Gary Eldon Bartlett and wife, Brandy Kay Bartlett to Stephen C. Lundgren and wife, Diane K Lundgren, recorded under Document No. 9806013761, Official Public Records of Real Property, Comal County, Texas;

THENCE N 24° 55' 33" W - 88.10' along said east line of Stahl Road and west line of said 21.00 acre tract to a 1/2" iron rod found for the POINT OF BEGINNING;

THENCE N 24° 55' 33" W - 58.91' along said east line of Stahl Road and west line of the before mentioned 196.62 acre tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE N 00° 47' 14" W - 1071.68' along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE N 01° 09' 20" E - 583.04' continuing along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set common to the southwest corner of a 2.889 acre tract described as Lot 1, Bartlett's Paradise Valley Subdivision, in Plat recorded under Volume 10, Page 174, Map and Plat Records, Comal County, Texas;

THENCE along the lines of said Lot 1 the following:

S 88° 47' 33" E - 1030.80' along the south line of said Lot 1 to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 49° 19' 58" E - 250.00' along the south line of said Lot 1 to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 40° 40' 02" E - 250.00' along the south line of said Lot 1 to a 1/2" iron rod found common to the most easterly corner of said Lot 1, an angle corner of the herein described tract;

N 49° 19' 58" W - 250.00' along the north line of said Lot 1 to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 40° 40' 02" W - 172.29' along the north line of said Lot 1 to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 88° 47' 33" W - 1080.24' along the north line of said Lot 1 to a 3/4" iron rod set in the east line of said Stahl Road and the west line of said 196.62 acre tract common to the northwest corner of said Lot 1 an angle corner of the herein described tract;

THENCE N 01° 09' 20" E - 289.12' along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE N 41° 05' 30" E - 228.89' continuing along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 61° 25' 07" E - 553.95' departing said east line of Stahl Road and into said 196.62 acre tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE N 42° 47' 59" E - 460.00' to a 3/4" iron rod set in the southerly line of a 21.0 acre tract described in deed to Peter J. Almquist from Andrew T. Almquist recorded under Document No. 200506033008, Official Public Records of Real Property, Comal County, Texas, said line also being the northerly line of the before mentioned 196.62 acre tract and common to an angle corner of the herein described tract;

THENCE S 63° 26' 23" E - 251.06' along the southerly line of said 21.0 acre tract to a 3/4" iron rod set common to an angle point of the herein described tract;

THENCE N 89° 32' 35" E - 1156.22' along the southerly line of said 21.0 acre tract, at 421.56' pass a 1/2" iron rod found, to a 3/4" iron rod set common to an angle corner of a 36.513 acre tract described in deed to Randy and Kellye Harris from Andrew T. Almquist

recorded under Document No. 200206003624, Official Public Records of Real Property, Comal County, Texas, said iron is common to the northeast corner of the herein described tract;

THENCE S 00° 06' 34" E - 817.22' along the westerly line of said 36.513 acre tract to a 3/4" iron rod set common to an angle point of the said 36.513 acre tract, and common to the northwest corner of a 3.814 acre tract described in deed to Randy Harris from Gary Eldon Bartlett recorded under Document No. 200306031386, Official Public Records of Real Property, Comal County, Texas, said iron common to an angle corner of the herein described tract;

THENCE S 03° 48' 08" E - 183.53' along the westerly line of said Harris tract to a 3/4" iron rod set common to the west corner of said Harris tract and common to an angle corner of the herein described tract;

THENCE S 33° 50' 35" E - 658.91' along the southwesterly line of said Harris tract to a 3/4" iron rod set common to the most southerly corner of said Harris tract and common to an angle corner of the herein described tract;

THENCE S 00° 35' 26" E - 42.43' to a 3/8" iron rod found common to the northeast corner of the aforementioned Lundgren 21.00 acre tract and common to the southeast corner of the herein described tract;

THENCE along the north line of said Lundgren 21.00 acre tract the following:

S 82° 44' 47" W - 56.36' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 87° 02' 05" W - 125.63' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 79° 52' 35" W - 140.95' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 62° 58' 32" W - 551.30' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found for an angle corner of the herein described tract;

N 70° 28' 33" W - 492.76' along the north line of said

Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 09° 44' 51" E - 104.00' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 86° 04' 19" W - 75.76' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 07° 47' 29" W - 173.03' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 16° 51' 24" W - 287.11' along the north line of said Lundgren 21.00 acre tract to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE S 89° 49' 45" W - 1250.21 along the north line of said Lundgren 21.00 acre tract to the POINT OF BEGINNING of the herein described tract and containing 105.5 acres of land.

TRACT 2B:

All that certain 21.00 acres of land in the John Kaderli Survey No. 449, Abstract No. 308, the Jacob Kaderli Survey No. 465, Abstract No. 309, the F.H. Faigaux Survey, No. 578, Abstract No. 169 and in the J. Rittimann Survey No. 579, Abstract No. 500, Comal County Texas, which is all of the land described in the deed from Gary Eldon Bartlett and wife Brandy K. Bartlett to Stephen C. Lundgren and wife Diane K. Lundgren, recorded under Document No. 9806013761, Official Public Records of Real Property, Comal County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 1/2" iron rod found in the east line of Stahl Road, said iron rod is the southwest corner of a 196.62 acre tract described in the deed from Brandy Kay Bartlett to Gary Eldon Bartlett recorded under Document No. 200206018898, Official Public Records of Real Property, Comal County, Texas;

THENCE N 24° 55' 33" W - 88.10' along said east line of Stahl Road and west line of said 196.62 acre tract to a 1/2" iron rod found common to the northwest corner of the herein described tract;

THENCE N 89° 49' 45" E - 1250.21' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE N 16° 51' 24" E - 287.11' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE N 07° 47' 29" E - 173.03' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE S 86° 04' 19" E - 75.76' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE N 09° 44' 51" W - 104.00' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE S 70° 28' 33" E - 492.76' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE N 62° 58' 32" E - 551.30' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE S 79° 52' 35" E - 140.95' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE S 87° 02' 05" E - 125.63' to a 1/2" iron rod found common to an angle corner of the herein described tract;

THENCE N 82° 44' 47" E - 56.36' to a 3/8" iron rod found common to the northeast corner of the herein described tract;

THENCE S 00° 43' 14" E - 680.91' to a 1/2" iron rod found common to the northwest corner of the 43.547 acre tract described in deed from Mark B. Wagner, et al to Helena Kleck Vivian recorded under Document No. 200106022554, Official Public Records of Real Property, Comal County, Texas, common to the southeast corner of the herein described tract;

THENCE S 89° 49' 45" W - 2661.99' along the north line of said 43.547 acre tract to the POINT OF BEGINNING of the herein described tract and containing 21.00 acres of land.

TRACT 2C:

All that certain 2.889 acres of land in the John Kaderli Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No. 465, Abstract No. 309, Comal County Texas, which is all of the land described as Lot 1, Bartlett's Paradise Valley Subdivision, recorded under Volume 10, Page 174, Plat Records, Comal County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate

System, South Central Zone)

COMMENCING at a 1/2" iron rod found in the east line of Stahl Road, said iron rod is common to the southwest corner of a 196.62 acre tract described in the deed from Brandy Kay Bartlett to Gary Eldon Bartlett recorded under Document No. 200206018898, Deed Records, Comal County, Texas;

THENCE N 24° 55' 33" W - 147.01' along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set for an angle corner;

THENCE N 00° 47' 14" W - 1071.68' along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set for an angle corner;

THENCE N 01° 09' 20" E - 583.04' along said east line of Stahl Road and west line of said 196.62 acre tract to a 3/4" iron rod set for the POINT OF BEGINNING;

THENCE N 01° 09' 20" E - 60.00' to a 3/4" iron rod set for the northwest corner of the herein described tract;

THENCE S 88° 47' 33" E - 1080.24' to a 1/2" iron rod found for an angle corner of the herein described tract;

THENCE N 40° 40' 02" E - 172.29' to a 1/2" iron rod found for the most northerly corner of the herein described tract;

THENCE S 49° 19' 58" E - 250.00' to a 1/2" iron rod found for the most easterly corner of the herein described tract;

THENCE S 40° 40' 02" W - 250.00' to a 1/2" iron rod found for the most southerly corner of the herein described tract;

THENCE N 49° 19' 58" W - 250.00' to a 1/2" iron rod found for an angle corner of the herein described tract;

THENCE N 88° 47' 33" W - 1030.80' to the POINT OF BEGINNING of the herein described tract and containing 2.889 acres of land.

TRACT 2D:

All that certain 497.9 acres of land in the Daniel Lewis Survey No. 347, Abstract No. 367, the M. Jamison Survey No. 697, Abstract No. 298, and the John Byland Survey No. 438, Abstract No. 50, Comal County Texas, which is all of the land described in the deed from Edward H. Knowlton and wife, Ann Knowlton to Paul G. Silber Jr. and wife, Phyllis Silber, and in the deed from Paradise Valley Corporation to Paul G. Silber Jr. recorded under Volume 147,

Page 404 and Volume 331, Page 879, Deed Records, Comal County, Texas, respectively, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 39" diameter Live Oak tree, said tree is common to the southeast corner of a 20.000 acre tract described in the deed from Jane K. Kleck to Cantu Medical Association recorded under Volume 424, Page 822 Deed Records, Comal County, Texas, said tree common to the southwest corner of the herein described tract;

THENCE N 00° 30' 25" W - 3004.27' along the east line of said Cantu Medical Association tract, the east line of a 43.567 acre tract described in deed from Helena Kleck Vivian to Mark B. Wagner and Barbara Wagner recorded under Document No. 200106022370 Official Public Records of Real Property, Comal County Texas, the east line of a 43.547 acre tract described in deed from Mark D. Wagner and wife, Barbara Wagner and Pamela Wyrick and husband Jerry Lynn Wyrick to Helena Kleck Vivian recorded under Document No. 200106022554, Official Public Records of Real Property, Comal County Texas, and the west line of the herein described tract to a 1/2" iron rod found, said iron rod is common to the southwest corner of a 21.00 acre tract described in the deed from Gary Eldon Bartlett and wife, Brandy K. Bartlett to Stephen C. Lundgren and wife, Diane K. Lundgren, recorded under Document No. 9806013761, Official Public Records of Real Property, Comal County Texas, said iron rod is common to an angle point of the herein described tract;

THENCE N 00° 43' 14" W - 680.91' along the east line of Lundgren tract and the west line of the herein described tract to a 3/8" iron rod found common to the northeast corner of said Lundgren tract, the southwest corner of a 36.513 acre tract described in the deed from Andrew T. Almquist to Randy and Kellye Harris, recorded under Document No. 200206003624, Official Public Records of Real Property, Comal County Texas, and the northwest corner of the herein described tract;

THENCE along the south line of said Harris tract and the north line of the herein described tract the following:

N 81° 00' 20" E - 156.49' along the south line of said Harris tract to a 3/8" iron rod found for an angle corner of the

herein described tract;

N 70° 25' 04" E - 417.66' along the south line of said Harris tract to a 3/4" iron rod set for an angle corner of the herein described tract;

N 78° 48' 24" E - 845.87' along the south line of said Harris tract to a fence corner found for an angle corner of the herein described tract;

S 83° 53' 55" E - 185.15' along the south line of said Harris tract to a 12" wood post found for an angle corner of the herein described tract;

N 81° 55' 55" E - 471.21' along the south line of said Harris tract to a fence corner found for an angle corner of the herein described tract;

THENCE N 08° 09' 17" W -120.10' along the easterly line of said Harris tract to a 1/2" iron rod found for the most southerly corner of a 31.89 acre tract described in the deed from Gibbons-Markey Family Limited Partnership to Keith L. Markey, and wife Donna Gibbons Markey recorded under Document No. 200306000632, Official Public Records of Real Property, Comal County Texas, said iron rod common to an angle corner of the herein described tract;

THENCE N 77° 55' 49" E - 2075.17' along the south line of said Markey tract, and the south line of a 49.35 acre tract described in the deed from General Investment Corporation to John S. Best and wife, Janet E. Best recorded under Document No. 9806012293, Official Public Records of Real Property, Comal County, Texas, to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE N 77° 53' 33" E - 334.95' along the south line of said Best tract to a fence corner found common to the southeast corner of the said Best tract and an angle point of the herein described tract;

THENCE N 00° 39' 34" W - 30.71' along the east line of said Best tract to a fence corner found common to the most westerly southwest corner of a 149.879 acre tract described in the deed from the Estate of Jocelyn Welsch to Paul G. Silber, Jr. recorded under Document No. 200506036460, Official Public Records of Real Property, Comal County, Texas, said fence corner common to an angle

corner of the herein described tract;

THENCE along the southerly line of said Silber tract and the northerly line of the herein described tract the following:

N 79° 20' 11" E - 30.39' along the southerly line of said Silber tract to a fence corner found common to an angle corner of the herein described tract;

S 00° 47' 49" E - 376.76' along the southerly line of said Silber tract to a fence corner found common to an angle corner of the herein described tract;

S 53° 34' 35" E - 2463.58' along the southerly line of said Silber tract to a 12" wood post found common to an angle corner of the herein described tract;

S 87° 30' 35" E - 93.33' along the southerly line of said Silber tract to a 3/8" iron rod found in the westerly right-of-way line of Smithson Valley Road, said iron rod common to the southeast corner of said Silber tract and the most easterly corner of the herein described tract;

THENCE along the westerly right-of-way line of Smithson Valley Road and the easterly line of the herein described tract the following:

S 27° 12' 54" W - 433.94' to a 3/4" iron rod set common to an angle corner of the herein described tract;

S 34° 37' 54" W - 1343.20' to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 32° 06' 54" W - 620.30' to a 1/2" iron rod found common to an angle corner of the herein described tract;

S 51° 47' 54" W - 148.65' to a 3/8" iron rod found common to the southeast corner of the herein described tract;

THENCE N 88° 32' 20" W - 683.94' along the northerly line of Oak Village North, Unit No. 2 as shown in Plat recorded under Volume 3, Page 22, Map and Plat Records, Comal County, Texas, and along the south line of the herein described tract to a fence corner found for an angle corner of the herein described tract;

THENCE along the northerly line of said Oak Village North and the south line of the herein described tract the following:

S 86° 30' 29" W - 177.79' along the northerly line of said Oak Village North to a 3/4" iron rod set common to an angle corner of

the herein described tract;

S 85° 57' 02" W - 754.60' along the northerly line of said Oak Village North, at 689.40' pass a 1/2" iron rod found common to the northeast corner of lot 358, said Oak Village North, to a 3/4" iron rod set common to an angle corner of the herein described tract;

S 86° 06' 02" W - 599.19' along the northerly line of said Oak Village North, at 359.23' pass a 1/2" iron rod found common to the northeast corner of lot 219, said Oak Village North, to a railroad tie fence corner found common to an angle corner of the herein described tract;

S 01° 41' 27" E - 667.40' along the northerly line of said Oak Village North, at 210.51' pass a 1/2" iron rod found common to the southwest corner of lot 218, at 510.07' pass a 1/2" iron rod found common to the southwest corner of lot 215, said Oak Village North, to a fence corner found common to an angle corner of the herein described tract;

S 89° 45' 19" W - 163.00' along the northerly line of said Oak Village North to a 1/2" iron rod found common to an angle corner of the herein described tract;

N 89° 59' 53" W - 560.04' along the northerly line of said Oak Village North, at 445.60' pass a 1/2" iron rod found common to the northeast corner of Lot 206, said Oak Village North, to a 3/4" iron rod set common to an angle corner of the herein described tract;

S 89° 42' 21" W - 1430.20' along the northerly line of said Oak Village North, at 35.52' pass a 1/2" iron rod found common to the northeast corner of Lot 205, at 635.14' pass a 1/2" iron rod found for the northeast corner of Lot 201, at 995.69' pass a 1/2" iron rod found for the northeast corner of Lot 199, said Oak Village North, to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 89° 22' 40" W - 294.30' to a 3/8" iron rod found common to the northwest corner of said Oak Village North and the northeast corner of Lot 2, McGuffin Subdivision as shown on Plat recorded under Volume 11, Page 248, Map and Plat Records, Comal County, Texas, and an angle corner of the herein described tract;

THENCE S 89° 44' 24" W - 395.56' along the north line of said Lot 2 to the POINT OF BEGINNING of the herein described tract and containing 497.9 acres of land.

TRACT 2E:

All that certain 152.8 acres of land in the M. Jamison Survey No. 697, Abstract No. 298, the F.W. Foerster Survey No. 850, Abstract No. 879, and the John Byland Survey No. 438, Abstract No. 50, Comal County Texas, which is all of the land described in the deed from the Estate of Jocelyn Welsch to Paul G. Silber Jr. recorded under Document No. 200506036460, Official Public Records of Real Property, Comal County, Texas, and being more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 3/8" iron rod found in the westerly right-of-way line of Smithson Valley Road, said iron rod is common to a southeasterly corner of a 97.459 acre tract described in the deed from Paradise Valley Corporation to Paul G. Silber, Jr. recorded under Volume 331, Page 879 Deed Records, Comal County, Texas, said iron rod common to the southeast corner of the herein described tract;

THENCE along the northerly line of said Silber tract and the southerly line of the herein described tract the following:

N 87° 30' 35" W - 93.33' along the northerly line of said Silber tract to a 12" wood post found common to an angle corner of the herein described tract;

N 53° 34' 35" W - 2463.58' along the northerly line of said Silber tract to a fence corner found common to an angle corner of the herein described tract;

N 00° 47' 49" W - 376.76' along the northerly line of said Silber tract to a fence corner found common to an angle corner of the herein described tract;

THENCE S 79° 20' 11" W - 30.39' along the northerly line of said Silber tract to a fence corner found common to a point in the east line of a 49.35 acre tract described in the deed from General Investment Corporation to John S. Best and wife, Janet E. Best recorded under Document No. 9806012293, Official Public Records of Real Property, Comal County, Texas and an angle corner of the herein

described tract;

THENCE N 00° 39' 34" W - 772.93' along the east line of said Best tract to a 3/8" iron rod found common to an angle corner in the east line of said Best tract, the south line of Lot 26, Stoney Ridge, Unit I as shown on Plat recorded under Volume 5, Page 300, Map and Plat Records, Comal County, Texas, said iron rod is common to the northwest corner of the herein described tract;

THENCE along the south line of said Stoney Ridge and the north line of the herein described tract the following:

N 73° 32' 31" E - 254.01' along the south line of said Stoney Ridge to a 3/4" iron rod set common to an angle corner of said Stoney Ridge and the herein described tract;

N 75° 12' 31" E - 147.00' along the south line of said Stoney Ridge to a 3/4" iron rod set common to an angle corner of said Stoney Ridge and the herein described tract;

N 77° 40' 31" E - 1042.30' along the south line of said Stoney Ridge, at 433.34' pass a 1/2" iron rod found common to the southeast corner of Lot 28, Stoney Ridge; at 492.81' pass a 1/2" iron rod found common to the southwest corner of Lot 29 Stoney Ridge; at 834.63' pass a 1/2" iron rod found common to the southeast corner of Lot 29 Stoney Ridge to a 3/4" iron rod set common to an angle corner of said Stoney Ridge and the herein described tract;

N 77° 17' 31" E - 452.72' along the south line of said Stoney Ridge at 127.57' pass a 1/2" iron rod found common to the southeast corner of Lot 30, Stoney Ridge; to a 3/4" iron rod set common to an angle corner of said Stoney Ridge and the herein described tract;

THENCE S 60° 31' 06" E - 448.57' along the south line of said Stoney Ridge, at 234.76' pass a 1/2" iron rod found common to the southeast corner of Lot 32, Stoney Ridge, said iron rod is common to the southwest corner of a 34.00 acre tract described in the deed from Anita Richards Mayer, Trustee to Robert J. Nash and Gerri S. Nash recorded under Document No. 9806017120 Official Public Records of Real Property, Comal County, Texas, to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 60° 11' 06" E - 957.40' continuing along the south line of said Nash tract to a 3/4" iron rod set common to an angle

corner of the herein described tract;

THENCE S 59° 41' 06" E - 269.40' continuing along the south line of said Nash tract to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 60° 39' 06" E - 457.10' along the south line of said Nash tract, at 338.89' pass a 1/2" iron rod found common to the southeast corner of said Nash tract and the southwest corner of Lot 1 of the aforementioned Stoney Ridge, to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 56° 29' 06" E - 72.50' along the south line of said Lot 1 to a 3/4" iron rod set common to an angle corner of the herein described tract;

THENCE S 51° 36' 06" E - 129.01' along the south line of said Lot 1 to a fence corner found in the westerly right-of-way line of Smithson Valley Road common to the northeast corner of the herein described tract;

THENCE along the westerly right-of-way line of said Smithson Valley Road and the easterly line of the herein described tract the following:

S 48° 51' 02" W - 560.70' along the westerly right-of-way line of said Smithson Valley Road to a 3/4" iron rod set common to an angle corner of Smithson Valley Road and the herein described tract;

S 62° 23' 50" W - 860.63' along the westerly right-of-way line of said Smithson Valley Road, at 541.43' pass a 3/8" iron rod found common to the northeasterly corner of a 2.881 acre tract described in the aforementioned deed from the Estate of Jocelyn Welsch to Paul G. Silber Jr. recorded under Document No. 200506036460, Official Public Records of Real Property, Comal County, Texas, and designated as Tract II, to a 3/4" iron rod set common to an angle corner of said Smithson Valley Road and the herein described tract;

S 27° 02' 50" W - 134.10' along the westerly right-of-way line of said Smithson Valley Road, to a 3/8" iron rod found common to the southwesterly corner of said Tract II and an angle corner of said Smithson Valley Road and the herein described tract;

THENCE S 26° 47' 25" W - 1095.86' along the westerly

right-of-way line of said Smithson Valley Road, to the POINT OF BEGINNING of the herein described tract and containing 152.8 acres of land.

PART 3

An 72.51 acre, or 3,158,644 square feet more or less, tract of land being out of the remaining portion of 183.555 acre tract conveyed to Berryman Properties, Ltd. in Special Warranty Deed recorded in Volume 739, Pages 146-149 of the Deed Records of Comal County, Texas, out of the Carl George Survey No. 432 and Phillip Wagner Survey No. 573, Comal County, Texas. Said 72.51 acre tract being more fully described as follows, with bearings established from the Texas Coordinate System as established from the North American Datum of 1983(CORS96) for the South Central Zone and based on the south right-of-way line of State Highway 46, a variable width right-of-way;

COMMENCING: At a found 1/2" iron rod with yellow cap marked "Pape-Dawson", the south right-of-way line of State Highway 46, a variable width right-of-way as shown in the retracement survey TXDOT file SAT021501RA, the northeast corner of Travel Mart Subdivision recorded in Volume 9, Page 312 of the Map and Plat Records of Comal County, Texas, a northwest corner of said remaining portion of 183.555 acre tract, from which a found Texas Department of Transportation monument with a brass plate bears a chord bearing and distance of S 66°37'32"W, 239.55 feet and arc length of 241.30 feet to the northeast corner of said Travel Mart Subdivision and the intersection of the southeast right-of-way line of U.S. Highway 281, a variable width right-of-way and the south right-of-way line of said State Highway 46;

THENCE: Along and with the south right-of-way line of said State Highway 46 and the north line of said remaining portion of 183.555 acre tract, the following calls and distances:

Northeasterly, along the arc of a curve to the right, said curve having a radial bearing of S 11°23'33" E, a radius of 576.94 feet, a central angle of 10°15'10", a chord bearing and distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 88°51'37"E, a distance of 417.14 feet to a found Texas

Department of Transportation monument with a brass plate;

N 45°36'42"E, a distance of 15.32 feet to a found Texas Department of Transportation monument with a brass plate;

N 88°47'15"E, a distance of 184.35 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson", the west right-of-way line of Berry Oaks Drive, a private street, also being Lot 1, Drainage, Electric, Gas, Telephone, Cable T.V., and Water Easement out of Berry Oaks Subdivision Unit 1 recorded in Volume 11, Pages 393-396 of the Map and Plat Records of Comal County, Texas;

THENCE: Departing the south right-of-way line of State Highway 46, along and with the west line of said Berry Oaks Drive and the east line of said remaining portion of 183.555 acre tract, the following calls and distances:

S 01°25'26"E, a distance of 4.66 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson", a point of non tangent curvature;

Southeasterly, along the arc of a curve to the right, said curve having a radial bearing of S 01°27'35" E, a radius of 25.00 feet, a central angle of 92°07'18", a chord bearing and distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson";

Southwesterly, along the arc of a curve to the right, said curve having a radial bearing of N 89°20'17" W, a radius of 707.00 feet, a central angle of 7°24'45", a chord bearing and distance of S 04°22'05" W, 91.40 feet, an arc length of 91.47 feet to a found 1/2" iron rod, from which a found 1/2" iron rod bears N 10°28'11"E a distance of 4.59 feet;

S 08°04'28"W, a distance of 19.93 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson";

Southwesterly, along the arc of a curve to the left, said curve having a radial bearing of S 82°19'30" E, a radius of 350.00 feet, a central angle of 09°40'30", a chord bearing and distance of S 02°50'16" W, 59.03 feet, an arc length of 59.10 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson" and the POINT OF BEGINNING;

Southwesterly, along a curve to the left said curve having a radial bearing of N 88°00'01" E, a radius of 350.00 feet, a

central angle of $03^{\circ}08'17''$, a chord bearing and distance of S $03^{\circ}34'08''$ E, 19.17 feet, an arc length of 19.17 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", being the northeast corner of Lot 2R of said Berry Oaks Subdivision Unit 1;

THENCE: S $87^{\circ}26'47''$ W, departing the east right-of-way line of said Berry Oaks Drive and along and with the north line of said Lot 2R, a distance of 303.41 feet to a found 1/2" iron rod with cap marked "ACE";

THENCE: Along and with the west line of said Berry Oaks Subdivision Unit 1 and the east line of said remaining portion of 183.555 acre tract, the following calls and distances:

S $23^{\circ}42'23''$ E, a distance of 694.70 feet to a found 1/2" iron rod with cap marked "ACE", being a west angle point of Lot 5R of said Berry Oaks Subdivision;

S $05^{\circ}38'29''$ E, a distance of 162.30 feet to a found 1/2" iron rod, being the southwest corner of said Lot 5R;

N $71^{\circ}57'28''$ E, along and with the south line of said Lot 5R, a distance of 311.16 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", being the southeast corner of said Lot 5R, in the east right-of-way line of said Berry Oaks Drive;

S $18^{\circ}02'32''$ E, along and with the east right-of-way line of said Berry Oaks Drive, a distance of 60.00 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the northeast corner of Lot 7R of said Berry Oaks Subdivision;

S $71^{\circ}57'28''$ W, along and with the north line of said Lot 7R, a distance of 324.35 feet to a found 1/2" iron rod, being the northwest corner of said Lot 7R;

S $19^{\circ}42'10''$ W, a distance of 84.84 feet to a found 1/2" iron rod with cap marked "ACE", being a west angle point of said Lot 7R;

S $09^{\circ}39'41''$ W, a distance of 226.86 feet to a found 1/2" iron rod with cap marked "ACE", being a west angle point of Lot 8R of said Berry Oaks Subdivision;

S $05^{\circ}16'46''$ E, a distance of 441.98 feet to a found 1/2" iron rod with cap marked "ACE", being the southwest corner of Lot 10R and the northwest corner of Lot 11R of said Berry Oaks Subdivision;

S 37°37'14"E, a distance of 986.25 feet to a found 1/2" iron rod with cap marked "ACE", being the southwest corner of Lot 15R and a west angle point of Lot 17R of said Berry Oaks Subdivision;

S 48°46'32"E, a distance of 695.56 feet to a found 1/2" iron rod with cap marked "ACE", being the southeast corner of Lot 18R and the southwest corner of Lot 19R of said Berry Oaks Subdivision;

S 61°49'54"E, a distance of 385.79 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", being the southeast corner of Lot 19R, in the west right-of-way line of Stahl Lane, a variable width right-of-way, from which a found 1/2" iron rod with cap marked "ACE" bears S64°00'16"E a distance of 0.65 feet;

THENCE: S 00°14'31"E, departing said Berry Oaks Subdivision, along and with the west line of said Stahl Lane, a distance of 103.55 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the beginning of a tangent curve to the right;

THENCE: Southwesterly, along and with the west line of said Stahl Lane and the said curve to the right, said curve having a radius of 663.42 feet, a central angle of 67°45'22", a chord bearing and distance of S 33°38'10" W, 739.62 feet, an arc length of 784.54 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the southeast corner of said remaining portion of 183.555 acre tract, the east line of a 47.97 acre tract recorded in Document #9806006222 of the Official Records of Comal County, Texas;

THENCE: N 38°46'18"W, departing the west right-of-way line of said Stahl Lane, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said 47.97 acre tract, a distance of 117.96 feet to a found 1/2" iron rod, being the east line of a 30' Ingress-Egress Easement recorded in Volume 284, Pages 407-411 of the Official Records of Comal County, Texas;

THENCE: N 00°53'07''E, along and with the east line of said easement, a distance of 224.63 feet to a found 1/2" iron rod, being the south line of a called 0.50 acre cemetery tract recorded in Volume 284, Pages 407-411 of the Official Records of Comal County, Texas, being the northeast corner of said easement;

THENCE: N 89°44'36"E, a distance of 117.83 feet (117.60'

Deed) to a found 1/2" iron rod, being the southeast corner of said called 0.50 acre tract;

THENCE: N 00°08'03"E, a distance of 147.58 feet (147.60' Deed) to a found 1/2" iron rod, being the northeast corner of said called 0.50 acre tract;

THENCE: N 89°47'54"W, a distance of 147.92 feet (147.60' Deed) to a found 1/2" iron rod, being the northwest corner of said called 0.50 acre tract;

THENCE: S 00°05'59"W, along and with the west line of said easement, a distance of 148.37 feet (147.60' Deed) to a found 1/2" iron rod, the southwest corner of said called 0.50 acre tract and being the northwest corner of said easement;

THENCE: S 00°53'07"W, along and with the west line of said easement, a distance of 188.24 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the southwest corner of said easement, the south line of said remaining portion of 183.555 acre tract and the north line of said 47.97 acre tract;

THENCE: N 38°46'18"W, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said 47.97 acre tract, at a distance of 1380.24 feet passing a found 1/2" iron rod being the upper northwest corner of said 47.97 acre tract and the northeast corner of Hogan/281 Subdivision recorded in Volume 10, Page 277 of the Map and Plat Records of Comal County, Texas and continuing a total distance of 1585.70 feet (1585.15' Deed) to a found 1/2" iron rod;

THENCE: N 62°19'48" W, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said Hogan/281 Subdivision, a distance of 1361.30 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

THENCE: Over and across said remaining portion of 183.555 acre tract, the following calls and distances:

N 14°59'26" E, a distance of 759.78 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 24°00'39" E, a distance of 712.83 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 14°05'08" E, a distance of 373.23 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

Northeasterly, along a non-tangent curve to the right said curve having a radial bearing of S 12°26'18" E, a radius of 376.94 feet, a central angle of 11°17'54", a chord bearing and distance of N 83°12'40" E, 74.21 feet, an arc length of 74.33 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 88°51'37" E, a distance of 496.43 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 45°36'42" E, a distance of 15.46 feet to a to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 88°47'15" E, a distance of 114.05 feet to the POINT OF BEGINNING and containing 72.51 acres in Comal County, Texas.

PART 4:

TRACT 4A:

A 20.29 acres or 883,763 square feet more or less, tract of land, out of the Johann Rittmann Survey No. 579, Abstract No. 500 Comal, County, Texas and being all of a 20.0000 acre tract of land conveyed to Raul S. Cantu Family Partnership No. 1 of record in Volume 958 Page 824 and described in Volume 646 Page 848, Official Public Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: At a found 1/2" iron rod in the east right of way line of Stahl Road, for the southwest corner of a 11.706 acre tract of land conveyed to Barbara Ancira Ruebenson of record in Document No. 200706020345, Official Public Records of Comal County, Texas and for the northwest corner of the 20.0000 acre tract and this tract, from which a 1/2" iron rod found for the southerly northwest corner of the 11.706 acre tract bears N 00°00'41" W a distance of 40.04 feet.

THENCE: S 89°50'29" E with the south line of the 11.706 acre tract and the north line of the 20.0000 acre tract and this tract a distance of 1182.37 feet to a found 1/2" iron rod in the west line of a 497.9 acre tract of land conveyed to 633-4S Ranch, LTD. of record in Document No. 200706014474, Official Public Records of Comal County, Texas, for the southeast corner of the 11.706 acre tract and for the northeast corner of the 20.000 acre tract and this tract.

THENCE: S 00°36'37" E with the west line of the 497.9 acre tract and with the east line of the 20.0000 acre tract and this

tract a distance of 738.23 feet to a 48" Live Oak Tree, for the southwest corner of the 497.9 acre tract and in the north line of a 15.165 acre tract known as Lot 2, McGuffin Subdivision of record in Volume 11 Page 248, Plat Records of Comal County, Texas and for the southeast corner of the 20.0000 acre tract and this tract, from which a found 3/8" iron rod for the northeast corner of the 15.165 acre tract bears N 89°42'57" E a distance of 395.84 feet.

THENCE: with a north line of the 15.165 acre tract and the north line of a 32.182 acre tract of land conveyed to Henry F. Wagner of record in Document No. 200106022364, Official Public Records of Comal County, Texas and the south line of the 20.0000 acre tract and this tract the following calls and distances:

1) S 89°46'45" W, a distance of 275.52 feet to a found 1/2" iron rod for the northwest corner of the 15.165 acre tract and an angle point, and

2) S 89°25'00" W, a distance of 916.73 feet to a set 1/2" iron rod with a blue plastic cap stamped "KFW SURVEYING" in the east right of way line of Stahl Road for the southwest corner of the 20.0000 acre tract and this.

THENCE: N 00°09'02" E with the east right of way line of Stahl Road and the west line of the 20.0000 acre tract and this tract a distance of 751.86 feet to the POINT OF BEGINNING and containing 20.29 acres.

TRACT 4B:

BEING 149.984 ACRES OF LAND BEING OUT OF THE F.H. FAIGAUX SURVEY NO. 787, ABSTRACT NO. 767, IN COMAL COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 155.956 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED MAY 20, 1975, FROM EDDIE LUX TO VIRGIL K. KNOWLTON RECORDED IN VOLUME 227, PAGE 604, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND BEING ALL OF THOSE CERTAIN TWO TRACTS OF LAND DESCRIBED IN TWO SEPARATE DEEDS DATED JULY 10, 1984, EXECUTED BY VIRGIL K. KNOWLTON, ET UX, ONE TRACT BEING 148.395 ACRES OF LAND, WHICH DEED IS RECORDED IN VOLUME 398, PAGE 33, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND THE OTHER TRACT BEING 4.116 ACRES OF LAND, WHICH DEED IS RECORDED IN VOLUME 398, PAGE 42, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, SAID 149.984 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN IRON ROD FOUND AT A POINT IN THE WEST RIGHT-OF-WAY-LINE OF STAHL LANE AT THE MOST NORTHERLY NORTHEAST CORNER OF SAID 155.956 ACRE TRACT OF LAND, BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD RANCH, LTD 151.956 ACRE TRACT OF LAND, RECORDED IN DOCUMENT NO. 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND BEING A POINT IN THE NORTH LINE OF THAT CERTAIN V.S. AND TERRI D. KANE 6.020 ACRE TRACT OF LAND, RECORDED IN VOLUME 398, PAGE 30, OF THE DEED RECORDS OF SAID COUNTY, FOR THE POINT OF COMMENCEMENT HEREOF;

THENCE, WITH A PORTION OF SAID RIGHT-OF-WAY LINE AND WITH THE EAST LINE OF SAID 6.020 ACRES OF LAND THE FOLLOWING TWO (2) COURSES:

1) S 50°03'43" E, A DISTANCE OF 319.25 FEET TO AN IRON ROD FOUND AT A POINT IN SAID LINE;

2) S 24°19'45" E, A DISTANCE OF 214.71 FEET TO AN IRON ROD SET AT THE SOUTHEAST CORNER OF SAID 6.020 ACRES OF LAND, FOR THE POINT OF BEGINNING HEREOF;

THENCE, WITH A PORTION OF SAID RIGHT-OF-WAY LINE AND WITH A PORTION OF THE EAST LINE OF SAID 155.956 ACRE TRACT OF LAND THE FOLLOWING NINE (9) COURSES:

1) S 24°19'45" E, A DISTANCE OF 288.35 FEET TO AN IRON ROD FOUND;

2) S 61°24'18" E, A DISTANCE OF 809.86 FEET TO AN IRON ROD FOUND;

3) S 71°39'27" E, A DISTANCE OF 390.70 FEET TO AN IRON ROD FOUND;

4) S 33°11'33" E, A DISTANCE OF 16.90 FEET TO AN IRON ROD FOUND;

5) S 06°04'41" E, A DISTANCE OF 213.95 FEET TO AN IRON ROD FOUND;

6) S 00°29'28" W, A DISTANCE OF 1,475.86 FEET TO AN IRON ROD SET

7) S 59°19'00" W, A DISTANCE OF 200.06 FEET TO AN IRON ROD SET

8) S 88°57'00" W, A DISTANCE OF 388.95 FEET TO AN IRON ROD SET

9) S 45°59'00" W, A DISTANCE OF 30.40 FEET TO AN IRON ROD SET AT THE NORTHEAST CORNER OF THAT CERTAIN JOYCE LUX 0.616 OF AN ACRE OF LAND, FOR THE SOUTHEAST CORNER HEREOF;

THENCE, WITH THE NORTH LINE OF SAID 0.516 OF AN ACRE OF LAND AND WITH THE SOUTH LINE OF SAID 155.956 ACRE TRACT OF LAND THE FOLLOWING FOUR (4) COURSES:

1) S 89°36'00" W, A DISTANCE OF 1,019.90 FEET TO AN IRON ROD SET AT AN ANGLE POINT IN SAID LINE;

2) N 35°32'00" W, A DISTANCE OF 13.20 FEET TO AN IRON ROD SET AT AN ANGLE POINT IN SAID LINE;

3) S 72°04'00" W, A DISTANCE OF 51.70 FEET TO AN IRON ROD SET AT AN ANGLE POINT IN SAID LINE;

4) N 89°49'00" W, A DISTANCE OF 968.30 FEET TO AN IRON ROD SET AT THE NORTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD RANCH, LTD 10.600 ACRE TRACT OF LAND, SAME BEING THE SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD RANCH, LTD 151.900 ACRE TRACT OF LAND, BOTH RECORDED IN DOCUMENT NO. 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, FOR THE SOUTHWEST CORNER HEREOF;

THENCE, WITH THE EAST LINE OF SAID HEREFORD RANCH, LTD 151.900 ACRES OF LAND AND WITH THE WEST LINE OF SAID 155.956 ACRE TRACT OF LAND, N 00°40'00" W, A DISTANCE OF 3,017.30 FEET TO AN IRON ROD FOUND AT A POINT IN THE SOUTH LINE OF SAID HEREFORD RANCH, LTD 151.956 ACRE TRACT OF LAND, FOR THE NORTHWEST CORNER HEREOF;

THENCE, WITH A PORTION OF SAID SOUTH LINE OF SAID 151.956 ACRE TRACT OF LAND AND WITH A PORTION OF THE NORTH LINE OF SAID 155.956 ACRE TRACT OF LAND, S 89°57'00" E, A DISTANCE OF 655.62 FEET TO AN IRON ROD SET AT A POINT IN SAID LINE AT THE NORTHWEST CORNER OF SAID KANE 6.020 ACRE TRACT OF LAND, FOR A POINT IN THE NORTH LINE HEREOF;

THENCE, THROUGH SAID 155.956 ACRE TRACT OF LAND WITH THE WEST AND SOUTH LINE OF SAID KANE 6.020 ACRE TRACT OF LAND THE FOLLOWING TWO (2) COURSES:

1) S 00°40'00" E, A DISTANCE OF 400.33 FEET TO AN IRON ROD SET, FOR AN INSIDE CORNER HEREOF;

2) S 89°57'00" E, A DISTANCE OF 782.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 149.984 ACRES OF LAND, MORE OR LESS.

PART 5

FIELDNOTE DESCRIPTION of a 210.971 acre tract of land situated within Comal County, Texas, out of the Christian Hanz Survey Number 452, Abstract 263, the Agapita Nava Survey Number

451, Abstract 432 and the Johann Moegelin Survey Number 575, Abstract 423 and being comprised of all of Lot 1, Block 2, KESTREL AIR PARK as shown by plat recorded in Volume 12, Pages 314-316, Comal County Map and Plat records, together with 16.210 acres out of a certain 25.422 acre tract of land conveyed unto DJL Ventures Inc, by warranty deed executed November 27, 2006 and recorded in Document Number 200606050149, Comal County Official Records, together with 0.519 acres out of a certain 3.827 acre tract of land conveyed unto James R. and Cecelia Leininger by warranty deed executed April 8, 1987 and recorded in Volume 564, Page 360, Comal County Deed Records, together with 25.502 acres out of a remaining portion of a certain 412.1351 acre tract of land conveyed unto James R. Leininger by warranty deed executed December 29, 1982 and recorded in Volume 338, Page 466, said Deed Records, together with a certain 35.00 acre tract of land and a certain 5.058 acre tract of land conveyed unto DJL Ventures, Inc by warranty deed executed December 27, 2006 and recorded in Document Number 200706009043, said Official Records, together with a called 123.995 acre tract conveyed unto DJL Ventures, Inc by warranty deed executed January 3, 2007 and recorded in Document Number 200706009042, said Official Records, in all said 210.971 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the westerly right-of-way line of U.S. Highway 281 (a variable width public right-of-way) with the northerly incorporated limits of City of Bulverde as described in the POLITICAL BOUNDARY DESCRIPTION OF A 1.8 SQUARE MILE TRACT OF LAND FOR THE CITY OF BULVERDE NORTHWEST - INCORPORATION LIMITS, dated October 8, 2001; same being the common southeast corner of said Lot 1, Block 2, KESTREL AIR PARK and the northeast corner of said 25.422 acre tract, also being the eastern most corner and POINT OF BEGINNING of this tract.

THENCE, along said northerly incorporated city limit line and with the common south line of said Lot 1 and the north line of said 25.422 acre tract, North 88° 16' 26" West, 200.70 feet to a point for corner in the incorporated city limit line running 200 feet west of, and parallel with, the westerly right-of-way line of said U.S. Highway 281.

THENCE, across said 25.422 acre tract and with said line running 200 feet west of, and parallel with, said westerly right-of-way line as follows:

South 03° 03' 10" East, 256.79 feet to a point for corner.

South 05° 51' 08" East, 710.05 to a point at the beginning of a non-tangent curve concave to the west, whose radius point bears South 84° 07' 05" West and whose chord bearing and distance is South 01° 25' 05" West, 884.34 feet,

And southerly with the arc of said curve through a central angle of 14° 36' 01", an arc distance of 886.73 feet to a point for corner situated in the incorporated city limit line running perpendicular to the centerline of said U.S. Highway 281, said perpendicular line being situated approximately 2,200 feet north of the centerline of State Highway 46 (a 100 foot wide public right-of-way).

THENCE along said perpendicular line, North 81° 16' 54" West, at 106.16 feet pass the common south line of said 25.422 acre tract and the north line of said 3.827 acre tract, in all a distance of 270.53 feet to a point for corner situated in the incorporated city limit line running 470 feet west of, and parallel with, the westerly right-of-way line said U.S. Highway 281.

THENCE, along said line running 470 feet west of, and parallel with, said westerly right-of-way line, South 14° 54' 38" West, at 178.41 feet pass the common west line of said 3.827 acre tract and the east line of said 412.1351 acre tract, in all a distance of 756.85 feet to a point for corner in the north line of a 9.156 acre tract of land conveyed unto J. David Bamberger by correction deed executed February 9, 1981 and recorded in Volume 308, Page 202, said Deed Records.

THENCE, departing said line running 470 feet west of, and parallel with, said westerly right-of-way line, South 76° 50' 42" West, 88.53 feet to a 1/2" iron rod found in the east line of said 412.1351 acre tract and at the northwest corner of said 9.156 acre tract.

THENCE, along the common west line of said 9.156 acre tract and east line of said 412.1351 acre tract, South 01° 13' 43" East,

281.04 feet to its intersection with said incorporated city limit line running 470 feet west of, and parallel with, said westerly right-of-way line.

THENCE, across said 412.1351 acre tract and with said line running 470 feet west of, and parallel with, said westerly right-of-way line, South 14° 54' 38" West, 379.03 feet to a point for corner situated in the incorporated city limit line running 750 feet north of, and parallel with, the northerly right-of-way line of said State Highway 46, same being the southeast corner of this tract and the beginning of a non-tangent curve concave to the north whose radius point bears North 04° 50' 53" East, 10,662.25 feet and whose chord bearing and distance is North 84° 29' 03" West, 248.50 feet.

THENCE, along said line running 750 feet north of, and parallel with, said northerly right-of-way line and westerly with the arc of said curve through a central angle of 01° 20' 08", an arc distance of 248.51 feet to a point for corner.

THENCE, continuing across said 412.1351 acre tract and along said line running 750 feet north of, and parallel with, said northerly right-of-way line, North 83° 56' 15" West, 475.45 feet to a point for corner in the west line of WINDMILL RANCH SUBDIVISION, UNIT 1, as shown by plat recorded in Volume 12, Pages 321 - 324, said Map and Plat Records for the southerly southwest corner of this tract, and from whence a 1/2" iron rod found at the southeast corner of said WINDMILL RANCH SUBDIVISION, UNIT 1, bears South 00° 05' 07" West, 4.89 feet.

THENCE, continuing with said incorporated city limit line, North 00° 05' 07" East, 774.87 feet to a 1/2" iron rod found and North 00° 42' 29" West, at 311.99 feet pass a 1/2" iron rod set at the common southwest corner of said 35.00 acre tract and a northerly corner of the remaining portion of said 412.1351 acre tract, in all a distance of 644.29 feet to an 8" cedar fence post found on the west line of said 35.00 acre tract, at the common northeast corner of said WINDMILL RANCH SUBDIVISION, UNIT 1 and the southeast corner of said called 123.995 acre tract.

THENCE, continuing with said incorporated city limit line and along the common north line of said WINDMILL RANCH SUBDIVISION,

UNIT 1, the south line of said called 123.995 acre tract and the south line of this tract as follows:

North 89° 28' 10" West, 1490.92 feet to a 1/2" iron rod found.

and North 89° 39' 20" West, 1508.06 feet to a 1/2" iron rod found at the common northwest corner of said WINDMILL RANCH SUBDIVISION, UNIT 1, the east corner of WINDMILL RANCH SUBDIVISION, UNIT 2 according to the plat recorded in Volume 13, Pages 31 and 32, said Map and Plat Records, the southwest corner of said called 123.995 acre tract and the westerly southwest corner of this tract.

THENCE, continuing with said incorporated city limit line, North 00° 01' 22" East, at 872.34 feet pass a 1/2" iron rod found at the common north corner of said WINDMILL RANCH SUBDIVISION, UNIT 2 and the southeast corner of WINDMILL RANCH SUBDIVISION, UNIT 3 according to the plat recorded in Volume 13, Pages 33-36, said Map and Plat Records, at 1742.32 feet pass a 1/2" iron rod found at the northeast corner of Lot 84 as shown by plat of said WINDMILL RANCH SUBDIVISION, UNIT 3, in all a distance of 1742.99 feet to a 1/2" iron rod set on the south line of KESTREL AIR PARK according to the plat recorded in Volume 12, Pages 314-316, said Map and Plat Records for the northwest corner of said called 123.995 acre tract and the northwest corner of this tract.

THENCE, departing said incorporated city limit line, North 89° 35' 20" East, 2,627.46 feet, along the south line of said KESTREL AIR PARK, to a 1/2" iron rod found on the south right-of-way line of Flightline Drive (a 60 foot wide Private Street) as shown by plat of said KESTREL AIR PARK.

THENCE, along said south right-of-way line, North 89° 29' 45" East, at 727.93 feet pass a 1/2" iron rod found at the common northeast corner of said 123.995 acre tract and the northwest corner of said 5.058 acre tract, in all a distance of 750.21 feet to a 1/2" iron rod found at the west corner of said Lot 1, Block 2, KESTREL AIR PARK and at the beginning of a non-tangent curve to the left whose radius point bears North 00° 29' 59" East, 360.00 feet and whose chord bearing and distance is North 79° 06' 14" East, 142.26 feet,

THENCE, continuing along said south right-of-way line and

with the common north line of said Lot 1, Block 2, KESTREL AIR PARK and the north line of this tract the following courses:

Northeasterly along the arc of said curve through a central angle of $22^{\circ} 47' 30''$, an arc distance of 143.20 feet to a 1/2" iron rod found.

North $66^{\circ} 45' 47''$ East, 174.00 feet to a 1/2" iron rod found at the beginning of a tangent curve to the right having a radius of 250.00 feet and a chord bearing and distance of North $86^{\circ} 43' 18''$ East, 170.67 feet,

Easterly with the arc of said curve through a central angle of $39^{\circ} 55' 02''$, an arc distance of 174.17 feet to a 1/2" iron rod found.

South $73^{\circ} 19' 11''$ East, 42.33 feet to a 1/2" iron rod found at the beginning of a tangent curve to the left having a radius 330.00 feet and a chord bearing and distance of South $80^{\circ} 50' 39''$ East, 86.43 feet,

Easterly with the arc of said curve through a central angle of $15^{\circ} 02' 55''$, an arc distance of 86.67 feet to a mag nail found.

South $88^{\circ} 22' 06''$ East, 190.99 feet to a 1/2" iron rod found at the beginning of a tangent curve to the right having a radius of 500.00 feet and a chord bearing and distance of South $85^{\circ} 19' 27''$ East, 53.11 feet,

Easterly with the arc of said curve through a central angle of $06^{\circ} 05' 19''$, an arc distance of 53.13 feet to a 1/2" iron rod found.

South $82^{\circ} 16' 47''$ East, 97.67 feet to 1/2" iron rod found at the beginning of a tangent curve to the left having a radius of 500.00 feet and a chord bearing and distance of South $85^{\circ} 19' 27''$ East, 53.11 feet,

Easterly with the arc of said curve through a central angle of $06^{\circ} 05' 19''$, an arc distance of 53.13 feet to a 1/2" iron rod found.

And South $88^{\circ} 21' 34''$ East, 127.32 feet to a 1/2" iron rod found at the intersection of said south right-of-way line and the westerly right-of-way line of said U.S. Highway 281, same being at the common northeast corner of said Lot 1, Block 2, KESTREL AIR

PARK and the northeast corner of this tract.

THENCE, along said westerly right-of-way line, South 03° 03' 10" East, at 134.71 feet to the point of POINT OF BEGINNING.

CONTAINING in all 210.971 acres or 9,189,882 square feet of land, more or less.

SECTION ____.03. (a) The legal notice of the intention to introduce this article, setting forth the general substance of this article, has been published as provided by law, and the notice and a copy of this article have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION ____.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(2) In SECTION 3.01(a) of the bill (page 13, line 16), between "this section" and the comma, insert "or otherwise provided by this Act".

WENTWORTH