

Amend CSHB 3335 (Senate committee printing) as follows:

(1) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY

SECTION \_\_\_\_ .01. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11002 to read as follows:

CHAPTER 11002. LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11002.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Lajitas Utility District No. 1 of Brewster County.

Sec. 11002.002. NATURE OF DISTRICT. The district is a utility district with combined powers created under Section 59, Article XVI, Texas Constitution.

Sec. 11002.003. 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. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is created to serve a public purpose and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

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

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

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

(3) Section 52-a, Article III, Texas Constitution, that relate to the development and diversification of the economy of this state and other purposes of that section.

(d) The creation of the district is in the public interest and essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district is not an agent or instrumentality of a private interest even though the district will benefit private interests as well as the public.

Sec. 11002.005. 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 11002.006-11002.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 11002.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 11002.052, directors serve staggered four-year terms.

Sec. 11002.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Brent Ratliff;

(2) George Kutch;

(3) John Nolan;

(4) Renee Lorenz; and

(5) H. C. Ross.

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 11002.003; or

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

(d) If permanent directors have not been elected under Section 11002.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 11002.003; or

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

(e) If Subsection (d) 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 11002.053-11002.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 11002.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 11002.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. The district may provide improvement projects and services in the same manner as a municipal management district under Section 375.112, Local Government Code.

Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 11002.104 unless:

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

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

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation

Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section 11002.104; or
- (2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 11002.108. ELECTRIC POWER FACILITIES. The district may construct, acquire, improve, maintain, and operate electric power generating, transmission, and distribution facilities and improvements in aid of these facilities.

Sec. 11002.109. AIRPORT. The district may construct, acquire, improve, maintain, and operate an airport and improvements in aid of the airport.

Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT CORPORATION. The district may exercise the powers of a corporation created under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code).

Sec. 11002.111. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

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

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

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

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 11002.003 to confirm the district's creation.

(f) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds of each new district;
- (3) appoint temporary directors for each new district;

and

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 11002.003.

(i) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(j) If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to that of the original district.

[Sections 11002.112-11002.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 11002.151. 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 11002.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval

before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 11002.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 11002.151, 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. 11002.153. 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.

Sec. 11002.154. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

(b) The district may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district.

(c) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the

district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

(d) Chapter 321, Tax Code, applies to the imposition, computation, administration, enforcement, and collection of the sales and use tax imposed by this section except to the extent it is inconsistent with this chapter.

Sec. 11002.155. ASSESSMENTS. The district may levy and collect special assessments in the same manner and for the same purposes as a municipal management district as provided in Subchapter F, Chapter 375, Local Government Code.

[Sections 11002.157-11002.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 11002.201. 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, sales and use taxes, other district money, or any combination of those sources to pay for any authorized district purpose.

Sec. 11002.202. TAXES FOR BONDS. (a) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of an ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

Sec. 11002.203. 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 Lajitas Utility District No. 1 of Brewster County initially includes all the territory contained in the following area:

Tract 1



Being parts of the following Surveys:

T. C. Ry. Co. Surveys, Block 341

G. C. & S.F. Ry. Co. Surveys, Block G-12

M. K. & TE. Ry. Co. Surveys, Block G-5

Beginning at a rock mound found for the northeast corner of Section 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co. Surveys common with the northeast corner of Section 59, the northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co. Surveys in Brewster County, Texas this being the Place of Beginning of this survey description of property located north of the center line of FM Highway 170;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 73 to a rock mound located at the northwest corner of said Section 73 common to the northeast corner of Section 84, Block 341;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 84 a rock mound located at the northwest corner of said Section 84, common to the northeast corner of Section 85, Block 341;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 85 to a rock mound located at the northeast corner of Section 96, common with the southeast corner of Section 56 Block 341;

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east section line of said Section 56 to a rock mound located at the northeast corner of said Section 56, common with the northwest corner of Section 57, and the southwest corner of Section 44, Block 12;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 56 to a rock mound located at the northwest corner of said Section 56, common the northeast corner of Section 55, Block 341;

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east section line of said Section 48 to a rock mound located at the southeast corner of said Section 47; common with the southeast corner of Section 47, and the southwest corner of Section 46, Block 341;

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east section line of said Section 47 to a rock mound located at the northeast corner of said Section 47; common with the southeast corner of Section 103, and the northwest corner of Section 46, Block 341

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east section line of said Section 103 to a rock mound located at the northeast corner of said Section 103; common with the southeast corner of Section 102, Block G-5;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 103 to a rock mound located at the northeast corner of Section 105;

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east section line of said Section 105 to a rock mound located at the northeast corner of Section 92; common with the northwest corner of Section 102 , Block G-5;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north section line of said Section 105 and the east line of Section 106 to a rock mound located at the northwest corner of said Section 105;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 105 and the east line of Section 106 to a rock mound located at the southwest corner of said Section 105;

THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south section line of said Section 105 to a rock mound located at the southeast corner of said Section 105, common with the northwest corner of Section 103, Block G-5;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 103 to a rock mound located at the northwest corner of said Section 47, common with the southwest corner of Section 103, Block G-5;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 47 to a rock mound located at the northwest corner of said Section 48;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 48 to a rock mound located at the northwest corner of said Section 55, common with the southeast corner of Section 49, Block G-12,

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 55 from a rock mound located at the northwest corner of said Section 55, common with the southwest corner of Section 48, Block G-12, from which face of bluff bears S 70° W and the south point of rim bears N 84° 30' W;

THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south section line of said Section 55 to a rock mound located at the southwest corner of said Section 56, common with the northwest corner of Section 96, Block 341;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 96 to a rock mound located at the northeast corner of said Section 98, common with the northwest corner of Section 95, Block 341; a rock mound located at the northwest corner of said Section 95, common with the southwest corner of Section 96, Block 341, from which Emory Peak bears S 80° 45' E and a rock mound bears East 40 vares, this rock mound, also being the northeast corner of Section 98, and the southeast corner of Section 97 all in Block 341;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west section line of said Section 95 to a rock mound located at the southeast corner of Section 98;

THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the south section line of said Section 98 to a rock mound located at the southwest corner of said Section 98;

THENCE N 00° 21' 09" W, a distance of 5,277.8 feet (called 1,900 vares) along the east section line of Section 101 to a rock mound located at the northwest corner of said Section 98;

THENCE S 89° 38' 51" W, a distance of 4,333.4 feet along the north section line of said Section 101 to a rock mound located on the east line Section 36;

THENCE N 00° 21' 09" W, a distance of 1,466.7 feet along the east section line of said Section 36 to a rock mound common with the northwest corner with Section 101, Block 341;

THENCE S 89° 38' 51" W (called East), a distance of 2,638.9 feet along the north section line of said Section 36 to a rock mound located at the northwest corner of said Section 36;

THENCE S 00° 21' 09" E (called North), a distance of 50.6 feet, more

or less, along the west section line of said Section 36 to a rock mound located at the northeast corner of said Section 35, continuing 7,389.7 feet, to the north right-of-way line of FM Highway 170;

THENCE S 00° 21' 09" E (called North), a distance of 60.0 feet, more or less, along the west section line of said Section 36 to the center line of said of FM Highway 170;

THENCE along the established center line as follows;

THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;

THENCE around the said curve to the left, a distance of 339.43 feet, to a point of tangent;

THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 62° 55' 02.1" Right, a Radius of 818.51 feet;

THENCE around the said curve to the right, a distance of 898.82 feet, to a point of tangent;

THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 36 and 37, and continuing on a distance of 72.2 feet to the beginning of a curve to the left, having a center line central angle of 50° 46' 37.1" left, a R = 954.93 feet;

THENCE around the said curve to the left, a distance of 846.28 feet, to a point of tangent;

THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 33° 39 ' 17" left , a R = 1,909.86 feet;

THENCE around the said curve to the left, a distance of 670.43 feet, to a point located on the Section line between Sections 37 and 100, and continuing on a distance of 451.4 feet to a point of tangent;

THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center line of the right-of-way line of F. M. Highway 170 to a point

located on the Section line between Sections 100 and 99, and continuing on a distance of 3,073.0 feet to the beginning of a curve to the right, having a center line central angle of  $44^{\circ} 08' 21''$  right, a  $R = 1,273.24$  feet; and this Easement is described and recorded in Volume 133 Page 435 of the Brewster County Deed Records; THENCE around the said curve to the right, a distance of 980.87 feet, to a point of tangent;

THENCE  $S 81^{\circ} 11' 18'' E$ , a distance of 672.9 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of  $43^{\circ} 21' 04''$  left, a  $R = 818.51$  feet;

THENCE around the said curve to the left, a distance of 419.60 feet, to a point located on the Section line between Sections 99 and 94, and continuing on a distance of 199.7 feet to a point of tangent, and this Easement is described and recorded in Volume 133 Page 436 of the Brewster County Deed Records;

THENCE  $N 55^{\circ} 27' 37.7'' E$ , a distance of 82.6 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 94 and 95, and continuing on a distance of 5,266.18 feet to the beginning of a curve to the right, having a center line central angle of  $25^{\circ} 53' 27.6''$  right, a  $R = 1,432.39$  feet;

THENCE around the said curve to the right, a distance of 647.28 feet, to a point of tangent;

THENCE  $N 81^{\circ} 21' 05.4'' E$ , a distance of 267.0 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 95 and 86, and continuing on a distance of 995.5 feet to the beginning of a curve to the right, having a center line central angle of  $61^{\circ} 36' 29.6''$  right, a  $R = 881.47$  feet ;

THENCE around the said curve to the right, a distance of 947.82 feet, to a point of tangent;

THENCE  $S 37^{\circ} 02' 25'' E$ , a distance of 1,119.4 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of  $56^{\circ} 48' 15.5''$  left, a  $R = 1,145.92$  feet;

THENCE around the said curve to the left, a distance of 1,136.09

feet, to a point of tangent;

THENCE N 86° 09' 19.5" E, a distance of 1,899.44 feet along the center line of the right-of-way line of F. M. Highway 170 to the beginning of a curve to the left, having a center line central angle of 11° 33' 03.2" left, a R = 5,729.58 feet and this Easement is described and recorded in Volume 133 Page 437 of the Brewster County Deed Records; THENCE around the said curve to the left, a distance of 1,155.09 feet, to a point of tangent;

THENCE N 74° 36' 16.3" E, a distance of 1,512.63 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 16° 44' 06.5" left, a R = 2,864.79 feet;

THENCE around the said curve to the left, a distance of 836.76 feet, to a point of tangent;

THENCE N 57° 52' 09.7 " E, a distance of 807.2 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 04° 00' 03" left, a R = 11,459.16 feet;

THENCE around the said curve to the left, a distance of 800.19 feet, to a point of tangent;

THENCE N 61° 52' 13.1" E, a distance of 807.2 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 83 and 74, , and this Easement is described and recorded in Volume 4 Page 166 of the Brewster County Deed Records, and continuing on a distance of 2,714.68 feet a point located on the Section line between Sections 74 and 73, and continuing on a distance of 20.1 feet for a total distance of 3,541.98 feet to the beginning of a curve to the left, having a center line central angle of 26° 39' 56.7" left, a R = 1,637.02 feet; and this Easement is described and recorded in Volume 133 Page 438 of the Brewster County Deed Records;

THENCE around the said curve to the left, a distance of 761.88 feet, to a point of tangent;

THENCE N 35° 12' 16.4" E, a distance of 538.0 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 27° 06' 51" right, a R = 1,909.86 feet ;

THENCE around the said curve to the right, a distance of 903.81 feet, to a point of tangent;

THENCE N 62° 19' 08.1" E, a distance of 264.68 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 13° 50' 09.2" Left, a R = 2,864.79;

THENCE around the said curve to the left, a distance of 691.79 feet, to a point of tangent;

THENCE N 48° 28' 59" E, a distance of 46.84 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 73 and 72;

THENCE N 02° 35' 58" W (called North), a distance of 1,799.22 feet, more or less, along the east line of said Section 73 to a rock mound, this being the Place of Beginning of this survey description of property located north of the centerline of FM Highway 170; The land area contained within this description is 7,949.704 acres, more or less, including a sixty (60.0) foot wide (one half of a 120.0 foot wide right-of-way) strip of land along the north half of FM Highway 170.

Tract 2

Being parts of the following Surveys:

T. C. Ry. Co. Surveys, Block 341

G. H. & S.A. Ry. Co. Surveys, Block 17

Commencing at a rock mound found for the northeast corner of Section 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co. Surveys common with the southeast corner of Section 59, the northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co. Surveys in Brewster County, Texas;

THENCE S 02° 35' 58" E (called South), a distance of 1,799.22 feet along the east section line of said Section 73 to iron rod located on the south right-of-way line of F M Highway 170 on the section line between Section 72 and Section 73 Block 341, T. C. Ry. Co. Surveys in Brewster County, Texas, this being the Place of Beginning;

THENCE S 00° 48' 31" W, a distance of 3,480.68 feet along the said east line of said Section 73 and the west line of Section 72 to a rock mound located at the southeast corner of said Section 73 common

to the southwest corner of said Section 72 and the northwest corner of Section 64 Block 341;

THENCE N 89° 38' 51" E , a distance of 5,277.8 feet along the north section line of said Section 64 a rock mound located at the northeast corner of said Section 64 common to the northwest corner of said Section 65 and the southwest corner of Section 71 Block 341;

THENCE N 00° 21' 00" W, a distance of 5,277.8 feet along the west section line of said Section 71 to a rock mound located at the northeast corner of said Section 72 common to the northwest corner of said Section 71 and the southwest corner of Section 70 Block 341 and the southeast corner of Section 60 Block G-12;

THENCE N 00° 21' 09" W, a distance of 2,631.36 feet along the west section line of said Section 70 and the east section line of Section 60 to a iron rod located on the south right-of-way line of F M Highway 170, described being 120 feet in width in total width with the south right-of-way line located 60 feet from the center line of the road, and this Easement is described an recorded in Volume 133 Page 438 of the Brewster County Deed Records;

THENCE N 64° 13' 04" E, a distance of 869.0 feet along the south right-of-way line of F. M. Highway 170 to an iron rod set by Walker;

THENCE S 16° 33' 44" E, a distance of 444.09 feet to an iron rod set by Walker;

THENCE S 36° 44' 19" E, a distance of 348.44 feet to an iron rod set by Walker;

THENCE S 08° 07' 25" E, a distance of 679.25 feet to an iron rod set by Walker;

THENCE N 89° 38' 51" E, a distance of 2,980.6 feet along the north section line of said Section 71 a rock mound located at the northeast corner of said Section 71, common to the northwest corner of said Section 68 Block 341;

THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the east section line of said Section 71 to a rock mound located at the northeast corner of said Section 71 common to the northwest corner of said Section 67 Block 341;

THENCE N 89° 38' 51" E, a distance of 5,277.8 feet, more or less, along the north section line of said Section 67 to a rock mound located at the northeast corner of said Section 67 on the west



section line of Section 299 Block G-12;

THENCE S 00° 21' 09" E, a distance of 3,997.3 feet, more or less, along the east section line of said Section 67 to a rock mound located at the southeast corner of said Section 67 common to the west section line of Section 299 Block G-12 and the north section line of Section 34 Block 17;

THENCE N 40° 00' E, a distance of 3,777.8 feet, more or less, along the north section line of said Section 34 Block 17 to a rock mound located at the northeast corner of Section 34 and the southwest corner of Section 35 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 34 Block 17 to a rock mound located at the northern most corner of Section 33 and the western most corner of Section 36 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 33 Block 17 to a rock mound located at the northern most corner of Section 32 and the western most corner of Section 37 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 32 Block 17 to a rock mound located at the northern most corner of Section 31 and the western most corner of Section 38 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 31 Block 17 to a rock mound located at the eastern most corner of Section 31 and the western most corner of Section 39 Block 17;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 31 Block 17 to a rock mound located at the northern most corner of Section 25 and the western most corner of Section 30 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 25 Block 17 to a rock mound located at the eastern most corner of Section 25 and the western most corner of Section 29 Block 17, being a point on the boundary line of the Big Bend National Park;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 25 Block 17 to a rock mound

located at the southern most corner of Section 25 and the western most corner of Section 26 Block 17, being a point on the boundary line of the Big Bend National Park;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 25 Block 17 along the boundary line of the Big Bend National Park;

to a rock mound located at the western most corner of Section 25 and the southern most corner of Section 24 Block 17;

THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along the north section line of said Section 25 Block 17 to a rock mound located at the northern most corner of Section 25 and the southern most corner of Section 31 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 31 Block 17 to a rock mound located at the eastern most corner of Section 23 and the southern most corner of Section 32 Block 17;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 23 Block 17 to a rock mound located at the southern most corner of Section 23 and the northern most corner of Section 17 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 17 Block 17 to a rock mound located at the eastern most corner of Section 17 and the northern most corner of Section 16 Block 17, being a point on the boundary line of the Big Bend National Park;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 17 Block 17 along the boundary line of the Big Bend National Park to a rock mound located at the southern most corner of Section 17 and the western most corner of Section 16 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 17 Block 17 along the boundary line of the Big Bend National Park to a rock mound located at the western most corner of Section 17 and the eastern most corner of Section 9 Block 17;

THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along the north section line of said Section 17 Block 17 to a rock mound

located at the northern most corner of Section 17 and the southern most corner of Section 23 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 23 Block 17 to a rock mound located at the western most corner of Section 23 and the southern most corner of Section 22 Block 17;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 19 Block 17 to a rock mound located at the southern most corner of Section 19 and the northern most corner of Section 9 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 9 Block 17 to a rock mound located at the eastern most corner of Section 9 and the northern most corner of Section 10 Block 17, being a point on the boundary line of the Big Bend National Park;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 9 Block 17 along the boundary line of the Big Bend National Park to a rock mound located at the southern most corner of Section 9 and the western most corner of Section 9 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 9 Block 17 along the boundary line of the Big Bend National Park to a rock mound located at the western most corner of Section 9 and the eastern most corner of Section 5 Block 17;

THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along the north section line of said Section 9 Block 17 to a rock mound located at the northern most corner of Section 9 and the southern most corner of Section 19 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 19 Block 17 to a rock mound located at the western most corner of Section 19 and the eastern most corner of Section 8 Block 17;

THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along the north section line of said Section 19 Block 17 to a rock mound located at the northern most corner of Section 19 and the southern most corner of Section 21 Block 17;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 21 Block 17 to a rock mound located at the western most corner of Section 21 and the northern most corner of Section 20 Block 17, this point being on the common line with Section 66 Block 341;

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the north section line of said Section 20 Block 17 and the southeasterly line of said Section 66 to a rock mound at the northern most corner of Section 7 Block 17;

THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along the east section line of said Section 7 Block 17 to a rock mound located at the eastern most corner of Section 7 and the northern most corner of Section 8 Block 17

THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along the south section line of said Section 7 Block 17 to a rock mound located at the southern most corner of Section 7 and the eastern most corner of Section 6 Block 17 , being a point on the boundary line of the Big Bend National Park;

THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along the west section line of said Section 7 Block 17 along the boundary line of the Big Bend National Park to a rock mound located at the western most corner of Section 7 and the eastern most corner of Section 6 Block 17, being a point on the southeast line of Section 61 Block 341;

THENCE N 40° 00' E, a distance of 2,065.8 feet, more or less, along the north section line of said Section 7 Block 17 and the southeast section line of Section 62 Block 341 to a rock mound located at the northeasterly most corner of Section 61 Block 341 being a point on the boundary line of the Big Bend National Park;

THENCE N 88° 51' 19" W, a distance of 6,375.1 feet along the section line between said Section 61 and Section 62 being the boundary line of the Big Bend National Park to a rock mound located at the southwest most corner of Section 62 on the east line of Section 76 Block 341;

THENCE S 01° 11' 14" W, a distance of 675.0 feet along the east line of said Section 76 being the boundary line of the Big Bend National Park to a rock mound located at the southeast most corner of Section

76 on the north line of Section 61 Block 341;  
THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south section line of Section 76 between said Section 61 and 78 being the boundary line of the Big Bend National Park to a rock mound located at the southwest most corner of Section 76 on the east line of Section 81 Block 341;  
THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south section line of Section 81 between said Section 60 being the boundary line of the Big Bend National Park to a rock mound located at the southwest most corner of Section 81 on the east line of Section 88 Block 341;  
THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south section line of Section 88 between said Section 89 being the boundary line of the Big Bend National  
Park to a rock mound located at the southwest most corner of Section 88 on the east line of Section 93 Block 341;  
THENCE N 88° 46' 10" W, a distance of 4,874.2 feet along the south section line of Section 93 between said Section 41 being the boundary line of the Big Bend National Park to a rock mound located at the southwest most corner of Section 93 on the east line of Section 41 Block 341;  
THENCE N 00° 49' 07" E, a distance of 2080.0 feet, more or less, along the west section line of Section 93 located between said Section 41 being the boundary line of the Big Bend National Park to a rock mound located at the southeast most corner of Section 92 on the east line of Section 41 Block 341;  
THENCE N 88° 43' 49" W, a distance of 2,001.5 feet, more or less, along the south section line of Section 92 Block 341 and the north line of Section 41, being the boundary line of the Big Bend National Park, to a rock mound located at the northwest most corner of Section 41;  
THENCE S 01° 16' 11" W, a distance of 316.1 feet, more or less, along the west section line of Section 41 and the offset east line of Section 92, being the boundary line of the Big Bend National Park, to a rock mound located on the south line of Section 92;  
THENCE N 88° 43' 49" W, a distance of 2,334.6 feet, more or less, along the south section line of Section 92 Block 341 and the north

line of Section 48, being the boundary line of the Big Bend National Park, to a rock mound and concrete marker located at the southwest most corner of Section 92;

THENCE N 01° 16' 11" E, a distance of 1,908.1 feet along the section line between said Section 92 and Section 49, being the boundary line of the Big Bend National Park, to a rock mound and concrete marker located at the southeast most corner of Section 100 Block 341 at the northeast corner of Section 49;

THENCE N 88° 43' 49" W, a distance of 2,632.6 feet, more or less, along the south section line of Section 100 Block 341 and the north line of Section 49, being the boundary line of the Big Bend National Park, to a rock mound and concrete marker located at the northwest most corner of Section 49 and the southwest corner of Section 100;

THENCE S 01° 16' 12" W, a distance of 4,599.4 feet, more or less, along the west section line of Section 49, being the boundary line of the Big Bend National Park, to a rock mound located on the south line of Section 37 and being the northeast corner of Section 38 Block 341;

THENCE N 88° 43' 49" W, a distance of 3,330.3 feet, more or less, along the south section line of Section 37 Block 341 and the north line of Section 38, being the boundary

line of the Big Bend National Park, to a rock mound and located at the meanders of the Rio Grande at the southwest most corner of said Section 37 and the northwest most corner of Section 38;

THENCE along the east meandering line of the bank of the Rio Grande, as identified in the year of April 2007, described as follows:

N 20° 07' 30" E, a distance of 335.53 feet

S 87° 27' 30" E, a distance of 877.59 feet

N 25° 19' 25" E, a distance of 219.65 feet

N 11° 41' 28" E, a distance of 511.26 feet

N 23° 23' 39" E, a distance of 510.57 feet

N 19° 19' 32" E, a distance of 645.17 feet

N 02° 03' 28" E, a distance of 270.32 feet

N 20° 01' 04" E, a distance of 337.82 feet

N 38° 01' 14" E, a distance of 827.59 feet

N 38° 19' 39" W, a distance of 754.08 feet

N 07° 15' 04" W, a distance of 1,333.57 feet

N 23° 27' 17" W, a distance of 926.79 feet

N 23° 27' 17" W, a distance of 115.86 feet

N 17° 48' 38" W, a distance of 580.31 feet

N 11° 49' 17" W, a distance of 461.28 feet

N 23° 38' 37" W, a distance of 802.90 feet

N 05° 44' 52" W, a distance of 99.91 feet to the beginning of a curve to the left with a central angle of 77° 38' 50" having a cord bearing of N 44° 34' 17" W with a cord length of 681.47 feet a radius of 543.50 feet and continuing along the bank of the Rio Grande

N 83° 23' 43" W, a distance of 222.82 feet

S 84° 41' 58" W, a distance of 732.79 feet to a point on the west section line of Section 36 Block 341;

THENCE N 00° 21' 09" W, a distance of 94.84 feet , more or less, to a point on the center line of the right-of-way line of F M Highway 170, and this Easement is described an recorded in Volume 133 Page 460 - 461 of the Brewster County Deed Records;

THENCE along the said center line of the right-of-way line of F M Highway 170 described as follows:

THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;

THENCE around the said curve to the left, a distance of 339.43 feet, to a point of tangent;

THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 62 55' 02.1" Right , a Radius of 818.51 feet;

THENCE around the said curve to the right, a distance of 898.82 feet, to a point of tangent;

THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 36 and 37, and continuing on a distance of 72.2 feet to the beginning of a curve to the left, having a center line central angle of 50° 46' 37.1" left, a R = 954.93 feet;

THENCE around the said curve to the left, a distance of 846.28 feet,

to a point of tangent;

THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 33° 39' 17" left , a R = 1,909.86 feet;

THENCE around the said curve to the left, a distance of 670.43 feet, to a point located on the Section line between Sections 37 and 100, and continuing on a distance of 451.4 feet to a point of tangent;

THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 100 and 99, and continuing on a distance of 3,073.0 feet to the beginning of a curve to the right, having a center line central angle of 44° 08' 21" right, a R = 1,273.24 feet; and this Easement is described and recorded in Volume 133 Page 435 of the Brewster County Deed Records;

THENCE around the said curve to the right, a distance of 980.87 feet, to a point of tangent;

THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 43° 21' 04" left , a R = 818.51 feet;

THENCE around the said curve to the left, a distance of 419.60 feet, to a point located on the Section line between Sections 99 and 94, and continuing on a distance of 199.7 feet to a point of tangent, and this Easement is described and recorded in Volume 133 Page 436 of the Brewster County Deed Records;

THENCE N 55° 27' 37.7" E, a distance of 82.6 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 94 and 95, and continuing on a distance of 5,266.18 feet to the beginning of a curve to the right, having a center line central angle of 25° 53' 27.6" right, a R = 1,432.39 feet;

THENCE around the said curve to the right, a distance of 647.28 feet, to a point of tangent;

THENCE N 81° 21' 05.4" E, a distance of 267.0 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 95 and 86, and



continuing on a distance of 995.5 feet to the beginning of a curve to the right, having a center line central angle of  $61^{\circ} 36' 29.6''$  right, a  $R = 881.47$  feet ;

THENCE around the said curve to the right, a distance of 947.82 feet, to a point of tangent;

THENCE  $S 37^{\circ} 02' 25'' E$ , a distance of 1,119.4 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of  $56^{\circ} 48' 15.5''$  left , a  $R = 1,145.92$  feet;

THENCE around the said curve to the left, a distance of 1,136.09 feet, to a point of tangent;

THENCE  $N 86^{\circ} 09' 19.5'' E$ , a distance of 1899.44 feet along the center line of the right-of-way line of F. M. Highway 170 to the beginning of a curve to the left, having a center line central angle of  $11^{\circ} 33' 03.2''$  left, a  $R = 5,729.58$  feet and this Easement is described and recorded in Volume 133 Page 437 of the Brewster County Deed Records;

THENCE around the said curve to the left, a distance of 1,155.09 feet, to a point of tangent;

THENCE  $N 74^{\circ} 36' 16.3'' E$ , a distance of 1,512.63 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of  $16^{\circ} 44' 06.5''$  left , a  $R = 2,864.79$  feet;

THENCE around the said curve to the left, a distance of 836.76 feet, to a point of tangent;

THENCE  $N 57^{\circ} 52' 09.7'' E$ , a distance of 807.2 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of  $04^{\circ} 00' 03''$  left , a  $R = 11,459.16$  feet;

THENCE around the said curve to the left, a distance of 800.19 feet, to a point of tangent;

THENCE  $N 61^{\circ} 52' 13.1'' E$ , a distance of 807.2 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 83 and 74, , and this Easement is described and recorded in Volume 4 Page 166 of the Brewster County Deed Records, and continuing on a distance of 2,714.68 feet a point located on the Section line between Sections 74 and 73, and continuing on a distance of 20.1 feet for a total

distance of 3,541.98 feet to the beginning of a curve to the left, having a center line central angle of 26° 39' 56.7" left, a R = 1,637.02 feet; and this Easement is described and recorded in Volume 133 Page 438 of the Brewster County Deed Records;

THENCE around the said curve to the left, a distance of 761.88 feet, to a point of tangent;

THENCE N 35° 12' 16.4" E, a distance of 538.0 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 27° 06' 51" right, a R = 1,909.86 feet ;

THENCE around the said curve to the right, a distance of 903.81 feet, to a point of tangent;

THENCE N 62° 19' 08.1" E, a distance of 264.68 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 13° 50' 09.2" Left, a R = 2,864.79;

THENCE around the said curve to the left, a distance of 691.79 feet, to a point of tangent;

THENCE N 48° 28' 59" E, a distance of 46.84 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 73 and 72, this being the Place of Beginning of this survey description of property located south of the centerline of FM Highway 170. The land area contained within this description is 19,908.976 acres, more or less, including a sixty (60.0) foot wide (one half of a 120.0 foot wide right-of-way) strip of land along the south half of FM Highway 170.

Save and Except:

Comanche Hills, a subdivision in Lajitas, Brewster County, Texas, as same appears in Plat Envelope No. 186 in the Plat Records of Brewster County, Texas.

Comanche Mesa, a subdivision in Lajitas, Brewster County, Texas, as same appears in Plat Envelope No. 171 in the Plat Records of Brewster County, Texas.

Mesa Vista, a subdivision in Lajitas, Brewster County, Texas, as same appears in Plat Envelope No. 193 in the Plat Records of Brewster County, Texas.

Riverview, a subdivision in Lajitas, Brewster County, Texas, as same appears in Plat Envelope No. 170 in the Plat Records of Brewster County, Texas.

All of the San Carlos Condominiums, a Condominium Regime recorded in Volume 1, Page 1 and amended in Volume 1, Page 71 et seq. and Volume 1, Page 83 et seq., of the Condominium Records of Brewster County, Texas.

All of the Lajitas-Boardwalk Condominiums, a Condominium Regime in Brewster County, Texas, as same appears in Plat Envelope No. 288B in the Plat Records of Brewster County, Texas.

All of Sections 7, 9, 17, 19, 21, 22, 23, 25, 31, 32, 33 and 34, Block 17, G.H. & S.A. Ry. Co., Brewster County, Texas, being 7,680 acres in all, more or less.

From Section 65, Block 341, T.C. Ry. Co., Brewster County, Texas:

SE/4 of the SW/4, being 40 acres;  
NE/4 of the SE/4, being 40 acres;  
N/2 of the NE/4, being 80 acres; and  
NW/4, being 160 acres.

From Section 67, Block 341, T.C. Ry. Co., Brewster County, Texas:

23.13 acres conveyed in Volume 249, Page 555 of the Deed Records of Brewster County, Texas;  
NW/4, being 160 acres;  
NE/4, being 160 acres;  
NW/4 of the SW/4, being 40 acres; and  
NW/4 of the SE/4, being 40 acres.

A 76.06 acre tract of land south of FM Highway 170 in Section 73, Block 341, T.C. Ry. Co., Brewster County, Texas, conveyed in Volume 123, Page 367 of the Deed Records of Brewster County, Texas.

The E/2 of the SE/4 of Section 76, Block 341, T.C. Ry. Co., Brewster County, Texas, being 80 acres in all, more or less.

From Section 82, Block 341, T.C. Ry. Co., Brewster County, Texas:

A 13.82 acre tract of land conveyed in Volume 258, Page 757 of the Deed Records of Brewster County, Texas; and

A 14.07 acre tract of land conveyed in Volume 16, Page 4 of the Official Public Records of Brewster County, Texas.

From Section 84, Block 341, T.C. Ry. Co., Brewster County, Texas:

N/2 of the SE/4, being 80 acres;

NW/4, being 160 acres;  
S/2 of the SW/4, being 80 acres; and  
NE/4, being 160 acres.

All of Section 88, Block 341, T.C. Ry. Co., Brewster County, Texas, being 640 acres in all, more or less.

From Section 99, Block 341, T.C. Ry. Co., Brewster County, Texas:

A 89.6 acre tract of land conveyed in Volume 6, Page 432 of the Official Public Records of Brewster County, Texas; and

A 99.2 acre tract of land conveyed in Volume 226, Page 329 of the Official Public Records of Brewster County, Texas.

From Section 100, Block 341, T.C. Ry. Co., Brewster County, Texas:

A 1.233 acre tract of land conveyed in Volume 226, Page 223 of the Deed Records of Brewster County, Texas, described therein as a 0.965 acre tract of land.

A 1.40 acre tract of land conveyed in Volume 68, Page 36 of the Official Public Records of Brewster County, Texas, as more particularly described below:

Metes and bounds description of a 1.40 acre tract of land out of Survey 100 (Tract 2) described in Vol. 9, p. 179, Corrected Field Note Records, and depicted on a plat filed in Vol. 9, P. 189, Corrected Field Note Records, Block 341, T.C. Ry. Co. Surveys, Brewster County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod and cap marked "WALKER 4425" set for the Northwest corner of this tract, from which a National Park monument in a fence corner found in the East line of Survey 37 for the Northwest corner of Survey 39 and the Southwest corner of Survey 100, said Block 341, bears South 26 deg. 08'49" West 1605.64 feet;

THENCE North 31 deg. 35'00" East 294.86 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for the Northeast

corner of this tract;

THENCE South 31 deg 36'10" East  
53.20 feet to a 1/2" iron rod and cap marked  
"WALKER 4425" set;

THENCE South 8 deg. 50'02" West,  
57.00 feet to a 1/2" iron rod and cap marked  
"WALKER 4425" set;

THENCE South 18 deg. 35'24" East  
122.12 feet to a 1/2" iron rod and cap  
marked "WALKER 4425" set;

THENCE South 78 deg. 42'12" East  
246.26 feet to a 1/2" iron rod and cap  
marked "WALKER 4425" set for the Southeast  
corner of this tract;

THENCE South 38 deg. 29'05" West  
206.20 feet to a 1/2" iron rod and cap  
marked "WALKER 4425" set for the Southwest  
corner of this tract;

THENCE North 32 deg. 25'55" West  
69.47 feet to a 1/2" iron rod and cap marked  
"WALKER 4425" set;

THENCE North 59 deg. 34'57" West  
159.83 feet to a 1/2" iron rod and cap  
marked "WALKER 4425" set;

THENCE North 76 deg. 26'32" West  
154.83 feet to the point of beginning.

Bearings and distances are based  
on the Texas Coordinate System, South  
Central Zone NAD 1927.

All of the Rio Vista Subdivision, as shown in Volume 114, Page 317  
of the Official Public Records of Brewster County and as more  
particularly described below:

Metes and bounds description of a  
1.06 Acre tract of land, out of Survey 36,  
Block 341, T.C. Ry.Co. Surveys, Brewster  
County, Texas, said 1.06 acre tract being  
more particularly described as follows:

BEGINNING at a point for corner at the Northeast corner of a 1.06 acre tract described in Vol. 74, P. 105, Official Public Records;

THENCE South 2 deg. 30'27" West 122.32 feet with the East line of said 1.06 acre tract to a 60d nail previously set by me for a corner of said 1.06 acre tract;

THENCE South 11 deg. 02'25" East 164.89 feet to a 1/2" iron rod and cap marked "WALKER 4425" set for the Southeast corner of this tract;

THENCE South 75 deg. 40' West passing at 12 feet a 1/2" iron rod and a cap marked "WALKER 4425" and continuing in all 149.83 feet to a point for corner and the Southwest corner of said tract;

THENCE North 9 deg. 18'52" West 192.05 feet to a point for corner;

THENCE North 3 deg. 35' West 141.13 feet to a point for corner and the northwest corner of said 1.06 acre tract;

THENCE South 86 deg. 40'17" East 159.12 feet to the POINT OF BEGINNING and containing more or less, 46,130.04 square feet or 1.06 acres.

Bearings and distances are based on the Texas Coordinate System, South Central Zone NAD 1927.

All of the land south of the center line of FM Highway 170 in Section 36, Block 341, T.C. Ry. Co., Brewster County, Texas, as more particularly described below:

Metes and bounds description of a 102.1 acre tract of land out of Section 36, Block 341, T.C. Ry.Co. Surveys, Brewster County, Texas and being more particularly described as follows:

BEGINNING at a point in Section 36 on the center line of FM Highway 170, 120 foot right-of-way and this Easement is described and recorded in Volume 133 Page 460 - 461 of the Brewster County Deed Records;

THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;

THENCE around the said curve to the left, a distance of 339.43 feet, to a point of tangent;

THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 62 55' 02.1" Right , a Radius of 818.51 feet;

THENCE around the said curve to the right, a distance of 898.82 feet, to a point of tangent;

THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the center line of the right-of-way line of F. M. Highway 170 to a point located on the Section line between Sections 36 and 37;

THENCE S 00° 21' 09"E, a distance of 3922.76 feet along the Section line between the east line of Section 36 and the west line of Section 37;

THENCE along the east meandering line of the bank of the Rio Grande, as

identified in the year of April 2007,  
described as follows:

N 38° 19' 39" W, a distance  
of 720.19 feet

N 07° 15' 04" W, a distance  
of 1,333.57 feet

N 23° 27' 17" W, a distance  
of 926.79 feet

N 23° 27' 17" W, a distance  
of 115.86 feet

N 17° 48' 38" W, a distance  
of 580.31 feet

N 11° 49' 17" W, a distance  
of 461.28 feet

N 23° 38' 37" W, a distance  
of 802.90 feet

N 05° 44' 52" W, a distance  
of 99.91 feet to the beginning of a curve to  
the left with a central angle of 77° 38' 50"  
and having a cord bearing of N 44° 34' 17" W  
with a cord length of 681.47 feet and a  
radius of 543.50 feet and continuing along  
the bank of the Rio Grande;

N 83° 23' 43" W, a distance  
of 222.82 feet

S 84° 41' 58" W, a distance  
of 732.798 feet to a point on the west  
section line of Section 36 Block 341:

THENCE N 00° 21' 09" W, a distance  
of 94.84 feet , more or less, to the center  
line of the right-of-way line of F M Highway  
170 and to THE POINT OF BEGINNING  
containing, 4,447,180 square feet or 102.1  
acres, more or less.

Bearings and distances are based  
on the Texas Coordinate System, South  
Central Zone NAD 1927.



All of the land south of the center line of FM Highway 170 in Section 98, Block 341, T.C. Ry. Co., Brewster County, Texas, as more particularly described below:

Being a 82.8 acre tract of land located in and a part of Block 341, T.C. Ry. Co. Surveys and being the southeastern corner of Section 98 south of the center line of FM Highway 170 more particularly described as follows:

BEGINNING at a rock mound located at the southeast corner of Section 98;

THENCE S 89° 38' 51" W a distance of 3622.72 feet to a point for corner in the centerline of Highway FM 170;

THENCE N 54° 40' 21"E, a distance of 2,085.95 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the right having a center line central angle of 44° 08' 21" Right, a Radius of 1273.24 feet; and this Easement is described and recorded in Volume 133 Page 435 of the Brewster County Deed Records;

THENCE around said curve to the right, a distance of 980.87 feet, to a point of tangent;

THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center line of the right-of-way line of F. M. Highway 170 to point located at the beginning of a curve to the left having a center line central angle of 22° 18' 48" left , a Radius of 818.51 feet;

THENCE around said curve to the left, a distance of 318.76 to a point for corner in the centerline of Highway FM 170;

THENCE S 00° 21' 09" E, a distance

of 1313.24 to the POINT OF BEGINNING and containing more or less, 3,608,000 square feet or 82.8 acres of land.

SECTION \_\_\_\_ .03. (a) The legal notice of the intention to introduce this article of this Act, 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".

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