

By: Nichols

S.B. No. 2518

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Somerset Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8362 to read as follows:

CHAPTER 8362. SOMERSET MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8362.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Somerset Municipal Utility District No. 3.

Sec. 8362.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8362.003. 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. 8362.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8362.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has  
2 consented by ordinance or resolution to the creation of the  
3 district and to the inclusion of land in the district.

4 Sec. 8362.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

13 Sec. 8362.006. INITIAL DISTRICT TERRITORY. (a) The  
14 district is initially composed of the territory described by  
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 8362.007-8362.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2           Sec. 8362.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five elected directors.

4           (b) Except as provided by Section 8362.052, directors serve  
5 staggered four-year terms.

6           Sec. 8362.052. TEMPORARY DIRECTORS. (a) On or after  
7 September 1, 2009, the owner or owners of a majority of the assessed  
8 value of the real property in the district may submit a petition to  
9 the Texas Commission on Environmental Quality requesting that the  
10 commission appoint as temporary directors the five persons named in  
11 the petition. The commission shall appoint as temporary directors  
12 the five persons named in the petition.

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

14                   (1) the date permanent directors are elected under  
15 Section 8362.003; or

16                   (2) September 1, 2013.

17           (c) If permanent directors have not been elected under  
18 Section 8362.003 and the terms of the temporary directors have  
19 expired, successor temporary directors shall be appointed or  
20 reappointed as provided by Subsection (d) to serve terms that  
21 expire on the earlier of:

22                   (1) the date permanent directors are elected under  
23 Section 8362.003; or

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

26           (d) If Subsection (c) applies, the owner or owners of a  
27 majority of the assessed value of the real property in the district

1 may submit a petition to the Texas Commission on Environmental  
2 Quality requesting that the commission appoint as successor  
3 temporary directors the five persons named in the petition. The  
4 commission shall appoint as successor temporary directors the five  
5 persons named in the petition.

6 [Sections 8362.053-8362.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8362.101. GENERAL POWERS AND DUTIES. The district has  
9 the powers and duties necessary to accomplish the purposes for  
10 which the district is created.

11 Sec. 8362.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 Sec. 8362.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain, and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8362.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
23 road project must meet all applicable construction standards,  
24 zoning and subdivision requirements, and regulations of each  
25 municipality in whose corporate limits or extraterritorial  
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road  
2 project must meet all applicable construction standards,  
3 subdivision requirements, and regulations of each county in which  
4 the road project is located.

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

8 Sec. 8362.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
9 OR RESOLUTION. The district shall comply with all applicable  
10 requirements of any ordinance or resolution that is adopted under  
11 Section 54.016 or 54.0165, Water Code, and that consents to the  
12 creation of the district or to the inclusion of land in the  
13 district.

14 Sec. 8362.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
15 district may not exercise the power of eminent domain outside the  
16 district to acquire a site or easement for:

- 17 (1) a road project authorized by Section 8362.103; or  
18 (2) a recreational facility as defined by Section  
19 49.462, Water Code.

20 Sec. 8362.107. DIVISION OF DISTRICT. (a) The district may  
21 be divided into two or more new districts only if the district:

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

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

27 (c) Any new district created by the division of the district

1 may not, at the time the new district is created, contain any land  
2 outside the area described by Section 2 of the Act creating this  
3 chapter.

4 (d) The board, on its own motion or on receipt of a petition  
5 signed by the owner or owners of a majority of the assessed value of  
6 the real property in the district, may adopt an order dividing the  
7 district.

8 (e) The board may adopt an order dividing the district  
9 before or after the date the board holds an election under Section  
10 8362.003 to confirm the district's creation.

11 (f) An order dividing the district must:

12 (1) name each new district;

13 (2) include the metes and bounds description of the  
14 territory of each new district;

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

16 and

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

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

24 (h) Any new district created by the division of the district  
25 shall hold a confirmation and directors' election as required by  
26 Section 8362.003.

27 (i) Municipal consent to the creation of the district and to

1 the inclusion of land in the district granted under Section  
2 8362.004 acts as municipal consent to the creation of any new  
3 district created by the division of the district and to the  
4 inclusion of land in the new district.

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

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

13 [Sections 8362.108-8362.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8362.151. ELECTIONS REGARDING TAXES OR BONDS.

16 (a) The district may issue, without an election, bonds and other  
17 obligations secured by:

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

19 (2) contract payments described by Section 8362.153.

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

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

1       Sec. 8362.152. OPERATION AND MAINTENANCE TAX. (a) If  
2 authorized at an election held under Section 8362.151, the district  
3 may impose an operation and maintenance tax on taxable property in  
4 the district in accordance with Section 49.107, Water Code.

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

7       Sec. 8362.153. CONTRACT TAXES. (a) In accordance with  
8 Section 49.108, Water Code, the district may impose a tax other than  
9 an operation and maintenance tax and use the revenue derived from  
10 the tax to make payments under a contract after the provisions of  
11 the contract have been approved by a majority of the district voters  
12 voting at an election held for that purpose.

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

16       [Sections 8362.154-8362.200 reserved for expansion]

17       SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18       Sec. 8362.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24       Sec. 8362.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all



1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8362.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Somerset Municipal Utility District No. 3  
9 initially includes all the territory contained in the following  
10 area:

11 TRACT 1

12 Being 44.994 acres of land situated in the State of Texas, County of  
13 San Jacinto, a part of the M. B. Menard Survey, A-36, and being the  
14 total combined acreage by resurvey of the 25.000 acres described in  
15 deed to Charles E. Williams and wife, Jean Williams, recorded in  
16 Volume 164, Page 865 of the San Jacinto County Official Public  
17 Records, and the 20.000 acres described in deed to Charles E.  
18 Williams and wife, Jean Williams, recorded in Volume 146, Page 271  
19 of said Official Public Records, and this 44.994 acre tract being  
20 more particularly described by metes and bounds as follows:

21 Beginning at a 5/8" square-head bolt found marking the east common  
22 corner between said 20.000 acre tract and the called 10.0000 acres  
23 described as "Tract Two" of Exhibit A-1 in deed to Thomas E. Berry,  
24 Trustee, Priscilla Goodrich Timpson and Hugh R. Goodrich recorded  
25 in Volume 308, Page 942 of said Official Public Records, located on  
26 the common survey line between said Menard Survey and the Isaac  
27 Jones Survey, A-23, at its intersection with the northwest right of

1 way line of U. S. Highway No. 190;  
2 Thence S 52° 34' 12" W, along the southeast line of said 20.000  
3 acres, same being the common survey line between said Menard and  
4 Jones Surveys, common in part with the northwest lines of said  
5 called 10.0000 acres and the called 11.1959 acres described as  
6 "Tract Two" of Exhibit A-2 in said Berry, et al, deed, at 1,463.69  
7 ft. pass the southeast common corner between said 20.000 acre tract  
8 and said 25.000 acre tract, and continuing along said common survey  
9 line, same being the southeast line of said 25.000 acre tract,  
10 common in part with the northwest lines of said called 11.1959  
11 acres, the called 5.0000 acres described as "Tract One" of Exhibit  
12 A-1 in said Berry, et al, deed, at 1,888.52 ft. pass a concrete  
13 monument found marking the northwest common corner between said  
14 Berry, et al, called 5.0000 acre tract and the called 52.88 acres  
15 described in deed to Randy Harrott recorded in Volume 319, Page 29  
16 of said Official Public Records, and continuing S 52° 34' 12" W,  
17 along the common line between said 25.000 acre tract and said  
18 Harrott called 52.88 acres, same being said common survey line, in  
19 all a total distance of 2,367.34 ft. to a 1/2" iron rod found  
20 marking the southeast common corner between said 25.000 acre tract  
21 and Holiday Villages of Livingston, Section J, a subdivision in San  
22 Jacinto County, Texas, as shown by the map or plat thereof recorded  
23 under Clerk's File No. 05-789, Page 3501 of said Official Public  
24 Records, said point being the most southern corner of the herein  
25 described 44.994 acre tract;  
26 Thence N 37° 26' 18" W 1,185.87 ft. along the common line between  
27 said 25.000 acres and said Holiday Villages of Livingston, Section

1 J, to a 1/2" iron rod set marking the most western corner of said  
2 25.000 acre tract and an interior corner of said Section J, said  
3 point being the most western corner of the herein described 44.994  
4 acre tract;  
5 Thence N 52° 34' 12" E 2,183.24 ft. along the common line between  
6 said 25.000 acres and said Holiday Villages of Livingston, Section  
7 J, to a 1/2" iron rod found marking the east common corner between  
8 said tracts, located on the southwest right of way line of Hidden  
9 Coves Road [a 60 ft. wide easement and right-of-way granted to the  
10 County of San Jacinto, Texas, for road purposes recorded in Volume  
11 133, Page 272 of the San Jacinto County Deed Records, said point  
12 being the most northern corner of the herein described 44.994 acre  
13 tract;  
14 Thence S 57° 30' 39" E 63.88 ft. along the southwest right of way  
15 line of said Hidden Coves Road to a 1/2" iron rod set marking the  
16 east common corner between said 25.000 acre tract and the called  
17 10.000 acres described in deed to H. T. Simons recorded under  
18 Clerk's File No. 03-3283, Page 14055 of said Official Records;  
19 Thence S 52° 34' 12" W 1,511.53 ft. along the common line between  
20 said 25.000 acre tract and said Simons called 10.000 acres to a 1/2"  
21 iron rod set marking an interior corner of said 25.000 acre tract  
22 and the most western corner of said Simons tract, from said point a  
23 3" concrete monument found bears N 25° 03' E 0.81 ft.;  
24 Thence S 57° 29' 05" E 612.91 ft. along a northeastern line of said  
25 25.000 acre tract, common in part with the southwest line of said  
26 Simons called 10.000 acres and the called 10.000 acres described in  
27 deed to Elizabeth Priest recorded under Clerk's File No. 05-2465,

1 Page 10470 of said Official Records, to a 1/2" iron rod found  
2 marking the west common corner between said Williams 20.000 acre  
3 tract and said Priest called 10.000 acres;

4 Thence N 52° 34' 12" E 1,513.18 ft. along the common line between  
5 said Williams 20.000 acre tract and said Priest called 10.000 acres  
6 to a 1/2" iron rod found marking the east common corner between said  
7 tracts, located on the southwest right of way line of said Hidden  
8 Coves Road;

9 Thence S 57° 12' 35" E 451.08 ft. along the northeast line of said  
10 Williams 20.000 acre tract, same being the southwest right of way  
11 line of said Hidden Coves Road, to a 1/2" iron rod found marking the  
12 most eastern corner of said 20.000 acre tract, located at the  
13 intersection of said southwest right of way line with the northwest  
14 right of way line of said U. S. Highway No. 190;

15 Thence S 20° 42' 04" W 238.01 ft. along the eastern line of said  
16 20.000 acre tract, same being the northwest right of way line of  
17 said U. S. Highway No. 190, to the place of beginning and containing  
18 within these bounds 44.994 acres of land.

19 Bearings for this description are based on deed call for the  
20 northwest line of the 25.000 acre tract described in deed to Charles  
21 E. Williams and wife, Jean Williams, recorded in Volume 164, Page  
22 865 of the San Jacinto County Official Public Records.

23 TRACT 2

24 Being 109.641 acre of land situated in the State of Texas, County of  
25 San Jacinto, a part of the John Foster Survey, A-120, and being the  
26 total combined acreage by resurvey of the residue of the called  
27 110.77476 acres described in deed to Lillian R. Hulon recorded in

1 Volume 122, Page 409 of the San Jacinto County Deed Records, same  
2 being described in deed to Mary Louise Crawford, Annie Kathryn  
3 Alvey and Elizabeth Lee Priest (undivided 49% interest) recorded in  
4 Volume 126, Page 278 of said Deed Records and in deed to Mary Louise  
5 Crawford, Annie Kathryn Alvey and Elizabeth Lee Priest (undivided  
6 6% interest) recorded in Volume 214, Page 131 of said Deed Records,  
7 the called 1.2728 acres described as Tract # 1, the called 1.091  
8 acres described as Tract # 2, the called 1.17 acres described as  
9 Tract # 3 and the called 1.19 acres described as Tract # 4 in deed to  
10 Mary Louise Crawford, Annie Kathryn Alvey and Elizabeth Lee Priest  
11 recorded in Volume 123, Page 294 of said Deed Records, and this  
12 109.641 acre tract being more particularly described by metes and  
13 bounds as follows:

14 Beginning at the east common corner between said Hulon called  
15 110.77476 acres and Holiday Villages of Livingston, Woodland  
16 Shores, Section A, a subdivision in said San Jacinto County, Texas,  
17 as shown by the map or plat thereof recorded in Volume 303, Page 782  
18 of the San Jacinto County Official Public Records, located on the  
19 west line of the called 79.91 acres described as "Fee Tract F-9,  
20 Parcel A" in deed to the Trinity River Authority of Texas recorded  
21 in Volume 120, Page 306 of said Deed Records;

22 Thence S 52° 51' 02" W, along the common line between said Hulon  
23 tract and said Holiday Villages of Livingston, Woodland Shores,  
24 Section A, at 88.85 ft. pass a 1/2" iron rod found for reference, at  
25 331.04 ft. pass a 1/2" iron rod found for the north common corner  
26 between Lots 23 and 22 of said Section A, at 411.04 ft. pass a 1/2"  
27 iron rod found for the north common corner between Lots 21 and 20 of

1 said Section A, at 731.04 ft. pass a 1/2" iron rod found for the  
2 north common corner between Lots 13 and 12 of said Section A, and in  
3 all a total distance of 871.04 ft. to a 1/2" iron rod found for the  
4 northwest corner of Lot 11 of said Section A, same being the north  
5 common corner between said Holiday Villages of Livingston, Woodland  
6 Shores, Section A and Holiday Villages of Livingston, The Lodges on  
7 Livingston, Section C, a subdivision in said San Jacinto County,  
8 Texas, as shown by the map or plat thereof recorded in Volume 303,  
9 Page 785 of said Official Public Records;  
10 Thence S 52° 53' 51" W, along the southeast line of said Hulon  
11 tract, common in part with the northwest lines of said Section C, of  
12 Holiday Villages of Livingston, Tejas Village, Section B, a  
13 subdivision in said San Jacinto County, Texas, as shown by the map  
14 or plat thereof recorded in Volume 303, Page 784 of said Official  
15 Public Records and of Holiday Villages of Livingston, Silver Creek,  
16 Section D, a subdivision in said San Jacinto County, Texas, as shown  
17 by the map or plat thereof recorded in Volume 303, Page 787 of said  
18 Official Public Records, at 1,411.90 ft. pass a 1/2" iron rod found  
19 for the northwest corner of said Section D located on the east right  
20 of way of Hidden Coves Road [ a county maintained 60 ft. wide  
21 right-of-way easement and utility easement granted to San Jacinto  
22 County, Texas, recorded in Volume 123, Page 97 of said Deed  
23 Records], and in all a total distance of 1,475.09 ft. to a concrete  
24 monument found for the most northern northeast corner of the 70.009  
25 acres described in deed to Foster Timber, Ltd. recorded in Volume  
26 04-3397, Page 14295 of said Official Public Records, said point  
27 being an angle point in the southeast line of said Hulon tract;

1 Thence S 52° 50' 21" W 1,575.22 ft. along the common line between  
2 said Hulon tract and said Foster Timber, Ltd. 70.009 acres, to a  
3 concrete monument found for corner located on the common survey  
4 line between said Foster Survey and the Michael B. Menard Survey,  
5 A-36;  
6 Thence N 70° 56' 46" W 1,568.92 ft. along the common line between  
7 said Hulon tract and said Foster Timber, Ltd. tract, same being the  
8 common survey line between said Foster and Menard Surveys, to a  
9 concrete monument found for the west common corner between said  
10 Hulon tract and Hidden Coves, Section One, a subdivision in said San  
11 Jacinto County, Texas, as shown by the map or plat thereof recorded  
12 in Volume 130, Page 624 of said Deed Records;  
13 Thence N 52° 54' 22" E 972.54 ft. along the common line between said  
14 Hulon tract and said Hidden Coves Subdivision, Section One, to a  
15 concrete monument found for the south common corner between said  
16 Section One and the called 16.420 acres described in deed to Brooks  
17 Bouldin, Trustee, recorded under Clerk's File No. 02-7319, Page  
18 30748 of said Official Public Records;  
19 Thence N 52° 37' 12" E 415.04 ft. along the common line between said  
20 Hulon and Bouldin tracts to a concrete monument found marking an  
21 angle point in said line;  
22 Thence N 52° 32' 05" E, along the common line between said Hulon and  
23 Bouldin tracts, at 395.77 ft. pass a concrete monument found on  
24 line, at 786.47 ft. pass a concrete monument found on line, at  
25 1,246.88 ft. pass the centerline of said Hidden Coves Road, same  
26 being the south common corner between said Bouldin tract and a  
27 called 2.087 acre tract described in deed to Garland Trust recorded

1 under Clerk's File No. 00-5594, Page 18835 of said Official Public  
2 Records, and continuing N 52° 32' 05" E, along the common line  
3 between said Hulon tract and said Garland Trust called 2.087 acre  
4 tract, at 1,277.23 ft. pass a 5/8" iron rod found for reference, at  
5 2,556.75 ft. pass a 1/2" iron rod set for reference, and in all a  
6 total distance of 2,596.75 ft. to the east common corner between  
7 said Hulon and Garland Trust tracts, located on the west line of  
8 said Trinity River Authority of Texas called 79.91 acres, same  
9 being the fee take line of Lake Livingston Reservoir;  
10 Thence along the Trinity River Authority fee take line, same being  
11 the common line between said Hulon tract and said called 79.91 acre  
12 tract, as follows:

13	S 52° 35' 58"	E 124.00 ft.,
14	S 40° 21' 58"	E 161.48 ft.,
15	S 15° 19' 58"	E 190.50 ft.,
16	S 23° 43' 02"	W 196.61 ft.,
17	S 74° 35' 02"	W 115.25 ft.,
18	S 58° 45' 02"	W 107.75 ft.,
19	S 74° 16' 58"	E 99.80 ft.,
20	S 17° 13' 02"	W 86.33 ft.,
21	S 29° 42' 02"	W 56.77 ft.,
22	S 16° 23' 02"	W 80.32 ft. to the most

23 western corner of said Tract # 4 described in deed recorded in  
24 Volume 123, Page 294 of said Deed Records and a corner of said Hulon  
25 residue tract, and continuing along the common line between said  
26 Tracts # 4, # 3, # 2 and # 1 and said Trinity River Authority called  
27 79.91 acres, as follows;







1 containing within these bounds 109.641 acres of land.  
2 Bearings for this description are based on deed call for the most  
3 eastern northwest line of the 70.009 acre tract described in deed to  
4 Foster Timber, Ltd. recorded under Clerk's File No. 04-3397, Page  
5 14295 of the San Jacinto County Official Records.

6 TRACT 3

7 Being 135.492 acres of land situated in the State of Texas, County  
8 of San Jacinto, a part of the Michael B. Menard Survey, A-36, and  
9 being out of the called 1488.272 acre tract described as "Second  
10 Parcel - T85SJ1-a" in Exhibit "A" in Special Warranty Deed to  
11 Champion Realty Corporation [Florida] as shown of record in Volume  
12 22, Page 834 of the San Jacinto County Official Public Records, and  
13 this 135.491 acre tract being more particularly described by metes  
14 and bounds as follows:

15 Beginning at a 1/2" iron rod found marking the west common corner  
16 between the herein described 135.491 acre tract and a 60.920 acre  
17 tract described in deed from said Champion Realty Corporation  
18 [Florida] to Ted Macon recorded in Volume 202, Page 27 of said  
19 Official Public Records located on the northeast right of way line  
20 of F.M. Highway No. 980;

21 Thence N 39° 52' 00" E (bearings for this survey are based on the  
22 southwest lines of the 60.920 acre tract described in deed to Ted  
23 Macon recorded in Volume 202, Page 27 of the San Jacinto County  
24 Official Public Records) 169.03 ft. along the common boundary line  
25 between the herein described 135.491 acre tract and said 60.920  
26 acre tract to a 1/2" iron rod found for corner;

27 Thence N 38° 29' 38" E 396.52 ft. along the common boundary line

1 between the herein described 135.491 acre tract and said 60.920  
2 acre tract to a 1/2" iron rod found for corner;  
3 Thence N 60° 49' 06" E 176.53 ft. along the common boundary line  
4 between the herein described 135.491 acre tract and said 60.920  
5 acre tract to a 1/2" iron rod found for corner;  
6 Thence N 80° 02' 10" E 121.27 ft. along the common boundary line  
7 between the herein described 135.491 acre tract and said 60.920  
8 acre tract to a 1/2" iron rod found for corner;  
9 Thence S 68° 38' 00" E 128.53 ft. along the common boundary line  
10 between the herein described 135.491 acre tract and said 60.920  
11 acre tract to a 1/2" iron rod found for corner;  
12 Thence S 60° 39' 12" E 650.34 ft. along the common boundary line  
13 between the herein described 135.491 acre tract and said 60.920  
14 acre tract to a 1/2" iron rod found for corner;  
15 Thence S 74° 09' 28" E 313.67 ft. along the common boundary line  
16 between the herein described 135.491 acre tract and said 60.920  
17 acre tract to a 1/2" iron rod found for corner;  
18 Thence S 81° 04' 58" E 100.64 ft. along the common boundary line  
19 between the herein described 135.491 acre tract and said 60.920  
20 acre tract to a 1/2" iron rod found for corner;  
21 Thence N 71° 01' 05" E 82.77 ft. along the common boundary line  
22 between the herein described 135.491 acre tract and said 60.920  
23 acre tract to a 1/2" iron rod found for corner;  
24 Thence S 70° 40' 51" E 1457.33 ft. along the common boundary line  
25 between the herein described 135.491 acre tract and said 60.920  
26 acre tract, same being the north margin of a dirt road, to a 1/2"  
27 iron rod found for corner;

1 Thence S 62° 18' 51" E 152.27 ft. along the common boundary line  
2 between the herein described 135.491 acre tract and said 60.920  
3 acre tract, same being the north margin of a dirt road, to a 1/2"  
4 iron rod found for corner;

5 Thence S 48° 19' 19" E 171.50 ft. along the common boundary line  
6 between the herein described 135.491 acre tract and said 60.920  
7 acre tract, same being the north margin of a dirt road, to a 1/2"  
8 iron rod found for corner;

9 Thence S 57° 38' 24" E 69.76 ft. along the common boundary line  
10 between the herein described 135.491 acre tract and said 60.920  
11 acre tract, same being the north margin of a dirt road, to a 1/2"  
12 iron rod found for corner;

13 Thence N 44° 53' 16" E 712.02 ft. along the common boundary line  
14 between the herein described 135.491 acre tract and said 60.920  
15 acre tract to a 1/2" iron rod found for corner located on the  
16 westerly line of a called 21.54 acre tract described as "Tract F-2"  
17 in deed to The Trinity River Authority of Texas, recorded in Volume  
18 129, Page 382 of the San Jacinto County Deed Records, same being the  
19 Lake Livingston Fee Take Line;

20 Thence along the common line between said Champion and Trinity  
21 River Authority tracts, same being the Lake Livingston Fee Take  
22 Line, as follows:

- 23 S 57° 36' 45" E 164.31 ft.,
- 24 S 22° 09' 15" W 108.62 ft.,
- 25 S 65° 09' 15" W 143.60 ft.,
- 26 S 29° 09' 15" W 122.96 ft.,
- 27 S 08° 07' 15" W 158.23 ft.,

1                   S 06° 56' 45" E 109.12 ft.,  
2                   N 18° 57' 15" E 87.61 ft.,  
3                   N 10° 54' 15" E 170.44 ft.,  
4                   N 42° 06' 15" E 64.27 ft.,  
5                   N 56° 30' 15" E 166.61 ft.,  
6                   N 39° 50' 15" E 77.41 ft.,  
7                   N 06° 42' 15" E 121.59 ft.,  
8                   N 42° 34' 45" W 135.41 ft.,  
9                   N 13° 47' 15" E 248.06 ft. and  
10                  N 34° 43' 15" E 65.20 ft. to a 1/2" iron rod set

11                   for corner;

12 Thence S 23° 13' 00" E, across and severing said Champion Realty  
13 tract, at 1368.33 ft. pass the terminal point of the centerline of a  
14 40 ft. wide access and utilities, and continuing S 23° 13' 00" E, in  
15 all a total distance of 2723.27 ft. to a concrete monument found for  
16 the common corner between said Champion Realty tract and a called  
17 1.1 acre tract described in deed to Ocie B. Norman recorded in  
18 Volume 99, Page 408 of said Official Public Records, located on the  
19 common survey line between said Menard Survey and the John Crippen  
20 Survey, A-11, said point being the most southern corner of the  
21 herein described 135.491 acre tract;

22 Thence N 71° 06' 28" W 2048.86 ft. along the southwest boundary line  
23 of said Champion Realty tract, same being the common survey line  
24 between said Menard and Crippen Surveys, common in part with the  
25 north lines of said Norman called 1.1 acre tract, a called 3 acre  
26 tract described in deed to Ocie B. Norman recorded in Volume 177,  
27 Page 443 of the San Jacinto County Deed Records, a called 4.10 acre

1 tract described in deed to Ocie B. Norman recorded in Volume 176,  
2 Page 529 of said Deed Records, a called 4.10 acre tract described in  
3 deed to Dora N. Thomas recorded in Volume 174, Page 341 of said Deed  
4 Records, a called 4.10 acre tract described in deed to Anne N.  
5 Charles recorded in Volume 174, Page 344 of said Deed Records, a  
6 called 4.10 acre tract described in deed to T. W. Elliott recorded  
7 in Volume 21, Page 231 of said Official Public Records, a called  
8 4.10 acre tract described in deed to Mattie N. Steely recorded in  
9 Volume 174, Page 350 of said Deed Records, and a called 4.10 acre  
10 tract described in deed to Joe Norman recorded in Volume 184, Page  
11 667 of said Deed Records, to a concrete monument found marking the  
12 north common corner between said Joe Norman called 4.10 acre tract  
13 and the residue of a called 596 acre tract described as  
14 "Twenty-fifth Tract" in deed to Thomas S. Foster recorded in Volume  
15 6, Page 378 of said Deed Records;

16 Thence N 71° 36' 16" W 2767.33 ft. along the common line between said  
17 Champion Realty and Foster tracts, same being the common survey  
18 line between said Menard and Crippen Surveys, to a 1/2" iron rod set  
19 for the southwest corner of the herein described 135.491 acre tract  
20 located on the northeast right of way line of said F.M. Highway No.  
21 980;

22 Thence N 44° 55' 13" W 1010.03 ft. along the northeast right of way  
23 line of said F.M. Highway No. 980 to the place of beginning and  
24 containing within these bounds 135.492 acres of land.

25 TRACT 4

26 FIELDNOTES TO 97.704 ACRES OF LAND AS SITUTATED IN THE M.B. MENARD  
27 SURVEY, A-36, SAN JACINTO COUNTY, TEXAS, AND BEING OUT OF THAT

1 CERTAIN CALLED 419.014 ACRE TRACT CONVEYED BY LEWIE BYERS AND  
2 ELAINE BYERS TO C. CONNER, LTD. BY DEED RECORDED IN CLERK'S FILE NO.  
3 02-3084, PAGE 12791 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY,  
4 SAID 97.704 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND  
5 BOUNDS AS FOLLOWS:  
6 BEGINNING at a 1/2 inch iron rod found for the east corner of this  
7 tract on the northwest line of the Isaac Jones Survey, A-23, and of  
8 the Ferris Company residue of a 238.19 acre tract recorded in Volume  
9 184, Page 873 of the deed records of said county, same being the  
10 south corner of the West Texas Resort Company 100.097 acre tract  
11 described in Clerk's File No. 00-8617, Page 22122 of said official  
12 records and being the lower east corner of said 419.014 acre tract;  
13 THENCE: S 52° 28' W 1402.99 Ft., with said northwest lines and the  
14 lower southeast line of said 419.014 acres, to a concrete monument  
15 found for an exterior corner of this and of said 419.014 acres, same  
16 being the west corner of said 238.19 acres and the north corner of  
17 the S.M. O'Brien, et al., Trustees, 112.2433 acre tract described  
18 in Volume 43, Page 1274 of said official records;  
19 THENCE: S 52° 34' 30" W 2.39 Ft. continuing with said Isaac Jones  
20 northwest line and the northwest line of said 112.2433 acres, to a  
21 1/2 inch iron rod set for the south corner of this tract;  
22 THENCE: N 37° 26' W 3059.98 Ft, on a line severing said 419.014  
23 acres to a 1/2 inch iron rod found for the west corner of this tract  
24 on the southeast line of the James W. Brown 100.0 acre tract  
25 recorded in Volume 183, Page 333 of said official records, same  
26 being on a northwest line of said 419.014 acres and the northwest  
27 line of a 7.070 acre 40 Ft. wide access and utility easement



1 described in Exhibit "B" in deed recorded in Volume 277, Page 500 of  
2 said official records;

3 THENCE: NORTHEASTERLY along the northwest lines of said 419.014  
4 and 7.070 acre tracts, the southeast line of said Brown 100.0 acres  
5 and the southeast line of the Darrell L. Grein 210.619 acre tract  
6 recorded in Volume 188, Page 586 of said official records as  
7 follows:

- |    |    |           |               |     |           |               |
|----|----|-----------|---------------|-----|-----------|---------------|
| 8  | 1. | N 58° 46' | E 99.57 Ft.,  | 2.  | N 70° 28' | E 58.54 Ft.,  |
| 9  | 3. | N 70° 49' | E 107.60 Ft., | 4.  | N 73° 25' | E 134.05 ft., |
| 10 | 5. | N 14° 09' | E 40.19 Ft.,  | 6.  | S 75° 37' | E 32.88 Ft.,  |
| 11 | 7. | N 75° 50' | E 34.84 Ft.,  | 8.  | N 50° 29' | E 49.15 Ft.,  |
| 12 | 9. | N 30° 44' | E 100.84 Ft., | 10. | N 27° 10' | E 128.08 Ft.  |

13 to a 1/2 inch iron rod found at the point of curvature of a curve to  
14 the right.

15 THENCE: NORTHEASTERLY 195.70 Ft., continuing with said northwest  
16 and southeast lines, in a curve having a central angle of 25° 29'  
17 01", a radius of 440.00 Ft. and a long chord bearing N 39° 48' 30" E  
18 194.09 Ft. to a 1/2 inch iron rod found for the point of tangency of  
19 said curve;

20 THENCE: N 52° 33' E 491.69 Ft., continuing with the southeast line of  
21 said 210.619 acres and the northwest lines of said 419.014 and 7.070  
22 acre tracts, to a 1/2 inch iron rod set for the north corner of this  
23 tract;

24 THENCE: S 37° 26' E on a line severing said 419.014 acres and along  
25 the southwest line of said West Texas Resort Co. 100.097 acres, at  
26 1413.82 Ft. pass a 1/2 inch iron rod found at the west corner of said  
27 100.097 acres and an interior corner of said 419.014 acres, in all

1 3069.98 Ft. to the PLACE OF BEGINNING AND CONTAINING WITHIN THESE  
2 BOUNDS 97.704 ACRES OF LAND more or less;  
3 There is hereby reserved a 20 Foot wide utility easement southeast  
4 of and parallel to the southeast line of the above mentioned 40 Foot  
5 wide access and utility easement.

6 TOGETHER WITH THE FOLLOWING ACCESS AND UTILITY EASEMENT

7 Being 7.070 acres situated in the State of Texas, County of San  
8 Jacinto, a part of the Michael B. Manard Survey, A-36, and being a  
9 40 ft. wide easement over and across the called 1488.272 acre tract  
10 described as "Second Parcel - T85SJI-a" in Exhibit "A" in Special  
11 Warranty Deed to Champion Realty Corporation [Florida] as shown of  
12 record in Volume 22, Page 834 of the Official Public Records of San  
13 Jacinto County, Texas, said easement lying 20 ft. each side of the  
14 centerline described as follows:

15 Beginning at the intersection of the centerline of Hidden Coves  
16 Road [a 60 ft. wide county maintained roadway described in an  
17 easement dated July 19, 1972, granted from Southland Paper Mills,  
18 Inc. to the County of San Jacinto, Texas, and recorded in Volume  
19 133, Page 272 of the Deed Records of San Jacinto County, Texas] with  
20 the centerline of an existing roadway, said point bears S 42° 01' 21"  
21 E 3,003.18 ft. from a concrete monument found marking the  
22 intersection of the north boundary line of said Champion lands with  
23 the west right of way line of said Hidden Coves Road;

24 Thence S 67° 44' 43" W 196.20 ft. along the centerline of said  
25 roadway to an angle point in said centerline;

26 Thence S 69° 00' 58" W 1,169.00 ft. along the centerline of said  
27 roadway to the P.C. of a curve in said centerline;

1 Thence 714.09 ft. in a southwesterly direction along the centerline  
2 of said roadway in a curve to the left having a central angle of 19°  
3 27' 52", the radius being 2,102.00 ft. and the chord bears S 59° 17'  
4 02" W 710.66 ft. to the P.T. of said curve;  
5 Thence S 49° 33' 06" W 241.00 ft. along the centerline of said  
6 roadway to an angle point in said centerline;  
7 Thence S 62° 26' 14" W 124.01 ft. along the centerline of said  
8 roadway to an angle point in said centerline;  
9 Thence S 53° 34' 26" W 1,129.89 ft. along the centerline of said  
10 roadway to an angle point in said centerline;  
11 Thence S 52° 24' 05" W 729.59 ft. along the centerline of said  
12 roadway to the P.C. of a curve in said centerline;  
13 Thence 186.76 ft. in a southwesterly direction along the centerline  
14 of said roadway in a curve to the left having a central angle of 25°  
15 28' 41", the radius being 420.00 ft. and the chord bears S 39° 49'  
16 44" W 185.23 ft. to the P.T. of said curve;  
17 Thence S 27° 05' 24" W 129.02 ft. along the centerline of said  
18 roadway to an angle point in said centerline;  
19 Thence S 30° 46' 41" W 104.95 ft. along the centerline of said  
20 roadway to an angle point in said centerline;  
21 Thence S 50° 29' 00" W 57.15 ft. along the centerline of said roadway  
22 to an angle point in said centerline;  
23 Thence S 75° 56' 12" W 44.44 ft. along the centerline of said roadway  
24 to the intersection with the centerline of another existing  
25 roadway;  
26 Thence S 48° 49' 03" W 42.13 ft. along the centerline of said other  
27 roadway to an angle point in said centerline;

1 Thence S 73° 18' 15" W 137.87 ft. along the centerline of said  
2 roadway to an angle point in said centerline;  
3 Thence S 70° 45' 57" W 107.30 ft. along the centerline of said  
4 roadway to an angle point in said centerline;  
5 Thence S 70° 26' 43" W 56.39 ft. along the centerline of said roadway  
6 to an angle point in said centerline;  
7 Thence S 58° 47' 51" W 96.51 ft. along the centerline of said roadway  
8 to an angle point in said centerline;  
9 Thence S 52° 43' 04" W 1089.21 ft. along the centerline of said  
10 roadway to an angle point in said centerline;  
11 Thence S 52° 38' 34" W 1028.63 ft. along the centerline of said  
12 roadway to the P.C. of a curve in said centerline;  
13 Thence 202.09 ft. in a southwesterly direction along the centerline  
14 of said roadway in a curve to the right having a central angle of 38°  
15 35' 47", the radius being 300.00 ft. and the chord bears S 71° 56'  
16 27" W 198.29 ft. to the P.T. of said curve;  
17 Thence N 88° 45' 39" W 97.52 ft. along the centerline of said roadway  
18 to the terminal point of the herein described access & utilities  
19 easement located on the northeast boundary line of a 135.491 acre  
20 tract surveyed this date out of said Champion Realty Corporation  
21 lands, said point bears N 23° 13' 00" W 1354.94 ft. from a concrete  
22 monument found marking the most southern corner of said 135.491  
23 acre tract and containing within the rights of way 7.070 acres of  
24 land.

25 TRACT 5

26 Fieldnotes to all that certain tract of land, being 74.930 acres,  
27 more or less, located in the Michael B. Menard Survey, Abstract No.

1 36 and the John Foster Survey, Abstract No. 121, in San Jacinto  
2 County, Texas and being part of the called 100.00 acre tract  
3 described in a Deed from Champion Realty Corporation to James W.  
4 Brown, dated January 20, 1994 and recorded in Volume 183, Page 333  
5 of the Official Public Records of San Jacinto County, Texas  
6 (OPRSJCT). Said 74.891 acres being more particularly described by  
7 metes and bounds' as follows:

8 BEGINNING at a 1/2 inch iron rod found for the easternmost common  
9 corner of the referenced tract and a called 210.619 acre tract  
10 described in a Deed from Champion Realty Corporation to Darrell L.  
11 Grein, dated April 16, 1994 and recorded in Volume 188, page 586  
12 OPRSJCT. Said corner is on the West margin of a public road known  
13 locally as Hidden Coves Road (a 60 foot wide county maintained  
14 roadway described in an easement dated July 19, 1972, granted to San  
15 Jacinto County by Southland Paper Mills, Inc. and recorded in  
16 Volume 133, Page 272 of the Deed Records of San Jacinto County,  
17 Texas (DRSJCT).

18 THENCE in a southwesterly direction with the common lines of the  
19 referenced tract and the said 210.619 acre tract as follows:

- 20 1. S 52° 50' 21" W 1851.42 feet (basis of bearings) to a 1/2 inch  
21 iron rod found for angle corner,
- 22 2. S 60° 02' 41" W 355.17 feet to a 1/2 inch iron rod found for  
23 angle corner,
- 24 3. S 61° 52' 14" W 245.46 feet to a 1/2 inch iron rod found for  
25 angle corner,
- 26 4. S 59° 52' 24" W 809.57 feet to a 1/2 inch iron rod found for  
27 angle corner and

1 5. S 41° 17' 21" W 253.23 feet to a 1/2 inch iron rod found on the  
2 West margin of a 40 foot wide access easement (easement  
3 described in Exhibit "C" in said Deed recorded in Volume 183,  
4 Page 333 OPRSJCT.  
5 THENCE in a southeasterly direction continuing with the common  
6 lines of the referenced tract and the said 210.619 acre tract and  
7 along the West margin of the said access easement as follows:  
8 1. S 30° 51' 55" E 155.08 feet to a 1/2 inch iron rod found for  
9 angle corner,  
10 2. S 22° 59' 48" E 122.02 feet to a 1/2 inch iron rod found for  
11 angle corner,  
12 3. S 27° 43' 41" E 150.69 feet to a 1/2 inch iron rod found for  
13 angle corner,  
14 4. S 20° 36' 31" E 173.64 feet to a 1/2 inch iron rod found for the  
15 beginning of a curve to the right;  
16 5. With said curve (having a radius of 332.50 feet, a central angle  
17 of 31° 40' 18", and a long chord of S 04° 47' 44" E 181.47 feet) 183.80  
18 feet to a 1/2 inch iron rod found for the end of the said curve,  
19 6. S 11° 03' 29" W 222.77 feet to a 1/2 inch iron rod found for  
20 angle corner,  
21 7. S 13° 48' 30" W 83.54 feet to a 1/2 inch iron rod found for the  
22 beginning of a curve to the left,  
23 8. With the said curve (having a radius of 1230.00 feet, a central  
24 angle of 11° 34' 39", and a long chord of S 08° 01' 51" W 248.12 feet)  
25 248.54 feet to a 1/2 inch iron rod found for the end of the said  
26 curve,  
27 9. S 01° 56' 33" W 131.34 feet to a 1/2 inch iron rod found for the

1 beginning of a curve to the left,  
2 10. With the said curve (having a radius of 265.50 feet, a central  
3 angle of 24° 19' 02", and a long chord of S 09° 32' 22" E 111.84  
4 feet) 112.68 feet to a 1/2 inch iron rod found for the end of  
5 the said curve,  
6 11. S 21° 37' 32" E 75.15 feet to a 1/2 inch iron rod found for the  
7 beginning of a curve to the right,  
8 12. With the said curve (having a radius of 112.00 feet, a central  
9 angle of 41° 30' 56", and a long chord of S 01° 32' 09" E 79.39  
10 feet) 81.15 feet to a 1/2 inch iron rod found for the end of  
11 the said curve,  
12 13. S 19° 24' 39" W 112.50 feet to a 1/2 inch iron rod found for  
13 angle corner,  
14 14. S 11° 28' 04" W 141.70 feet to a 1/2 inch iron rod found for  
15 angle corner, and  
16 15. S 08° 10' 52" W 90.66 feet to a 1/2 inch iron rod found for the  
17 most northeastern corner of a called 25.000 acre tract described in  
18 a Deed from Wanda Brown Barrett to Bettie B. Brown, dated August 6,  
19 1998 and recorded in Volume 292, Page 37 OPRSJCT;  
20 THENCE S 53° 33' 40" W 1630.91 feet with the Northwest line of the  
21 said 25.000 acre tract to a 1/2 inch iron rod found for corner in the  
22 most southwestern line of the referenced tract;  
23 THENCE N 58° 58' 32" W 928.30 feet with the common line of the  
24 referenced tract and a called 48.304 acre tract described in a Deed  
25 from Mary Jo Rousselow and Brian Lou Rousselow to Rex Luce, dated  
26 August 8, 2003 and recorded under Clerk's File No. 03-6074 OPRSJCT  
27 to a 1/2 inch iron rod found for the most westerly corner of the

1 referenced tract in the fee taking line for Lake Livingston  
2 Reservoir (a 21.54 acre tract described as Tract S-2 in a Deed from  
3 Southland Paper Mills, Inc., dated June 18, 1970 and recorded in  
4 Volume 129, Page 382 DRSJCT,  
5 THENCE in a northeasterly direction with the common lines of the  
6 reference tract and the said 21.54 acre tract as follows:  
7 1. N 16° 21' 05" E 114.11 feet to a 5/8 inch iron rod found for  
8 angle corner,  
9 2. N 47° 06' 20" E 61.06 feet to a 5/8 inch iron rod found for angle  
10 corner,  
11 3. N 54° 36' 37" S 188.34 feet to a 5/8 inch iron rod found for angle  
12 corner,  
13 4. N 35° 53' 04" E 112.35 feet to a point in lake for angle corner,  
14 5. N 69° 17' 14" E 120.76 feet to a 1/2 inch iron rod found for angle  
15 corner,  
16 6. N 81° 23' 35" W 66.33 feet to a 1/2 inch iron rod found for angle  
17 corner,  
18 7. N 14° 35' 05" E 104.67 feet to a 1/2 inch iron rod found for angle  
19 corner, and  
20 8. N 25° 25' 51" W 139.38 feet to a point in the lake for the most  
21 westerly common corner of the referenced tract and a called 120.000  
22 acre tract described in a Deed from Champion Realty Corporation to  
23 Jessie Gene Steel and wife, Cimantha Marie Steel, dated November  
24 23, 1992 and recorded in Volume 158, Page 320 OPRSJCT;  
25 THENCE in a northeasterly direction with the common lines of the  
26 referenced tract and the said 120.000 acre tract as follows:  
27 1. N 66° 55' 42" E, passing at 70.35 feet a 1-inch iron rod found



1 for reference, continuing for a total distance of 576.22 feet to a  
2 1/2 inch iron rod found for angle corner,  
3 2. N 32° 00' 58" E 962.58 feet to a 1/2 inch iron rod found for  
4 angle corner,  
5 3. N 30° 08' 48" E 603.73 feet to a 1/2 inch iron rod found for angle  
6 corner,  
7 4. N 37° 40' 08" E 242.71 feet to a 1/2 inch iron rod found for angle  
8 corner,  
9 5. N 41° 16' 44" E 443.56 feet to a 1/2 inch iron rod found for angle  
10 corner,  
11 6. N 59° 51' 45" E 820.21 feet to a 1/2 inch iron rod found for angle  
12 corner,  
13 7. N 61° 50' 40" E 245.43 feet to a 1/2 inch iron rod found for angle  
14 corner,  
15 8. N 60° 02' 49" E 350.48 feet to a 1/2 inch iron rod found for angle  
16 corner, and  
17 9. N 52° 50' 21" E 1,866.02 feet to a 1/2 inch iron rod found for the  
18 most easterly common corner of the referenced tract and the said  
19 120.000 acre tract in the West margin of the said Hidden Cove Road;  
20 THENCE S 20° 06' 39" E 62.67 feet with the West margin of the said  
21 Hidden Coves Road and the most northeasterly line of the referenced  
22 tract to the PLACE OF BEGINNING, and containing 74.930 acres, more  
23 or less, of which approximately 73.130 acres are located in the said  
24 Menard Survey and approximately 1.80 acres are located in the said  
25 Foster Survey.  
26 TRACT 6  
27 Being 130.45 acres of land, situated in the M.B. MENARD LEAGUE,

S.B. No. 2518

1 Abstract No. 36, and the JOHN CRIPPEN LEAGUE, Abstract No. 11,  
2 (Isaac Jones Survey, Abstract No. 23 in conflict), all in San  
3 Jacinto County, Texas, and being part of a called 238.19 acre tract  
4 described in a Deed from W.T. Bennett, Trustee to the Farris Company  
5 dated June 5, 1979 and recorded in Volume 184, page 873, Deed  
6 Records of San Jacinto County, Texas, said 130.45 acres being more  
7 definitely described as follows:

8 BEGINNING at the most westerly corner of said Farris Company called  
9 238.19 acre tract and the north corner of a called 112.2433 acre  
10 tract described as "Share 3" in a Partition Deed from Charles D.  
11 McMurrey, et al to S.M. O'Brien, et al. Trustees dated August 28,  
12 1984 and recorded in Volume 43, page 1274, Official Records, said  
13 corner being in a southeast line of a Champion International Corp.  
14 tract, found a 3" x 3" concrete monument for corner from which a 18"  
15 Catalpa bears S 56° 30' W - 34.5 feet;

16 THENCE N 52° 33' 59" E, with the common boundary of said Farris  
17 and Champion tracts, a distance of 1443.94 feet to a 5/8" iron rod  
18 set for the north corner of the 130.45 acre tract herein described;

19 THENCE S 60° 40' 56" E, across said Farris Company 238.19 acre  
20 tract, a distance of 2279.89 feet to a 5/8" iron rod set for corner  
21 in its southeast line and the northwest right-of-way line of U.S.  
22 Highway No. 190;

23 THENCE southerly, with the northwest right-of-way line of U.S.  
24 Highway No. 190, as follows:

25 (1) S 22° 12' 24" W, a distance of 885.97 to a concrete  
26 highway right-of-way monument found;

27 (2) S 43° 46' 00" W, a distance of 215.75 to a concrete

1 highway right-of-way monument found; and

2 (3) S 19° 24' 51" W, a distance of 54.13 to the intersection  
3 of said Highway right-of-way with the Trinity River Authority Fee  
4 Taking line for Lake Livingston Reservoir, same being a northeast  
5 line of a called 229.91 acre tract described in a Deed from the  
6 Farris Company to Trinity River Authority of Texas dated November  
7 13, 1967 and recorded in Volume 107, page 263, Deed Records;

8 THENCE with the Fee Taking line of said Trinity River Authority  
9 229.91 acres, as follows:

10 (1) N 17° 56' 00" W, a distance of 165.40 feet to T.R.A.  
11 Point No. 27;

12 (2) N 13° 21' 00" W, a distance of 212.19 feet to a 5/8" iron  
13 rod found for T.R.A. Point No. 26;

14 (3) N 74° 17' 11" W, a distance of 337.17 feet to a 5/8" iron  
15 rod found for T.R.A. Point No. 25;

16 (4) S 60° 02' 39" E, a distance of 332.11 feet to a 5/8" iron  
17 rod found for T.R.A. Point No. 24;

18 (5) S 09° 56' 13" E, a distance of 204.06 feet to a 5/8" iron  
19 rod found for T.R.A. Point No. 23; and

20 (6) S 05° 07' 01" E, a distance of 283.80 feet to the  
21 intersection of said Fee Taking line with the northwest  
22 right-of-way line of U.S. Highway No. 190;

23 THENCE southerly, with the northwest right-of-way line of U.S.  
24 Highway No. 190, as follows:

25 (1) S 18° 03' 14" W, a distance of 306.90 to a concrete  
26 highway right-of-way monument found; and

27 (2) S 05° 44' 23" E, a distance of 99.74 to the Intersection

1 of said Highway right-of-way with the Trinity River Authority Fee  
2 Taking line for Lake Livingston Reservoir, same being a northwest  
3 line of said T.R.A. called 229.91 acre tract;

4 THENCE with the Fee Taking line of said Trinity River Authority  
5 229.91 acres, as follows:

6 (1) S 53° 41' 00" W, a distance of 58.44 feet to a 5/8" iron  
7 rod found for T.R.A. Point No. 20;

8 (2) S 24° 33' 00" W, a distance of 130.18 feet to a T.R.A.  
9 Point No. 19;

10 (3) N 44° 07' 00" E, a distance of 133.64 feet to a T.R.A.  
11 Point No. 18; and

12 (4) N 58° 09' 00" E, a distance of 15.39 feet to the  
13 intersection of said Fee Taking line with the northwest  
14 right-of-way line of U.S. Highway No. 190;

15 THENCE southerly, with the northwest right-of-way line of U.S.  
16 Highway No. 190, as follows:

17 (1) S 05° 44' 23" E, a distance of 68.95 to a concrete  
18 highway right-of-way monument found;

19 (2) S 11° 42' 22" W, a distance of 616.26 to a concrete  
20 highway right-of-way monument found;

21 (3) S 03° 08' 05" E, a distance of 99.86 to a concrete  
22 highway right-of-way monument found;

23 (4) S 08° 38' 11" W, a distance of 352.42 feet to a concrete  
24 highway right-of-way; and

25 (5) S 11° 56' 00" W, a distance of 30.97 feet to a 5/8" iron  
26 rod set for the south corner of said Farris called 238.19 acre tract  
27 in a northeast line of Lake Livingston Subdivision according to a

1 Plat of record in Volume 86, page 351, Deed Records;  
2 THENCE N 37° 24' 30" W, with the common boundary of said Farris  
3 tract and said Lake Livingston Subdivision, a distance of 1216.27  
4 feet the north corner of said Subdivision and the east corner of  
5 said O'Brien, Trustee 112.2433 acre tract, found a 3" x 3" concrete  
6 monument from which a 16" Red Oak found bears S 18" W - 8.4 feet and  
7 a 12" Post Oak found bears N45° W - 12.8 feet;  
8 THENCE N 36° 53' 57" W, with the common boundary of said Farris and  
9 O'Brien, Trustee tracts, a distance of 2606.64 feet to the POINT OF  
10 BEGINNING.

11 TRACT 7

12 Being 25.000 acres of land situated in the State of Texas, County of  
13 San Jacinto, a part of the M.B. Menard Survey, A-36, and being out  
14 of the called 1488.272 acre tract described as "Second Parcel -  
15 T85SJ1-a" in Exhibit "A" in Special Warranty Deed to Champion  
16 Realty Corporation [Florida] as shown of record in Volume 22, Page  
17 834 of the San Jacinto Official Public Records, and this 25.000 acre  
18 tract being more particularly described by metes and bounds as  
19 follows:

20 Beginning at an iron rod found marking the most southern corner of a  
21 20.000 acre tract titled to Charles E. Williams and wife, Jean  
22 Williams, by deed recorded in Volume 146, Page 271 of said Official  
23 Public Records, said point being an exterior corner of the herein  
24 described 25.000 acre tract, located on the common survey line  
25 between said Menard Survey and the Isaac Jones Survey, A-23, same  
26 being the southeast line of said Champion Realty Corporation lands  
27 and the northwest line of lands titled to The Farris Company of

1 Walker County by deed records in Volume 184, Page 873 of the San  
2 Jacinto County Deed Records;  
3 Thence S 52° 34' 12" W, along the common line between said Champion  
4 lands and said Farris Company lands, same being the common survey  
5 line between said Menard and Jones Surveys, at 424.63 ft. pass a  
6 concrete monument found on line, and continuing S 52° 34' 12" W,  
7 along the common line between said Champion and Farris Company  
8 lands, in all a total distance of 904.13 ft. to an iron rod set  
9 marking the most southern corner of the herein described 25.000  
10 acre tract;  
11 Thence N 37° 25' 48" W 1,185.74 ft. to an iron rod set for the most  
12 western corner of the herein described 25.000 acre tract;  
13 Thence N 52° 34' 12" E 2,183.55 ft. to an iron rod set for the most  
14 northern corner of the herein described 25.000 acre tract located  
15 on the southwest right of the way line of Hidden Coves Road [a  
16 county maintained roadway];  
17 Thence S 57° 30' 39" E 63.88 ft. along the southwest right of way  
18 line of said Hidden Coves Road to an iron rod set marking the most  
19 eastern corner of the herein described 25.000 acre tract located on  
20 the northwest line of a 20.000 acre titled to Robert M. Black and  
21 wife, M. Renae Black, by deed recorded in Volume 153, Page 469 of  
22 said Official Public Records;  
23 Thence S 52° 34' 12" W 1,511.53 ft. along the common line between the  
24 herein described 25.000 acre tract and said Black 20.000 acre tract  
25 to an iron rod found marking the most western corner of said Black  
26 tract and an interior corner of the herein described 25.000 acre  
27 tract;

1 Thence S 57° 29' 05" E 612.91 ft. along the common line between the  
2 herein described 25.000 acre tract and said Black 20.000 acre tract  
3 to an iron rod found marking the west common corner between said  
4 Black 20.000 acre tract and another 20.000 acre tract titled to  
5 Charles E. Williams and wife, Jean Williams, by deed recorded in  
6 Volume 146, Page 271 of said Official Public Records;

7 Thence S 37° 25' 48" E 550.00 ft. along the common line between the  
8 herein described 25.000 acre tract and said Williams 20.000 acre  
9 tract to the place of beginning and containing within these bounds  
10 25.000 acre of land.

11 TRACT 8

12 Being 48.304 acres of land situated in the State of Texas, County of  
13 San Jacinto, a part of the Michael B. Menard Survey, A-36, and being  
14 out of the residue of the called 1488.272 acre tract described as  
15 "Second Parcel - T85SJI-a" in Exhibit "A" in Special Warranty Deed  
16 to Champion Realty Corporation [Florida] as shown of record in  
17 Volume 22, Page 834 of the Official Public Records of San Jacinto  
18 County, Texas, and this 48.304 acre tract being more particularly  
19 described by metes and bounds as follows:

20 Beginning at an iron rod found marking the east common corner  
21 between the herein described 48.304 acre tract and a 100.00 acre  
22 tract conveyed out of said Champion lands to James W. Brown by deed  
23 recorded in Volume 183, Page 333 of said San Jacinto County Official  
24 Public Records, located on the north right of way line of a 40 ft.  
25 wide (7.070 acres) access and utilities easement described in  
26 Exhibit "B" in deed to Freddy C. Palmer and wife, Carra B. Palmer,  
27 recorded in Volume 277, Page 500 of said Official Public Records;

1 Thence S 15° 59' 38" W (Bearings for this survey are based on deed  
2 call for the northeast line of the 135.491 acre tract described in  
3 deed to Freddy C. Palmer and wife, Carra B. Palmer recorded in  
4 Volume 277, Page 500 of the San Jacinto County Official Public  
5 Records), at 33.51 ft. pass the centerline of said 40 ft. wide  
6 access and utilities easement, at 67.02 ft. pass the south right of  
7 way line of said easement and continuing S 15° 59' 38" W, in all a  
8 total distance of 2,022.95 ft. to a concrete monument found for the  
9 south common corner between the herein described 48.304 acre tract  
10 and the 135.491 acre tract described in Exhibit "A" in deed to  
11 Freddy C. Palmer and wife, Carra B. Palmer, recorded in Volume 277,  
12 Page 500 of said Official Public Records, said point also being the  
13 east corner of the called 1.10 acre tract described in deed to Ocie  
14 B. Norman recorded in Volume 991, Page 408 of said Official Public  
15 Records, and being located on the common survey line between said  
16 Menard Survey and the John Crippen Survey, A-11;  
17 Thence N 23° 13' 00" W, along the common line between the herein  
18 described 48.304 acre tract and said Palmer 135.491 acre tract, at  
19 1,322.97 ft. pass the south right of way line of said 40 ft. wide  
20 access and utilities easement, at 1,354.94 ft. pass the centerline  
21 of said 40 ft. wide easement, at 1,376.91 ft. pass the north right  
22 of way line of said easement, and in all a total distance of  
23 2,723.27 ft. to a 1/2" iron rod set for the north common corner  
24 between said tracts located on the Lake Livingston Fee Take Line  
25 along the east back of Rocky Creek as described as "Tract F-2" (a  
26 called 21.54 acre tract) in deed to Trinity River Authority of Texas  
27 recorded in Volume 129, Page 382 of the San Jacinto County Deed



1 Records;

2 Thence along said Trinity River Authority Lake Livingston Fee Take  
3 Line located on the east back of said Rocky Creek as follows:

4                   N 25° 00' 45"           W 180.37 ft.,  
5                   N 00° 48' 15"           E 87.71 ft.,  
6                   N 23° 54' 15"           E 231.68 ft.,  
7                   S 21° 51' 45"           E 123.88 ft. and  
8                   S 83° 29' 45"           E 71.75 ft. to a 1/2" iron rod

9 set for the northwest common corner between the herein described  
10 48.304 acre tract and a said Brown 100.000 acre tract;

11 Thence S 59° 00' 13" E 1,743.66 ft. along the common line between the  
12 herein described tract and said Brown 100.00 acre tract to the place  
13 of beginning and containing within these bounds 48.304 acres of  
14 land.

15 TRACT 9

16 Being 47.910 acres of land situated in the State of Texas, County of  
17 San Jacinto, a part of the Isaac Jones Survey, A-23 [in conflict  
18 with the John Crippen Survey, A-11], and being out of the called  
19 208.908 acre tract described as "Fourth Parcel - T85SJ1-c" in  
20 Exhibit "A" in Special Warranty Deed to Champion Realty Corporation  
21 [Florida] as shown of record in Volume 22, Page 834 of the Official  
22 Public Records of San Jacinto County, Texas, and this 47.910 acre  
23 tract being more particularly described by metes and bounds as  
24 follows:

25 Beginning at a 3"x3" concrete monument found for the south common  
26 corner between said Champion Realty Corporation tract and a called  
27 1.49 acre tract described in deed to Dungan, Ltd. recorded in Volume

1 248, Page 36 of said Official Public Records, located on the  
2 northwest line of the called 2 acre tract described as "Exception"  
3 in deed to Houston Baptist University recorded in Volume 200, Page  
4 561 of said Deed Records;  
5 Thence N 35° 35' 58" W (Bearings for this survey are based on the  
6 8.004 acre tract described in deed to Randle McLarrin recorded in  
7 Volume 125, Page 569 of the San Jacinto County Official Public  
8 Records); along the west line of said Champion Realty tract, common  
9 in part with the east lines of said Dungan, Ltd. called 1.49 acre  
10 tract, a called 14.159 acre tract described as "Second Tract" in  
11 deed to Cynthia P. Pira recorded in Volume 148, Page 334 of said  
12 Official Public Records and a called 24.99 acre tract described as  
13 "Seventh Tract" in Partition Deed to Dentigue Butler recorded in  
14 Volume 24, Page 358 of said Official Public Records, at 1,663 ft.  
15 cross the centerline of a county maintained roadway, and in all a  
16 total distance of 2,498.16 ft. to a 1/2" iron rod found for the most  
17 northern corner of the herein described 47.910 acre tract located  
18 on the southwest right-of-way line of said F.M. Highway No. 980  
19 described in the 15.298 acre Right-of-Way Easement to the State of  
20 Texas recorded in Volume 120, Page 105 of the San Jacinto County  
21 Deed Records;  
22 Thence in a southeasterly direction along the southwest  
23 right-of-way line of said F.M. Highway No. 980, at 943 ft. cross the  
24 centerline of said county maintained roadway, and in all a total arc  
25 length of 1,035.38 ft. in a curve to the left having a central angle  
26 of 49° 11' 35", the radius being 1,205.92 ft. and the chord bears S  
27 67° 46' 08" E 1,003.87 ft. to a 1/2" iron rod found marking the P.T.

1 of said curve;  
2 Thence N 87° 38' 05" E 265.59 ft. along the southwest right-of-way  
3 line of said F.M. Highway No. 980 to a 1/2" iron rod found marking  
4 the P.C. of a curve in said right of way, from said point a concrete  
5 right of way monument found bears N 53° 23' E 1.16 ft;  
6 Thence 286.24 ft. in a southeasterly direction along the southwest  
7 right-of-way line of said F.M. Highway No. 980 in a curve to the  
8 right having a central angle of 11° 57' 00", the radius being  
9 1,372.40 ft. and the chord bears S 86° 23' 25" E 285.72 ft. to a 1/2"  
10 iron rod found marking the P.T. of said curve;  
11 Thence S 80° 24' 55" E 826.67 ft. along the southwest right-of-way  
12 line of said F.M. Highway No. 980 to a concrete right of way  
13 monument found marking the P.C. of a curve in said right of way;  
14 Thence 233.86 ft. in a southeasterly direction along the southwest  
15 right-of-way line of said F.M. Highway No. 980 in a curve to the  
16 right having a central angle of 07° 14' 36", the radius being  
17 1,849.86 ft. and the chord bears S 76° 47' 37" E 233.70 ft. to a 1/2"  
18 iron rod set for the north common corner between the herein  
19 described 47.910 acre tract and a 10.000 acre tract surveyed this  
20 date out of said Champion Realty Corporation tract;  
21 Thence S 27° 50' 40" W 1,270.51 ft. along the common line between the  
22 herein described 47.910 acre tract and said 10.000 acre tract to a  
23 1/2" iron rod set for the south common corner between said tracts  
24 located on the common line between said Champion Realty Corporation  
25 tract and the called 18 acre tract described as "Tract 2" in deed to  
26 Houston Baptist University recorded in Volume 200, Page 561 of said  
27 Deed Records;

S.B. No. 2518

1 Thence S 55° 11' 56" W 578.19 ft. along the southeast line of said  
2 Champion Realty tract, common in part with the northwest lines of  
3 said Houston Baptist University called 18 acre tract and said  
4 called 2 acre tract described as "Exception" in said deed to Houston  
5 Baptist University recorded in Volume 200, Page 561 of said Deed  
6 Records, to the place of beginning and containing within these  
7 bounds 47.910 acres of land.

8 TRACT 10

9 Being 120.000 acres of land situated in the State of Texas, County  
10 of San Jacinto, 117.017 acres being a part of the Michael B. Menard  
11 Survey, A-36, and being out of the called 1488.272 acre tract  
12 described as "Second Parcel - T85SJ1-a" in Exhibit "A" in Special  
13 Warranty Deed to Champion Realty Corporation [Florida] as shown of  
14 record in Volume 22, Page 834 of the Official Public Records of San  
15 Jacinto County, Texas, and 2.983 acres being a part of the John  
16 Foster Survey, A-121, and being out of the called 17.486 acre tract  
17 described as "Fifth Parcel - T85SJ1-d" in Exhibit "A" in said  
18 Special Warranty Deed, and this 120.000 acre tract being more  
19 particularly described by metes and bounds as follows:

20 Beginning at an iron rod found marking the intersection of the  
21 northwest line of said Champion Realty Corporation [Florida] lands  
22 with the Trinity River authority Lake Livingston Fee Take Line  
23 located on the east bank of Rocky Creek, said point being the most  
24 western corner of the herein described 120.000 acre tract;

25 Thence N 66° 00' 15" E 462.78 ft. along the northwest boundary line  
26 of said Champion lands to a concrete monument found marking an  
27 interior corner of said Champion lands;

1 Thence N 22° 55' 42" W 553.69 ft. along the boundary line said  
2 Champion lands to a concrete monument found marking an exterior  
3 corner of said tract;  
4 Thence N 66 ° 55' 42" E 2,597.73 ft. along the northwest boundary  
5 line of said Champion lands to a concrete monument found marking an  
6 interior corner of said tract;  
7 Thence S 22° 14' 44" E 1,219.49 ft. to an iron rod set marking an  
8 interior corner of the herein described 120.000 acre tract;  
9 Thence N 37° 40' 08" E 138.68 ft. to an iron rod set for corner;  
10 Thence N 41° 16' 44" E, at 250.29 ft. pass the centerline of a 40 ft.  
11 wide access easement over and across said Champion lands, and  
12 continuing N 41° 16' 44" E, in all a total distance of 461.12 ft. to  
13 an iron rod set for corner;  
14 Thence N 59° 51' 45" E 836.50 ft. to an iron rod set for corner;  
15 Thence N 61° 50' 40" E 245.58 ft. to an iron rod set for corner;  
16 Thence N 60° 02' 49" E 343.40 ft. to an iron rod set for corner;  
17 Thence N 52° 50' 21" E 1,887.95 ft. to an iron rod set the most  
18 northern corner of the herein described 120.000 acre tract located  
19 on the west right of way line of Hidden Coves Road [a 60 ft. wide  
20 county maintained roadway described in easement dated July 19,  
21 1972, granted from Southland Paper Mills, Inc. to the County of San  
22 Jacinto, Texas and recorded in Volume 133, Page 272 of the Deed  
23 Records of said San Jacinto County];  
24 Thence S 20° 06' 39" E 94.14 ft. along the west right of way line of  
25 said Hidden Coves Road to an iron rod set marking the most eastern  
26 corner of the herein described 120.000 acre tract;  
27 Thence S 52° 50' 21" W 1,866.02 ft. to an iron rod set for corner;

1 Thence S 60° 02' 49" W 350.48 ft. to an iron rod set for corner;  
2 Thence S 61° 50' 40" W 245.43 ft. to an iron rod set for corner;  
3 Thence S 59° 51' 45" W 820.21 ft. to an iron rod set for corner;  
4 Thence S 41° 16' 44" W, at 222.70 ft. pass the centerline of a 40 ft.  
5 wide access easement over and across said Champion lands, and  
6 continuing S 41° 16' 44" W, in all a total distance of 443.56 ft. to  
7 an iron rod set for corner;  
8 Thence S 37° 40' 08" W 242.71 ft. to an iron rod set for corner;  
9 Thence S 30° 08' 48" W 603.73 ft. to an iron rod set for corner;  
10 Thence S 32° 00' 58" W 962.58 ft. to an iron rod set for corner;  
11 Thence S 66° 55' 42" W 576.22 ft. to an iron rod set for the most  
12 southern corner of the herein described 120.000 acre tract located  
13 on said Trinity River Authority Lake Livingston Fee Take Line along  
14 the east bank of Rocky Creek;  
15 Thence along said Trinity River Authority Lake Livingston Fee Take  
16 Line located on east bank of said Rocky Creek as follows:  
17                           N 25° 26' 45"           W 48.70 ft.,  
18                           N 44° 58' 45"           W 225.95 ft.,  
19                           N 52° 21' 45"           W 192.26 ft.,  
20                           N 29° 53' 45"           W 121.04 ft.,  
21                           N 36° 28' 15"           E 187.39 ft.,  
22                           N 27° 00' 45"           W 69.76 ft.,  
23                           N 45° 04' 15"           E 133.40 ft.,  
24                           S 67° 45' 15"           W 152.85 ft.,  
25                           S 10° 46' 45"           E 119.15 ft.,  
26                           S 62° 15' 15"           W 103.97 ft.,  
27                           N 46° 27' 45"           W 104.39 ft.,

1                   N 68° 25' 45"           W 154.60 ft.,  
 2                   N 14° 14' 45"           W 59.00 ft.,  
 3                   S 61° 20' 15"           W 61.46 ft.,  
 4                   N 87° 42' 45"           W 94.94 ft.,  
 5                   N 26° 55' 45"           W 66.61 ft.,  
 6                   S 21° 12' 15"           W 66.76 ft.,  
 7                   N 77° 57' 45"           W 156.65 ft.,  
 8                   N 62° 35' 45"           W 220.37 ft.,  
 9                   N 07° 44' 15"           E 136.84 ft.,  
 10                  S 52° 47' 15"           W 113.69 ft.,  
 11                  N 50° 39' 45"           W 201.89 ft.,  
 12                  S 70° 42' 15"           W 93.55 ft.,  
 13                  N 69° 56' 45"           W 122.22 ft. and  
 14                  N 33° 57' 45"           W 131.45 ft. to the place

15 of beginning and containing with these bounds 120.000 acres of  
 16 land.

17 There is reserved over the above described 120.000 acre tract an  
 18 access roadway easement being 40 ft. in width and lying 20 ft. each  
 19 side of the centerline described as follows:

20 Beginning at the intersection of the southeast line of said 120.000  
 21 acre tract with the centerline of the herein described 40 ft. wide  
 22 easement, said point bears S 41° 16' 44" W 222.70 ft. from an iron  
 23 rod marking an interior corner of said 120.000 acre tract;

24 Thence N 23° 05' 53" W 49.12 ft. and N 42° 02' 29" W 46.02 ft. along  
 25 the centerline of the herein described easement to its terminal  
 26 point at the intersection of said centerline with the north line of  
 27 said 120.000 acre tract, said point bears N 41° 16' 44" E 250.29 ft.

1 from an iron rod marking an exterior corner of said 120.000 acre  
2 tract and containing within the rights of way 0.087 acre of land.

3 TRACT 11

4 Being 210.598 acres of land situated in the State of Texas, County  
5 of San Jacinto, 194.798 acres being a part of the Michael B. Menard  
6 Survey, A-36, and 15.799 acres being a part of the John Foster  
7 Survey, A-120, and being the same land described in Special  
8 Warranty Deed to Darrell L. Grein recorded in Volume 188, Page 586  
9 of the Official Public Records of San Jacinto County, Texas, and  
10 this 210.598 acre tract being more particularly described by metes  
11 and bounds as follows:

12 Beginning at an iron rod found marking the east common corner  
13 between said Grein called 210.619 acres and the called 74.981 acres  
14 described in deed to APMI Athens Limited Partnership recorded under  
15 Clerk's File No. 06-3039, Page 13107 of said Official Public  
16 Records, said point being located on the west right of way line of  
17 Hidden Coves Road [a 60 ft. wide county maintained roadway  
18 described in easement dated July 19, 1972, granted from Southland  
19 Paper Mills, Inc. to the County of San Jacinto, Texas, and recorded  
20 in Volume 133, Page 272 of the Deed Records of said San Jacinto  
21 County];

22 Thence S 20° 06' 39" E 48.63 ft. along the east line of said Grein  
23 tract, same being the west right of way line of said Hidden Coves  
24 Road, to a 1/2" iron rod set for corner;

25 Thence S 04° 26' 43" E 1,256.06 ft. along the east line of said  
26 Grein tract, same being the west right of way line of said Hidden  
27 Coves Road to a 3/8" iron rod found for corner;



1 Thence S 70° 40' 25" E 682.54 ft. along the east line of said Grein  
2 tract, same being the west right of way line of said Hidden Coves  
3 Road, to a concrete monument found for corner;  
4 Thence S 66° 37' 05" E 1,199.46 ft. along the east line of said  
5 Grein tract, same being the west right of way line of said Hidden  
6 Coves Road to a 1/2" iron rod set for the most eastern corner of the  
7 herein described 210.598 acre tract and the most northern corner of  
8 the 10.00 acres described in deed to Mark A. Budzise and Samuel M.  
9 Borcato recorded under Clerk's File No. 03-3823, Page 16195,  
10 located at the intersection of the west right of way line of said  
11 Hidden Coves Road with the northwest right of way line of a 40 ft.  
12 wide non-exclusive access and utility easement for ingress and  
13 egress described in said Grein deed (said easement also described  
14 in instruments recorded in Volume 183, Page 333 and Volume 277, Page  
15 500 of said Official Public Records);  
16 Thence S 67° 35' 00" W 134.10 ft. along the southeast line of said  
17 Grein tract and the northwest line of said Budzise and Brocato 10.00  
18 acres, same being the northwest right of way line of said 40 ft.  
19 wide easement, to a 1/2" iron rod found marking an angle point in  
20 said common line;  
21 Thence S 69° 01' 27" W 1,168.83 ft. along the southeast line of said  
22 Grein tract, same being the northwest right of way line of a 40 ft.  
23 wide easement, common in part with the northwest lines of said  
24 Budzise and Brocato 10.00 acres and the 29.933 acres described in  
25 deed to Mark A. Budzise recorded under Clerk's File No. 06-4096,  
26 Page 17393 of said Official Public Records, to a 1/2" iron rod found  
27 marking the P.C. of a curve in said right of way line;

1 Thence 720.97 ft. in a southwesterly direction along the southeast  
2 line of said Grein tract, same being the northwest right of way line  
3 of a 40 ft. wide easement, common in part with  
4 the northwest lines of said Budzise 29.933 acres and the 64.122  
5 acres described in deed to Carlo Mazzella and wife, Glenda  
6 Mazzella, recorded under Clerk's File No. 02-5952, Page 25245 of  
7 said Official Public Records, in a curve to the left having a  
8 central angle of  $19^{\circ} 28' 00''$ , the radius being 2,122.00 ft. and the  
9 chord bears  $S 59^{\circ} 17' 27'' W$  717.50 ft. to a 1/2" iron rod found  
10 marking the P.T. of said curve;  
11 Thence  $S 49^{\circ} 33' 27'' W$  238.78 ft. along the common line between said  
12 Grein and Mazzella tracts, same being the northwest right of way  
13 line of said 40 ft. wide easement, to a 1/2" iron rod found marking  
14 an angle point in said line;  
15 Thence  $S 62^{\circ} 21' 47'' W$  123.62 ft. along the common line between said  
16 Grein and Mazzella tracts, same being the northwest right of way  
17 line of said 40 ft. wide easement, to a 1/2" iron rod found marking  
18 an angle point in said line;  
19 Thence  $S 53^{\circ} 34' 27'' W$  1,131.33 ft. along the common line between  
20 said Grein and Mazzella tracts, same being the northwest right of  
21 way line of said 40 ft. wide easement, to a 1/2" iron rod found  
22 marking an angle point in said line;  
23 Thence  $S 52^{\circ} 34' 52'' W$ , along the common line between said Grein and  
24 Mazzella tracts, same being the northwest right of way line of said  
25 40 ft. wide easement, at 238.63 ft. pass a 1/2" iron rod found  
26 marking the northwest common corner between said Mazzella tract and  
27 the 97.731 acres described in deed to APMI Athens Limited

1 Partnership recorded under Clerk's File No. 07-2588, Page 10948 of  
2 said Official Public Records, and continuing along the common line  
3 between said Grein and APMI Athens Limited Partnership tract, in  
4 all a total distance of 729.99 ft. to a 1/2" iron rod found marking  
5 the P.C. of a curve;  
6 Thence 195.84 ft. in a southwesterly direction along the common  
7 line between said Grein and APMI Athens Limited Partnership tract,  
8 same being the northwest right of way line of said 40 ft. wide  
9 easement, in a curve to the left having a central angle of 25° 30'  
10 07", the radius being 440.00 ft. and the chord bears S 39° 49' 48" W  
11 194.23 ft. to a 1/2" iron rod found marking the P.T. of said curve;  
12 Thence S 27° 06' 11" W 128.38 ft. along the common line between said  
13 Grein and APMI Athens Limited Partnership tract, same being the  
14 northwest right of way line of said 40 ft. wide easement, to a 1/2"  
15 iron rod found marking an angle point in said line;  
16 Thence S 30° 47' 28" W 100.83 ft. along the common line between said  
17 Grein and APMI Athens Limited Partnership tract, same being the  
18 northwest right of way line of said 40 ft. wide easement, to a 1/2"  
19 iron rod found marking an angle point in said line;  
20 Thence S 50° 23' 48" W 49.15 ft. along the common line between said  
21 Grein and APMI Athens Limited Partnership tract, same being the  
22 northwest right of way line of said 40 ft. wide easement, to a 1/2"  
23 iron rod found marking an angle point in said line;  
24 Thence S 76° 04' 14" W 34.85 ft. along the common line between said  
25 Grein and APMI Athens Limited Partnership tract, same being the  
26 northwest right of way line of said 40 ft. wide easement, to a 1/2"  
27 iron rod found marking an angle point in said line;

1 Thence N 75° 22' 58" W 32.67 ft. along the common line between said  
2 Grein and APMI Athens Limited Partnership tract, same being the  
3 northwest right of way line of said 40 ft. wide easement, to a 1/2"  
4 iron rod found marking an angle point in said line;  
5 Thence S 14° 37' 02" W 40.00 ft. along the common line between said  
6 Grein and APMI Athens Limited Partnership tract, over and across  
7 said 40 ft. wide easement, to a 1/2" iron  
8 rod found marking a common corner between said Grein tract, said  
9 APMI Athens Limited Partnership 97.731 acre tract and the 25.00  
10 acre tract described in deed to APMI Athens Limited Partnership  
11 recorded under Clerk's File No. 06-3040, Page 13118 of said  
12 Official Public Records, located on the west right of way line of  
13 said 40 ft. wide easement, said point being the most southern corner  
14 of the herein described 210.598 acre tract;  
15 Thence along the common line between said Grein tract and said APMI  
16 Athens Limited Partnership 25.000 acre tract, same being the west  
17 right of way line of said 40 ft. wide easement, as follows:  
18 1. N 75° 33' 58" W 75.87 ft. to a 1/2" iron rod found for corner;  
19 2. N 80° 28' 19" W 90.22 ft. to a 1/2" iron rod found for corner;  
20 3. S 84° 38' 07" W 56.88 ft. to a 1/2" iron rod found marking the  
21 P.C. of a curve;  
22 4. 84.67 ft. in a northwesterly direction in a curve to the right  
23 having a central angle of 61° 23' 34", the radius being 79.02  
24 ft. and the chord bears N 64° 46' 27" W 80.68 ft. to a 1/2" iron  
25 rod found marking the P.T. of said curve;  
26 5. N 34° 05' 08" W 249.87 ft. to a 1/2" iron rod found for corner;  
27 6. N 29° 00' 00" W 121.63 ft. to a 1/2" iron rod found marking the

- 1 P.C. of a curve;
- 2 7. 60.06 ft. in a northwesterly direction, in a curve to the left  
3 having a central angle of 15° 38' 32", the  
4 radius being 220.00 ft. and the chord bears N  
5 36° 54' 27" W 59.88 ft. to an iron rod found  
6 marking the P.T. of said curve;
- 7 8. N 44° 35' 11" W 93.35 ft. to a 1/2" iron rod found marking the  
8 P.C. of a curve;
- 9 9. 100.26 ft. in a northerly direction, in a curve to the right  
10 having a central angle of 52° 50' 54", the radius being 108.70  
11 ft. and the chord bears N 18° 16' 44" W 96.75 ft. to a 1/2" iron  
12 rod set marking the P.T. of said curve, said point also being  
13 the east common corner between said APMI Athens Limited  
14 Partnership 25.000 acres and the 74.981 acres described in deed  
15 to APMI Athens Limited Partnership recorded under Clerk's File  
16 No. 06-3039, Page 13107 of said Official Public Records;
- 17 Thence along the common line between said Grein tract and said APMI  
18 Athens Limited Partnership 74.981 acre tract, same being the west  
19 right of way line of said 40 ft. wide easement, as follows:
- 20 1. N 08° 10' 52" E 90.66 ft. to a 1 /2" iron rod found for corner;
- 21 2. N 11° 28' 04" E 141.70 ft. to a 1 /2" iron rod found for corner;
- 22 3. N 19° 24' 39" E 112.50 ft. to a 1 /2" iron rod found marking the  
23 P.C. of a curve;
- 24 4. 81.15 ft. in a northerly direction, in a curve to the left  
25 having a central angle of 41° 30' 56", the radius being 112.00  
26 ft. and the chord bears N 01° 32' 09" W 79.39 ft. to a 1 /2" iron  
27 rod found marking the P.T. of said curve;

- 1 5. N 21° 37' 32" W 75.15 ft. to a 1 /2" iron rod found marking the  
2 P.C. of a curve;
- 3 6. 112.68 ft. in a northerly direction, in a curve to the right  
4 having a central angle of 24° 19' 02", the radius being 265.50  
5 ft. and the chord bears N 09° 32' 22" W 111.84 ft. to a 1 /2" iron  
6 rod found marking the P.T. of said curve;
- 7 7. N 01° 56' 33" E 131.34 ft. to a 1 /2" iron rod found marking the  
8 P.C. of a curve;
- 9 8. 248.54 ft. in a northerly direction, in a curve to the right  
10 having a central angle of 11° 34' 39", the radius being 1,230.00  
11 ft. and the chord bears N 08° 01' 51" E 248.12 ft. to a 1 /2" iron  
12 rod found marking the P.T. of said curve;
- 13 9. N 13° 48' 30" E 83.54 ft. to a 1 /2" iron rod found for corner;
- 14 10. N 11° 03' 29" E 222.77 ft. to a 1 /2" iron rod found marking the  
15 P.C. of a curve;
- 16 11. 183.80 ft. in a northerly direction, in a curve to the left  
17 having a central angle of 31° 40' 18", the radius being 332.50  
18 ft. and the chord bears N 04° 47' 44" W 181.47 ft. to a 1 /2" iron  
19 rod found marking the P.T. of said curve;
- 20 12. N 20° 36' 31" W 173.64 ft. to a 1 /2" iron rod found for corner;
- 21 13. N 27° 43' 41" W 150.69 ft. to a 1 /2" iron rod found for corner;
- 22 14. N 22° 59' 48" W 122.02 ft. to a 1 /2" iron rod found for corner;
- 23 15. N 30° 51' 55" W 155.08 ft. to a 1 /2" iron rod found marking the  
24 northwest corner of the herein described  
25 210.598 acre tract;
- 26 16. N 41° 17' 21" E, at 42.03 ft. pass the east right of way line of  
27 said 40 ft. wide easement, and continuing N 41° 17' 21" E, along

1       said common line, in all a total distance of 253.23 ft. to a  
2       1/2" iron rod found for corner;  
3 17.   N 59° 52' 24" E 809.57 ft. to a 1 /2" iron rod found for corner;  
4 18.   N 61° 52' 14" E 245.46 ft. to a 1 /2" iron rod found for corner;  
5 19.   N 60° 02' 41" E 355.17 ft. to a 1 /2" iron rod found for corner;  
6 20.   N 52° 50' 21" E 1,851.42 ft. to the place of beginning and  
7                   containing within these bounds 210.599 acres  
8                   of land.

9 Bearings for this survey are based on deed call for the most  
10 northerly northwest line of the called 210.619 acres described in  
11 deed to Darrell L. Grein recorded in Volume 188, Page 586 of the  
12 Official Public Records of San Jacinto County, Texas.

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

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

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

27       (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

4         SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.