

By: Wentworth

S.B. No. 2540

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal County Water Control and Improvement District No. 5; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9036 to read as follows:

CHAPTER 9036. COMAL COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9036.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Comal County Water Control and Improvement District No. 5.

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

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

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

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

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

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

10 (B) approved and entered into a development
11 agreement with the owners of land in the district under Section
12 212.172, Local Government Code;

13 (3) an agreement that addresses the provision of water
14 and wastewater treatment to the land in the district has been
15 approved and entered into by:

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

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

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

22 (D) the owners of land in the district;

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

26 (5) the commissioners court of each county in which
27 the district is located has approved and entered into an agreement

1 with the district that must include, but is not limited to,
2 provisions relating to the use of county right-of-way, the
3 district's exercise of the power of eminent domain outside the
4 boundaries of the district, drainage serving the land in the
5 district, platting of land in the district, and the provision of
6 water and wastewater treatment to the land in the district.

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

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

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

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

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

23 (1) a water control and improvement district as
24 provided by general law and Section 59, Article XVI, Texas
25 Constitution, as limited by this chapter, including the disposal of
26 waste and control of storm water; and

27 (2) Section 52, Article III, Texas Constitution, as

1 limited by this chapter, that relate to the construction,
2 acquisition, improvement, operation, or maintenance of
3 macadamized, graveled, or paved roads, or improvements, including
4 storm drainage, in aid of those roads.

5 Sec. 9036.007. INITIAL DISTRICT TERRITORY. (a) The
6 district is initially composed of the territory described by
7 Section 2 of the Act creating this chapter.

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

12 (1) organization, existence, or validity;

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

16 (3) right to impose a tax; or

17 (4) legality or operation.

18 [Sections 9036.008-9036.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

26 (1) Robert W. Fischer;

27 (2) John Genovese;

1 (3) Scot Giese;

2 (4) Gary Rauser; and

3 (5) James N. Young.

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

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

7 (2) the fourth anniversary of the effective date of
8 the Act creating this chapter.

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

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

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

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

25 [Sections 9036.053-9036.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 9036.101. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties, as limited by this chapter, necessary to
2 accomplish the purposes for which the district is created.

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

11 Sec. 9036.103. AUTHORITY FOR ROAD PROJECTS. Under Section
12 52, Article III, Texas Constitution, as limited by this chapter,
13 the district may design, acquire, construct, finance, issue bonds
14 for, improve, operate, maintain, and convey to this state, a
15 county, or a municipality for operation and maintenance
16 macadamized, graveled, or paved roads, or improvements, including
17 storm drainage, in aid of those roads.

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

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

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

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

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

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

9 Sec. 9036.106. LIMITATION ON USE OF EMINENT DOMAIN.

10 (a) The district shall not exercise the power of eminent domain
11 outside the district to acquire a site or easement for:

- 12 (1) a road project authorized by Section 9036.103; or
13 (2) a recreational facility as defined by Section
14 49.462, Water Code.

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

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

25 [Sections 9036.108-9036.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 9036.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other
2 obligations secured by:

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

4 (2) contract payments described by Section 9036.153.

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

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

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

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

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

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

1 [Sections 9036.154-9036.200 reserved for expansion]

2 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

9 Sec. 9036.202. TAXES FOR BONDS. At the time the district
10 issues bonds payable wholly or partly from ad valorem taxes, the
11 board shall provide for the annual imposition of a continuing
12 direct ad valorem tax, without limit as to rate or amount, while all
13 or part of the bonds are outstanding as required and in the manner
14 provided by Section 51.433, Water Code.

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

20 SECTION 2. The Comal County Water Control and Improvement
21 District No. 5 initially includes all the territory contained in
22 the following area:

23 PART 1:

24 TRACT 1A:

25 A 5.128 acre tract of land out of Lot 2 of the Erna
26 Subdivision recorded in Volume 13, Page 137 of the Map and Plat
27 Records of Comal County, Texas, out of that 5.911 acre tract of land

1 conveyed to Travis Arthur Weidner in General Warranty Deed recorded
2 in Document # 200506007503 of the Official Records of Comal County,
3 Texas, out of the Agapito Gaytan Survey No. 194, Abstract No. 174,
4 in the City of Bulverde, Comal County, Texas. Said 5.128 acre tract
5 being more fully described as follows with bearings being based on
6 the North American Datum of 1983 (CORS 1996), from the Texas State
7 Plane Coordinate System established for the South Central Zone, and
8 the west right-of-way line of U.S. Highway 281:

9 COMMENCING: At a point for the southeast corner of said Lot
10 2, the south corner of Lot 104 of Saddleridge Subdivision Unit 1
11 recorded in Volume 13, Pages 42-48 of the Map and Plat Records of
12 Comal County, Texas, on the west right-of-way line of U.S. Highway
13 281, a variable width right-of-way at this point;

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

19 S 70°48'13" W, departing the southwest line of said Lot
20 94, over and across said Lot 2, a distance of 497.49 feet to a point
21 on the north line of a 10.00 acre tract recorded in Document Number
22 9806013846 of the Official Records of Comal County, Texas, a south
23 line of said Lot 2;

24 THENCE: N 86°10'47" W, along and with the north line of said
25 10.00 acre tract, a south line of said Lot 2, a distance of 194.76
26 feet to a point for an angle;

27 THENCE: S 88°26'59"W, along and with the north line of said

1 10.00 acre tract, the south line of said Lot 2, a distance of 60.09
2 feet to a point, the southwest corner of said Lot 2, the southeast
3 corner of Lot 101 of said Saddleridge Subdivision Unit 1;

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

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

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

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

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

24 TRACT 1B:

25 A 10.922 acre tract of land being a portion of Bulverde
26 Commercial Subdivision recorded in Volume 13, Page 1 of the Map and
27 Plat Records of Comal County, Texas, and a portion of the Bulverde

1 Commercial Subdivision, Unit 2 recorded in Volume 13, Page 57 of the
2 Map and Plat Records of Comal County, also being out of the Agapito
3 Gayton Survey Number 194, Abstract Number 174, Comal County, Texas.
4 Said 10.922 acre tract being more fully described as follows, with
5 bearings based on the plats of said subdivisions.

6 COMMENCING: At a point on the south right-of-way line of F.M.
7 1863, a variable width right-of-way, at the north corner of said
8 Bulverde Commercial Subdivision, the northwest corner of the said
9 Bulverde Commercial Subdivision Unit 2, at the cutback to the east
10 right-of-way line of U.S. 281, a variable width right-of-way;

11 THENCE: S 83°58'18"E, along and with the south right-of-way
12 line of said F.M. 1863, the north line of said Bulverde Commercial
13 Subdivision Unit 2, a distance of 352.79 feet to a point, for the
14 northwest corner of a 45.81 acre tract of land being the remainder
15 of that Save & Except 50.00 acre tract conveyed to Cibolo Valley
16 Ranch, LTD in Correction Special Warranty Deed recorded in Document
17 200006010170 of the Official Records of Comal County, Texas;

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

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

27 THENCE: S 69°12'48" W, along and with the south line of said

1 Bulverde Commercial Subdivision Unit 2, a north line of said 45.81
2 acre tract a distance of 374.53 feet to a point for the southwest
3 corner of said Bulverde Commercial Subdivision Unit 2, the
4 northwest corner of said 45.81 acre tract, a point on the east line
5 of said Bulverde Commercial Subdivision;

6 THENCE: S 00°07'12" E, along and with the east line of said
7 Bulverde Commercial Subdivision, the west line of said 45.81 acre
8 tract a distance of 734.07 feet to a point for the southeast corner
9 of said Bulverde Commercial Subdivision, the north corner of a
10 92.37 acre tract recorded in Volume 739, Page 202 of the Deed
11 Records of Comal County, Texas;

12 THENCE: S 77°53'26" W, departing the west line of said 45.81
13 acre tract, the north line of said 92.37 acre tract a distance of
14 644.66 feet to a point on curve in the northeast right-of-way line
15 of Ancestral Trail, a 60-foot private street dedicated in the
16 Weidner Subdivision Unit 1, recorded in Volume 11, Pages 330-331 of
17 the Map and Plat Records of Comal County, Texas, a southwest line of
18 said Bulverde Commercial Subdivision;

19 THENCE: Along the northeast right-of-way line of said
20 Ancestral Trail, the southwest line of said Bulverde Commercial
21 Subdivision, with a non-tangent curve to the left said curve having
22 a radial bearing of S 65°58'51" W, a radius of 630.00 feet, a central
23 angle of 18°57'04", a chord bearing and distance of N 33°29'41" W,
24 207.43 feet, an arc length of 208.38 feet to a point of tangency;

25 THENCE: N 42°58'13" W, continuing along and with the
26 northeast right-of-way line of said Ancestral Trail, the southwest
27 line of said Bulverde Commercial Subdivision, a distance of 18.13

1 feet to a point on the southeast City Limit of Bulverde line;

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

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

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

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

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

11 TRACT 1C:

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

21 BEGINNING: At a point at the intersection of the east
22 right-of-way line of Saddleridge Drive, a variable width private
23 right-of-way, and Saddleridge Court a 60' private right-of-way as
24 shown in Saddleridge Subdivision Unit 1 recorded in Volume 13,
25 Pages 42-48 of the Map and Plat Records of Comal County, Texas, the
26 northwest corner of the said 10.00 acre tract;

27 THENCE: N 88°25'43" E, along and with the south line of said

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1 Saddleridge Court, the north line of said 10.00 acre tract, at a
2 distance of 283.64 feet passing a found 1/2" iron rod being at the
3 southwest corner of Lot 101 of said Saddleridge Subdivision Unit 1,
4 continuing along and with the south line of said Lot 101 at a
5 distance of 490.91 passing a found pk nail being the southeast
6 corner of said Lot 101 and the southwest corner of Lot 2 of the Erna
7 Subdivision recorded in Volume 13, Page 137 of the Map and Plat
8 Records of Comal County, Texas, and continuing for a total distance
9 of 551.20 feet to a point;

10 THENCE: S 86°10'47" E, along and with the north line of said
11 10.00 acre tract and the south line of said Lot 2 a distance of
12 194.76 feet to a point;

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

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

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

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

22 TRACT 1D:

23 A 38.367 acre tract out of a 45.81 acre tract of land being
24 the remainder of that Save & Except 50.00 acre tract conveyed to
25 Cibolo Valley Ranch, LTD in Correction Special Warranty Deed
26 recorded in Document 200006010170 of the Official Records of Comal
27 County, Texas and being part of a 140.0 acre tract conveyed to Fritz

1 Voges in Deed recorded in Volume M, Pages 746-747 of the Deed
2 Records of Comal County, also being out of the Agapito Gayton Survey
3 Number 194, Abstract Number 174, Comal County, Texas. Said 38.367
4 acre tract being more fully described as follows, bearings being
5 based on the North American Datum of 1983, (CORS 1996), from Texas
6 Coordinate System established for the South Central Zone:

7 COMMENCING: At a point on the south right-of-way line of F.M.
8 1863 at a point for a northwest corner of a 140 acre tract recorded
9 in Doc #200006010170 of the Deed Records of Comal County, the
10 northeast corner of said 45.81 acre tract;

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

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

23 THENCE: S 89°27'30"W, along and with the south line of said
24 45.81 acre tract, a distance of 1152.01 feet to a point, the
25 southwest corner of this 45.81 acre tract, a point on the east line
26 of a 92.37 acre tract recorded in Volume 739, Page 202 of the Deed
27 Records of Comal County, a northwest corner of said 140 acre tract;

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

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

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

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

21 TRACT 1E:

22 A 116.2 acre, or 5,063,012 square feet more or less, tract of
23 land being all of that called 115.596 acre tract described in
24 conveyance to Dora Uecker Williamson, Wilfred Uecker and Eugene
25 Uecker in Deed of Gift recorded in Document No. 200606015932 of the
26 Official Records of Comal County, Texas, out of the Agapito Gayton
27 Survey No. 194, Abstract 174, of Comal County, Texas. Said 116.2

1 acre tract being more fully described as follows with bearings
2 being based on the North American Datum of 1983 (CORS 1996), from
3 the Texas Coordinate System established for the South Central Zone
4 and the south right-of-way of State Farm to Market road No. 1863
5 (F.M. 1863), right-of-way varies:

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

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

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

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

17 Northeasterly, along the arc of a curve to the left,
18 said curve having a radial bearing of N 06°04'31" E, a radius of
19 1472.70 feet, a central angle of 31°02'38", a chord bearing and
20 distance of N 80°33'12" E, 788.21 feet, for an arc length of 797.94
21 feet to a point, a point of non-tangency;

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

24 Northeasterly, along the arc of a curve to the right,
25 said curve having a radial bearing of S 24°56'32" E, a radius of
26 1392.70 feet, a central angle of 22°08'45", a chord bearing and
27 distance of N 76°07'50" E, 534.96 feet, for an arc length of 538.30

1 feet to a point, a point of non-tangency;

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

4 Northeasterly, along the arc of a curve to the left,
5 said curve having a radius of 1472.70 feet, a central angle of
6 2°53'47", a chord bearing and distance of N 85°37'32" E, 74.44 feet,
7 for an arc length of 74.45 feet to a point, the northwest corner of a
8 remaining portion of a 261.17 acre tract recorded in Volume 68,
9 Pages 631-633 of the Deed Records of Comal County, Texas, the
10 northeast corner of said called 115.596 acre tract;

11 THENCE: Departing the south right-of-way line of said F.M.
12 1863, along and with the west line of said remaining portion of a
13 261.17 acre tract, an east line of said called 115.596 acre tract
14 the following calls and distances:

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

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

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

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

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

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

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

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

1 S 44°59'18"W, a distance of 130.66 feet to a point;
2 S 04°26'32"W, a distance of 590.43 feet to a point;
3 S 18°22'43"E, a distance of 120.64 feet to a point, the
4 northeast corner of a 387.057 acre tract, the southeast corner of
5 the aforementioned called 115.596 acre tract;

6 THENCE: S 89°40'01"W, departing the west line of said 220.5
7 acre tract, along and with the north line of said 387.057 acre
8 tract, a south line of said called 115.596 acre tract, at a distance
9 of 906.4 feet passing point for the northeast corner of a 3.002 acre
10 tract recorded in Volume 862, Pages 874-877 of the Official Records
11 of Comal County, Texas and continuing for a total distance of
12 1310.37 feet to a point, from which a found 1/2" iron rod bears N
13 14°43'14"E, 0.81 feet;

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

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

27 THENCE: S 89°31'19"W, along and with the north line of said

1 387.057 acre tract, a south line of said called 115.596 acre tract,
2 a distance of 1299.77 feet to a point, on the east line of the
3 aforementioned 140 acre tract (Tract 2), the northwest corner of
4 said 387.057 acre tract, the southwest corner of said called
5 115.596 acre tract;

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

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

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

12 TRACT 1F:

13 A 15.538 acre tract of land being a portion of Lot 827A and
14 all of Lot 827B of The Crossing at 46 subdivision recorded in Volume
15 15, Pages 275-276 and all of Lots 828 and 829 of the River Crossing
16 subdivision Unit Four, recorded in Volume 14, Page 219-220 and all
17 of Lots 56, 57 and 58 of the Ridgeview Oaks West subdivision,
18 recorded in Volume 3, Pages 28-29 all of the Map and Plat Records of
19 Comal County, Texas, out of the Theo Miller Survey No. 323, Abstract
20 384, Comal County, Texas. Said 15.538 acre tract being more fully
21 described as follows, with bearings based on the North American
22 Datum of 1983 (CORS 1996), from the Texas Coordinate System
23 established for the South Central Zone.

24 COMMENCING: At a point at the southwest end of the cutback
25 line at the intersection of the north right-of-way line of State
26 Highway 46, a 130-foot right-of-way at this point, with the west
27 right-of-way line of River Way, a 60-foot right-of-way dedicated in

1 the River Crossing Subdivision recorded in Volume 14, Pages 19-20
2 of the Map and Plat Records of Comal County, Texas, for the
3 southeast corner of said Lot 827A;

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

8 N 01°13'22" W, along and with the west right-of-way line
9 of said River Way, the east line of said Lot 827A a distance of
10 215.00 feet to the POINT OF BEGINNING, a point on the north City
11 Limits of Bulverde line;

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

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

21 THENCE: N 89°51'24" W, along and with the north line of said
22 Lot 59, the south line of said Lot 58 and the said city limit line a
23 distance of 399.64 feet to a point on the east right-of-way line of
24 Rainbow Drive, a 60-foot right-of-way dedicated in the said
25 Ridgeview Oaks-West subdivision, the northwest corner of said Lot
26 59, the southwest corner of said Lot 58;

27 THENCE: N 00°08'36" E, departing said city limit line, along

1 and with the east right-of-way line of said Rainbow Drive, the west
2 line of said Lots 58 and 57, a distance of 452.60 feet to the
3 northwest corner of said Lot 57, the southwest corner of Lot 56 of
4 said Ridgeview Oaks-West subdivision;

5 THENCE: N 00°06'58" E, and with the east right-of-way line of
6 said Rainbow Drive, the west line of said Lot 56 a distance of
7 226.30 feet to a point for the northwest corner of said Lot 56, the
8 southwest corner of Lot 55 of the said Ridgeview Oaks-West
9 subdivision;

10 THENCE: S 89°53'02" E, departing the east right-of-way line
11 of said Rainbow Drive, along and with the north line of said Lot 56,
12 the south line of said Lot 55, a distance of 395.79 feet to a point
13 on the west line of said Lot 828, the northeast corner of said Lot
14 56, the southeast corner of said Lot 55;

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

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

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

27 THENCE: Along the west right-of-way line of said River Way,

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1 the east line of said Lot 827B with a tangent curve to the right said
2 curve having radius of 270.00 feet, a central angle of 17°45'27", a
3 chord bearing and distance of S 10°06'06" E, 83.35 feet, an arc
4 length of 83.68 feet to a point of tangency;

5 THENCE: S 01°13'22" E, along and with the west right-of-way
6 line of said River Way, the east line of said Lot 827A and 827B a
7 distance of 153.08 feet to the POINT OF BEGINNING, and containing
8 15.538 acres in the Comal County, Texas.

9 PART 2:

10 TRACT 2A:

11 All that certain 105.5 acres of land in the John Kaderli
12 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.
13 465, Abstract No. 309, Comal County Texas, which is the remainder of
14 the 196.62 acre tract described in the deed to Gary Eldon Bartlett
15 recorded under Volume 764, Pages 643-649, Official Records, Comal
16 County, Texas, and being more particularly described by metes and
17 bounds as follows: (All bearings based on the Texas State Plane
18 Coordinate System, South Central Zone)

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

26 THENCE N 24° 55' 33" W - 88.10' along said east line of Stahl
27 Road and west line of said 21.00 acre tract to a 1/2" iron rod found

1 for the POINT OF BEGINNING;

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

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

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

15 THENCE along the lines of said Lot 1 the following:

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

19 S 49° 19' 58" E - 250.00' along the south line of said Lot
20 1 to a 1/2" iron rod found common to an angle corner of the herein
21 described tract;

22 N 40° 40' 02" E - 250.00' along the south line of said Lot
23 1 to a 1/2" iron rod found common to the most easterly corner of said
24 Lot 1, an angle corner of the herein described tract;

25 N 49° 19' 58" W - 250.00' along the north line of said Lot
26 1 to a 1/2" iron rod found common to an angle corner of the herein
27 described tract;

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

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

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

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

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

18 THENCE N 42° 47' 59" E - 460.00' to a 3/4" iron rod set in the
19 southerly line of a 21.0 acre tract described in deed to Peter J.
20 Almquist from Andrew T. Almquist recorded under Document No.
21 200506033008, Official Public Records of Real Property, Comal
22 County, Texas, said line also being the northerly line of the before
23 mentioned 196.62 acre tract and common to an angle corner of the
24 herein described tract;

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

1 THENCE N 89° 32' 35" E - 1156.22' along the southerly line of
2 said 21.0 acre tract, at 421.56' pass a 1/2" iron rod found, to a
3 3/4" iron rod set common to an angle corner of a 36.513 acre tract
4 described in deed to Randy and Kellye Harris from Andrew T. Almquist
5 recorded under Document No. 200206003624, Official Public Records
6 of Real Property, Comal County, Texas, said iron is common to the
7 northeast corner of the herein described tract;

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

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

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

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

27 THENCE along the north line of said Lundgren 21.00 acre tract

1 the following:

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

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

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

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

14 N 70° 28' 33" W - 492.76' along the north line of said
15 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
16 angle corner of the herein described tract;

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

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

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

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

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

5 TRACT 2B:

6 All that certain 21.00 acres of land in the John Kaderli
7 Survey No. 449, Abstract No. 308, the Jacob Kaderli Survey No. 465,
8 Abstract No. 309, the F.H. Faigaux Survey, No. 578, Abstract No. 169
9 and in the J. Rittimann Survey No. 579, Abstract No. 500, Comal
10 County Texas, which is all of the land described in the deed from
11 Gary Eldon Bartlett and wife Brandy K. Bartlett to Stephen C.
12 Lundgren and wife Diane K. Lundgren, recorded under Document No.
13 9806013761, Official Public Records of Real Property, Comal County,
14 Texas, and being more particularly described by metes and bounds as
15 follows: (All bearings based on the Texas State Plane Coordinate
16 System, South Central Zone)

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

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

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

27 THENCE N 16° 51' 24" E - 287.11' to a 1/2" iron rod found

1 common to an angle corner of the herein described tract;

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

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

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

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

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

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

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

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

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

24 THENCE S 89° 49' 45" W - 2661.99' along the north line of said
25 43.547 acre tract to the POINT OF BEGINNING of the herein described
26 tract and containing 21.00 acres of land.

27 TRACT 2C:

1 All that certain 2.889 acres of land in the John Kaderli
2 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.
3 465, Abstract No. 309, Comal County Texas, which is all of the land
4 described as Lot 1, Bartlett's Paradise Valley Subdivision,
5 recorded under Volume 10, Page 174, Plat Records, Comal County,
6 Texas, and being more particularly described by metes and bounds as
7 follows: (All bearings based on the Texas State Plane Coordinate
8 System, South Central Zone)

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

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

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

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

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

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

27 THENCE N 40° 40' 02" E - 172.29' to a 1/2" iron rod found for

1 the most northerly corner of the herein described tract;

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

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

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

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

10 TRACT 2D:

11 All that certain 497.9 acres of land in the Daniel Lewis
12 Survey No. 347, Abstract No. 367, the M. Jamison Survey No. 697,
13 Abstract No. 298, and the John Byland Survey No. 438, Abstract No.
14 50, Comal County Texas, which is all of the land described in the
15 deed from Edward H. Knowlton and wife, Ann Knowlton to Paul G.
16 Silber Jr. and wife, Phyllis Silber, and in the deed from Paradise
17 Valley Corporation to Paul G. Silber Jr. recorded under Volume 147,
18 Page 404 and Volume 331, Page 879, Deed Records, Comal County,
19 Texas, respectively, and being more particularly described by metes
20 and bounds as follows: (All bearings based on the Texas State Plane
21 Coordinate System, South Central Zone)

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

27 THENCE N 00° 30' 25" W - 3004.27' along the east line of said

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1 Cantu Medical Association tract, the east line of a 43.567 acre
2 tract described in deed from Helena Kleck Vivian to Mark B. Wagner
3 and Barbara Wagner recorded under Document No. 200106022370
4 Official Public Records of Real Property, Comal County Texas, the
5 east line of a 43.547 acre tract described in deed from Mark D.
6 Wagner and wife, Barbara Wagner and Pamela Wyrick and husband Jerry
7 Lynn Wyrick to Helena Kleck Vivian recorded under Document No.
8 200106022554, Official Public Records of Real Property, Comal
9 County Texas, and the west line of the herein described tract to a
10 1/2" iron rod found, said iron rod is common to the southwest corner
11 of a 21.00 acre tract described in the deed from Gary Eldon Bartlett
12 and wife, Brandy K. Bartlett to Stephen C. Lundgren and wife, Diane
13 K. Lundgren, recorded under Document No. 9806013761, Official
14 Public Records of Real Property, Comal County Texas, said iron rod
15 is common to an angle point of the herein described tract;

16 THENCE N 00° 43' 14" W - 680.91' along the east line of
17 Lundgren tract and the west line of the herein described tract to a
18 3/8" iron rod found common to the northeast corner of said Lundgren
19 tract, the southwest corner of a 36.513 acre tract described in the
20 deed from Andrew T. Almquist to Randy and Kellye Harris, recorded
21 under Document No. 200206003624, Official Public Records of Real
22 Property, Comal County Texas, and the northwest corner of the
23 herein described tract;

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

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

1 herein described tract;

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

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

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

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

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

21 THENCE N 77° 55' 49" E - 2075.17' along the south line of said
22 Markey tract, and the south line of a 49.35 acre tract described in
23 the deed from General Investment Corporation to John S. Best and
24 wife, Janet E. Best recorded under Document No. 9806012293,
25 Official Public Records of Real Property, Comal County, Texas, to a
26 3/4" iron rod set common to an angle corner of the herein described
27 tract;

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

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

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

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

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

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

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

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

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

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

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

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

12 THENCE N 88° 32' 20" W - 683.94' along the northerly line of
13 Oak Village North, Unit No. 2 as shown in Plat recorded under Volume
14 3, Page 22, Map and Plat Records, Comal County, Texas, and along the
15 south line of the herein described tract to a fence corner found for
16 an angle corner of the herein described tract;

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

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

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

27 S 86° 06' 02" W - 599.19' along the northerly line of said

1 Oak Village North, at 359.23' pass a 1/2" iron rod found common to
2 the northeast corner of lot 219, said Oak Village North, to a
3 railroad tie fence corner found common to an angle corner of the
4 herein described tract;

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

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

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

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

26 THENCE S 89° 22' 40" W - 294.30' to a 3/8" iron rod found
27 common to the northwest corner of said Oak Village North and the

S.B. No. 2540

1 northeast corner of Lot 2, McGuffin Subdivision as shown on Plat
2 recorded under Volume 11, Page 248, Map and Plat Records, Comal
3 County, Texas, and an angle corner of the herein described tract;

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

7 TRACT 2E:

8 All that certain 152.8 acres of land in the M. Jamison Survey
9 No. 697, Abstract No. 298, the F.W. Foerster Survey No. 850,
10 Abstract No. 879, and the John Byland Survey No. 438, Abstract No.
11 50, Comal County Texas, which is all of the land described in the
12 deed from the Estate of Jocelyn Welsch to Paul G. Silber Jr.
13 recorded under Document No. 200506036460, Official Public Records
14 of Real Property, Comal County, Texas, and being more particularly
15 described by metes and bounds as follows: (All bearings based on
16 the Texas State Plane Coordinate System, South Central Zone)

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

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

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

1 the herein described tract;

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

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

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

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

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

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

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

1 Stoney Ridge and the herein described tract;

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

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

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

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

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

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

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

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

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

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

20 S 62° 23' 50" W - 860.63' along the westerly right-of-way
21 line of said Smithson Valley Road, at 541.43' pass a 3/8" iron rod
22 found common to the northeasterly corner of a 2.881 acre tract
23 described in the aforementioned deed from the Estate of Jocelyn
24 Welsch to Paul G. Silber Jr. recorded under Document No.
25 200506036460, Official Public Records of Real Property, Comal
26 County, Texas, and designated as Tract II, to a 3/4" iron rod set
27 common to an angle corner of said Smithson Valley Road and the

1 herein described tract;

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

6 THENCE S 26° 47' 25" W - 1095.86' along the westerly
7 right-of-way line of said Smithson Valley Road, to the POINT OF
8 BEGINNING of the herein described tract and containing 152.8 acres
9 of land.

10 PART 3

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

22 COMMENCING: At a found 1/2" iron rod with yellow cap marked
23 "Pape-Dawson", the south right-of-way line of State Highway 46, a
24 variable width right-of-way as shown in the retracement survey
25 TXDOT file SAT021501RA, the northeast corner of Travel Mart
26 Subdivision recorded in Volume 9, Page 312 of the Map and Plat
27 Records of Comal County, Texas, a northwest corner of said

1 remaining portion of 183.555 acre tract, from which a found Texas
2 Department of Transportation monument with a brass plate bears a
3 chord bearing and distance of S 66°37'32"W, 239.55 feet and arc
4 length of 241.30 feet to the northeast corner of said Travel Mart
5 Subdivision and the intersection of the southeast right-of-way line
6 of U.S. Highway 281, a variable width right-of-way and the south
7 right-of-way line of said State Highway 46;

8 THENCE: Along and with the south right-of-way line of said
9 State Highway 46 and the north line of said remaining portion of
10 183.555 acre tract, the following calls and distances:

11 Northeasterly, along the arc of a curve to the right,
12 said curve having a radial bearing of S 11°23'33" E, a radius of
13 576.94 feet, a central angle of 10°15'10", a chord bearing and
14 distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24 feet
15 to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

16 N 88°51'37"E, a distance of 417.14 feet to a found Texas
17 Department of Transportation monument with a brass plate;

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

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

26 THENCE: Departing the south right-of-way line of State
27 Highway 46, along and with the west line of said Berry Oaks Drive

1 and the east line of said remaining portion of 183.555 acre tract,
2 the following calls and distances:

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

6 Southeasterly, along the arc of a curve to the right,
7 said curve having a radial bearing of S 01°27'35" E, a radius of
8 25.00 feet, a central angle of 92°07'18", a chord bearing and
9 distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20 feet to
10 a found 1/2" iron rod with yellow cap marked "Pape-Dawson";

11 Southwesterly, along the arc of a curve to the right,
12 said curve having a radial bearing of N 89°20'17" W, a radius of
13 707.00 feet, a central angle of 7°24'45", a chord bearing and
14 distance of S 04°22'05" W, 91.40 feet, an arc length of 91.47 feet to
15 a found 1/2" iron rod, from which a found 1/2" iron rod bears N
16 10°28'11"E a distance of 4.59 feet;

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

19 Southwesterly, along the arc of a curve to the left,
20 said curve having a radial bearing of S 82°19'30" E, a radius of
21 350.00 feet, a central angle of 09°40'30", a chord bearing and
22 distance of S 02°50'16" W, 59.03 feet, an arc length of 59.10 feet to
23 a found 1/2" iron rod with yellow cap marked "Pape-Dawson" and the
24 POINT OF BEGINNING;

25 Southwesterly, along a curve to the left said curve
26 having a radial bearing of N 88°00'01" E, a radius of 350.00 feet, a
27 central angle of 03°08'17", a chord bearing and distance of S

1 03°34'08" E, 19.17 feet, an arc length of 19.17 feet to a set 1/2"
2 iron rod with yellow cap marked "Pape-Dawson", being the northeast
3 corner of Lot 2R of said Berry Oaks Subdivision Unit 1;

4 THENCE: S 87°26'47"W, departing the east right-of-way line of
5 said Berry Oaks Drive and along and with the north line of said Lot
6 2R, a distance of 303.41 feet to a found 1/2" iron rod with cap
7 marked "ACE";

8 THENCE: Along and with the west line of said Berry Oaks
9 Subdivision Unit 1 and the east line of said remaining portion of
10 183.555 acre tract, the following calls and distances:

11 S 23°42'23"E, a distance of 694.70 feet to a found 1/2"
12 iron rod with cap marked "ACE", being a west angle point of Lot 5R of
13 said Berry Oaks Subdivision;

14 S 05°38'29"E, a distance of 162.30 feet to a found 1/2"
15 iron rod, being the southwest corner of said Lot 5R;

16 N 71°57'28"E, along and with the south line of said Lot
17 5R, a distance of 311.16 feet to a set 1/2" iron rod with yellow cap
18 marked "Pape-Dawson", being the southeast corner of said Lot 5R, in
19 the east right-of-way line of said Berry Oaks Drive;

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

24 S 71°57'28"W, along and with the north line of said Lot
25 7R, a distance of 324.35 feet to a found 1/2" iron rod, being the
26 northwest corner of said Lot 7R;

27 S 19°42'10"W, a distance of 84.84 feet to a found 1/2"

1 iron rod with cap marked "ACE", being a west angle point of said Lot
2 7R;

3 S 09°39'41"W, a distance of 226.86 feet to a found 1/2"
4 iron rod with cap marked "ACE", being a west angle point of Lot 8R of
5 said Berry Oaks Subdivision;

6 S 05°16'46"E, a distance of 441.98 feet to a found 1/2"
7 iron rod with cap marked "ACE", being the southwest corner of Lot
8 10R and the northwest corner of Lot 11R of said Berry Oaks
9 Subdivision;

10 S 37°37'14"E, a distance of 986.25 feet to a found 1/2"
11 iron rod with cap marked "ACE", being the southwest corner of Lot
12 15R and a west angle point of Lot 17R of said Berry Oaks
13 Subdivision;

14 S 48°46'32"E, a distance of 695.56 feet to a found 1/2"
15 iron rod with cap marked "ACE", being the southeast corner of Lot
16 18R and the southwest corner of Lot 19R of said Berry Oaks
17 Subdivision;

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

23 THENCE: S 00°14'31"E, departing said Berry Oaks Subdivision,
24 along and with the west line of said Stahl Lane, a distance of
25 103.55 feet to a set 1/2" iron rod with yellow cap marked
26 "Pape-Dawson", the beginning of a tangent curve to the right;

27 THENCE: Southwesterly, along and with the west line of said

1 Stahl Lane and the said curve to the right, said curve having a
2 radius of 663.42 feet, a central angle of 67°45'22", a chord bearing
3 and distance of S 33°38'10" W, 739.62 feet, an arc length of 784.54
4 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson",
5 the southeast corner of said remaining portion of 183.555 acre
6 tract, the east line of a 47.97 acre tract recorded in Document
7 #9806006222 of the Official Records of Comal County, Texas;

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

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

19 THENCE: N 89°44'36"E, a distance of 117.83 feet (117.60'
20 Deed) to a found 1/2" iron rod, being the southeast corner of said
21 called 0.50 acre tract;

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

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

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

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

10 THENCE: N 38°46'18"W, along and with the south line of said
11 remaining portion of 183.555 acre tract and the north line of said
12 47.97 acre tract, at a distance of 1380.24 feet passing a found 1/2"
13 iron rod being the upper northwest corner of said 47.97 acre tract
14 and the northeast corner of Hogan/281 Subdivision recorded in
15 Volume 10, Page 277 of the Map and Plat Records of Comal County,
16 Texas and continuing a total distance of 1585.70 feet (1585.15'
17 Deed) to a found 1/2" iron rod;

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

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

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

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

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

3 Northeasterly, along a non-tangent curve to the right
4 said curve having a radial bearing of S 12°26'18" E, a radius of
5 376.94 feet, a central angle of 11°17'54", a chord bearing and
6 distance of N 83°12'40" E, 74.21 feet, an arc length of 74.33 feet to
7 a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

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

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

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

14 PART 4:

15 TRACT 4A:

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

23 BEGINNING: At a found 1/2" iron rod in the east right of way
24 line of Stahl Road, for the southwest corner of a 11.706 acre tract
25 of land conveyed to Barbara Ancira Ruebenson of record in Document
26 No. 200706020345, Official Public Records of Comal County, Texas
27 and for the northwest corner of the 20.0000 acre tract and this

1 tract, from which a 1/2" iron rod found for the southerly northwest
2 corner of the 11.706 acre tract bears N 00°00'41" W a distance of
3 40.04 feet.

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

11 THENCE: S 00°36'37" E with the west line of the 497.9 acre
12 tract and with the east line of the 20.0000 acre tract and this
13 tract a distance of 738.23 feet to a 48" Live Oak Tree, for the
14 southwest corner of the 497.9 acre tract and in the north line of a
15 15.165 acre tract known as Lot 2, McGuffin Subdivision of record in
16 Volume 11 Page 248, Plat Records of Comal County, Texas and for the
17 southeast corner of the 20.0000 acre tract and this tract, from
18 which a found 3/8" iron rod for the northeast corner of the 15.165
19 acre tract bears N 89°42'57" E a distance of 395.84 feet.

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

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

1 2) S 89°25'00" W, a distance of 916.73 feet to a set 1/2" iron
2 rod with a blue plastic cap stamped "KFW SURVEYING" in the east
3 right of way line of Stahl Road for the southwest corner of the
4 20.0000 acre tract and this.

5 THENCE: N 00°09'02" E with the east right of way line of Stahl
6 Road and the west line of the 20.0000 acre tract and this tract a
7 distance of 751.86 feet to the POINT OF BEGINNING and containing
8 20.29 acres.

9 TRACT 4B:

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

23 COMMENCING AT AN IRON ROD FOUND AT A POINT IN THE WEST
24 RIGHT-OF-WAY-LINE OF STAHL LANE AT THE MOST NORTHERLY NORTHEAST
25 CORNER OF SAID 155.956 ACRE TRACT OF LAND, BEING THE MOST SOUTHERLY
26 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD
27 RANCH, LTD 151.956 ACRE TRACT OF LAND, RECORDED IN DOCUMENT NO.

1 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND
2 BEING A POINT IN THE NORTH LINE OF THAT CERTAIN V.S. AND TERRI D.
3 KANE 6.020 ACRE TRACT OF LAND, RECORDED IN VOLUME 398, PAGE 30, OF
4 THE DEED RECORDS OF SAID COUNTY, FOR THE POINT OF COMMENCEMENT
5 HEREOF;

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

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

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

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

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

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

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

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

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

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

1 7) S 59°19'00" W, A DISTANCE OF 200.06 FEET TO AN IRON ROD SET
2 8) S 88°57'00" W, A DISTANCE OF 388.95 FEET TO AN IRON ROD SET
3 9) S 45°59'00" W, A DISTANCE OF 30.40 FEET TO AN IRON ROD SET
4 AT THE NORTHEAST CORNER OF THAT CERTAIN JOYCE LUX 0.616 OF AN ACRE
5 OF LAND, FOR THE SOUTHEAST CORNER HEREOF;

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

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

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

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

15 4) N 89°49'00" W, A DISTANCE OF 968.30 FEET TO AN IRON ROD SET
16 AT THE NORTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS
17 HEREFORD RANCH, LTD 10.600 ACRE TRACT OF LAND, SAME BEING THE
18 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD
19 RANCH, LTD 151.900 ACRE TRACT OF LAND, BOTH RECORDED IN DOCUMENT NO.
20 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, FOR
21 THE SOUTHWEST CORNER HEREOF;

22 THENCE, WITH THE EAST LINE OF SAID HEREFORD RANCH, LTD
23 151.900 ACRES OF LAND AND WITH THE WEST LINE OF SAID 155.956 ACRE
24 TRACT OF LAND, N 00°40'00" W, A DISTANCE OF 3,017.30 FEET TO AN IRON
25 ROD FOUND AT A POINT IN THE SOUTH LINE OF SAID HEREFORD RANCH, LTD
26 151.956 ACRE TRACT OF LAND, FOR THE NORTHWEST CORNER HEREOF;

27 THENCE, WITH A PORTION OF SAID SOUTH LINE OF SAID 151.956 ACRE

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

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

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

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

12 PART 5

13 FIELDNOTE DESCRIPTION of a 210.971 acre tract of land
14 situated within Comal County, Texas, out of the Christian Hanz
15 Survey Number 452, Abstract 263, the Agapita Nava Survey Number
16 451, Abstract 432 and the Johann Moegelin Survey Number 575,
17 Abstract 423 and being comprised of all of Lot 1, Block 2, KESTREL
18 AIR PARK as shown by plat recorded in Volume 12, Pages 314-316,
19 Comal County Map and Plat records, together with 16.210 acres out of
20 a certain 25.422 acre tract of land conveyed unto DJL Ventures Inc,
21 by warranty deed executed November 27, 2006 and recorded in
22 Document Number 200606050149, Comal County Official Records,
23 together with 0.519 acres out of a certain 3.827 acre tract of land
24 conveyed unto James R. and Cecelia Leininger by warranty deed
25 executed April 8, 1987 and recorded in Volume 564, Page 360, Comal
26 County Deed Records, together with 25.502 acres out of a remaining
27 portion of a certain 412.1351 acre tract of land conveyed unto James

1 R. Leininger by warranty deed executed December 29, 1982 and
2 recorded in Volume 338, Page 466, said Deed Records, together with a
3 certain 35.00 acre tract of land and a certain 5.058 acre tract of
4 land conveyed unto DJL Ventures, Inc by warranty deed executed
5 December 27, 2006 and recorded in Document Number 200706009043,
6 said Official Records, together with a called 123.995 acre tract
7 conveyed unto DJL Ventures, Inc by warranty deed executed January
8 3, 2007 and recorded in Document Number 200706009042, said Official
9 Records, in all said 210.971 acre tract being more particularly
10 described as follows:

11 BEGINNING at a 1/2" iron rod found at the intersection of the
12 westerly right-of-way line of U.S. Highway 281 (a variable width
13 public right-of-way) with the northerly incorporated limits of City
14 of Bulverde as described in the POLITICAL BOUNDARY DESCRIPTION OF A
15 1.8 SQUARE MILE TRACT OF LAND FOR THE CITY OF BULVERDE NORTHWEST -
16 INCORPORATION LIMITS, dated October 8, 2001; same being the common
17 southeast corner of said Lot 1, Block 2, KESTREL AIR PARK and the
18 northeast corner of said 25.422 acre tract, also being the eastern
19 most corner and POINT OF BEGINNING of this tract.

20 THENCE, along said northerly incorporated city limit line and
21 with the common south line of said Lot 1 and the north line of said
22 25.422 acre tract, North 88° 16' 26" West, 200.70 feet to a point for
23 corner in the incorporated city limit line running 200 feet west of,
24 and parallel with, the westerly right-of-way line of said U.S.
25 Highway 281.

26 THENCE, across said 25.422 acre tract and with said line
27 running 200 feet west of, and parallel with, said westerly

1 right-of-way line as follows:

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

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

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

15 THENCE along said perpendicular line, North 81° 16' 54" West,
16 at 106.16 feet pass the common south line of said 25.422 acre tract
17 and the north line of said 3.827 acre tract, in all a distance of
18 270.53 feet to a point for corner situated in the incorporated city
19 limit line running 470 feet west of, and parallel with, the westerly
20 right-of-way line said U.S. Highway 281.

21 THENCE, along said line running 470 feet west of, and
22 parallel with, said westerly right-of-way line, South 14° 54' 38"
23 West, at 178.41 feet pass the common west line of said 3.827 acre
24 tract and the east line of said 412.1351 acre tract, in all a
25 distance of 756.85 feet to a point for corner in the north line of a
26 9.156 acre tract of land conveyed unto J. David Bamberger by
27 correction deed executed February 9, 1981 and recorded in Volume

1 308, Page 202, said Deed Records.

2 THENCE, departing said line running 470 feet west of, and
3 parallel with, said westerly right-of-way line, South 76° 50' 42"
4 West, 88.53 feet to a 1/2" iron rod found in the east line of said
5 412.1351 acre tract and at the northwest corner of said 9.156 acre
6 tract.

7 THENCE, along the common west line of said 9.156 acre tract
8 and east line of said 412.1351 acre tract, South 01° 13' 43" East,
9 281.04 feet to its intersection with said incorporated city limit
10 line running 470 feet west of, and parallel with, said westerly
11 right-of-way line.

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

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

26 THENCE, continuing across said 412.1351 acre tract and along
27 said line running 750 feet north of, and parallel with, said

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

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

17 THENCE, continuing with said incorporated city limit line and
18 along the common north line of said WINDMILL RANCH SUBDIVISION,
19 UNIT 1, the south line of said called 123.995 acre tract and the
20 south line of this tract as follows:

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

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

1 123.995 acre tract and the westerly southwest corner of this tract.

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

14 THENCE, departing said incorporated city limit line, North
15 89° 35' 20" East, 2,627.46 feet, along the south line of said KESTREL
16 AIR PARK, to a 1/2" iron rod found on the south right-of-way line of
17 Flightline Drive (a 60 foot wide Private Street) as shown by plat of
18 said KESTREL AIR PARK.

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

1 THENCE, continuing along said south right-of-way line and
2 with the common north line of said Lot 1, Block 2, KESTREL AIR PARK
3 and the north line of this tract the following courses:

4 Northeasterly along the arc of said curve through a
5 central angle of 22° 47' 30", an arc distance of 143.20 feet to a
6 1/2" iron rod found.

7 North 66° 45' 47" East, 174.00 feet to a 1/2" iron rod
8 found at the beginning of a tangent curve to the right having a
9 radius of 250.00 feet and a chord bearing and distance of North 86°
10 43' 18" East, 170.67 feet,

11 Easterly with the arc of said curve through a central
12 angle of 39° 55' 02", an arc distance of 174.17 feet to a 1/2" iron
13 rod found.

14 South 73° 19' 11" East, 42.33 feet to a 1/2" iron rod
15 found at the beginning of a tangent curve to the left having a
16 radius 330.00 feet and a chord bearing and distance of South 80° 50'
17 39" East, 86.43 feet,

18 Easterly with the arc of said curve through a central
19 angle of 15° 02' 55", an arc distance of 86.67 feet to a mag nail
20 found.

21 South 88° 22' 06" East, 190.99 feet to a 1/2" iron rod
22 found at the beginning of a tangent curve to the right having a
23 radius of 500.00 feet and a chord bearing and distance of South 85°
24 19' 27" East, 53.11 feet,

25 Easterly with the arc of said curve through a central
26 angle of 06° 05' 19", an arc distance of 53.13 feet to a 1/2" iron rod
27 found.

1 South 82° 16' 47" East, 97.67 feet to 1/2" iron rod found
2 at the beginning of a tangent curve to the left having a radius of
3 500.00 feet and a chord bearing and distance of South 85° 19' 27"
4 East, 53.11 feet,

5 Easterly with the arc of said curve through a central
6 angle of 06° 05' 19", an arc distance of 53.13 feet to a 1/2" iron rod
7 found.

8 And South 88° 21' 34" East, 127.32 feet to a 1/2" iron
9 rod found at the intersection of said south right-of-way line and
10 the westerly right-of-way line of said U.S. Highway 281, same being
11 at the common northeast corner of said Lot 1, Block 2, KESTREL AIR
12 PARK and the northeast corner of this tract.

13 THENCE, along said westerly right-of-way line, South 03° 03'
14 10" East, at 134.71 feet to the point of POINT OF BEGINNING.

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

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

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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