

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 OF MUNICIPALITY AND COUNTY REQUIRED. The temporary directors may not hold an election under Section

1 9036.003 until each municipality in whose corporate limits or  
2 extraterritorial jurisdiction the district is located has  
3 consented by ordinance or resolution and the county in which the  
4 district is located has consented by order to the creation of the  
5 district and to the inclusion of land in the district.

6 Sec. 9036.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

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

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

9 (1) a water control and improvement district as  
10 provided by general law and Section 59, Article XVI, Texas  
11 Constitution, including the disposal of waste and control of storm  
12 water; and

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

17 Sec. 9036.006. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act creating this chapter.

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

24 (1) organization, existence, or validity;

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

1           (3) right to impose a tax; or

2           (4) legality or operation.

3           [Sections 9036.007-9036.050 reserved for expansion]

4                           SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

11                   (1) Robert W. Fischer;

12                   (2) John Genovese;

13                   (3) Scot Giese;

14                   (4) Gary Rauser; and

15                   (5) James N. Young.

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

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

19                   (2) the fourth anniversary of the effective date of  
20 the Act creating this chapter.

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

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

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

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

10           [Sections 9036.053-9036.100 reserved for expansion]

11                   SUBCHAPTER C. POWERS AND DUTIES

12           Sec. 9036.101. GENERAL POWERS AND DUTIES. The district has  
13 the powers and duties necessary to accomplish the purposes for  
14 which the district is created.

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

22           Sec. 9036.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
23 52, Article III, Texas Constitution, the district may design,  
24 acquire, construct, finance, issue bonds for, improve, operate,  
25 maintain, and convey to this state, a county, or a municipality for  
26 operation and maintenance macadamized, graveled, or paved roads, or  
27 improvements, including storm drainage, in aid of those roads.

1       Sec. 9036.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
2 project must meet all applicable construction standards, zoning and  
3 subdivision requirements, and regulations of each municipality in  
4 whose corporate limits or extraterritorial jurisdiction the road  
5 project is located.

6       (b) If a road project is not located in the corporate limits  
7 or extraterritorial jurisdiction of a municipality, the road  
8 project must meet all applicable construction standards,  
9 subdivision requirements, and regulations of each county in which  
10 the road project is located.

11       (c) If the state will maintain and operate the road, the  
12 Texas Transportation Commission must approve the plans and  
13 specifications of the road project.

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

20       Sec. 9036.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
21 district may not exercise the power of eminent domain outside the  
22 district to acquire a site or easement for:

- 23               (1) a road project authorized by Section 9036.103; or  
24               (2) a recreational facility as defined by Section  
25 49.462, Water Code.

26       Sec. 9036.107. DIVISION OF DISTRICT. (a) The district may  
27 be divided into two or more new districts only if the district:

1           (1) has no outstanding bonded debt; and

2           (2) is not imposing ad valorem taxes.

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

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

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

14          (e) The board may adopt an order dividing the district  
15 before or after the date the board holds an election under Section  
16 9036.003 to confirm the district's creation.

17          (f) An order dividing the district shall:

18               (1) name each new district;

19               (2) include the metes and bounds description of the  
20 territory of each new district;

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

22 and

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

25          (g) On or before the 30th day after the date of adoption of  
26 an order dividing the district, the district shall file the order  
27 with the Texas Commission on Environmental Quality and record the

1 order in the real property records of each county in which the  
2 district is located.

3 (h) Any new district created by the division of the district  
4 shall hold a confirmation and directors' election as required by  
5 Section 9036.003. A new district that is not confirmed is subject  
6 to dissolution under general law.

7 (i) Municipal and county consent to the creation of the  
8 district and to the inclusion of land in the district granted under  
9 Section 9036.004 acts as municipal and county consent to the  
10 creation of any new district created by the division of the district  
11 and to the inclusion of land in the new district.

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

16 [Sections 9036.108-9036.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

22 (2) contract payments described by Section 9036.153.

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

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a  
2 vote of a two-thirds majority of the district voters voting at an  
3 election held for that purpose.

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

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

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

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

19 [Sections 9036.154-9036.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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



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

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

11 SECTION 2. The Comal County Water Control and Improvement  
12 District No. 5 initially includes all the territory contained in  
13 the following area:

14 PART 1:

15 TRACT 1A:

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

27 COMMENCING: At a point for the southeast corner of said Lot

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1 2, the south corner of Lot 104 of Saddleridge Subdivision Unit 1  
2 recorded in Volume 13, Pages 42-48 of the Map and Plat Records of  
3 Comal County, Texas, on the west right-of-way line of U.S. Highway  
4 281, a variable width right-of-way at this point;

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

10       S 70°48'13" W, departing the southwest line of said Lot  
11 94, over and across said Lot 2, a distance of 497.49 feet to a point  
12 on the north line of a 10.00 acre tract recorded in Document Number  
13 9806013846 of the Official Records of Comal County, Texas, a south  
14 line of said Lot 2;

15       THENCE: N 86°10'47" W, along and with the north line of said  
16 10.00 acre tract, a south line of said Lot 2, a distance of 194.76  
17 feet to a point for an angle;

18       THENCE: S 88°26'59"W, along and with the north line of said  
19 10.00 acre tract, the south line of said Lot 2, a distance of 60.09  
20 feet to a point, the southwest corner of said Lot 2, the southeast  
21 corner of Lot 101 of said Saddleridge Subdivision Unit 1;

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

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

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

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

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

15           TRACT 1B:

16           A 10.922 acre tract of land being a portion of Bulverde  
17 Commercial Subdivision recorded in Volume 13, Page 1 of the Map and  
18 Plat Records of Comal County, Texas, and a portion of the Bulverde  
19 Commercial Subdivision, Unit 2 recorded in Volume 13, Page 57 of the  
20 Map and Plat Records of Comal County, also being out of the Agapito  
21 Gayton Survey Number 194, Abstract Number 174, Comal County, Texas.  
22 Said 10.922 acre tract being more fully described as follows, with  
23 bearings based on the plats of said subdivisions.

24           COMMENCING: At a point on the south right-of-way line of F.M.  
25 1863, a variable width right-of-way, at the north corner of said  
26 Bulverde Commercial Subdivision, the northwest corner of the said  
27 Bulverde Commercial Subdivision Unit 2, at the cutback to the east

1 right-of-way line of U.S. 281, a variable width right-of-way;

2       THENCE: S 83°58'18"E, along and with the south right-of-way  
3 line of said F.M. 1863, the north line of said Bulverde Commercial  
4 Subdivision Unit 2, a distance of 352.79 feet to a point, for the  
5 northwest corner of a 45.81 acre tract of land being the remainder  
6 of that Save & Except 50.00 acre tract conveyed to Cibolo Valley  
7 Ranch, LTD in Correction Special Warranty Deed recorded in Document  
8 200006010170 of the Official Records of Comal County, Texas;

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

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

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

24       THENCE: S 00°07'12" E, along and with the east line of said  
25 Bulverde Commercial Subdivision, the west line of said 45.81 acre  
26 tract a distance of 734.07 feet to a point for the southeast corner  
27 of said Bulverde Commercial Subdivision, the north corner of a

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1 92.37 acre tract recorded in Volume 739, Page 202 of the Deed  
2 Records of Comal County, Texas;

3       THENCE: S 77°53'26" W, departing the west line of said 45.81  
4 acre tract, the north line of said 92.37 acre tract a distance of  
5 644.66 feet to a point on curve in the northeast right-of-way line  
6 of Ancestral Trail, a 60-foot private street dedicated in the  
7 Weidner Subdivision Unit 1, recorded in Volume 11, Pages 330-331 of  
8 the Map and Plat Records of Comal County, Texas, a southwest line of  
9 said Bulverde Commercial Subdivision;

10       THENCE: Along the northeast right-of-way line of said  
11 Ancestral Trail, the southwest line of said Bulverde Commercial  
12 Subdivision, with a non-tangent curve to the left said curve having  
13 a radial bearing of S 65°58'51" W, a radius of 630.00 feet, a central  
14 angle of 18°57'04", a chord bearing and distance of N 33°29'41" W,  
15 207.43 feet, an arc length of 208.38 feet to a point of tangency;

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

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

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

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

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

27       THENCE: S 83°28'46" E, a distance of 395.83 feet to the POINT

1 OF BEGINNING, and containing 10.922 acres in Comal County, Texas.

2 TRACT 1C:

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

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

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

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1           THENCE: S 86°10'47" E, along and with the north line of said  
2 10.00 acre tract and the south line of said Lot 2 a distance of  
3 194.76 feet to a point;

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

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

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

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

13           TRACT 1D:

14           A 38.367 acre tract out of a 45.81 acre tract of land being  
15 the remainder of that Save & Except 50.00 acre tract conveyed to  
16 Cibolo Valley Ranch, LTD in Correction Special Warranty Deed  
17 recorded in Document 200006010170 of the Official Records of Comal  
18 County, Texas and being part of a 140.0 acre tract conveyed to Fritz  
19 Voges in Deed recorded in Volume M, Pages 746-747 of the Deed  
20 Records of Comal County, also being out of the Agapito Gayton Survey  
21 Number 194, Abstract Number 174, Comal County, Texas. Said 38.367  
22 acre tract being more fully described as follows, bearings being  
23 based on the North American Datum of 1983, (CORS 1996), from Texas  
24 Coordinate System established for the South Central Zone:

25           COMMENCING: At a point on the south right-of-way line of F.M.  
26 1863 at a point for a northwest corner of a 140 acre tract recorded  
27 in Doc #200006010170 of the Deed Records of Comal County, the

1 northeast comer of said 45.81 acre tract;

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

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

14       THENCE: S 89°27'30"W, along and with the south line of said  
15 45.81 acre tract, a distance of 1152.01 feet to a point, the  
16 southwest corner of this 45.81 acre tract, a point on the east line  
17 of a 92.37 acre tract recorded in Volume 739, Page 202 of the Deed  
18 Records of Comal County, a northwest corner of said 140 acre tract;

19       THENCE: N 00°36'44"W, along and with the west line of said  
20 45.81 acre tract, the east line of said 92.37 acre tract, passing  
21 the southeast corner of the Bulverde Commercial Subdivision Unit 2  
22 recorded in Volume 13, Page 1 of the Map and Plat Records of Comal  
23 County, Texas, the northeast corner of said 92.37 acre tract, and  
24 continuing along and with the east line of said Bulverde Commercial  
25 Subdivision Unit 2 for a total distance of 1343.61 feet to a point  
26 for the southwest corner of said Lot 10, a northwest corner of the  
27 said 45.81 acre tract;



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

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

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

12           TRACT 1E:

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

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

1 acre tract;

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

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

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

8                   Northeasterly, along the arc of a curve to the left,  
9 said curve having a radial bearing of N 06°04'31" E, a radius of  
10 1472.70 feet, a central angle of 31°02'38", a chord bearing and  
11 distance of N 80°33'12" E, 788.21 feet, for an arc length of 797.94  
12 feet to a point, a point of non-tangency;

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

15                   Northeasterly, along the arc of a curve to the right,  
16 said curve having a radial bearing of S 24°56'32" E, a radius of  
17 1392.70 feet, a central angle of 22°08'45", a chord bearing and  
18 distance of N 76°07'50" E, 534.96 feet, for an arc length of 538.30  
19 feet to a point, a point of non-tangency;

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

22                   Northeasterly, along the arc of a curve to the left,  
23 said curve having a radius of 1472.70 feet, a central angle of  
24 2°53'47", a chord bearing and distance of N 85°37'32" E, 74.44 feet,  
25 for an arc length of 74.45 feet to a point, the northwest corner of a  
26 remaining portion of a 261.17 acre tract recorded in Volume 68,  
27 Pages 631-633 of the Deed Records of Comal County, Texas, the

1 northeast corner of said called 115.596 acre tract;

2           THENCE: Departing the south right-of-way line of said F.M.  
3 1863, along and with the west line of said remaining portion of a  
4 261.17 acre tract, an east line of said called 115.596 acre tract  
5 the following calls and distances:

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

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

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

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

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

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

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

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

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

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

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

24           THENCE: S 89°40'01"W, departing the west line of said 220.5  
25 acre tract, along and with the north line of said 387.057 acre  
26 tract, a south line of said called 115.596 acre tract, at a distance  
27 of 906.4 feet passing point for the northeast corner of a 3.002 acre

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1 tract recorded in Volume 862, Pages 874-877 of the Official Records  
2 of Comal County, Texas and continuing for a total distance of  
3 1310.37 feet to a point, from which a found 1/2" iron rod bears N  
4 14°43'14"E, 0.81 feet;

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

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

18       THENCE: S 89°31'19"W, along and with the north line of said  
19 387.057 acre tract, a south line of said called 115.596 acre tract,  
20 a distance of 1299.77 feet to a point, on the east line of the  
21 aforementioned 140 acre tract (Tract 2), the northwest corner of  
22 said 387.057 acre tract, the southwest corner of said called  
23 115.596 acre tract;

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

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

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

3           TRACT 1F:

4           A 15.538 acre tract of land being a portion of Lot 827A and  
5 all of Lot 827B of The Crossing at 46 subdivision recorded in Volume  
6 15, Pages 275-276 and all of Lots 828 and 829 of the River Crossing  
7 subdivision Unit Four, recorded in Volume 14, Page 219-220 and all  
8 of Lots 56, 57 and 58 of the Ridgeview Oaks West subdivision,  
9 recorded in Volume 3, Pages 28-29 all of the Map and Plat Records of  
10 Comal County, Texas, out of the Theo Miller Survey No. 323, Abstract  
11 384, Comal County, Texas. Said 15.538 acre tract being more fully  
12 described as follows, with bearings based on the North American  
13 Datum of 1983 (CORS 1996), from the Texas Coordinate System  
14 established for the South Central Zone.

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

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

26           N 01°13'22" W, along and with the west right-of-way line  
27 of said River Way, the east line of said Lot 827A a distance of

1 215.00 feet to the POINT OF BEGINNING, a point on the north City  
2 Limits of Bulverde line;

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

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

12       THENCE: N 89°51'24" W, along and with the north line of said  
13 Lot 59, the south line of said Lot 58 and the said city limit line a  
14 distance of 399.64 feet to a point on the east right-of-way line of  
15 Rainbow Drive, a 60-foot right-of-way dedicated in the said  
16 Ridgeview Oaks-West subdivision, the northwest corner of said Lot  
17 59, the southwest corner of said Lot 58;

18       THENCE: N 00°08'36" E, departing said city limit line, along  
19 and with the east right-of-way line of said Rainbow Drive, the west  
20 line of said Lots 58 and 57, a distance of 452.60 feet to the  
21 northwest corner of said Lot 57, the southwest corner of Lot 56 of  
22 said Ridgeview Oaks-West subdivision;

23       THENCE: N 00°06'58" E, and with the east right-of-way line of  
24 said Rainbow Drive, the west line of said Lot 56 a distance of  
25 226.30 feet to a point for the northwest corner of said Lot 56, the  
26 southwest corner of Lot 55 of the said Ridgeview Oaks-West  
27 subdivision;

1           THENCE: S 89°53'02" E, departing the east right-of-way line  
2 of said Rainbow Drive, along and with the north line of said Lot 56,  
3 the south line of said Lot 55, a distance of 395.79 feet to a point  
4 on the west line of said Lot 828, the northeast corner of said Lot  
5 56, the southeast corner of said Lot 55;

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

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

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

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

23          THENCE: S 01°13'22" E, along and with the west right-of-way  
24 line of said River Way, the east line of said Lot 827A and 827B a  
25 distance of 153.08 feet to the POINT OF BEGINNING, and containing  
26 15.538 acres in the Comal County, Texas.

27          PART 2:

1 TRACT 2A:

2 All that certain 105.5 acres of land in the John Kaderli  
3 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.  
4 465, Abstract No. 309, Comal County Texas, which is the remainder of  
5 the 196.62 acre tract described in the deed to Gary Eldon Bartlett  
6 recorded under Volume 764, Pages 643-649, Official Records, Comal  
7 County, Texas, and being more particularly described by metes and  
8 bounds as follows: (All bearings based on the Texas State Plane  
9 Coordinate System, South Central Zone)

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

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

20 THENCE N 24° 55' 33" W - 58.91' along said east line of Stahl  
21 Road and west line of the before mentioned 196.62 acre tract to a  
22 3/4" iron rod set common to an angle corner of the herein described  
23 tract;

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

27 THENCE N 01° 09' 20" E - 583.04' continuing along said east



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1 line of Stahl Road and west line of said 196.62 acre tract to a 3/4"  
2 iron rod set common to the southwest corner of a 2.889 acre tract  
3 described as Lot 1, Bartlett's Paradise Valley Subdivision, in Plat  
4 recorded under Volume 10, Page 174, Map and Plat Records, Comal  
5 County, Texas;

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

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

10                   S 49° 19' 58" E - 250.00' along the south line of said Lot  
11 1 to a 1/2" iron rod found common to an angle corner of the herein  
12 described tract;

13                   N 40° 40' 02" E - 250.00' along the south line of said Lot  
14 1 to a 1/2" iron rod found common to the most easterly corner of said  
15 Lot 1, an angle corner of the herein described tract;

16                   N 49° 19' 58" W - 250.00' along the north line of said Lot  
17 1 to a 1/2" iron rod found common to an angle corner of the herein  
18 described tract;

19                   S 40° 40' 02" W - 172.29' along the north 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 88° 47' 33" W - 1080.24' along the north line of said  
23 Lot 1 to a 3/4" iron rod set in the east line of said Stahl Road and  
24 the west line of said 196.62 acre tract common to the northwest  
25 corner of said Lot 1 an angle corner of the herein described tract;

26                   THENCE N 01° 09' 20" E - 289.12' along said east line of Stahl  
27 Road and west line of said 196.62 acre tract to a 3/4" iron rod set

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

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

6           THENCE S 61° 25' 07" E - 553.95' departing said east line of  
7 Stahl Road and into 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 42° 47' 59" E - 460.00' to a 3/4" iron rod set in the  
10 southerly line of a 21.0 acre tract described in deed to Peter J.  
11 Almquist from Andrew T. Almquist recorded under Document No.  
12 200506033008, Official Public Records of Real Property, Comal  
13 County, Texas, said line also being the northerly line of the before  
14 mentioned 196.62 acre tract and common to an angle corner of the  
15 herein described tract;

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

19           THENCE N 89° 32' 35" E - 1156.22' along the southerly line of  
20 said 21.0 acre tract, at 421.56' pass a 1/2" iron rod found, to a  
21 3/4" iron rod set common to an angle corner of a 36.513 acre tract  
22 described in deed to Randy and Kellye Harris from Andrew T. Almquist  
23 recorded under Document No. 200206003624, Official Public Records  
24 of Real Property, Comal County, Texas, said iron is common to the  
25 northeast corner of the herein described tract;

26           THENCE S 00° 06' 34" E - 817.22' along the westerly line of  
27 said 36.513 acre tract to a 3/4" iron rod set common to an angle

1 point of the said 36.513 acre tract, and common to the northwest  
2 corner of a 3.814 acre tract described in deed to Randy Harris from  
3 Gary Eldon Bartlett recorded under Document No. 200306031386,  
4 Official Public Records of Real Property, Comal County, Texas, said  
5 iron common to an angle corner of the herein described tract;

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

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

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

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

20               S 82° 44' 47" W - 56.36' 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               N 87° 02' 05" W - 125.63' 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               N 79° 52' 35" W - 140.95' 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 S 62° 58' 32" W - 551.30' along the north line of said  
3 Lundgren 21.00 acre tract to a 1/2" iron rod found for an angle  
4 corner of the herein described tract;

5 N 70° 28' 33" W - 492.76' 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 S 09° 44' 51" E - 104.00' 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 N 86° 04' 19" W - 75.76' along the north line of said  
12 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an  
13 angle corner of the herein described tract;

14 S 07° 47' 29" W - 173.03' 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 16° 51' 24" W - 287.11' 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 THENCE S 89° 49' 45" W - 1250.21 along the north line of said  
21 Lundgren 21.00 acre tract to the POINT OF BEGINNING of the herein  
22 described tract and containing 105.5 acres of land.

23 TRACT 2B:

24 All that certain 21.00 acres of land in the John Kaderli  
25 Survey No. 449, Abstract No. 308, the Jacob Kaderli Survey No. 465,  
26 Abstract No. 309, the F.H. Faigaux Survey, No. 578, Abstract No. 169  
27 and in the J. Rittimann Survey No. 579, Abstract No. 500, Comal

1 County Texas, which is all of the land described in the deed from  
2 Gary Eldon Bartlett and wife Brandy K. Bartlett to Stephen C.  
3 Lundgren and wife Diane K. Lundgren, recorded under Document No.  
4 9806013761, Official Public Records of Real Property, Comal County,  
5 Texas, and being more particularly described by metes and bounds as  
6 follows: (All bearings based on the Texas State Plane Coordinate  
7 System, South Central Zone)

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

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

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

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

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

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

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

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

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

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

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

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

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

15           THENCE S 89° 49' 45" W - 2661.99' along the north line of said  
16 43.547 acre tract to the POINT OF BEGINNING of the herein described  
17 tract and containing 21.00 acres of land.

18           TRACT 2C:

19           All that certain 2.889 acres of land in the John Kaderli  
20 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.  
21 465, Abstract No. 309, Comal County Texas, which is all of the land  
22 described as Lot 1, Bartlett's Paradise Valley Subdivision,  
23 recorded under Volume 10, Page 174, Plat Records, Comal County,  
24 Texas, and being more particularly described by metes and bounds as  
25 follows: (All bearings based on the Texas State Plane Coordinate  
26 System, South Central Zone)

27           COMMENCING at a 1/2" iron rod found in the east line of Stahl

1 Road, said iron rod is common to the southwest corner of a 196.62  
2 acre tract described in the deed from Brandy Kay Bartlett to Gary  
3 Eldon Bartlett recorded under Document No. 200206018898, Deed  
4 Records, Comal County, Texas;

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

8       THENCE N 00° 47' 14" W - 1071.68' 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 for an angle corner;

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

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

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

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

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

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

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

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

1 TRACT 2D:

2 All that certain 497.9 acres of land in the Daniel Lewis  
3 Survey No. 347, Abstract No. 367, the M. Jamison Survey No. 697,  
4 Abstract No. 298, and the John Byland Survey No. 438, Abstract No.  
5 50, Comal County Texas, which is all of the land described in the  
6 deed from Edward H. Knowlton and wife, Ann Knowlton to Paul G.  
7 Silber Jr. and wife, Phyllis Silber, and in the deed from Paradise  
8 Valley Corporation to Paul G. Silber Jr. recorded under Volume 147,  
9 Page 404 and Volume 331, Page 879, Deed Records, Comal County,  
10 Texas, respectively, and being more particularly described by metes  
11 and bounds as follows: (All bearings based on the Texas State Plane  
12 Coordinate System, South Central Zone)

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

18 THENCE N 00° 30' 25" W - 3004.27' along the east line of said  
19 Cantu Medical Association tract, the east line of a 43.567 acre  
20 tract described in deed from Helena Kleck Vivian to Mark B. Wagner  
21 and Barbara Wagner recorded under Document No. 200106022370  
22 Official Public Records of Real Property, Comal County Texas, the  
23 east line of a 43.547 acre tract described in deed from Mark D.  
24 Wagner and wife, Barbara Wagner and Pamela Wyrick and husband Jerry  
25 Lynn Wyrick to Helena Kleck Vivian recorded under Document No.  
26 200106022554, Official Public Records of Real Property, Comal  
27 County Texas, and the west line of the herein described tract to a



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1 1/2" iron rod found, said iron rod is common to the southwest corner  
2 of a 21.00 acre tract described in the deed from Gary Eldon Bartlett  
3 and wife, Brandy K. Bartlett to Stephen C. Lundgren and wife, Diane  
4 K. Lundgren, recorded under Document No. 9806013761, Official  
5 Public Records of Real Property, Comal County Texas, said iron rod  
6 is common to an angle point of the herein described tract;

7       THENCE N 00° 43' 14" W - 680.91' along the east line of  
8 Lundgren tract and the west line of the herein described tract to a  
9 3/8" iron rod found common to the northeast corner of said Lundgren  
10 tract, the southwest corner of a 36.513 acre tract described in the  
11 deed from Andrew T. Almquist to Randy and Kellye Harris, recorded  
12 under Document No. 200206003624, Official Public Records of Real  
13 Property, Comal County Texas, and the northwest corner of the  
14 herein described tract;

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

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

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

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

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

1 herein described tract;

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

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

12           THENCE N 77° 55' 49" E - 2075.17' along the south line of said  
13 Markey tract, and the south line of a 49.35 acre tract described in  
14 the deed from General Investment Corporation to John S. Best and  
15 wife, Janet E. Best recorded under Document No. 9806012293,  
16 Official Public Records of Real Property, Comal County, Texas, to a  
17 3/4" iron rod set common to an angle corner of the herein described  
18 tract;

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

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

1 Property, Comal County, Texas, said fence corner common to an angle  
2 corner of the herein described tract;

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

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

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

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

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

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

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

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

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

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

3           THENCE N 88° 32' 20" W - 683.94' along the northerly line of  
4 Oak Village North, Unit No. 2 as shown in Plat recorded under Volume  
5 3, Page 22, Map and Plat Records, Comal County, Texas, and along the  
6 south line of the herein described tract to a fence corner found for  
7 an angle corner of the herein described tract;

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

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

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

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

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

1 herein described tract;

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

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

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

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

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

25 TRACT 2E:

26 All that certain 152.8 acres of land in the M. Jamison Survey  
27 No. 697, Abstract No. 298, the F.W. Foerster Survey No. 850,

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1 Abstract No. 879, and the John Byland Survey No. 438, Abstract No.  
2 50, Comal County Texas, which is all of the land described in the  
3 deed from the Estate of Jocelyn Welsch to Paul G. Silber Jr.  
4 recorded under Document No. 200506036460, Official Public Records  
5 of Real Property, Comal County, Texas, and being more particularly  
6 described by metes and bounds as follows: (All bearings based on  
7 the Texas State Plane Coordinate System, South Central Zone)

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

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

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

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

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

26 THENCE S 79° 20' 11" W - 30.39' along the northerly line of  
27 said Silber tract to a fence corner found common to a point in the

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1 east line of a 49.35 acre tract described in the deed from General  
2 Investment Corporation to John S. Best and wife, Janet E. Best  
3 recorded under Document No. 9806012293, Official Public Records of  
4 Real Property, Comal County, Texas and an angle corner of the herein  
5 described tract;

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

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

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

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

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

27             N 77° 17' 31" E - 452.72' along the south line of said

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1 Stoney Ridge at 127.57' pass a 1/2" iron rod found common to the  
2 southeast corner of Lot 30, Stoney Ridge; to a 3/4" iron rod set  
3 common to an angle corner of said Stoney Ridge and the herein  
4 described tract;

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

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

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

19       THENCE S 60° 39' 06" E - 457.10' along the south line of said  
20 Nash tract, at 338.89' pass a 1/2" iron rod found common to the  
21 southeast corner of said Nash tract and the southwest corner of Lot  
22 1 of the aforementioned Stoney Ridge, to a 3/4" iron rod set common  
23 to an angle corner of the herein described tract;

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

27       THENCE S 51° 36' 06" E - 129.01' along the south line of said



1 Lot 1 to a fence corner found in the westerly right-of-way line of  
2 Smithson Valley Road common to the northeast corner of the herein  
3 described tract;

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

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

11               S 62° 23' 50" W - 860.63' along the westerly right-of-way  
12 line of said Smithson Valley Road, at 541.43' pass a 3/8" iron rod  
13 found common to the northeasterly corner of a 2.881 acre tract  
14 described in the aforementioned deed from the Estate of Jocelyn  
15 Welsch to Paul G. Silber Jr. recorded under Document No.  
16 200506036460, Official Public Records of Real Property, Comal  
17 County, Texas, and designated as Tract II, to a 3/4" iron rod set  
18 common to an angle corner of said Smithson Valley Road and the  
19 herein described tract;

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

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

1           PART 3

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

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

26           THENCE: Along and with the south right-of-way line of said  
27 State Highway 46 and the north line of said remaining portion of

1 183.555 acre tract, the following calls and distances:

2           Northeasterly, along the arc of a curve to the right,  
3 said curve having a radial bearing of S 11°23'33" E, a radius of  
4 576.94 feet, a central angle of 10°15'10", a chord bearing and  
5 distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24 feet  
6 to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

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

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

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

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

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

24           Southeasterly, along the arc of a curve to the right,  
25 said curve having a radial bearing of S 01°27'35" E, a radius of  
26 25.00 feet, a central angle of 92°07'18", a chord bearing and  
27 distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20 feet to

1 a found 1/2" iron rod with yellow cap marked "Pape-Dawson";

2 Southwesterly, along the arc of a curve to the right,  
3 said curve having a radial bearing of N 89°20'17" W, a radius of  
4 707.00 feet, a central angle of 7°24'45", a chord bearing and  
5 distance of S 04°22'05" W, 91.40 feet, an arc length of 91.47 feet to  
6 a found 1/2" iron rod, from which a found 1/2" iron rod bears N  
7 10°28'11"E a distance of 4.59 feet;

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

10 Southwesterly, along the arc of a curve to the left,  
11 said curve having a radial bearing of S 82°19'30" E, a radius of  
12 350.00 feet, a central angle of 09°40'30", a chord bearing and  
13 distance of S 02°50'16" W, 59.03 feet, an arc length of 59.10 feet to  
14 a found 1/2" iron rod with yellow cap marked "Pape-Dawson" and the  
15 POINT OF BEGINNING;

16 Southwesterly, along a curve to the left said curve  
17 having a radial bearing of N 88°00'01" E, a radius of 350.00 feet, a  
18 central angle of 03°08'17", a chord bearing and distance of S  
19 03°34'08" E, 19.17 feet, an arc length of 19.17 feet to a set 1/2"  
20 iron rod with yellow cap marked "Pape-Dawson", being the northeast  
21 corner of Lot 2R of said Berry Oaks Subdivision Unit 1;

22 THENCE: S 87°26'47"W, departing the east right-of-way line of  
23 said Berry Oaks Drive and along and with the north line of said Lot  
24 2R, a distance of 303.41 feet to a found 1/2" iron rod with cap  
25 marked "ACE";

26 THENCE: Along and with the west line of said Berry Oaks  
27 Subdivision Unit 1 and the east line of said remaining portion of

1 183.555 acre tract, the following calls and distances:

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

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

7 N 71°57'28"E, along and with the south line of said Lot  
8 5R, a distance of 311.16 feet to a set 1/2" iron rod with yellow cap  
9 marked "Pape-Dawson", being the southeast corner of said Lot 5R, in  
10 the east right-of-way line of said Berry Oaks Drive;

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

15 S 71°57'28"W, along and with the north line of said Lot  
16 7R, a distance of 324.35 feet to a found 1/2" iron rod, being the  
17 northwest corner of said Lot 7R;

18 S 19°42'10"W, a distance of 84.84 feet to a found 1/2"  
19 iron rod with cap marked "ACE", being a west angle point of said Lot  
20 7R;

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

24 S 05°16'46"E, a distance of 441.98 feet to a found 1/2"  
25 iron rod with cap marked "ACE", being the southwest corner of Lot  
26 10R and the northwest corner of Lot 11R of said Berry Oaks  
27 Subdivision;

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1           S 37°37'14"E, a distance of 986.25 feet to a found 1/2"  
2 iron rod with cap marked "ACE", being the southwest corner of Lot  
3 15R and a west angle point of Lot 17R of said Berry Oaks  
4 Subdivision;

5           S 48°46'32"E, a distance of 695.56 feet to a found 1/2"  
6 iron rod with cap marked "ACE", being the southeast corner of Lot  
7 18R and the southwest corner of Lot 19R of said Berry Oaks  
8 Subdivision;

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

14           THENCE: S 00°14'31"E, departing said Berry Oaks Subdivision,  
15 along and with the west line of said Stahl Lane, a distance of  
16 103.55 feet to a set 1/2" iron rod with yellow cap marked  
17 "Pape-Dawson", the beginning of a tangent curve to the right;

18           THENCE: Southwesterly, along and with the west line of said  
19 Stahl Lane and the said curve to the right, said curve having a  
20 radius of 663.42 feet, a central angle of 67°45'22", a chord bearing  
21 and distance of S 33°38'10" W, 739.62 feet, an arc length of 784.54  
22 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson",  
23 the southeast corner of said remaining portion of 183.555 acre  
24 tract, the east line of a 47.97 acre tract recorded in Document  
25 #9806006222 of the Official Records of Comal County, Texas;

26           THENCE: N 38°46'18"W, departing the west right-of-way line of  
27 said Stahl Lane, along and with the south line of said remaining

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1 portion of 183.555 acre tract and the north line of said 47.97 acre  
2 tract, a distance of 117.96 feet to a found 1/2" iron rod, being the  
3 east line of a 30' Ingress-Egress Easement recorded in Volume 284,  
4 Pages 407-411 of the Official Records of Comal County, Texas;

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

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

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

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

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

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

1           THENCE: N 38°46'18"W, along and with the south line of said  
2 remaining portion of 183.555 acre tract and the north line of said  
3 47.97 acre tract, at a distance of 1380.24 feet passing a found 1/2"  
4 iron rod being the upper northwest corner of said 47.97 acre tract  
5 and the northeast corner of Hogan/281 Subdivision recorded in  
6 Volume 10, Page 277 of the Map and Plat Records of Comal County,  
7 Texas and continuing a total distance of 1585.70 feet (1585.15'  
8 Deed) to a found 1/2" iron rod;

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

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

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

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

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

21                 Northeasterly, along a non-tangent curve to the right  
22 said curve having a radial bearing of S 12°26'18" E, a radius of  
23 376.94 feet, a central angle of 11°17'54", a chord bearing and  
24 distance of N 83°12'40" E, 74.21 feet, an arc length of 74.33 feet to  
25 a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

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



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

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

5           PART 4:

6           TRACT 4A:

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

14           BEGINNING: At a found 1/2" iron rod in the east right of way  
15 line of Stahl Road, for the southwest corner of a 11.706 acre tract  
16 of land conveyed to Barbara Ancira Ruebenson of record in Document  
17 No. 200706020345, Official Public Records of Comal County, Texas  
18 and for the northwest corner of the 20.0000 acre tract and this  
19 tract, from which a 1/2" iron rod found for the southerly northwest  
20 corner of the 11.706 acre tract bears N 00°00'41" W a distance of  
21 40.04 feet.

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

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1 for the northeast corner of the 20.000 acre tract and this tract.

2       THENCE: S 00°36'37" E with the west line of the 497.9 acre  
3 tract and with the east line of the 20.0000 acre tract and this  
4 tract a distance of 738.23 feet to a 48" Live Oak Tree, for the  
5 southwest corner of the 497.9 acre tract and in the north line of a  
6 15.165 acre tract known as Lot 2, McGuffin Subdivision of record in  
7 Volume 11 Page 248, Plat Records of Comal County, Texas and for the  
8 southeast corner of the 20.0000 acre tract and this tract, from  
9 which a found 3/8" iron rod for the northeast corner of the 15.165  
10 acre tract bears N 89°42'57" E a distance of 395.84 feet.

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

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

19       2) S 89°25'00" W, a distance of 916.73 feet to a set 1/2" iron  
20 rod with a blue plastic cap stamped "KFW SURVEYING" in the east  
21 right of way line of Stahl Road for the southwest corner of the  
22 20.0000 acre tract and this.

23       THENCE: N 00°09'02" E with the east right of way line of Stahl  
24 Road and the west line of the 20.0000 acre tract and this tract a  
25 distance of 751.86 feet to the POINT OF BEGINNING and containing  
26 20.29 acres.

27       TRACT 4B:

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

14 COMMENCING AT AN IRON ROD FOUND AT A POINT IN THE WEST  
15 RIGHT-OF-WAY-LINE OF STAHL LANE AT THE MOST NORTHERLY NORTHEAST  
16 CORNER OF SAID 155.956 ACRE TRACT OF LAND, BEING THE MOST SOUTHERLY  
17 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD  
18 RANCH, LTD 151.956 ACRE TRACT OF LAND, RECORDED IN DOCUMENT NO.  
19 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND  
20 BEING A POINT IN THE NORTH LINE OF THAT CERTAIN V.S. AND TERRI D.  
21 KANE 6.020 ACRE TRACT OF LAND, RECORDED IN VOLUME 398, PAGE 30, OF  
22 THE DEED RECORDS OF SAID COUNTY, FOR THE POINT OF COMMENCEMENT  
23 HEREOF;

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

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

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

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

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

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

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

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

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

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

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

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

21          9) S 45°59'00" W, A DISTANCE OF 30.40 FEET TO AN IRON ROD SET

22 AT THE NORTHEAST CORNER OF THAT CERTAIN JOYCE LUX 0.616 OF AN ACRE  
23 OF LAND, FOR THE SOUTHEAST CORNER HEREOF;

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

27          1) S 89°36'00" W, A DISTANCE OF 1,019.90 FEET TO AN IRON ROD

1 SET AT AN ANGLE POINT IN SAID LINE;

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

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

6 4) N 89°49'00" W, A DISTANCE OF 968.30 FEET TO AN IRON ROD SET  
7 AT THE NORTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS  
8 HEREFORD RANCH, LTD 10.600 ACRE TRACT OF LAND, SAME BEING THE  
9 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD  
10 RANCH, LTD 151.900 ACRE TRACT OF LAND, BOTH RECORDED IN DOCUMENT NO.  
11 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, FOR  
12 THE SOUTHWEST CORNER HEREOF;

13 THENCE, WITH THE EAST LINE OF SAID HEREFORD RANCH, LTD  
14 151.900 ACRES OF LAND AND WITH THE WEST LINE OF SAID 155.956 ACRE  
15 TRACT OF LAND, N 00°40'00" W, A DISTANCE OF 3,017.30 FEET TO AN IRON  
16 ROD FOUND AT A POINT IN THE SOUTH LINE OF SAID HEREFORD RANCH, LTD  
17 151.956 ACRE TRACT OF LAND, FOR THE NORTHWEST CORNER HEREOF;

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

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

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

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

3           PART 5

4           FIELDNOTE DESCRIPTION of a 210.971 acre tract of land  
5 situated within Comal County, Texas, out of the Christian Hanz  
6 Survey Number 452, Abstract 263, the Agapita Nava Survey Number  
7 451, Abstract 432 and the Johann Moegelin Survey Number 575,  
8 Abstract 423 and being comprised of all of Lot 1, Block 2, KESTREL  
9 AIR PARK as shown by plat recorded in Volume 12, Pages 314-316,  
10 Comal County Map and Plat records, together with 16.210 acres out of  
11 a certain 25.422 acre tract of land conveyed unto DJL Ventures Inc,  
12 by warranty deed executed November 27, 2006 and recorded in  
13 Document Number 200606050149, Comal County Official Records,  
14 together with 0.519 acres out of a certain 3.827 acre tract of land  
15 conveyed unto James R. and Cecelia Leininger by warranty deed  
16 executed April 8, 1987 and recorded in Volume 564, Page 360, Comal  
17 County Deed Records, together with 25.502 acres out of a remaining  
18 portion of a certain 412.1351 acre tract of land conveyed unto James  
19 R. Leininger by warranty deed executed December 29, 1982 and  
20 recorded in Volume 338, Page 466, said Deed Records, together with a  
21 certain 35.00 acre tract of land and a certain 5.058 acre tract of  
22 land conveyed unto DJL Ventures, Inc by warranty deed executed  
23 December 27, 2006 and recorded in Document Number 200706009043,  
24 said Official Records, together with a called 123.995 acre tract  
25 conveyed unto DJL Ventures, Inc by warranty deed executed January  
26 3, 2007 and recorded in Document Number 200706009042, said Official  
27 Records, in all said 210.971 acre tract being more particularly

1 described as follows:

2 BEGINNING at a 1/2" iron rod found at the intersection of the  
3 westerly right-of-way line of U.S. Highway 281 (a variable width  
4 public right-of-way) with the northerly incorporated limits of City  
5 of Bulverde as described in the POLITICAL BOUNDARY DESCRIPTION OF A  
6 1.8 SQUARE MILE TRACT OF LAND FOR THE CITY OF BULVERDE NORTHWEST -  
7 INCORPORATION LIMITS, dated October 8, 2001; same being the common  
8 southeast corner of said Lot 1, Block 2, KESTREL AIR PARK and the  
9 northeast corner of said 25.422 acre tract, also being the eastern  
10 most corner and POINT OF BEGINNING of this tract.

11 THENCE, along said northerly incorporated city limit line and  
12 with the common south line of said Lot 1 and the north line of said  
13 25.422 acre tract, North 88° 16' 26" West, 200.70 feet to a point for  
14 corner in the incorporated city limit line running 200 feet west of,  
15 and parallel with, the westerly right-of-way line of said U.S.  
16 Highway 281.

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

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

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

26 And southerly with the arc of said curve through a  
27 central angle of 14° 36' 01", an arc distance of 886.73 feet to a

1 point for corner situated in the incorporated city limit line  
2 running perpendicular to the centerline of said U.S. Highway 281,  
3 said perpendicular line being situated approximately 2,200 feet  
4 north of the centerline of State Highway 46 (a 100 foot wide public  
5 right-of-way).

6       THENCE along said perpendicular line, North 81° 16' 54" West,  
7 at 106.16 feet pass the common south line of said 25.422 acre tract  
8 and the north line of said 3.827 acre tract, in all a distance of  
9 270.53 feet to a point for corner situated in the incorporated city  
10 limit line running 470 feet west of, and parallel with, the westerly  
11 right-of-way line said U.S. Highway 281.

12       THENCE, along said line running 470 feet west of, and  
13 parallel with, said westerly right-of-way line, South 14° 54' 38"  
14 West, at 178.41 feet pass the common west line of said 3.827 acre  
15 tract and the east line of said 412.1351 acre tract, in all a  
16 distance of 756.85 feet to a point for corner in the north line of a  
17 9.156 acre tract of land conveyed unto J. David Bamberger by  
18 correction deed executed February 9, 1981 and recorded in Volume  
19 308, Page 202, said Deed Records.

20       THENCE, departing said line running 470 feet west of, and  
21 parallel with, said westerly right-of-way line, South 76° 50' 42"  
22 West, 88.53 feet to a 1/2" iron rod found in the east line of said  
23 412.1351 acre tract and at the northwest corner of said 9.156 acre  
24 tract.

25       THENCE, along the common west line of said 9.156 acre tract  
26 and east line of said 412.1351 acre tract, South 01° 13' 43" East,  
27 281.04 feet to its intersection with said incorporated city limit



1 line running 470 feet west of, and parallel with, said westerly  
2 right-of-way line.

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

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

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

26       THENCE, continuing with said incorporated city limit line,  
27 North 00° 05' 07" East, 774.87 feet to a 1/2" iron rod found and

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1 North 00° 42' 29" West, at 311.99 feet pass a 1/2" iron rod set at the  
2 common southwest corner of said 35.00 acre tract and a northerly  
3 corner of the remaining portion of said 412.1351 acre tract, in all  
4 a distance of 644.29 feet to an 8" cedar fence post found on the west  
5 line of said 35.00 acre tract, at the common northeast corner of  
6 said WINDMILL RANCH SUBDIVISION, UNIT 1 and the southeast corner of  
7 said called 123.995 acre tract.

8       THENCE, continuing with said incorporated city limit line and  
9 along the common north line of said WINDMILL RANCH SUBDIVISION,  
10 UNIT 1, the south line of said called 123.995 acre tract and the  
11 south line of this tract as follows:

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

14               and North 89° 39' 20" West, 1508.06 feet to a 1/2" iron  
15 rod found at the common northwest corner of said WINDMILL RANCH  
16 SUBDIVISION, UNIT 1, the east corner of WINDMILL RANCH SUBDIVISION,  
17 UNIT 2 according to the plat recorded in Volume 13, Pages 31 and 32,  
18 said Map and Plat Records, the southwest corner of said called  
19 123.995 acre tract and the westerly southwest corner of this tract.

20       THENCE, continuing with said incorporated city limit line,  
21 North 00° 01' 22" East, at 872.34 feet pass a 1/2" iron rod found at  
22 the common north corner of said WINDMILL RANCH SUBDIVISION, UNIT 2  
23 and the southeast corner of WINDMILL RANCH SUBDIVISION, UNIT 3  
24 according to the plat recorded in Volume 13, Pages 33-36, said Map  
25 and Plat Records, at 1742.32 feet pass a 1/2" iron rod found at the  
26 northeast corner of Lot 84 as shown by plat of said WINDMILL RANCH  
27 SUBDIVISION, UNIT 3, in all a distance of 1742.99 feet to a 1/2"

1 iron rod set on the south line of KESTREL AIR PARK according to the  
2 plat recorded in Volume 12, Pages 314-316, said Map and Plat Records  
3 for the northwest corner of said called 123.995 acre tract and the  
4 northwest corner of this tract.

5 THENCE, departing said incorporated city limit line, North  
6  $89^{\circ} 35' 20''$  East, 2,627.46 feet, along the south line of said KESTREL  
7 AIR PARK, to a 1/2" iron rod found on the south right-of-way line of  
8 Flightline Drive (a 60 foot wide Private Street) as shown by plat of  
9 said KESTREL AIR PARK.

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

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

22 Northeasterly along the arc of said curve through a  
23 central angle of  $22^{\circ} 47' 30''$ , an arc distance of 143.20 feet to a  
24 1/2" iron rod found.

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

1 43' 18" East, 170.67 feet,

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

5 South 73° 19' 11" East, 42.33 feet to a 1/2" iron rod  
6 found at the beginning of a tangent curve to the left having a  
7 radius 330.00 feet and a chord bearing and distance of South 80° 50'  
8 39" East, 86.43 feet,

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

12 South 88° 22' 06" East, 190.99 feet to a 1/2" iron rod  
13 found at the beginning of a tangent curve to the right having a  
14 radius of 500.00 feet and a chord bearing and distance of South 85°  
15 19' 27" East, 53.11 feet,

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

19 South 82° 16' 47" East, 97.67 feet to 1/2" iron rod found  
20 at the beginning of a tangent curve to the left having a radius of  
21 500.00 feet and a chord bearing and distance of South 85° 19' 27"  
22 East, 53.11 feet,

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

26 And South 88° 21' 34" East, 127.32 feet to a 1/2" iron  
27 rod found at the intersection of said south right-of-way line and

1 the westerly right-of-way line of said U.S. Highway 281, same being  
2 at the common northeast corner of said Lot 1, Block 2, KESTREL AIR  
3 PARK and the northeast corner of this tract.

4 THENCE, along said westerly right-of-way line, South 03° 03'  
5 10" East, at 134.71 feet to the point of POINT OF BEGINNING.

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

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

15 (b) The governor, one of the required recipients, has  
16 submitted the notice and Act to the Texas Commission on  
17 Environmental Quality.

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

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

26 SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.