

1-1 By: Wentworth S.B. No. 2540
1-2 (In the Senate - Filed April 17, 2009; April 20, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 28, 2009, rereferred to Committee on Natural
1-5 Resources; May 8, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 May 8, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 2540 By: Seliger

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the creation of the Comal County Water Control and
1-12 Improvement District No. 5; providing authority to impose a tax and
1-13 issue bonds; granting a limited power of eminent domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-15 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-16 Code, is amended by adding Chapter 9036 to read as follows:

1-17 CHAPTER 9036. COMAL COUNTY WATER CONTROL AND IMPROVEMENT
1-18 DISTRICT NO. 5

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 9036.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" means the district's board of directors.

1-22 (2) "Director" means a board member.

1-23 (3) "District" means the Comal County Water Control
1-24 and Improvement District No. 5.

1-25 Sec. 9036.002. NATURE OF DISTRICT. The district is a water
1-26 control and improvement district created under Section 59, Article
1-27 XVI, Texas Constitution.

1-28 Sec. 9036.003. CONFIRMATION AND DIRECTORS' ELECTION
1-29 REQUIRED. The temporary directors shall hold an election to
1-30 confirm the creation of the district and to elect five permanent
1-31 directors as provided by Section 49.102, Water Code.

1-32 Sec. 9036.004. CONSENT REQUIRED. (a) The temporary
1-33 directors may not hold an election under Section 9036.003 until:

1-34 (1) each municipality in whose corporate limits or
1-35 extraterritorial jurisdiction the district is located has
1-36 consented by ordinance or resolution to the creation of the
1-37 district and to the inclusion of land in the district;

1-38 (2) each municipality in whose extraterritorial
1-39 jurisdiction the district is located has:

1-40 (A) approved and entered into a strategic
1-41 partnership agreement with the district under Section 43.0751,
1-42 Local Government Code; and

1-43 (B) approved and entered into a development
1-44 agreement with the owners of land in the district under Section
1-45 212.172, Local Government Code;

1-46 (3) an agreement that addresses the provision of water
1-47 and wastewater treatment to the land in the district has been
1-48 approved and entered into by:

1-49 (A) each municipality in whose extraterritorial
1-50 jurisdiction the district is located;

1-51 (B) the commissioners court of each county in
1-52 which the district is located;

1-53 (C) a retail or wholesale provider of water and
1-54 wastewater treatment; and

1-55 (D) the owners of land in the district;

1-56 (4) the commissioners court of each county in which
1-57 the district is located has issued an order making the findings
1-58 under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

1-59 (5) the commissioners court of each county in which
1-60 the district is located has approved and entered into an agreement
1-61 with the district that must include, but is not limited to,
1-62 provisions relating to the use of county right-of-way, the
1-63 district's exercise of the power of eminent domain outside the

2-1 boundaries of the district, drainage serving the land in the
2-2 district, platting of land in the district, and the provision of
2-3 water and wastewater treatment to the land in the district.

2-4 (b) A municipality that contains district territory in its
2-5 corporate limits or extraterritorial jurisdiction may include in
2-6 its consent to the creation of the district any restriction on or
2-7 condition to the consent, including a limitation on the powers of
2-8 the district otherwise granted by this chapter.

2-9 (c) Sections 51.022-51.025, Water Code, do not apply to the
2-10 district or the order of the county under Subsection (a)(4).

2-11 Sec. 9036.005. EXTRATERRITORIAL STATUS. All of the land
2-12 included in the district, as approved by the City of Bulverde for
2-13 inclusion in the district, is included in the extraterritorial
2-14 jurisdiction of the City of Bulverde on adoption of the resolution
2-15 or ordinance consenting to the creation of the district by the
2-16 governing body of the City of Bulverde.

2-17 Sec. 9036.006. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
2-18 The district is created to serve a public purpose and benefit.

2-19 (b) The district is created to accomplish the purposes of:

2-20 (1) a water control and improvement district as
2-21 provided by general law and Section 59, Article XVI, Texas
2-22 Constitution, as limited by this chapter, including the disposal of
2-23 waste and control of storm water; and

2-24 (2) Section 52, Article III, Texas Constitution, as
2-25 limited by this chapter, that relate to the construction,
2-26 acquisition, improvement, operation, or maintenance of
2-27 macadamized, graveled, or paved roads, or improvements, including
2-28 storm drainage, in aid of those roads.

2-29 Sec. 9036.007. INITIAL DISTRICT TERRITORY. (a) The
2-30 district is initially composed of the territory described by
2-31 Section 2 of the Act creating this chapter.

2-32 (b) The boundaries and field notes contained in Section 2 of
2-33 the Act creating this chapter form a closure. A mistake made in the
2-34 field notes or in copying the field notes in the legislative process
2-35 does not affect the district's:

2-36 (1) organization, existence, or validity;

2-37 (2) right to issue any type of bond for the purposes
2-38 for which the district is created or to pay the principal of and
2-39 interest on a bond;

2-40 (3) right to impose a tax; or

2-41 (4) legality or operation.

2-42 [Sections 9036.008-9036.050 reserved for expansion]

2-43 SUBCHAPTER B. BOARD OF DIRECTORS

2-44 Sec. 9036.051. GOVERNING BODY; TERMS. (a) The district is
2-45 governed by a board of five elected directors.

2-46 (b) Except as provided by Section 9036.052, directors serve
2-47 staggered four-year terms.

2-48 Sec. 9036.052. TEMPORARY DIRECTORS. (a) The temporary
2-49 board consists of:

2-50 (1) Robert W. Fischer;

2-51 (2) John Genovese;

2-52 (3) Scot Giese;

2-53 (4) Gary Rauser; and

2-54 (5) James N. Young.

2-55 (b) Temporary directors serve until the earlier of:

2-56 (1) the date permanent directors are elected under
2-57 Section 9036.003; or

2-58 (2) the fourth anniversary of the effective date of
2-59 the Act creating this chapter.

2-60 (c) If permanent directors have not been elected under
2-61 Section 9036.003 and the terms of the temporary directors have
2-62 expired, successor temporary directors shall be appointed or
2-63 reappointed as provided by Subsection (d) to serve terms that
2-64 expire on the earlier of:

2-65 (1) the date permanent directors are elected under
2-66 Section 9036.003; or

2-67 (2) the fourth anniversary of the date of the
2-68 appointment or reappointment.

2-69 (d) If Subsection (c) applies, the owner or owners of a

3-1 majority of the assessed value of the real property in the district
3-2 may submit a petition to the Texas Commission on Environmental
3-3 Quality requesting that the commission appoint as successor
3-4 temporary directors the five persons named in the petition. The
3-5 commission shall appoint as successor temporary directors the five
3-6 persons named in the petition.

3-7 [Sections 9036.053-9036.100 reserved for expansion]

3-8 SUBCHAPTER C. POWERS AND DUTIES

3-9 Sec. 9036.101. GENERAL POWERS AND DUTIES. The district has
3-10 the powers and duties, as limited by this chapter, necessary to
3-11 accomplish the purposes for which the district is created.

3-12 Sec. 9036.102. WATER CONTROL AND IMPROVEMENT DISTRICT
3-13 POWERS AND DUTIES. The district has the powers and duties provided
3-14 by the general law of this state, including Chapters 49 and 51,
3-15 Water Code, applicable to water control and improvement districts
3-16 created under Section 59, Article XVI, Texas Constitution,
3-17 including the powers and duties that relate to the disposal of waste
3-18 and control of storm water under Section 51.331, Water Code, as
3-19 limited by this chapter.

3-20 Sec. 9036.103. AUTHORITY FOR ROAD PROJECTS. Under Section
3-21 52, Article III, Texas Constitution, as limited by this chapter,
3-22 the district may design, acquire, construct, finance, issue bonds
3-23 for, improve, operate, maintain, and convey to this state, a
3-24 county, or a municipality for operation and maintenance
3-25 macadamized, graveled, or paved roads, or improvements, including
3-26 storm drainage, in aid of those roads.

3-27 Sec. 9036.104. APPROVAL OF ROAD PROJECT. (a) The district
3-28 may not undertake a road project authorized by Section 9036.103
3-29 unless:

3-30 (1) the proposed road project complies with applicable
3-31 municipal or county subdivision ordinances or regulations; or

3-32 (2) the Texas Transportation Commission has approved
3-33 the plans and specifications of the road project, if the state will
3-34 operate and maintain the road.

3-35 (b) Except as provided by Subsection (a), the district is
3-36 not required to obtain approval from the Texas Transportation
3-37 Commission to design, acquire, construct, finance, issue bonds for,
3-38 improve, or convey a road project.

3-39 Sec. 9036.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3-40 OR RESOLUTION. The district shall comply with all applicable
3-41 requirements of any ordinance or resolution that is adopted under
3-42 Section 42.042 or 42.0425, Local Government Code, and that consents
3-43 to the creation of the district or to the inclusion of land in the
3-44 district.

3-45 Sec. 9036.106. LIMITATION ON USE OF EMINENT DOMAIN.

3-46 (a) The district shall not exercise the power of eminent domain
3-47 outside the district to acquire a site or easement for:

3-48 (1) a road project authorized by Section 9036.103; or

3-49 (2) a recreational facility as defined by Section
3-50 49.462, Water Code.

3-51 (b) The district shall not exercise the power of eminent
3-52 domain outside the boundaries of the district for any purpose
3-53 unless the proposed exercise is approved by a written resolution of
3-54 the commissioners court of each county in which the district is
3-55 located.

3-56 Sec. 9036.107. WATER AND WASTEWATER INFRASTRUCTURE. The
3-57 district may not construct any water or wastewater improvement
3-58 unless the plans and specifications for the improvement have been
3-59 approved by Comal County, the City of Bulverde, and any wholesale
3-60 provider of water or wastewater treatment to the district.

3-61 [Sections 9036.108-9036.150 reserved for expansion]

3-62 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-63 Sec. 9036.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-64 district may issue, without an election, bonds and other
3-65 obligations secured by:

3-66 (1) revenue other than ad valorem taxes; or

3-67 (2) contract payments described by Section 9036.153.

3-68 (b) The district must hold an election in the manner
3-69 provided by Chapters 49 and 51, Water Code, to obtain voter approval

4-1 before the district may impose an ad valorem tax or issue bonds
4-2 payable from ad valorem taxes.

4-3 (c) The district may not issue bonds payable from ad valorem
4-4 taxes to finance a road project unless the issuance is approved by a
4-5 vote of a two-thirds majority of the district voters voting at an
4-6 election held for that purpose.

4-7 Sec. 9036.152. OPERATION AND MAINTENANCE TAX. (a) If
4-8 authorized at an election held under Section 9036.151, the district
4-9 may impose an operation and maintenance tax on taxable property in
4-10 the district in accordance with Section 49.107, Water Code.

4-11 (b) The board shall determine the tax rate. The rate may not
4-12 exceed the rate approved at the election.

4-13 Sec. 9036.153. CONTRACT TAXES. (a) In accordance with
4-14 Section 49.108, Water Code, the district may impose a tax other than
4-15 an operation and maintenance tax and use the revenue derived from
4-16 the tax to make payments under a contract after the provisions of
4-17 the contract have been approved by a majority of the district voters
4-18 voting at an election held for that purpose.

4-19 (b) A contract approved by the district voters may contain a
4-20 provision stating that the contract may be modified or amended by
4-21 the board without further voter approval.

4-22 [Sections 9036.154-9036.200 reserved for expansion]

4-23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-24 Sec. 9036.201. AUTHORITY TO ISSUE BONDS AND OTHER
4-25 OBLIGATIONS. The district may issue bonds or other obligations
4-26 payable wholly or partly from ad valorem taxes, impact fees,
4-27 revenue, contract payments, grants, or other district money, or any
4-28 combination of those sources, to pay for any authorized district
4-29 purpose.

4-30 Sec. 9036.202. TAXES FOR BONDS. At the time the district
4-31 issues bonds payable wholly or partly from ad valorem taxes, the
4-32 board shall provide for the annual imposition of a continuing
4-33 direct ad valorem tax, without limit as to rate or amount, while all
4-34 or part of the bonds are outstanding as required and in the manner
4-35 provided by Section 51.433, Water Code.

4-36 Sec. 9036.203. BONDS FOR ROAD PROJECTS. At the time of
4-37 issuance, the total principal amount of bonds or other obligations
4-38 issued or incurred to finance road projects and payable from ad
4-39 valorem taxes may not exceed one-fourth of the assessed value of the
4-40 real property in the district.

4-41 SECTION 2. The Comal County Water Control and Improvement
4-42 District No. 5 initially includes all the territory contained in
4-43 the following area:

4-44 PART 1:

4-45 TRACT 1A:

4-46 A 5.128 acre tract of land out of Lot 2 of the Erna
4-47 Subdivision recorded in Volume 13, Page 137 of the Map and Plat
4-48 Records of Comal County, Texas, out of that 5.911 acre tract of land
4-49 conveyed to Travis Arthur Weidner in General Warranty Deed recorded
4-50 in Document # 200506007503 of the Official Records of Comal County,
4-51 Texas, out of the Agapito Gaytan Survey No. 194, Abstract No. 174,
4-52 in the City of Bulverde, Comal County, Texas. Said 5.128 acre tract
4-53 being more fully described as follows with bearings being based on
4-54 the North American Datum of 1983 (CORS 1996), from the Texas State
4-55 Plane Coordinate System established for the South Central Zone, and
4-56 the west right-of-way line of U.S. Highway 281:

4-57 COMMENCING: At a point for the southeast corner of said Lot
4-58 2, the south corner of Lot 104 of Saddleridge Subdivision Unit 1
4-59 recorded in Volume 13, Pages 42-48 of the Map and Plat Records of
4-60 Comal County, Texas, on the west right-of-way line of U.S. Highway
4-61 281, a variable width right-of-way at this point;

4-62 THENCE: N 55°59'38" W, along and with the southwest line of
4-63 said Lot 104 and Lot 94 of said Saddleridge Subdivision, a northeast
4-64 line of said Lot 2, a distance of 319.40 feet to the POINT OF
4-65 BEGINNING of the herein described tract, a point on the northwest
4-66 line of the City Limits of Bulverde;

4-67 S 70°48'13" W, departing the southwest line of said Lot
4-68 94, over and across said Lot 2, a distance of 497.49 feet to a point
4-69 on the north line of a 10.00 acre tract recorded in Document Number

5-1 9806013846 of the Official Records of Comal County, Texas, a south
5-2 line of said Lot 2;
5-3 THENCE: N 86°10'47" W, along and with the north line of said
5-4 10.00 acre tract, a south line of said Lot 2, a distance of 194.76
5-5 feet to a point for an angle;
5-6 THENCE: S 88°26'59"W, along and with the north line of said
5-7 10.00 acre tract, the south line of said Lot 2, a distance of 60.09
5-8 feet to a point, the southwest corner of said Lot 2, the southeast
5-9 corner of Lot 101 of said Saddleridge Subdivision Unit 1;
5-10 THENCE: N 05°46'24"E, departing the line of said 10.00 acre
5-11 tract, and along and with the west line of said Lot 2 and the east
5-12 line of said Lot 101 a distance of 503.26 feet to a point, the
5-13 northwest corner of said Lot 2, the northeast corner of Lot 101, an
5-14 angle in the south line of Lot 95 of said Saddleridge Subdivision
5-15 Unit 1;
5-16 THENCE: S 76°13'48"E, along and with the south line of said
5-17 Lot 95, and with the north line of said Lot 2, a distance of 139.91
5-18 feet to a point for an angle;
5-19 THENCE: S 72°01'55"E, along and with the south line of said
5-20 Lot 95 and the north line of said Lot 2, a distance of 183.51 feet to
5-21 the southeast corner of said Lot 95, the southwest western corner of
5-22 Lot 94 of said Saddleridge Subdivision Unit 1;
5-23 THENCE: S 51°16'22"E, along and with the southwest line of
5-24 said Lot 94 and the north line of said Lot 2, a distance of 136.67
5-25 feet to a point for an angle;
5-26 THENCE: S 55°59'38" E, along and with the southwest line of
5-27 said Lot 94 and the north line of said Lot 2, a distance of 309.44
5-28 feet to the POINT OF BEGINNING and containing 5.128 acres in Comal
5-29 County, Texas.
5-30 TRACT 1B:
5-31 A 10.922 acre tract of land being a portion of Bulverde
5-32 Commercial Subdivision recorded in Volume 13, Page 1 of the Map and
5-33 Plat Records of Comal County, Texas, and a portion of the Bulverde
5-34 Commercial Subdivision, Unit 2 recorded in Volume 13, Page 57 of the
5-35 Map and Plat Records of Comal County, also being out of the Agapito
5-36 Gayton Survey Number 194, Abstract Number 174, Comal County, Texas.
5-37 Said 10.922 acre tract being more fully described as follows, with
5-38 bearings based on the plats of said subdivisions.
5-39 COMMENCING: At a point on the south right-of-way line of F.M.
5-40 1863, a variable width right-of-way, at the north corner of said
5-41 Bulverde Commercial Subdivision, the northwest corner of the said
5-42 Bulverde Commercial Subdivision Unit 2, at the cutback to the east
5-43 right-of-way line of U.S. 281, a variable width right-of-way;
5-44 THENCE: S 83°58'18"E, along and with the south right-of-way
5-45 line of said F.M. 1863, the north line of said Bulverde Commercial
5-46 Subdivision Unit 2, a distance of 352.79 feet to a point, for the
5-47 northwest corner of a 45.81 acre tract of land being the remainder
5-48 of that Save & Except 50.00 acre tract conveyed to Cibolo Valley
5-49 Ranch, LTD in Correction Special Warranty Deed recorded in Document
5-50 200006010170 of the Official Records of Comal County, Texas;
5-51 THENCE: S 00°07'13" E, along and with said Bulverde
5-52 Commercial Subdivision Unit 2, the west line of said 45.81 acre
5-53 tract, a distance of 402.70 feet to a point on the south line of the
5-54 City Limits of Bulverde line, the POINT OF BEGINNING;
5-55 THENCE: S 00°07'13" E, continuing along and with said
5-56 Bulverde Commercial Subdivision Unit 2, the west line of said 45.81
5-57 acre tract, a distance of 36.13 feet to a point for the southeast
5-58 corner of said Bulverde Commercial Subdivision Unit 2 a re-entrant
5-59 corner of said 45.81 acre tract;
5-60 THENCE: S 69°12'48" W, along and with the south line of said
5-61 Bulverde Commercial Subdivision Unit 2, a north line of said 45.81
5-62 acre tract a distance of 374.53 feet to a point for the southwest
5-63 corner of said Bulverde Commercial Subdivision Unit 2, the
5-64 northwest corner of said 45.81 acre tract, a point on the east line
5-65 of said Bulverde Commercial Subdivision;
5-66 THENCE: S 00°07'12" E, along and with the east line of said
5-67 Bulverde Commercial Subdivision, the west line of said 45.81 acre
5-68 tract a distance of 734.07 feet to a point for the southeast corner
5-69 of said Bulverde Commercial Subdivision, the north corner of a

6-1 92.37 acre tract recorded in Volume 739, Page 202 of the Deed
 6-2 Records of Comal County, Texas;

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

6-10 THENCE: Along the northeast right-of-way line of said
 6-11 Ancestral Trail, the southwest line of said Bulverde Commercial
 6-12 Subdivision, with a non-tangent curve to the left said curve having
 6-13 a radial bearing of S 65°58'51" W, a radius of 630.00 feet, a central
 6-14 angle of 18°57'04", a chord bearing and distance of N 33°29'41" W,
 6-15 207.43 feet, an arc length of 208.38 feet to a point of tangency;

6-16 THENCE: N 42°58'13" W, continuing along and with the
 6-17 northeast right-of-way line of said Ancestral Trail, the southwest
 6-18 line of said Bulverde Commercial Subdivision, a distance of 18.13
 6-19 feet to a point on the southeast City Limit of Bulverde line;

6-20 THENCE: Departing the northeast right-of-way line of said
 6-21 Ancestral Trail, over and across said Bulverde Commercial
 6-22 Subdivision and Bulverde Commercial Subdivision Unit 2, along and
 6-23 with said City Limit line the following calls and distances:

6-24 N 36°09'58" E, a distance of 122.57 feet to a point;

6-25 N 41°02'38" E, a distance of 663.67 feet to a point;

6-26 N 34°28'22" E, a distance of 360.94 feet to a point;

6-27 THENCE: S 83°28'46" E, a distance of 395.83 feet to the POINT
 6-28 OF BEGINNING, and containing 10.922 acres in Comal County, Texas.

6-29 TRACT 1C:

6-30 A 1.430 acre tract of land out of that 10.00 acre tract
 6-31 conveyed to Dam Investments, Ltd. in Document Number 9806013846 of
 6-32 the Official Records of Comal County, Texas, and Pecos Blue Moon
 6-33 L.P. in Document Number 9606007045 of the Official Records of Comal
 6-34 County, Texas, out of the Agapito Gaytan Survey No. 194, Abstract
 6-35 No. 174, Comal County, Texas. Said 1.430 acre tract being more fully
 6-36 described as follows, with bearings based on the North American
 6-37 Datum of 1983 (CORS 1996), from the Texas Coordinate System
 6-38 established for the South Central Zone.

6-39 BEGINNING: At a point at the intersection of the east
 6-40 right-of-way line of Saddleridge Drive, a variable width private
 6-41 right-of-way, and Saddleridge Court a 60' private right-of-way as
 6-42 shown in Saddleridge Subdivision Unit 1 recorded in Volume 13,
 6-43 Pages 42-48 of the Map and Plat Records of Comal County, Texas, the
 6-44 northwest corner of the said 10.00 acre tract;

6-45 THENCE: N 88°25'43" E, along and with the south line of said
 6-46 Saddleridge Court, the north line of said 10.00 acre tract, at a
 6-47 distance of 283.64 feet passing a found 1/2" iron rod being at the
 6-48 southwest corner of Lot 101 of said Saddleridge Subdivision Unit 1,
 6-49 continuing along and with the south line of said Lot 101 at a
 6-50 distance of 490.91 passing a found pk nail being the southeast
 6-51 corner of said Lot 101 and the southwest corner of Lot 2 of the Erna
 6-52 Subdivision recorded in Volume 13, Page 137 of the Map and Plat
 6-53 Records of Comal County, Texas, and continuing for a total distance
 6-54 of 551.20 feet to a point;

6-55 THENCE: S 86°10'47" E, along and with the north line of said
 6-56 10.00 acre tract and the south line of said Lot 2 a distance of
 6-57 194.76 feet to a point;

6-58 THENCE: Departing the north line of said 10.00 acre tract and
 6-59 the south line of said Lot 2, over and across said 10.00 acres the
 6-60 following calls and distances:

6-61 S 70°44'16" W, a distance of 268.86 feet to a point;

6-62 S 88°25'43" W, a distance of 488.95 feet to a point on
 6-63 the east right-of-way line of said Saddleridge Drive;

6-64 THENCE: N 01°34'17" W, a distance of 100.00 feet to the POINT
 6-65 OF BEGINNING, and containing 1.430 acres in the City of Bulverde,
 6-66 Comal County, Texas.

6-67 TRACT 1D:

6-68 A 38.367 acre tract out of a 45.81 acre tract of land being
 6-69 the remainder of that Save & Except 50.00 acre tract conveyed to

7-1 Cibolo Valley Ranch, LTD in Correction Special Warranty Deed
 7-2 recorded in Document 200006010170 of the Official Records of Comal
 7-3 County, Texas and being part of a 140.0 acre tract conveyed to Fritz
 7-4 Voges in Deed recorded in Volume M, Pages 746-747 of the Deed
 7-5 Records of Comal County, also being out of the Agapito Gayton Survey
 7-6 Number 194, Abstract Number 174, Comal County, Texas. Said 38.367
 7-7 acre tract being more fully described as follows, bearings being
 7-8 based on the North American Datum of 1983, (CORS 1996), from Texas
 7-9 Coordinate System established for the South Central Zone:

7-10 COMMENCING: At a point on the south right-of-way line of F.M.
 7-11 1863 at a point for a northwest corner of a 140 acre tract recorded
 7-12 in Doc #200006010170 of the Deed Records of Comal County, the
 7-13 northeast corner of said 45.81 acre tract;

7-14 THENCE: S 00°30'11"E, departing south right-of-way line of
 7-15 said F.M. 1863, along and with the east line of said 45.81 acre
 7-16 tract, a west line of said 140 acres, a distance of 402.61 feet to a
 7-17 point on the south Bulverde City Limit line, the north line of the
 7-18 Bulverde Extra-Territorial Jurisdiction, the POINT OF BEGINNING
 7-19 for the herein described tract;

7-20 THENCE: S 00°30'11" E, departing the south Bulverde City
 7-21 Limit line, the north line of the Bulverde Extra-Territorial
 7-22 Jurisdiction, along and with the east line of said 45.81 acre tract,
 7-23 a west line of said 140 acres a distance of 1419.71 feet to a point
 7-24 for the southeast corner of the said 45.81 acre tract, a re-entrant
 7-25 corner of the said 140 acres;

7-26 THENCE: S 89°27'30"W, along and with the south line of said
 7-27 45.81 acre tract, a distance of 1152.01 feet to a point, the
 7-28 southwest corner of this 45.81 acre tract, a point on the east line
 7-29 of a 92.37 acre tract recorded in Volume 739, Page 202 of the Deed
 7-30 Records of Comal County, a northwest corner of said 140 acre tract;

7-31 THENCE: N 00°36'44"W, along and with the west line of said
 7-32 45.81 acre tract, the east line of said 92.37 acre tract, passing
 7-33 the southeast corner of the Bulverde Commercial Subdivision Unit 2
 7-34 recorded in Volume 13, Page 1 of the Map and Plat Records of Comal
 7-35 County, Texas, the northeast corner of said 92.37 acre tract, and
 7-36 continuing along and with the east line of said Bulverde Commercial
 7-37 Subdivision Unit 2 for a total distance of 1343.61 feet to a point
 7-38 for the southwest corner of said Lot 10, a northwest corner of the
 7-39 said 45.81 acre tract;

7-40 THENCE: N 68°43'16"E, along and with the south line of said
 7-41 Lot 10, a distance of 374.53 feet to a point, the southeast corner
 7-42 of said Lot 10 a re-entrant corner of the said 45.81 acre tract;

7-43 THENCE: N 00°36'45" W, along and with the east line of said
 7-44 Lot 10, a west line of said 45.81 acre tract a distance of 36.13 feet
 7-45 to a point on the south Bulverde City Limit line, the north line of
 7-46 the Bulverde Extra-Territorial Jurisdiction;

7-47 THENCE: S 83°58'18" E, departing the east line of said Lot 10,
 7-48 a west line of said 45.81 acre tract, along and with said city limit
 7-49 line a distance of 809.72 feet to the POINT OF BEGINNING, and
 7-50 containing 38.367 acres in the Comal County, Texas.

7-51 TRACT 1E:

7-52 A 116.2 acre, or 5,063,012 square feet more or less, tract of
 7-53 land being all of that called 115.596 acre tract described in
 7-54 conveyance to Dora Uecker Williamson, Wilfred Uecker and Eugene
 7-55 Uecker in Deed of Gift recorded in Document No. 200606015932 of the
 7-56 Official Records of Comal County, Texas, out of the Agapito Gayton
 7-57 Survey No. 194, Abstract 174, of Comal County, Texas. Said 116.2
 7-58 acre tract being more fully described as follows with bearings
 7-59 being based on the North American Datum of 1983 (CORS 1996), from
 7-60 the Texas Coordinate System established for the South Central Zone
 7-61 and the south right-of-way of State Farm to Market road No. 1863
 7-62 (F.M. 1863), right-of-way varies:

7-63 BEGINNING: At a point on the south right-of-way line of said
 7-64 F.M. 1863, the northeast corner of a 140 acre tract (Tract 2)
 7-65 recorded in Document No. 9906009079 of the Official Records of
 7-66 Comal County, Texas, the northwest corner of said called 115.596
 7-67 acre tract;

7-68 THENCE: Along and with the south right-of-way line of said
 7-69 F.M. 1863, the north line of said called 115.596 acre tract the

8-1 following calls and distances:
8-2 S 89°26'32"E, a distance of 162.58 feet to a point;
8-3 S 83°57'24"E, a distance of 219.14 feet to a found point,
8-4 a point of non-tangent curvature;
8-5 Northeasterly, along the arc of a curve to the left,
8-6 said curve having a radial bearing of N 06°04'31" E, a radius of
8-7 1472.70 feet, a central angle of 31°02'38", a chord bearing and
8-8 distance of N 80°33'12" E, 788.21 feet, for an arc length of 797.94
8-9 feet to a point, a point of non-tangency;
8-10 N 64°59'35"E, a distance of 519.99 feet to a point, a
8-11 point of non-tangent curvature;
8-12 Northeasterly, along the arc of a curve to the right,
8-13 said curve having a radial bearing of S 24°56'32" E, a radius of
8-14 1392.70 feet, a central angle of 22°08'45", a chord bearing and
8-15 distance of N 76°07'50" E, 534.96 feet, for an arc length of 538.30
8-16 feet to a point, a point of non-tangency;
8-17 N 87°04'25"E, a distance of 321.44 feet to a point, a
8-18 point of curvature;
8-19 Northeasterly, along the arc of a curve to the left,
8-20 said curve having a radius of 1472.70 feet, a central angle of
8-21 2°53'47", a chord bearing and distance of N 85°37'32" E, 74.44 feet,
8-22 for an arc length of 74.45 feet to a point, the northwest corner of a
8-23 remaining portion of a 261.17 acre tract recorded in Volume 68,
8-24 Pages 631-633 of the Deed Records of Comal County, Texas, the
8-25 northeast corner of said called 115.596 acre tract;
8-26 THENCE: Departing the south right-of-way line of said F.M.
8-27 1863, along and with the west line of said remaining portion of a
8-28 261.17 acre tract, an east line of said called 115.596 acre tract
8-29 the following calls and distances:
8-30 S 00°58'32"E, a distance of 110.71 feet to a point;
8-31 S 57°21'19"E, a distance of 308.75 feet to a point;
8-32 S 43°37'43"E, a distance of 138.58 feet to a point, on
8-33 the centerline of the Cibolo Creek, the west line of a 220.5 acre
8-34 tract recorded in Volume 2631, Pages 165-166 of the Official
8-35 Records of Comal County, Texas;
8-36 THENCE: Along and with the centerline of Cibolo Creek, the
8-37 west line of said 220.5 acre tract the following calls and
8-38 distances:
8-39 S 21°43'47"W, a distance of 138.53 feet to a point;
8-40 S 06°54'23"W, a distance of 157.52 feet to a point;
8-41 S 12°50'20"E, a distance of 191.11 feet to a point;
8-42 S 15°52'34"W, a distance of 252.92 feet to a point;
8-43 S 44°59'18"W, a distance of 130.66 feet to a point;
8-44 S 04°26'32"W, a distance of 590.43 feet to a point;
8-45 S 18°22'43"E, a distance of 120.64 feet to a point, the
8-46 northeast corner of a 387.057 acre tract, the southeast corner of
8-47 the aforementioned called 115.596 acre tract;
8-48 THENCE: S 89°40'01"W, departing the west line of said 220.5
8-49 acre tract, along and with the north line of said 387.057 acre
8-50 tract, a south line of said called 115.596 acre tract, at a distance
8-51 of 906.4 feet passing point for the northeast corner of a 3.002 acre
8-52 tract recorded in Volume 862, Pages 874-877 of the Official Records
8-53 of Comal County, Texas and continuing for a total distance of
8-54 1310.37 feet to a point, from which a found 1/2" iron rod bears N
8-55 14°43'14"E, 0.81 feet;
8-56 THENCE: S 14°52'59"W, along and with an east line of said
8-57 called 115.596 acre tract, the west line of said 3.002 acre tract,
8-58 at a distance of 241.2 feet passing the northwest corner of a 0.238
8-59 acre tract recorded in Document No. 464834 of the Official Records
8-60 of Comal County, Texas and continuing for a total distance of 302.43
8-61 feet to a point, a common angle point of said 0.238 acre tract and
8-62 said called 115.596 acre tract;
8-63 THENCE: S 00°18'53"W, continuing with an east line of said
8-64 called 115.596 acre tract, the west line of said 0.238 acre tract, a
8-65 distance of 132.14 feet to a point on the north line of the
8-66 aforementioned 387.057 acre tract, a southeast corner of said
8-67 called 115.596 acre tract, the southwest corner of said 0.238 acre
8-68 tract;
8-69 THENCE: S 89°31'19"W, along and with the north line of said

9-1 387.057 acre tract, a south line of said called 115.596 acre tract,
 9-2 a distance of 1299.77 feet to a point, on the east line of the
 9-3 aforementioned 140 acre tract (Tract 2), the northwest corner of
 9-4 said 387.057 acre tract, the southwest corner of said called
 9-5 115.596 acre tract;

9-6 THENCE: Along and with the east line of said 140 acre tract
 9-7 (Tract 2), the west line of said 115.596 acre tract the following
 9-8 calls and distances:

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

9-10 N 00°18'24"W, a distance of 855.96 feet to the POINT OF
 9-11 BEGINNING and containing 116.2 acres in Comal County, Texas.

9-12 TRACT 1F:

9-13 A 15.538 acre tract of land being a portion of Lot 827A and
 9-14 all of Lot 827B of The Crossing at 46 subdivision recorded in Volume
 9-15 15, Pages 275-276 and all of Lots 828 and 829 of the River Crossing
 9-16 subdivision Unit Four, recorded in Volume 14, Page 219-220 and all
 9-17 of Lots 56, 57 and 58 of the Ridgeview Oaks West subdivision,
 9-18 recorded in Volume 3, Pages 28-29 all of the Map and Plat Records of
 9-19 Comal County, Texas, out of the Theo Miller Survey No. 323, Abstract
 9-20 384, Comal County, Texas. Said 15.538 acre tract being more fully
 9-21 described as follows, with bearings based on the North American
 9-22 Datum of 1983 (CORS 1996), from the Texas Coordinate System
 9-23 established for the South Central Zone.

9-24 COMMENCING: At a point at the southwest end of the cutback
 9-25 line at the intersection of the north right-of-way line of State
 9-26 Highway 46, a 130-foot right-of-way at this point, with the west
 9-27 right-of-way line of River Way, a 60-foot right-of-way dedicated in
 9-28 the River Crossing Subdivision recorded in Volume 14, Pages 19-20
 9-29 of the Map and Plat Records of Comal County, Texas, for the
 9-30 southeast corner of said Lot 827A;

9-31 THENCE: N 43°48'10" E, along and with the southeast line of
 9-32 said Lot 827A a distance of 35.36 feet to a point the northwest
 9-33 cutback line of the intersection of the north right-of-way line of
 9-34 said State Highway 46, the west right-of-way line of said River Way;

9-35 N 01°13'22" W, along and with the west right-of-way line
 9-36 of said River Way, the east line of said Lot 827A a distance of
 9-37 215.00 feet to the POINT OF BEGINNING, a point on the north City
 9-38 Limits of Bulverde line;

9-39 THENCE: S 88°48'10" W, departing the west right-of-way line
 9-40 of said River Way, over and across said Lot 827A, along and with
 9-41 said city limit line a distance of 736.65 feet to a point on the east
 9-42 line of said Lot 58; the west line of said Lot 827A;

9-43 THENCE: S 00°10'10" E, along and with the east line of said
 9-44 Lot 58, the west line of said 827A and the said city limit line a
 9-45 distance of 43.48 feet to a point for the northeast corner of said
 9-46 Lot 59, the southeast corner of said Lot 58, a point on the west line
 9-47 of said Lot 827A;

9-48 THENCE: N 89°51'24" W, along and with the north line of said
 9-49 Lot 59, the south line of said Lot 58 and the said city limit line a
 9-50 distance of 399.64 feet to a point on the east right-of-way line of
 9-51 Rainbow Drive, a 60-foot right-of-way dedicated in the said
 9-52 Ridgeview Oaks-West subdivision, the northwest corner of said Lot
 9-53 59, the southwest corner of said Lot 58;

9-54 THENCE: N 00°08'36" E, departing said city limit line, along
 9-55 and with the east right-of-way line of said Rainbow Drive, the west
 9-56 line of said Lots 58 and 57, a distance of 452.60 feet to the
 9-57 northwest corner of said Lot 57, the southwest corner of Lot 56 of
 9-58 said Ridgeview Oaks-West subdivision;

9-59 THENCE: N 00°06'58" E, and with the east right-of-way line of
 9-60 said Rainbow Drive, the west line of said Lot 56 a distance of
 9-61 226.30 feet to a point for the northwest corner of said Lot 56, the
 9-62 southwest corner of Lot 55 of the said Ridgeview Oaks-West
 9-63 subdivision;

9-64 THENCE: S 89°53'02" E, departing the east right-of-way line
 9-65 of said Rainbow Drive, along and with the north line of said Lot 56,
 9-66 the south line of said Lot 55, a distance of 395.79 feet to a point
 9-67 on the west line of said Lot 828, the northeast corner of said Lot
 9-68 56, the southeast corner of said Lot 55;

9-69 THENCE: S 01°00'39" E, along and with the east line of said

10-1 Lot 56, the west line of said Lot 828 a distance of 38.33 feet to a
 10-2 point for the southwest corner of said Lot 828, the northwest corner
 10-3 of said Lot 827A;

10-4 THENCE: S 89°55'56" E, departing the east line of said Lot 56,
 10-5 along and with the south line of said Lot 828, the north line of said
 10-6 Lot 827A, a distance of 601.02 feet to a point on the west
 10-7 right-of-way line of said River Way, the southeast corner of said
 10-8 Lot 828, a northeast corner of said Lot 827A;

10-9 THENCE: S 18°58'49" E, along and with the west right-of-way
 10-10 line of said River Way, the east line of said Lot 827A and 827B a
 10-11 distance of 365.99 feet to a point of curvature;

10-12 THENCE: Along the west right-of-way line of said River Way,
 10-13 the east line of said Lot 827B with a tangent curve to the right said
 10-14 curve having radius of 270.00 feet, a central angle of 17°45'27", a
 10-15 chord bearing and distance of S 10°06'06" E, 83.35 feet, an arc
 10-16 length of 83.68 feet to a point of tangency;

10-17 THENCE: S 01°13'22" E, along and with the west right-of-way
 10-18 line of said River Way, the east line of said Lot 827A and 827B a
 10-19 distance of 153.08 feet to the POINT OF BEGINNING, and containing
 10-20 15.538 acres in the Comal County, Texas.

10-21 PART 2:

10-22 TRACT 2A:

10-23 All that certain 105.5 acres of land in the John Kaderli
 10-24 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.
 10-25 465, Abstract No. 309, Comal County Texas, which is the remainder of
 10-26 the 196.62 acre tract described in the deed to Gary Eldon Bartlett
 10-27 recorded under Volume 764, Pages 643-649, Official Records, Comal
 10-28 County, Texas, and being more particularly described by metes and
 10-29 bounds as follows: (All bearings based on the Texas State Plane
 10-30 Coordinate System, South Central Zone)

10-31 COMMENCING at a 1/2" iron rod found in the east line of Stahl
 10-32 Road, said iron rod is common to the southwest corner of said 196.62
 10-33 acre tract, and is common to the southwest corner of a 21.00 acre
 10-34 tract described in the deed from Gary Eldon Bartlett and wife,
 10-35 Brandy Kay Bartlett to Stephen C. Lundgren and wife, Diane K
 10-36 Lundgren, recorded under Document No. 9806013761, Official Public
 10-37 Records of Real Property, Comal County, Texas;

10-38 THENCE N 24° 55' 33" W - 88.10' along said east line of Stahl
 10-39 Road and west line of said 21.00 acre tract to a 1/2" iron rod found
 10-40 for the POINT OF BEGINNING;

10-41 THENCE N 24° 55' 33" W - 58.91' along said east line of Stahl
 10-42 Road and west line of the before mentioned 196.62 acre tract to a
 10-43 3/4" iron rod set common to an angle corner of the herein described
 10-44 tract;

10-45 THENCE N 00° 47' 14" W - 1071.68' along said east line of Stahl
 10-46 Road and west line of said 196.62 acre tract to a 3/4" iron rod set
 10-47 common to an angle corner of the herein described tract;

10-48 THENCE N 01° 09' 20" E - 583.04' continuing along said east
 10-49 line of Stahl Road and west line of said 196.62 acre tract to a 3/4"
 10-50 iron rod set common to the southwest corner of a 2.889 acre tract
 10-51 described as Lot 1, Bartlett's Paradise Valley Subdivision, in Plat
 10-52 recorded under Volume 10, Page 174, Map and Plat Records, Comal
 10-53 County, Texas;

10-54 THENCE along the lines of said Lot 1 the following:

10-55 S 88° 47' 33" E - 1030.80' along the south line of said
 10-56 Lot 1 to a 1/2" iron rod found common to an angle corner of the
 10-57 herein described tract;

10-58 S 49° 19' 58" E - 250.00' along the south line of said Lot
 10-59 1 to a 1/2" iron rod found common to an angle corner of the herein
 10-60 described tract;

10-61 N 40° 40' 02" E - 250.00' along the south line of said Lot
 10-62 1 to a 1/2" iron rod found common to the most easterly corner of said
 10-63 Lot 1, an angle corner of the herein described tract;

10-64 N 49° 19' 58" W - 250.00' along the north line of said Lot
 10-65 1 to a 1/2" iron rod found common to an angle corner of the herein
 10-66 described tract;

10-67 S 40° 40' 02" W - 172.29' along the north line of said Lot
 10-68 1 to a 1/2" iron rod found common to an angle corner of the herein
 10-69 described tract;

11-1 N 88° 47' 33" W - 1080.24' along the north line of said
11-2 Lot 1 to a 3/4" iron rod set in the east line of said Stahl Road and
11-3 the west line of said 196.62 acre tract common to the northwest
11-4 corner of said Lot 1 an angle corner of the herein described tract;
11-5 THENCE N 01° 09' 20" E - 289.12' along said east line of Stahl
11-6 Road and west line of said 196.62 acre tract to a 3/4" iron rod set
11-7 common to an angle corner of the herein described tract;
11-8 THENCE N 41° 05' 30" E - 228.89' continuing along said east
11-9 line of Stahl Road and west line of said 196.62 acre tract to a 3/4"
11-10 iron rod set common to an angle corner of the herein described
11-11 tract;
11-12 THENCE S 61° 25' 07" E - 553.95' departing said east line of
11-13 Stahl Road and into said 196.62 acre tract to a 3/4" iron rod set
11-14 common to an angle corner of the herein described tract;
11-15 THENCE N 42° 47' 59" E - 460.00' to a 3/4" iron rod set in the
11-16 southerly line of a 21.0 acre tract described in deed to Peter J.
11-17 Almquist from Andrew T. Almquist recorded under Document No.
11-18 200506033008, Official Public Records of Real Property, Comal
11-19 County, Texas, said line also being the northerly line of the before
11-20 mentioned 196.62 acre tract and common to an angle corner of the
11-21 herein described tract;
11-22 THENCE S 63° 26' 23" E - 251.06' along the southerly line of
11-23 said 21.0 acre tract to a 3/4" iron rod set common to an angle point
11-24 of the herein described tract;
11-25 THENCE N 89° 32' 35" E - 1156.22' along the southerly line of
11-26 said 21.0 acre tract, at 421.56' pass a 1/2" iron rod found, to a
11-27 3/4" iron rod set common to an angle corner of a 36.513 acre tract
11-28 described in deed to Randy and Kellye Harris from Andrew T. Almquist
11-29 recorded under Document No. 200206003624, Official Public Records
11-30 of Real Property, Comal County, Texas, said iron is common to the
11-31 northeast corner of the herein described tract;
11-32 THENCE S 00° 06' 34" E - 817.22' along the westerly line of
11-33 said 36.513 acre tract to a 3/4" iron rod set common to an angle
11-34 point of the said 36.513 acre tract, and common to the northwest
11-35 corner of a 3.814 acre tract described in deed to Randy Harris from
11-36 Gary Eldon Bartlett recorded under Document No. 200306031386,
11-37 Official Public Records of Real Property, Comal County, Texas, said
11-38 iron common to an angle corner of the herein described tract;
11-39 THENCE S 03° 48' 08" E - 183.53' along the westerly line of
11-40 said Harris tract to a 3/4" iron rod set common to the west corner of
11-41 said Harris tract and common to an angle corner of the herein
11-42 described tract;
11-43 THENCE S 33° 50' 35" E - 658.91' along the southwesterly line
11-44 of said Harris tract to a 3/4" iron rod set common to the most
11-45 southerly corner of said Harris tract and common to an angle corner
11-46 of the herein described tract;
11-47 THENCE S 00° 35' 26" E - 42.43' to a 3/8" iron rod found common
11-48 to the northeast corner of the aforementioned Lundgren 21.00 acre
11-49 tract and common to the southeast corner of the herein described
11-50 tract;
11-51 THENCE along the north line of said Lundgren 21.00 acre tract
11-52 the following:
11-53 S 82° 44' 47" W - 56.36' along the north line of said
11-54 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
11-55 angle corner of the herein described tract;
11-56 N 87° 02' 05" W - 125.63' along the north line of said
11-57 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
11-58 angle corner of the herein described tract;
11-59 N 79° 52' 35" W - 140.95' along the north line of said
11-60 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
11-61 angle corner of the herein described tract;
11-62 S 62° 58' 32" W - 551.30' along the north line of said
11-63 Lundgren 21.00 acre tract to a 1/2" iron rod found for an angle
11-64 corner of the herein described tract;
11-65 N 70° 28' 33" W - 492.76' along the north line of said
11-66 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
11-67 angle corner of the herein described tract;
11-68 S 09° 44' 51" E - 104.00' along the north line of said
11-69 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an

12-1 angle corner of the herein described tract;
 12-2 N 86° 04' 19" W - 75.76' along the north line of said
 12-3 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
 12-4 angle corner of the herein described tract;
 12-5 S 07° 47' 29" W - 173.03' along the north line of said
 12-6 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
 12-7 angle corner of the herein described tract;
 12-8 S 16° 51' 24" W - 287.11' along the north line of said
 12-9 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
 12-10 angle corner of the herein described tract;
 12-11 THENCE S 89° 49' 45" W - 1250.21 along the north line of said
 12-12 Lundgren 21.00 acre tract to the POINT OF BEGINNING of the herein
 12-13 described tract and containing 105.5 acres of land.

12-14 TRACT 2B:

12-15 All that certain 21.00 acres of land in the John Kaderli
 12-16 Survey No. 449, Abstract No. 308, the Jacob Kaderli Survey No. 465,
 12-17 Abstract No. 309, the F.H. Faigaux Survey, No. 578, Abstract No. 169
 12-18 and in the J. Rittimann Survey No. 579, Abstract No. 500, Comal
 12-19 County Texas, which is all of the land described in the deed from
 12-20 Gary Eldon Bartlett and wife Brandy K. Bartlett to Stephen C.
 12-21 Lundgren and wife Diane K. Lundgren, recorded under Document No.
 12-22 9806013761, Official Public Records of Real Property, Comal County,
 12-23 Texas, and being more particularly described by metes and bounds as
 12-24 follows: (All bearings based on the Texas State Plane Coordinate
 12-25 System, South Central Zone)

12-26 BEGINNING at a 1/2" iron rod found in the east line of Stahl
 12-27 Road, said iron rod is the southwest corner of a 196.62 acre tract
 12-28 described in the deed from Brandy Kay Bartlett to Gary Eldon
 12-29 Bartlett recorded under Document No. 200206018898, Official Public
 12-30 Records of Real Property, Comal County, Texas;

12-31 THENCE N 24° 55' 33" W - 88.10' along said east line of Stahl
 12-32 Road and west line of said 196.62 acre tract to a 1/2" iron rod found
 12-33 common to the northwest corner of the herein described tract;

12-34 THENCE N 89° 49' 45" E - 1250.21' to a 1/2" iron rod found
 12-35 common to an angle corner of the herein described tract;

12-36 THENCE N 16° 51' 24" E - 287.11' to a 1/2" iron rod found
 12-37 common to an angle corner of the herein described tract;

12-38 THENCE N 07° 47' 29" E - 173.03' to a 1/2" iron rod found
 12-39 common to an angle corner of the herein described tract;

12-40 THENCE S 86° 04' 19" E - 75.76' to a 1/2" iron rod found common
 12-41 to an angle corner of the herein described tract;

12-42 THENCE N 09° 44' 51" W - 104.00' to a 1/2" iron rod found
 12-43 common to an angle corner of the herein described tract;

12-44 THENCE S 70° 28' 33" E - 492.76' to a 1/2" iron rod found
 12-45 common to an angle corner of the herein described tract;

12-46 THENCE N 62° 58' 32" E - 551.30' to a 1/2" iron rod found
 12-47 common to an angle corner of the herein described tract;

12-48 THENCE S 79° 52' 35" E - 140.95' to a 1/2" iron rod found
 12-49 common to an angle corner of the herein described tract;

12-50 THENCE S 87° 02' 05" E - 125.63' to a 1/2" iron rod found
 12-51 common to an angle corner of the herein described tract;

12-52 THENCE N 82° 44' 47" E - 56.36' to a 3/8" iron rod found common
 12-53 to the northeast corner of the herein described tract;

12-54 THENCE S 00° 43' 14" E - 680.91' to a 1/2" iron rod found
 12-55 common to the northwest corner of the 43.547 acre tract described in
 12-56 deed from Mark B. Wagner, et al to Helena Kleck Vivian recorded
 12-57 under Document No. 200106022554, Official Public Records of Real
 12-58 Property, Comal County, Texas, common to the southeast corner of
 12-59 the herein described tract;

12-60 THENCE S 89° 49' 45" W - 2661.99' along the north line of said
 12-61 43.547 acre tract to the POINT OF BEGINNING of the herein described
 12-62 tract and containing 21.00 acres of land.

12-63 TRACT 2C:

12-64 All that certain 2.889 acres of land in the John Kaderli
 12-65 Survey No. 449, Abstract No. 308, and the Jacob Kaderli Survey No.
 12-66 465, Abstract No. 309, Comal County Texas, which is all of the land
 12-67 described as Lot 1, Bartlett's Paradise Valley Subdivision,
 12-68 recorded under Volume 10, Page 174, Plat Records, Comal County,
 12-69 Texas, and being more particularly described by metes and bounds as

13-1 follows: (All bearings based on the Texas State Plane Coordinate
13-2 System, South Central Zone)
13-3 COMMENCING at a 1/2" iron rod found in the east line of Stahl
13-4 Road, said iron rod is common to the southwest corner of a 196.62
13-5 acre tract described in the deed from Brandy Kay Bartlett to Gary
13-6 Eldon Bartlett recorded under Document No. 200206018898, Deed
13-7 Records, Comal County, Texas;
13-8 THENCE N 24° 55' 33" W - 147.01' along said east line of Stahl
13-9 Road and west line of said 196.62 acre tract to a 3/4" iron rod set
13-10 for an angle corner;
13-11 THENCE N 00° 47' 14" W - 1071.68' along said east line of Stahl
13-12 Road and west line of said 196.62 acre tract to a 3/4" iron rod set
13-13 for an angle corner;
13-14 THENCE N 01° 09' 20" E - 583.04' along said east line of Stahl
13-15 Road and west line of said 196.62 acre tract to a 3/4" iron rod set
13-16 for the POINT OF BEGINNING;
13-17 THENCE N 01° 09' 20" E - 60.00' to a 3/4" iron rod set for the
13-18 northwest corner of the herein described tract;
13-19 THENCE S 88° 47' 33" E - 1080.24' to a 1/2" iron rod found for
13-20 an angle corner of the herein described tract;
13-21 THENCE N 40° 40' 02" E - 172.29' to a 1/2" iron rod found for
13-22 the most northerly corner of the herein described tract;
13-23 THENCE S 49° 19' 58" E - 250.00' to a 1/2" iron rod found for
13-24 the most easterly corner of the herein described tract;
13-25 THENCE S 40° 40' 02" W - 250.00' to a 1/2" iron rod found for
13-26 the most southerly corner of the herein described tract;
13-27 THENCE N 49° 19' 58" W - 250.00' to a 1/2" iron rod found for an
13-28 angle corner of the herein described tract;
13-29 THENCE N 88° 47' 33" W - 1030.80' to the POINT OF BEGINNING of
13-30 the herein described tract and containing 2.889 acres of land.
13-31 TRACT 2D:
13-32 All that certain 497.9 acres of land in the Daniel Lewis
13-33 Survey No. 347, Abstract No. 367, the M. Jamison Survey No. 697,
13-34 Abstract No. 298, and the John Byland Survey No. 438, Abstract No.
13-35 50, Comal County Texas, which is all of the land described in the
13-36 deed from Edward H. Knowlton and wife, Ann Knowlton to Paul G.
13-37 Silber Jr. and wife, Phyllis Silber, and in the deed from Paradise
13-38 Valley Corporation to Paul G. Silber Jr. recorded under Volume 147,
13-39 Page 404 and Volume 331, Page 879, Deed Records, Comal County,
13-40 Texas, respectively, and being more particularly described by metes
13-41 and bounds as follows: (All bearings based on the Texas State Plane
13-42 Coordinate System, South Central Zone)
13-43 BEGINNING at a 39" diameter Live Oak tree, said tree is common
13-44 to the southeast corner of a 20.000 acre tract described in the deed
13-45 from Jane K. Kleck to Cantu Medical Association recorded under
13-46 Volume 424, Page 822 Deed Records, Comal County, Texas, said tree
13-47 common to the southwest corner of the herein described tract;
13-48 THENCE N 00° 30' 25" W - 3004.27' along the east line of said
13-49 Cantu Medical Association tract, the east line of a 43.567 acre
13-50 tract described in deed from Helena Kleck Vivian to Mark B. Wagner
13-51 and Barbara Wagner recorded under Document No. 200106022370
13-52 Official Public Records of Real Property, Comal County Texas, the
13-53 east line of a 43.547 acre tract described in deed from Mark D.
13-54 Wagner and wife, Barbara Wagner and Pamela Wyrick and husband Jerry
13-55 Lynn Wyrick to Helena Kleck Vivian recorded under Document No.
13-56 200106022554, Official Public Records of Real Property, Comal
13-57 County Texas, and the west line of the herein described tract to a
13-58 1/2" iron rod found, said iron rod is common to the southwest corner
13-59 of a 21.00 acre tract described in the deed from Gary Eldon Bartlett
13-60 and wife, Brandy K. Bartlett to Stephen C. Lundgren and wife, Diane
13-61 K. Lundgren, recorded under Document No. 9806013761, Official
13-62 Public Records of Real Property, Comal County Texas, said iron rod
13-63 is common to an angle point of the herein described tract;
13-64 THENCE N 00° 43' 14" W - 680.91' along the east line of
13-65 Lundgren tract and the west line of the herein described tract to a
13-66 3/8" iron rod found common to the northeast corner of said Lundgren
13-67 tract, the southwest corner of a 36.513 acre tract described in the
13-68 deed from Andrew T. Almquist to Randy and Kellye Harris, recorded
13-69 under Document No. 200206003624, Official Public Records of Real

14-1 Property, Comal County Texas, and the northwest corner of the
14-2 herein described tract;
14-3 THENCE along the south line of said Harris tract and the north
14-4 line of the herein described tract the following:
14-5 N 81° 00' 20" E - 156.49' along the south line of said
14-6 Harris tract to a 3/8" iron rod found for an angle corner of the
14-7 herein described tract;
14-8 N 70° 25' 04" E - 417.66' along the south line of said
14-9 Harris tract to a 3/4" iron rod set for an angle corner of the herein
14-10 described tract;
14-11 N 78° 48' 24" E - 845.87' along the south line of said
14-12 Harris tract to a fence corner found for an angle corner of the
14-13 herein described tract;
14-14 S 83° 53' 55" E - 185.15' along the south line of said
14-15 Harris tract to a 12" wood post found for an angle corner of the
14-16 herein described tract;
14-17 N 81° 55' 55" E - 471.21' along the south line of said
14-18 Harris tract to a fence corner found for an angle corner of the
14-19 herein described tract;
14-20 THENCE N 08° 09' 17" W -120.10' along the easterly line of said
14-21 Harris tract to a 1/2" iron rod found for the most southerly corner
14-22 of a 31.89 acre tract described in the deed from Gibbons-Markey
14-23 Family Limited Partnership to Keith L. Markey, and wife Donna
14-24 Gibbons Markey recorded under Document No. 200306000632, Official
14-25 Public Records of Real Property, Comal County Texas, said iron rod
14-26 common to an angle corner of the herein described tract;
14-27 THENCE N 77° 55' 49" E - 2075.17' along the south line of said
14-28 Markey tract, and the south line of a 49.35 acre tract described in
14-29 the deed from General Investment Corporation to John S. Best and
14-30 wife, Janet E. Best recorded under Document No. 9806012293,
14-31 Official Public Records of Real Property, Comal County, Texas, to a
14-32 3/4" iron rod set common to an angle corner of the herein described
14-33 tract;
14-34 THENCE N 77° 53' 33" E - 334.95' along the south line of said
14-35 Best tract to a fence corner found common to the southeast corner of
14-36 the said Best tract and an angle point of the herein described
14-37 tract;
14-38 THENCE N 00° 39' 34" W - 30.71' along the east line of said
14-39 Best tract to a fence corner found common to the most westerly
14-40 southwest corner of a 149.879 acre tract described in the deed from
14-41 the Estate of Jocelyn Welsch to Paul G. Silber, Jr. recorded under
14-42 Document No. 200506036460, Official Public Records of Real
14-43 Property, Comal County, Texas, said fence corner common to an angle
14-44 corner of the herein described tract;
14-45 THENCE along the southerly line of said Silber tract and the
14-46 northerly line of the herein described tract the following:
14-47 N 79° 20' 11" E - 30.39' along the southerly line of said
14-48 Silber tract to a fence corner found common to an angle corner of
14-49 the herein described tract;
14-50 S 00° 47' 49" E - 376.76' along the southerly line of said
14-51 Silber tract to a fence corner found common to an angle corner of
14-52 the herein described tract;
14-53 S 53° 34' 35" E - 2463.58' along the southerly line of
14-54 said Silber tract to a 12" wood post found common to an angle corner
14-55 of the herein described tract;
14-56 S 87° 30' 35" E - 93.33' along the southerly line of said
14-57 Silber tract to a 3/8" iron rod found in the westerly right-of-way
14-58 line of Smithson Valley Road, said iron rod common to the southeast
14-59 corner of said Silber tract and the most easterly corner of the
14-60 herein described tract;
14-61 THENCE along the westerly right-of-way line of Smithson
14-62 Valley Road and the easterly line of the herein described tract the
14-63 following:
14-64 S 27° 12' 54" W - 433.94' to a 3/4" iron rod set common to
14-65 an angle corner of the herein described tract;
14-66 S 34° 37' 54" W - 1343.20' to a 1/2" iron rod found common
14-67 to an angle corner of the herein described tract;
14-68 S 32° 06' 54" W - 620.30' to a 1/2" iron rod found common
14-69 to an angle corner of the herein described tract;

15-1 S 51° 47' 54" W - 148.65' to a 3/8" iron rod found common
15-2 to the southeast corner of the herein described tract;
15-3 THENCE N 88° 32' 20" W - 683.94' along the northerly line of
15-4 Oak Village North, Unit No. 2 as shown in Plat recorded under Volume
15-5 3, Page 22, Map and Plat Records, Comal County, Texas, and along the
15-6 south line of the herein described tract to a fence corner found for
15-7 an angle corner of the herein described tract;
15-8 THENCE along the northerly line of said Oak Village North and
15-9 the south line of the herein described tract the following:
15-10 S 86° 30' 29" W - 177.79' along the northerly line of said
15-11 Oak Village North to a 3/4" iron rod set common to an angle corner of
15-12 the herein described tract;
15-13 S 85° 57' 02" W - 754.60' along the northerly line of said
15-14 Oak Village North, at 689.40' pass a 1/2" iron rod found common to
15-15 the northeast corner of lot 358, said Oak Village North, to a 3/4"
15-16 iron rod set common to an angle corner of the herein described
15-17 tract;
15-18 S 86° 06' 02" W - 599.19' along the northerly line of said
15-19 Oak Village North, at 359.23' pass a 1/2" iron rod found common to
15-20 the northeast corner of lot 219, said Oak Village North, to a
15-21 railroad tie fence corner found common to an angle corner of the
15-22 herein described tract;
15-23 S 01° 41' 27" E - 667.40' along the northerly line of said
15-24 Oak Village North, at 210.51' pass a 1/2" iron rod found common to
15-25 the southwest corner of lot 218, at 510.07' pass a 1/2" iron rod
15-26 found common to the southwest corner of lot 215, said Oak Village
15-27 North, to a fence corner found common to an angle corner of the
15-28 herein described tract;
15-29 S 89° 45' 19" W - 163.00' along the northerly line of said
15-30 Oak Village North to a 1/2" iron rod found common to an angle corner
15-31 of the herein described tract;
15-32 N 89° 59' 53" W - 560.04' along the northerly line of said
15-33 Oak Village North, at 445.60' pass a 1/2" iron rod found common to
15-34 the northeast corner of Lot 206, said Oak Village North, to a 3/4"
15-35 iron rod set common to an angle corner of the herein described
15-36 tract;
15-37 S 89° 42' 21" W - 1430.20' along the northerly line of
15-38 said Oak Village North, at 35.52' pass a 1/2" iron rod found common
15-39 to the northeast corner of Lot 205, at 635.14' pass a 1/2" iron rod
15-40 found for the northeast corner of Lot 201, at 995.69' pass a 1/2"
15-41 iron rod found for the northeast corner of Lot 199, said Oak Village
15-42 North, to a 3/4" iron rod set common to an angle corner of the herein
15-43 described tract;
15-44 THENCE S 89° 22' 40" W - 294.30' to a 3/8" iron rod found
15-45 common to the northwest corner of said Oak Village North and the
15-46 northeast corner of Lot 2, McGuffin Subdivision as shown on Plat
15-47 recorded under Volume 11, Page 248, Map and Plat Records, Comal
15-48 County, Texas, and an angle corner of the herein described tract;
15-49 THENCE S 89° 44' 24" W - 395.56' along the north line of said
15-50 Lot 2 to the POINT OF BEGINNING of the herein described tract and
15-51 containing 497.9 acres of land.
15-52 TRACT 2E:
15-53 All that certain 152.8 acres of land in the M. Jamison Survey
15-54 No. 697, Abstract No. 298, the F.W. Foerster Survey No. 850,
15-55 Abstract No. 879, and the John Byland Survey No. 438, Abstract No.
15-56 50, Comal County Texas, which is all of the land described in the
15-57 deed from the Estate of Jocelyn Welsch to Paul G. Silber Jr.
15-58 recorded under Document No. 200506036460, Official Public Records
15-59 of Real Property, Comal County, Texas, and being more particularly
15-60 described by metes and bounds as follows: (All bearings based on
15-61 the Texas State Plane Coordinate System, South Central Zone)
15-62 BEGINNING at a 3/8" iron rod found in the westerly
15-63 right-of-way line of Smithson Valley Road, said iron rod is common
15-64 to a southeasterly corner of a 97.459 acre tract described in the
15-65 deed from Paradise Valley Corporation to Paul G. Silber, Jr.
15-66 recorded under Volume 331, Page 879 Deed Records, Comal County,
15-67 Texas, said iron rod common to the southeast corner of the herein
15-68 described tract;
15-69 THENCE along the northerly line of said Silber tract and the

16-1 southerly line of the herein described tract the following:
16-2 N 87° 30' 35" W - 93.33' along the northerly line of said
16-3 Silber tract to a 12" wood post found common to an angle corner of
16-4 the herein described tract;
16-5 N 53° 34' 35" W - 2463.58' along the northerly line of
16-6 said Silber tract to a fence corner found common to an angle corner
16-7 of the herein described tract;
16-8 N 00° 47' 49" W - 376.76' along the northerly line of said
16-9 Silber tract to a fence corner found common to an angle corner of
16-10 the herein described tract;
16-11 THENCE S 79° 20' 11" W - 30.39' along the northerly line of
16-12 said Silber tract to a fence corner found common to a point in the
16-13 east line of a 49.35 acre tract described in the deed from General
16-14 Investment Corporation to John S. Best and wife, Janet E. Best
16-15 recorded under Document No. 9806012293, Official Public Records of
16-16 Real Property, Comal County, Texas and an angle corner of the herein
16-17 described tract;
16-18 THENCE N 00° 39' 34" W - 772.93' along the east line of said
16-19 Best tract to a 3/8" iron rod found common to an angle corner in the
16-20 east line of said Best tract, the south line of Lot 26, Stoney
16-21 Ridge, Unit I as shown on Plat recorded under Volume 5, Page 300,
16-22 Map and Plat Records, Comal County, Texas, said iron rod is common
16-23 to the northwest corner of the herein described tract;
16-24 THENCE along the south line of said Stoney Ridge and the north
16-25 line of the herein described tract the following:
16-26 N 73° 32' 31" E - 254.01' along the south line of said
16-27 Stoney Ridge to a 3/4" iron rod set common to an angle corner of said
16-28 Stoney Ridge and the herein described tract;
16-29 N 75° 12' 31" E - 147.00' along the south line of said
16-30 Stoney Ridge to a 3/4" iron rod set common to an angle corner of said
16-31 Stoney Ridge and the herein described tract;
16-32 N 77° 40' 31" E - 1042.30' along the south line of said
16-33 Stoney Ridge, at 433.34' pass a 1/2" iron rod found common to the
16-34 southeast corner of Lot 28, Stoney Ridge; at 492.81' pass a 1/2"
16-35 iron rod found common to the southwest corner of Lot 29 Stoney
16-36 Ridge; at 834.63' pass a 1/2" iron rod found common to the southeast
16-37 corner of Lot 29 Stoney Ridge to a 3/4" iron rod set common to an
16-38 angle corner of said Stoney Ridge and the herein described tract;
16-39 N 77° 17' 31" E - 452.72' along the south line of said
16-40 Stoney Ridge at 127.57' pass a 1/2" iron rod found common to the
16-41 southeast corner of Lot 30, Stoney Ridge; to a 3/4" iron rod set
16-42 common to an angle corner of said Stoney Ridge and the herein
16-43 described tract;
16-44 THENCE S 60° 31' 06" E - 448.57' along the south line of said
16-45 Stoney Ridge, at 234.76' pass a 1/2" iron rod found common to the
16-46 southeast corner of Lot 32, Stoney Ridge, said iron rod is common to
16-47 the southwest corner of a 34.00 acre tract described in the deed
16-48 from Anita Richards Mayer, Trustee to Robert J. Nash and Gerri S.
16-49 Nash recorded under Document No. 9806017120 Official Public Records
16-50 of Real Property, Comal County, Texas, to a 3/4" iron rod set common
16-51 to an angle corner of the herein described tract;
16-52 THENCE S 60° 11' 06" E - 957.40' continuing along the south
16-53 line of said Nash tract to a 3/4" iron rod set common to an angle
16-54 corner of the herein described tract;
16-55 THENCE S 59° 41' 06" E - 269.40' continuing along the south
16-56 line of said Nash tract to a 3/4" iron rod set common to an angle
16-57 corner of the herein described tract;
16-58 THENCE S 60° 39' 06" E - 457.10' along the south line of said
16-59 Nash tract, at 338.89' pass a 1/2" iron rod found common to the
16-60 southeast corner of said Nash tract and the southwest corner of Lot
16-61 1 of the aforementioned Stoney Ridge, to a 3/4" iron rod set common
16-62 to an angle corner of the herein described tract;
16-63 THENCE S 56° 29' 06" E - 72.50' along the south line of said
16-64 Lot 1 to a 3/4" iron rod set common to an angle corner of the herein
16-65 described tract;
16-66 THENCE S 51° 36' 06" E - 129.01' along the south line of said
16-67 Lot 1 to a fence corner found in the westerly right-of-way line of
16-68 Smithson Valley Road common to the northeast corner of the herein
16-69 described tract;

17-1 THENCE along the westerly right-of-way line of said Smithson
17-2 Valley Road and the easterly line of the herein described tract the
17-3 following:

17-4 S 48° 51' 02" W - 560.70' along the westerly right-of-way
17-5 line of said Smithson Valley Road to a 3/4" iron rod set common to an
17-6 angle corner of Smithson Valley Road and the herein described
17-7 tract;

17-8 S 62° 23' 50" W - 860.63' along the westerly right-of-way
17-9 line of said Smithson Valley Road, at 541.43' pass a 3/8" iron rod
17-10 found common to the northeasterly corner of a 2.881 acre tract
17-11 described in the aforementioned deed from the Estate of Jocelyn
17-12 Welsch to Paul G. Silber Jr. recorded under Document No.
17-13 200506036460, Official Public Records of Real Property, Comal
17-14 County, Texas, and designated as Tract II, to a 3/4" iron rod set
17-15 common to an angle corner of said Smithson Valley Road and the
17-16 herein described tract;

17-17 S 27° 02' 50" W - 134.10' along the westerly right-of-way
17-18 line of said Smithson Valley Road, to a 3/8" iron rod found common
17-19 to the southwestly corner of said Tract II and an angle corner of
17-20 said Smithson Valley Road and the herein described tract;

17-21 THENCE S 26° 47' 25" W - 1095.86' along the westerly
17-22 right-of-way line of said Smithson Valley Road, to the POINT OF
17-23 BEGINNING of the herein described tract and containing 152.8 acres
17-24 of land.

17-25 PART 3

17-26 An 72.51 acre, or 3,158,644 square feet more or less, tract of
17-27 land being out of the remaining portion of 183.555 acre tract
17-28 conveyed to Berryman Properties, Ltd. in Special Warranty Deed
17-29 recorded in Volume 739, Pages 146-149 of the Deed Records of Comal
17-30 County, Texas, out of the Carl George Survey No. 432 and Phillip
17-31 Wagner Survey No. 573, Comal County, Texas. Said 72.51 acre tract
17-32 being more fully described as follows, with bearings established
17-33 from the Texas Coordinate System as established from the North
17-34 American Datum of 1983(CORS96) for the South Central Zone and based
17-35 on the south right-of-way line of State Highway 46, a variable width
17-36 right-of-way;

17-37 COMMENCING: At a found 1/2" iron rod with yellow cap marked
17-38 "Pape-Dawson", the south right-of-way line of State Highway 46, a
17-39 variable width right-of-way as shown in the retracement survey
17-40 TXDOT file SAT021501RA, the northeast corner of Travel Mart
17-41 Subdivision recorded in Volume 9, Page 312 of the Map and Plat
17-42 Records of Comal County, Texas, a northwest corner of said
17-43 remaining portion of 183.555 acre tract, from which a found Texas
17-44 Department of Transportation monument with a brass plate bears a
17-45 chord bearing and distance of S 66°37'32"W, 239.55 feet and arc
17-46 length of 241.30 feet to the northeast corner of said Travel Mart
17-47 Subdivision and the intersection of the southeast right-of-way line
17-48 of U.S. Highway 281, a variable width right-of-way and the south
17-49 right-of-way line of said State Highway 46;

17-50 THENCE: Along and with the south right-of-way line of said
17-51 State Highway 46 and the north line of said remaining portion of
17-52 183.555 acre tract, the following calls and distances:

17-53 Northeasterly, along the arc of a curve to the right,
17-54 said curve having a radial bearing of S 11°23'33" E, a radius of
17-55 576.94 feet, a central angle of 10°15'10", a chord bearing and
17-56 distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24 feet
17-57 to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

17-58 N 88°51'37"E, a distance of 417.14 feet to a found Texas
17-59 Department of Transportation monument with a brass plate;

17-60 N 45°36'42"E, a distance of 15.32 feet to a found Texas
17-61 Department of Transportation monument with a brass plate;

17-62 N 88°47'15"E, a distance of 184.35 feet to a found 1/2"
17-63 iron rod with yellow cap marked "Pape-Dawson", the west
17-64 right-of-way line of Berry Oaks Drive, a private street, also being
17-65 Lot 1, Drainage, Electric, Gas, Telephone, Cable T.V., and Water
17-66 Easement out of Berry Oaks Subdivision Unit 1 recorded in Volume 11,
17-67 Pages 393-396 of the Map and Plat Records of Comal County, Texas;

17-68 THENCE: Departing the south right-of-way line of State
17-69 Highway 46, along and with the west line of said Berry Oaks Drive

18-1 and the east line of said remaining portion of 183.555 acre tract,
18-2 the following calls and distances:
18-3 S 01°25'26"E, a distance of 4.66 feet to a found 1/2"
18-4 iron rod with yellow cap marked "Pape-Dawson", a point of non
18-5 tangent curvature;
18-6 Southeasterly, along the arc of a curve to the right,
18-7 said curve having a radial bearing of S 01°27'35" E, a radius of
18-8 25.00 feet, a central angle of 92°07'18", a chord bearing and
18-9 distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20 feet to
18-10 a found 1/2" iron rod with yellow cap marked "Pape-Dawson";
18-11 Southwesterly, along the arc of a curve to the right,
18-12 said curve having a radial bearing of N 89°20'17" W, a radius of
18-13 707.00 feet, a central angle of 7°24'45", a chord bearing and
18-14 distance of S 04°22'05" W, 91.40 feet, an arc length of 91.47 feet to
18-15 a found 1/2" iron rod, from which a found 1/2" iron rod bears N
18-16 10°28'11"E a distance of 4.59 feet;
18-17 S 08°04'28"W, a distance of 19.93 feet to a found 1/2"
18-18 iron rod with yellow cap marked "Pape-Dawson";
18-19 Southwesterly, along the arc of a curve to the left,
18-20 said curve having a radial bearing of S 82°19'30" E, a radius of
18-21 350.00 feet, a central angle of 09°40'30", a chord bearing and
18-22 distance of S 02°50'16" W, 59.03 feet, an arc length of 59.10 feet to
18-23 a found 1/2" iron rod with yellow cap marked "Pape-Dawson" and the
18-24 POINT OF BEGINNING;
18-25 Southwesterly, along a curve to the left said curve
18-26 having a radial bearing of N 88°00'01" E, a radius of 350.00 feet, a
18-27 central angle of 03°08'17", a chord bearing and distance of S
18-28 03°34'08" E, 19.17 feet, an arc length of 19.17 feet to a set 1/2"
18-29 iron rod with yellow cap marked "Pape-Dawson", being the northeast
18-30 corner of Lot 2R of said Berry Oaks Subdivision Unit 1;
18-31 THENCE: S 87°26'47"W, departing the east right-of-way line of
18-32 said Berry Oaks Drive and along and with the north line of said Lot
18-33 2R, a distance of 303.41 feet to a found 1/2" iron rod with cap
18-34 marked "ACE";
18-35 THENCE: Along and with the west line of said Berry Oaks
18-36 Subdivision Unit 1 and the east line of said remaining portion of
18-37 183.555 acre tract, the following calls and distances:
18-38 S 23°42'23"E, a distance of 694.70 feet to a found 1/2"
18-39 iron rod with cap marked "ACE", being a west angle point of Lot 5R of
18-40 said Berry Oaks Subdivision;
18-41 S 05°38'29"E, a distance of 162.30 feet to a found 1/2"
18-42 iron rod, being the southwest corner of said Lot 5R;
18-43 N 71°57'28"E, along and with the south line of said Lot
18-44 5R, a distance of 311.16 feet to a set 1/2" iron rod with yellow cap
18-45 marked "Pape-Dawson", being the southeast corner of said Lot 5R, in
18-46 the east right-of-way line of said Berry Oaks Drive;
18-47 S 18°02'32"E, along and with the east right-of-way line
18-48 of said Berry Oaks Drive, a distance of 60.00 feet to a set 1/2" iron
18-49 rod with yellow cap marked "Pape-Dawson", the northeast corner of
18-50 Lot 7R of said Berry Oaks Subdivision;
18-51 S 71°57'28"W, along and with the north line of said Lot
18-52 7R, a distance of 324.35 feet to a found 1/2" iron rod, being the
18-53 northwest corner of said Lot 7R;
18-54 S 19°42'10"W, a distance of 84.84 feet to a found 1/2"
18-55 iron rod with cap marked "ACE", being a west angle point of said Lot
18-56 7R;
18-57 S 09°39'41"W, a distance of 226.86 feet to a found 1/2"
18-58 iron rod with cap marked "ACE", being a west angle point of Lot 8R of
18-59 said Berry Oaks Subdivision;
18-60 S 05°16'46"E, a distance of 441.98 feet to a found 1/2"
18-61 iron rod with cap marked "ACE", being the southwest corner of Lot
18-62 10R and the northwest corner of Lot 11R of said Berry Oaks
18-63 Subdivision;
18-64 S 37°37'14"E, a distance of 986.25 feet to a found 1/2"
18-65 iron rod with cap marked "ACE", being the southwest corner of Lot
18-66 15R and a west angle point of Lot 17R of said Berry Oaks
18-67 Subdivision;
18-68 S 48°46'32"E, a distance of 695.56 feet to a found 1/2"
18-69 iron rod with cap marked "ACE", being the southeast corner of Lot

19-1 18R and the southwest corner of Lot 19R of said Berry Oaks
19-2 Subdivision;
19-3 S 61°49'54"E, a distance of 385.79 feet to a set 1/2"
19-4 iron rod with yellow cap marked "Pape-Dawson", being the southeast
19-5 corner of Lot 19R, in the west right-of-way line of Stahl Lane, a
19-6 variable width right-of-way, from which a found 1/2" iron rod with
19-7 cap marked "ACE" bears S64°00'16"E a distance of 0.65 feet;
19-8 THENCE: S 00°14'31"E, departing said Berry Oaks Subdivision,
19-9 along and with the west line of said Stahl Lane, a distance of
19-10 103.55 feet to a set 1/2" iron rod with yellow cap marked
19-11 "Pape-Dawson", the beginning of a tangent curve to the right;
19-12 THENCE: Southwesterly, along and with the west line of said
19-13 Stahl Lane and the said curve to the right, said curve having a
19-14 radius of 663.42 feet, a central angle of 67°45'22", a chord bearing
19-15 and distance of S 33°38'10" W, 739.62 feet, an arc length of 784.54
19-16 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson",
19-17 the southeast corner of said remaining portion of 183.555 acre
19-18 tract, the east line of a 47.97 acre tract recorded in Document
19-19 #9806006222 of the Official Records of Comal County, Texas;
19-20 THENCE: N 38°46'18"W, departing the west right-of-way line of
19-21 said Stahl Lane, along and with the south line of said remaining
19-22 portion of 183.555 acre tract and the north line of said 47.97 acre
19-23 tract, a distance of 117.96 feet to a found 1/2" iron rod, being the
19-24 east line of a 30' Ingress-Egress Easement recorded in Volume 284,
19-25 Pages 407-411 of the Official Records of Comal County, Texas;
19-26 THENCE: N 00°53'07"E, along and with the east line of said
19-27 easement, a distance of 224.63 feet to a found 1/2" iron rod, being
19-28 the south line of a called 0.50 acre cemetery tract recorded in
19-29 Volume 284, Pages 407-411 of the Official Records of Comal County,
19-30 Texas, being the northeast corner of said easement;
19-31 THENCE: N 89°44'36"E, a distance of 117.83 feet (117.60'
19-32 Deed) to a found 1/2" iron rod, being the southeast corner of said
19-33 called 0.50 acre tract;
19-34 THENCE: N 00°08'03"E, a distance of 147.58 feet (147.60'
19-35 Deed) to a found 1/2" iron rod, being the northeast corner of said
19-36 called 0.50 acre tract;
19-37 THENCE: N 89°47'54"W, a distance of 147.92 feet (147.60'
19-38 Deed) to a found 1/2" iron rod, being the northwest corner of said
19-39 called 0.50 acre tract;
19-40 THENCE: S 00°05'59"W, along and with the west line of said
19-41 easement, a distance of 148.37 feet (147.60' Deed) to a found 1/2"
19-42 iron rod, the southwest corner of said called 0.50 acre tract and
19-43 being the northwest corner of said easement;
19-44 THENCE: S 00°53'07"W, along and with the west line of said
19-45 easement, a distance of 188.24 feet to a set 1/2" iron rod with
19-46 yellow cap marked "Pape-Dawson", the southwest corner of said
19-47 easement, the south line of said remaining portion of 183.555 acre
19-48 tract and the north line of said 47.97 acre tract;
19-49 THENCE: N 38°46'18"W, along and with the south line of said
19-50 remaining portion of 183.555 acre tract and the north line of said
19-51 47.97 acre tract, at a distance of 1380.24 feet passing a found 1/2"
19-52 iron rod being the upper northwest corner of said 47.97 acre tract
19-53 and the northeast corner of Hogan/281 Subdivision recorded in
19-54 Volume 10, Page 277 of the Map and Plat Records of Comal County,
19-55 Texas and continuing a total distance of 1585.70 feet (1585.15'
19-56 Deed) to a found 1/2" iron rod;
19-57 THENCE: N 62°19'48" W, along and with the south line of said
19-58 remaining portion of 183.555 acre tract and the north line of said
19-59 Hogan/281 Subdivision, a distance of 1361.30 feet to a set 1/2" iron
19-60 rod with yellow cap marked "Pape-Dawson";
19-61 THENCE: Over and across said remaining portion of 183.555
19-62 acre tract, the following calls and distances:
19-63 N 14°59'26" E, a distance of 759.78 feet to a set 1/2"
19-64 iron rod with yellow cap marked "Pape-Dawson";
19-65 N 24°00'39" E, a distance of 712.83 feet to a set 1/2"
19-66 iron rod with yellow cap marked "Pape-Dawson";
19-67 N 14°05'08" E, a distance of 373.23 feet to a set 1/2"
19-68 iron rod with yellow cap marked "Pape-Dawson";
19-69 Northeasterly, along a non-tangent curve to the right

20-1 said curve having a radial bearing of S 12°26'18" E, a radius of
20-2 376.94 feet, a central angle of 11°17'54", a chord bearing and
20-3 distance of N 83°12'40" E, 74.21 feet, an arc length of 74.33 feet to
20-4 a set 1/2" iron rod with yellow cap marked "Pape-Dawson";
20-5 N 88°51'37" E, a distance of 496.43 feet to a set 1/2"
20-6 iron rod with yellow cap marked "Pape-Dawson";
20-7 N 45°36'42" E, a distance of 15.46 feet to a to a set 1/2"
20-8 iron rod with yellow cap marked "Pape-Dawson";
20-9 N 88°47'15" E, a distance of 114.05 feet to the POINT OF
20-10 BEGINNING and containing 72.51 acres in Comal County, Texas.

20-11 PART 4:

20-12 TRACT 4A:

20-13 A 20.29 acres or 883,763 square feet more or less, tract of
20-14 land, out of the Johann Rittmann Survey No. 579, Abstract No. 500
20-15 Comal, County, Texas and being all of a 20.0000 acre tract of land
20-16 conveyed to Raul S. Cantu Family Partnership No. 1 of record in
20-17 Volume 958 Page 824 and described in Volume 646 Page 848, Official
20-18 Public Records of Comal County, Texas, and being more particularly
20-19 described by metes and bounds as follows:

20-20 BEGINNING: At a found 1/2" iron rod in the east right of way
20-21 line of Stahl Road, for the southwest corner of a 11.706 acre tract
20-22 of land conveyed to Barbara Ancira Ruebenson of record in Document
20-23 No. 200706020345, Official Public Records of Comal County, Texas
20-24 and for the northwest corner of the 20.0000 acre tract and this
20-25 tract, from which a 1/2" iron rod found for the southerly northwest
20-26 corner of the 11.706 acre tract bears N 00°00'41" W a distance of
20-27 40.04 feet.

20-28 THENCE: S 89°50'29" E with the south line of the 11.706 acre
20-29 tract and the north line of the 20.0000 acre tract and this tract a
20-30 distance of 1182.37 feet to a found 1/2" iron rod in the west line of
20-31 a 497.9 acre tract of land conveyed to 633-4S Ranch, LTD. of record
20-32 in Document No. 200706014474, Official Public Records of Comal
20-33 County, Texas, for the southeast corner of the 11.706 acre tract and
20-34 for the northeast corner of the 20.000 acre tract and this tract.

20-35 THENCE: S 00°36'37" E with the west line of the 497.9 acre
20-36 tract and with the east line of the 20.0000 acre tract and this
20-37 tract a distance of 738.23 feet to a 48" Live Oak Tree, for the
20-38 southwest corner of the 497.9 acre tract and in the north line of a
20-39 15.165 acre tract known as Lot 2, McGuffin Subdivision of record in
20-40 Volume 11 Page 248, Plat Records of Comal County, Texas and for the
20-41 southeast corner of the 20.0000 acre tract and this tract, from
20-42 which a found 3/8" iron rod for the northeast corner of the 15.165
20-43 acre tract bears N 89°42'57" E a distance of 395.84 feet.

20-44 THENCE: with a north line of the 15.165 acre tract and the
20-45 north line of a 32.182 acre tract of land conveyed to Henry F.
20-46 Wagner of record in Document No. 200106022364, Official Public
20-47 Records of Comal County, Texas and the south line of the 20.0000
20-48 acre tract and this tract the following calls and distances:

20-49 1) S 89°46'45" W, a distance of 275.52 feet to a found 1/2"
20-50 iron rod for the northwest corner of the 15.165 acre tract and an
20-51 angle point, and

20-52 2) S 89°25'00" W, a distance of 916.73 feet to a set 1/2" iron
20-53 rod with a blue plastic cap stamped "KFW SURVEYING" in the east
20-54 right of way line of Stahl Road for the southwest corner of the
20-55 20.0000 acre tract and this.

20-56 THENCE: N 00°09'02" E with the east right of way line of Stahl
20-57 Road and the west line of the 20.0000 acre tract and this tract a
20-58 distance of 751.86 feet to the POINT OF BEGINNING and containing
20-59 20.29 acres.

20-60 TRACT 4B:

20-61 BEING 149.984 ACRES OF LAND BEING OUT OF THE F.H. FAIGAUX
20-62 SURVEY NO. 787, ABSTRACT NO. 767, IN COMAL COUNTY, TEXAS, AND BEING
20-63 OUT OF THAT CERTAIN 155.956 ACRE TRACT OF LAND DESCRIBED IN A DEED
20-64 DATED MAY 20, 1975, FROM EDDIE LUX TO VIRGIL K. KNOWLTON RECORDED IN
20-65 VOLUME 227, PAGE 604, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS,
20-66 AND BEING ALL OF THOSE CERTAIN TWO TRACTS OF LAND DESCRIBED IN TWO
20-67 SEPARATE DEEDS DATED JULY 10, 1984, EXECUTED BY VIRGIL K. KNOWLTON,
20-68 ET UX, ONE TRACT BEING 148.395 ACRES OF LAND, WHICH DEED IS RECORDED
20-69 IN VOLUME 398, PAGE 33, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS,

21-1 AND THE OTHER TRACT BEING 4.116 ACRES OF LAND, WHICH DEED IS
21-2 RECORDED IN VOLUME 398, PAGE 42, OF THE DEED RECORDS OF COMAL
21-3 COUNTY, TEXAS, SAID 149.984 ACRES OF LAND BEING MORE PARTICULARLY
21-4 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

21-5 COMMENCING AT AN IRON ROD FOUND AT A POINT IN THE WEST
21-6 RIGHT-OF-WAY-LINE OF STAHL LANE AT THE MOST NORTHERLY NORTHEAST
21-7 CORNER OF SAID 155.956 ACRE TRACT OF LAND, BEING THE MOST SOUTHERLY
21-8 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD
21-9 RANCH, LTD 151.956 ACRE TRACT OF LAND, RECORDED IN DOCUMENT NO.
21-10 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND
21-11 BEING A POINT IN THE NORTH LINE OF THAT CERTAIN V.S. AND TERRI D.
21-12 KANE 6.020 ACRE TRACT OF LAND, RECORDED IN VOLUME 398, PAGE 30, OF
21-13 THE DEED RECORDS OF SAID COUNTY, FOR THE POINT OF COMMENCEMENT
21-14 HEREOF;

21-15 THENCE, WITH A PORTION OF SAID RIGHT-OF-WAY LINE AND WITH THE
21-16 EAST LINE OF SAID 6.020 ACRES OF LAND THE FOLLOWING TWO (2) COURSES:

21-17 1) S 50°03'43" E, A DISTANCE OF 319.25 FEET TO AN IRON ROD
21-18 FOUND AT A POINT IN SAID LINE;

21-19 2) S 24°19'45" E, A DISTANCE OF 214.71 FEET TO AN IRON ROD SET
21-20 AT THE SOUTHEAST CORNER OF SAID 6.020 ACRES OF LAND, FOR THE POINT
21-21 OF BEGINNING HEREOF;

21-22 THENCE, WITH A PORTION OF SAID RIGHT-OF-WAY LINE AND WITH A
21-23 PORTION OF THE EAST LINE OF SAID 155.956 ACRE TRACT OF LAND THE
21-24 FOLLOWING NINE (9) COURSES:

21-25 1) S 24°19'45" E, A DISTANCE OF 288.35 FEET TO AN IRON ROD
21-26 FOUND;

21-27 2) S 61°24'18" E, A DISTANCE OF 809.86 FEET TO AN IRON ROD
21-28 FOUND;

21-29 3) S 71°39'27" E, A DISTANCE OF 390.70 FEET TO AN IRON ROD
21-30 FOUND;

21-31 4) S 33°11'33" E, A DISTANCE OF 16.90 FEET TO AN IRON ROD
21-32 FOUND;

21-33 5) S 06°04'41" E, A DISTANCE OF 213.95 FEET TO AN IRON ROD
21-34 FOUND;

21-35 6) S 00°29'28" W, A DISTANCE OF 1,475.86 FEET TO AN IRON ROD
21-36 SET

21-37 7) S 59°19'00" W, A DISTANCE OF 200.06 FEET TO AN IRON ROD SET

21-38 8) S 88°57'00" W, A DISTANCE OF 388.95 FEET TO AN IRON ROD SET

21-39 9) S 45°59'00" W, A DISTANCE OF 30.40 FEET TO AN IRON ROD SET

21-40 AT THE NORTHEAST CORNER OF THAT CERTAIN JOYCE LUX 0.616 OF AN ACRE
21-41 OF LAND, FOR THE SOUTHEAST CORNER HEREOF;

21-42 THENCE, WITH THE NORTH LINE OF SAID 0.516 OF AN ACRE OF LAND
21-43 AND WITH THE SOUTH LINE OF SAID 155.956 ACRE TRACT OF LAND THE
21-44 FOLLOWING FOUR (4) COURSES:

21-45 1) S 89°36'00" W, A DISTANCE OF 1,019.90 FEET TO AN IRON ROD
21-46 SET AT AN ANGLE POINT IN SAID LINE;

21-47 2) N 35°32'00" W, A DISTANCE OF 13.20 FEET TO AN IRON ROD SET
21-48 AT AN ANGLE POINT IN SAID LINE;

21-49 3) S 72°04'00" W, A DISTANCE OF 51.70 FEET TO AN IRON ROD SET
21-50 AT AN ANGLE POINT IN SAID LINE;

21-51 4) N 89°49'00" W, A DISTANCE OF 968.30 FEET TO AN IRON ROD SET
21-52 AT THE NORTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS

21-53 HEREFORD RANCH, LTD 10.600 ACRE TRACT OF LAND, SAME BEING THE
21-54 SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS HEREFORD

21-55 RANCH, LTD 151.900 ACRE TRACT OF LAND, BOTH RECORDED IN DOCUMENT NO.
21-56 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, FOR
21-57 THE SOUTHWEST CORNER HEREOF;

21-58 THENCE, WITH THE EAST LINE OF SAID HEREFORD RANCH, LTD
21-59 151.900 ACRES OF LAND AND WITH THE WEST LINE OF SAID 155.956 ACRE
21-60 TRACT OF LAND, N 00°40'00" W, A DISTANCE OF 3,017.30 FEET TO AN IRON
21-61 ROD FOUND AT A POINT IN THE SOUTH LINE OF SAID HEREFORD RANCH, LTD
21-62 151.956 ACRE TRACT OF LAND, FOR THE NORTHWEST CORNER HEREOF;

21-63 THENCE, WITH A PORTION OF SAID SOUTH LINE OF SAID 151.956 ACRE
21-64 TRACT OF LAND AND WITH A PORTION OF THE NORTH LINE OF SAID 155.956
21-65 ACRE TRACT OF LAND, S 89°57'00" E, A DISTANCE OF 655.62 FEET TO AN
21-66 IRON ROD SET AT A POINT IN SAID LINE AT THE NORTHWEST CORNER OF SAID
21-67 KANE 6.020 ACRE TRACT OF LAND, FOR A POINT IN THE NORTH LINE HEREOF;

21-68 THENCE, THROUGH SAID 155.956 ACRE TRACT OF LAND WITH THE WEST
21-69 AND SOUTH LINE OF SAID KANE 6.020 ACRE TRACT OF LAND THE FOLLOWING

22-1 TWO (2) COURSES:

22-2 1) S 00°40'00" E, A DISTANCE OF 400.33 FEET TO AN IRON ROD SET,
22-3 FOR AN INSIDE CORNER HEREOF;

22-4 2) S 89°57'00" E, A DISTANCE OF 782.69 FEET TO THE POINT OF
22-5 BEGINNING AND CONTAINING 149.984 ACRES OF LAND, MORE OR LESS.

22-6 PART 5

22-7 FIELDNOTE DESCRIPTION of a 210.971 acre tract of land
22-8 situated within Comal County, Texas, out of the Christian Hanz
22-9 Survey Number 452, Abstract 263, the Agapita Nava Survey Number
22-10 451, Abstract 432 and the Johann Moegelin Survey Number 575,
22-11 Abstract 423 and being comprised of all of Lot 1, Block 2, KESTREL
22-12 AIR PARK as shown by plat recorded in Volume 12, Pages 314-316,
22-13 Comal County Map and Plat records, together with 16.210 acres out of
22-14 a certain 25.422 acre tract of land conveyed unto DJL Ventures Inc,
22-15 by warranty deed executed November 27, 2006 and recorded in
22-16 Document Number 200606050149, Comal County Official Records,
22-17 together with 0.519 acres out of a certain 3.827 acre tract of land
22-18 conveyed unto James R. and Cecelia Leininger by warranty deed
22-19 executed April 8, 1987 and recorded in Volume 564, Page 360, Comal
22-20 County Deed Records, together with 25.502 acres out of a remaining
22-21 portion of a certain 412.1351 acre tract of land conveyed unto James
22-22 R. Leininger by warranty deed executed December 29, 1982 and
22-23 recorded in Volume 338, Page 466, said Deed Records, together with a
22-24 certain 35.00 acre tract of land and a certain 5.058 acre tract of
22-25 land conveyed unto DJL Ventures, Inc by warranty deed executed
22-26 December 27, 2006 and recorded in Document Number 200706009043,
22-27 said Official Records, together with a called 123.995 acre tract
22-28 conveyed unto DJL Ventures, Inc by warranty deed executed January
22-29 3, 2007 and recorded in Document Number 200706009042, said Official
22-30 Records, in all said 210.971 acre tract being more particularly
22-31 described as follows:

22-32 BEGINNING at a 1/2" iron rod found at the intersection of the
22-33 westerly right-of-way line of U.S. Highway 281 (a variable width
22-34 public right-of-way) with the northerly incorporated limits of City
22-35 of Bulverde as described in the POLITICAL BOUNDARY DESCRIPTION OF A
22-36 1.8 SQUARE MILE TRACT OF LAND FOR THE CITY OF BULVERDE NORTHWEST -
22-37 INCORPORATION LIMITS, dated October 8, 2001; same being the common
22-38 southeast corner of said Lot 1, Block 2, KESTREL AIR PARK and the
22-39 northeast corner of said 25.422 acre tract, also being the eastern
22-40 most corner and POINT OF BEGINNING of this tract.

22-41 THENCE, along said northerly incorporated city limit line and
22-42 with the common south line of said Lot 1 and the north line of said
22-43 25.422 acre tract, North 88° 16' 26" West, 200.70 feet to a point for
22-44 corner in the incorporated city limit line running 200 feet west of,
22-45 and parallel with, the westerly right-of-way line of said U.S.
22-46 Highway 281.

22-47 THENCE, across said 25.422 acre tract and with said line
22-48 running 200 feet west of, and parallel with, said westerly
22-49 right-of-way line as follows:

22-50 South 03° 03' 10" East, 256.79 feet to a point for
22-51 corner.

22-52 South 05° 51' 08" East, 710.05 to a point at the
22-53 beginning of a non-tangent curve concave to the west, whose radius
22-54 point bears South 84° 07' 05" West and whose chord bearing and
22-55 distance is South 01° 25' 05" West, 884.34 feet,

22-56 And southerly with the arc of said curve through a
22-57 central angle of 14° 36' 01", an arc distance of 886.73 feet to a
22-58 point for corner situated in the incorporated city limit line
22-59 running perpendicular to the centerline of said U.S. Highway 281,
22-60 said perpendicular line being situated approximately 2,200 feet
22-61 north of the centerline of State Highway 46 (a 100 foot wide public
22-62 right-of-way).

22-63 THENCE along said perpendicular line, North 81° 16' 54" West,
22-64 at 106.16 feet pass the common south line of said 25.422 acre tract
22-65 and the north line of said 3.827 acre tract, in all a distance of
22-66 270.53 feet to a point for corner situated in the incorporated city
22-67 limit line running 470 feet west of, and parallel with, the westerly
22-68 right-of-way line said U.S. Highway 281.

22-69 THENCE, along said line running 470 feet west of, and

23-1 parallel with, said westerly right-of-way line, South 14° 54' 38"
 23-2 West, at 178.41 feet pass the common west line of said 3.827 acre
 23-3 tract and the east line of said 412.1351 acre tract, in all a
 23-4 distance of 756.85 feet to a point for corner in the north line of a
 23-5 9.156 acre tract of land conveyed unto J. David Bamberger by
 23-6 correction deed executed February 9, 1981 and recorded in Volume
 23-7 308, Page 202, said Deed Records.

23-8 THENCE, departing said line running 470 feet west of, and
 23-9 parallel with, said westerly right-of-way line, South 76° 50' 42"
 23-10 West, 88.53 feet to a 1/2" iron rod found in the east line of said
 23-11 412.1351 acre tract and at the northwest corner of said 9.156 acre
 23-12 tract.

23-13 THENCE, along the common west line of said 9.156 acre tract
 23-14 and east line of said 412.1351 acre tract, South 01° 13' 43" East,
 23-15 281.04 feet to its intersection with said incorporated city limit
 23-16 line running 470 feet west of, and parallel with, said westerly
 23-17 right-of-way line.

23-18 THENCE, across said 412.1351 acre tract and with said line
 23-19 running 470 feet west of, and parallel with, said westerly
 23-20 right-of-way line, South 14° 54' 38" West, 379.03 feet to a point for
 23-21 corner situated in the incorporated city limit line running 750
 23-22 feet north of, and parallel with, the northerly right-of-way line
 23-23 of said State Highway 46, same being the southeast corner of this
 23-24 tract and the beginning of a non-tangent curve concave to the north
 23-25 whose radius point bears North 04° 50' 53" East, 10,662.25 feet and
 23-26 whose chord bearing and distance is North 84° 29' 03" West, 248.50
 23-27 feet.

23-28 THENCE, along said line running 750 feet north of, and
 23-29 parallel with, said northerly right-of-way line and westerly with
 23-30 the arc of said curve through a central angle of 01° 20' 08", an arc
 23-31 distance of 248.51 feet to a point for corner.

23-32 THENCE, continuing across said 412.1351 acre tract and along
 23-33 said line running 750 feet north of, and parallel with, said
 23-34 northerly right-of-way line, North 83° 56' 15" West, 475.45 feet to
 23-35 a point for corner in the west line of WINDMILL RANCH SUBDIVISION,
 23-36 UNIT 1, as shown by plat recorded in Volume 12, Pages 321 - 324, said
 23-37 Map and Plat Records for the southerly southwest corner of this
 23-38 tract, and from whence a 1/2" iron rod found at the southeast corner
 23-39 of said WINDMILL RANCH SUBDIVISION, UNIT 1, bears South 00° 05' 07"
 23-40 West, 4.89 feet.

23-41 THENCE, continuing with said incorporated city limit line,
 23-42 North 00° 05' 07" East, 774.87 feet to a 1/2" iron rod found and
 23-43 North 00° 42' 29" West, at 311.99 feet pass a 1/2" iron rod set at the
 23-44 common southwest corner of said 35.00 acre tract and a northerly
 23-45 corner of the remaining portion of said 412.1351 acre tract, in all
 23-46 a distance of 644.29 feet to an 8" cedar fence post found on the west
 23-47 line of said 35.00 acre tract, at the common northeast corner of
 23-48 said WINDMILL RANCH SUBDIVISION, UNIT 1 and the southeast corner of
 23-49 said called 123.995 acre tract.

23-50 THENCE, continuing with said incorporated city limit line and
 23-51 along the common north line of said WINDMILL RANCH SUBDIVISION,
 23-52 UNIT 1, the south line of said called 123.995 acre tract and the
 23-53 south line of this tract as follows:

23-54 North 89° 28' 10" West, 1490.92 feet to a 1/2" iron rod
 23-55 found.

23-56 and North 89° 39' 20" West, 1508.06 feet to a 1/2" iron
 23-57 rod found at the common northwest corner of said WINDMILL RANCH
 23-58 SUBDIVISION, UNIT 1, the east corner of WINDMILL RANCH SUBDIVISION,
 23-59 UNIT 2 according to the plat recorded in Volume 13, Pages 31 and 32,
 23-60 said Map and Plat Records, the southwest corner of said called
 23-61 123.995 acre tract and the westerly southwest corner of this tract.

23-62 THENCE, continuing with said incorporated city limit line,
 23-63 North 00° 01' 22" East, at 872.34 feet pass a 1/2" iron rod found at
 23-64 the common north corner of said WINDMILL RANCH SUBDIVISION, UNIT 2
 23-65 and the southeast corner of WINDMILL RANCH SUBDIVISION, UNIT 3
 23-66 according to the plat recorded in Volume 13, Pages 33-36, said Map
 23-67 and Plat Records, at 1742.32 feet pass a 1/2" iron rod found at the
 23-68 northeast corner of Lot 84 as shown by plat of said WINDMILL RANCH
 23-69 SUBDIVISION, UNIT 3, in all a distance of 1742.99 feet to a 1/2"

24-1 iron rod set on the south line of KESTREL AIR PARK according to the
 24-2 plat recorded in Volume 12, Pages 314-316, said Map and Plat Records
 24-3 for the northwest corner of said called 123.995 acre tract and the
 24-4 northwest corner of this tract.

24-5 THENCE, departing said incorporated city limit line, North
 24-6 89° 35' 20" East, 2,627.46 feet, along the south line of said KESTREL
 24-7 AIR PARK, to a 1/2" iron rod found on the south right-of-way line of
 24-8 Flightline Drive (a 60 foot wide Private Street) as shown by plat of
 24-9 said KESTREL AIR PARK.

24-10 THENCE, along said south right-of-way line, North 89° 29' 45"
 24-11 East, at 727.93 feet pass a 1/2" iron rod found at the common
 24-12 northeast corner of said 123.995 acre tract and the northwest
 24-13 corner of said 5.058 acre tract, in all a distance of 750.21 feet to
 24-14 a 1/2" iron rod found at the west corner of said Lot 1, Block 2,
 24-15 KESTREL AIR PARK and at the beginning of a non-tangent curve to the
 24-16 left whose radius point bears North 00° 29' 59" East, 360.00 feet and
 24-17 whose chord bearing and distance is North 79° 06' 14" East, 142.26
 24-18 feet,

24-19 THENCE, continuing along said south right-of-way line and
 24-20 with the common north line of said Lot 1, Block 2, KESTREL AIR PARK
 24-21 and the north line of this tract the following courses:

24-22 Northeasterly along the arc of said curve through a
 24-23 central angle of 22° 47' 30", an arc distance of 143.20 feet to a
 24-24 1/2" iron rod found.

24-25 North 66° 45' 47" East, 174.00 feet to a 1/2" iron rod
 24-26 found at the beginning of a tangent curve to the right having a
 24-27 radius of 250.00 feet and a chord bearing and distance of North 86°
 24-28 43' 18" East, 170.67 feet,

24-29 Easterly with the arc of said curve through a central
 24-30 angle of 39° 55' 02", an arc distance of 174.17 feet to a 1/2" iron
 24-31 rod found.

24-32 South 73° 19' 11" East, 42.33 feet to a 1/2" iron rod
 24-33 found at the beginning of a tangent curve to the left having a
 24-34 radius 330.00 feet and a chord bearing and distance of South 80° 50'
 24-35 39" East, 86.43 feet,

24-36 Easterly with the arc of said curve through a central
 24-37 angle of 15° 02' 55", an arc distance of 86.67 feet to a mag nail
 24-38 found.

24-39 South 88° 22' 06" East, 190.99 feet to a 1/2" iron rod
 24-40 found at the beginning of a tangent curve to the right having a
 24-41 radius of 500.00 feet and a chord bearing and distance of South 85°
 24-42 19' 27" East, 53.11 feet,

24-43 Easterly with the arc of said curve through a central
 24-44 angle of 06° 05' 19", an arc distance of 53.13 feet to a 1/2" iron rod
 24-45 found.

24-46 South 82° 16' 47" East, 97.67 feet to 1/2" iron rod found
 24-47 at the beginning of a tangent curve to the left having a radius of
 24-48 500.00 feet and a chord bearing and distance of South 85° 19' 27"
 24-49 East, 53.11 feet,

24-50 Easterly with the arc of said curve through a central
 24-51 angle of 06° 05' 19", an arc distance of 53.13 feet to a 1/2" iron rod
 24-52 found.

24-53 And South 88° 21' 34" East, 127.32 feet to a 1/2" iron
 24-54 rod found at the intersection of said south right-of-way line and
 24-55 the westerly right-of-way line of said U.S. Highway 281, same being
 24-56 at the common northeast corner of said Lot 1, Block 2, KESTREL AIR
 24-57 PARK and the northeast corner of this tract.

24-58 THENCE, along said westerly right-of-way line, South 03° 03'
 24-59 10" East, at 134.71 feet to the point of POINT OF BEGINNING.

24-60 CONTAINING in all 210.971 acres or 9,189,882 square feet of
 24-61 land, more or less.

24-62 SECTION 3. (a) The legal notice of the intention to
 24-63 introduce this Act, setting forth the general substance of this
 24-64 Act, has been published as provided by law, and the notice and a
 24-65 copy of this Act have been furnished to all persons, agencies,
 24-66 officials, or entities to which they are required to be furnished
 24-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 24-68 Government Code.

24-69 (b) The governor, one of the required recipients, has

25-1 submitted the notice and Act to the Texas Commission on
25-2 Environmental Quality.

25-3 (c) The Texas Commission on Environmental Quality has filed
25-4 its recommendations relating to this Act with the governor, the
25-5 lieutenant governor, and the speaker of the house of
25-6 representatives within the required time.

25-7 (d) All requirements of the constitution and laws of this
25-8 state and the rules and procedures of the legislature with respect
25-9 to the notice, introduction, and passage of this Act are fulfilled
25-10 and accomplished.

25-11 SECTION 4. This Act takes effect immediately if it receives
25-12 a vote of two-thirds of all the members elected to each house, as
25-13 provided by Section 39, Article III, Texas Constitution. If this
25-14 Act does not receive the vote necessary for immediate effect, this
25-15 Act takes effect September 1, 2009.

25-16

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