

By: Uresti

S.B. No. 2586

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11002 to read as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11002.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

Sec. 11002.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

(b) All land and other property included in the district

1 will benefit from the improvements and services to be provided by
2 the district under powers conferred by Sections 52 and 52-a,
3 Article III, and Section 59, Article XVI, Texas Constitution, and
4 other powers granted under this chapter.

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

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

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

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

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

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

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (e) The district will:

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

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

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

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

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

13 Sec. 11002.005. INITIAL DISTRICT TERRITORY. (a) The
14 district is initially composed of the territory described by
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 11002.006-11002.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

- 8 (1) Brent Ratliff;
9 (2) George Kutch;
10 (3) John Nolan;
11 (4) Renee Lorenz; and
12 (5) H. C. Ross.

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

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

- 17 (1) the date permanent directors are elected under
18 Section 11002.003; or
19 (2) the fourth anniversary of the effective date of
20 the Act creating this chapter.

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

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

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

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

10 [Sections 11002.053-11002.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

24 Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under
25 Section 52, Article III, Texas Constitution, the district may
26 design, acquire, construct, finance, issue bonds for, improve, and
27 convey to this state, a county, or a municipality for operation and

1 maintenance macadamized, graveled, or paved roads described by
2 Section 54.234, Water Code, or improvements, including storm
3 drainage, in aid of those roads.

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

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

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

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

17 (b) Except as provided by Subsection (a), the district is
18 not required to obtain approval from the Texas Transportation
19 Commission to design, acquire, construct, finance, issue bonds for,
20 improve, or convey a road project.

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

27 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. The

1 district may not exercise the power of eminent domain outside the
2 district to acquire a site or easement for:

- 3 (1) a road project authorized by Section 11002.104; or
4 (2) a recreational facility as defined by Section
5 49.462, Water Code.

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

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

13 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT
14 CORPORATION. The district may exercise the powers of a corporation
15 created under the Development Corporation Act (Subtitle C1, Title
16 12, Local Government Code).

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

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

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

24 (c) Any new district created by the division of the district
25 may not, at the time the new district is created, contain any land
26 outside the area described by Section 2 of the Act creating this
27 chapter.

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

5 (e) The board may adopt an order dividing the district
6 before or after the date the board holds an election under Section
7 11002.003 to confirm the district's creation.

8 (f) An order dividing the district shall:

9 (1) name each new district;

10 (2) include the metes and bounds of each new district;

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

12 and

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

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

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

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

27 (j) If the voters of a new district do not confirm the

1 creation of the new district, the assets, obligations, territory,
2 and governance of the new district revert to that of the original
3 district.

4 [Sections 11002.112-11002.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 11002.151. ELECTIONS REGARDING TAXES OR BONDS. (a)
7 The district may issue, without an election, bonds and other
8 obligations secured by:

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

10 (2) contract payments described by Section 11002.153.

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

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

19 Sec. 11002.152. OPERATION AND MAINTENANCE TAX. (a) If
20 authorized at an election held under Section 11002.151, the
21 district may impose an operation and maintenance tax on taxable
22 property in the district in accordance with Section 49.107, Water
23 Code.

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

26 Sec. 11002.153. CONTRACT TAXES. (a) In accordance with
27 Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from
2 the tax to make payments under a contract after the provisions of
3 the contract have been approved by a majority of the district voters
4 voting at an election held for that purpose.

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

8 Sec. 11002.154. HOTEL OCCUPANCY TAX. The district may
9 impose a hotel occupancy tax in the same manner as a municipality
10 and for the same purposes as provided by Chapter 351, Tax Code. A
11 tax imposed under this section may not exceed the maximum rate
12 provided in Section 351.003(a), Tax Code.

13 Sec. 11002.155. SALES AND USE TAX. (a) The district may
14 impose a sales and use tax if authorized by a majority of the voters
15 of the district voting at an election called for that purpose.
16 Revenue from the tax may be used for any purpose for which ad
17 valorem tax revenue of the district may be used.

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

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

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

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

9 Sec. 11002.156. ASSESSMENTS. The district may levy and
10 collect special assessments in the same manner and for the same
11 purposes as a municipal management district as provided in
12 Subchapter F, Chapter 375, Local Government Code.

13 [Sections 11002.157-11002.200 reserved for expansion]

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 11002.201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, hotel occupancy taxes, sales
19 and use taxes, other district money, or any combination of those
20 sources to pay for any authorized district purpose.

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

26 (b) The board shall annually impose the tax while all or
27 part of the bonds are outstanding. Sections 54.601 and 54.602,

1 Water Code, govern the amount and rate of the tax.

2 Sec. 11002.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other obligations
4 issued or incurred to finance road projects and payable from ad
5 valorem taxes may not exceed one-fourth of the assessed value of the
6 real property in the district.

7 SECTION 2. The Lajitas Utility District No. 1 of Brewster
8 County initially includes all the territory contained in the
9 following area:

10 Tract 1

11 Being parts of the following Surveys:

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

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

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

15 Beginning at a rock mound found for the northeast corner of Section
16 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co.
17 Surveys common with the northeast corner of Section 59, the
18 northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co.
19 Surveys in Brewster County, Texas this being the Place of Beginning
20 of this survey description of property located north of the center
21 line of FM Highway 170;

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

26 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
27 section line of said Section 84 a rock mound located at the

1 northwest corner of said Section 84, common to the northeast corner
2 of Section 85, Block 341;

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

7 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
8 section line of said Section 56 to a rock mound located at the
9 northeast corner of said Section 56, common with the northwest
10 corner of Section 57, and the southwest corner of Section 44, Block
11 12;

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

16 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
17 section line of said Section 48 to a rock mound located at the
18 southeast corner of said Section 47; common with the southeast
19 corner of Section 47, and the southwest corner of Section 46, Block
20 341;

21 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
22 section line of said Section 47 to a rock mound located at the
23 northeast corner of said Section 47; common with the southeast
24 corner of Section 103, and the northwest corner of Section 46, Block
25 341

26 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
27 section line of said Section 103 to a rock mound located at the

1 northeast corner of said Section 103; common with the southeast
2 corner of Section 102, Block G-5;
3 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
4 section line of said Section 103 to a rock mound located at the
5 northeast corner of Section 105;
6 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
7 section line of said Section 105 to a rock mound located at the
8 northeast corner of Section 92; common with the northwest corner of
9 Section 102, Block G-5;
10 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
11 section line of said Section 105 and the east line of Section 106 to
12 a rock mound located at the northwest corner of said Section 105;
13 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
14 section line of said Section 105 and the east line of Section 106 to
15 a rock mound located at the southwest corner of said Section 105;
16 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south
17 section line of said Section 105 to a rock mound located at the
18 southeast corner of said Section 105, common with the northwest
19 corner of Section 103, Block G-5;
20 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
21 section line of said Section 103 to a rock mound located at the
22 northwest corner of said Section 47, common with the southwest
23 corner of Section 103, Block G-5;
24 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
25 section line of said Section 47 to a rock mound located at the
26 northwest corner of said Section 48;
27 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west

1 section line of said Section 48 to a rock mound located at the
2 northwest corner of said Section 55, common with the southeast
3 corner of Section 49, Block G-12,
4 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
5 section line of said Section 55 from a rock mound located at the
6 northwest corner of said Section 55, common with the southwest
7 corner of Section 48, Block G-12, from which face of bluff bears S
8 70° W and the south point of rim bears N 84° 30' W;
9 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south
10 section line of said Section 55 to a rock mound located at the
11 southwest corner of said Section 56, common with the northwest
12 corner of Section 96, Block 341;
13 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
14 section line of said Section 96 to a rock mound located at the
15 northeast corner of said Section 98, common with the northwest
16 corner of Section 95, Block 341; a rock mound located at the
17 northwest corner of said Section 95, common with the southwest
18 corner of Section 96, Block 341, from which Emory Peak bears S 80°
19 45' E and a rock mound bears East 40 vares, this rock mound, also
20 being the northeast corner of Section 98, and the southeast corner
21 of Section 97 all in Block 341;
22 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
23 section line of said Section 95 to a rock mound located at the
24 southeast corner of Section 98;
25 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the south
26 section line of said Section 98 to a rock mound located at the
27 southwest corner of said Section 98;

1 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet (called 1,900
2 vares) along the east section line of Section 101 to a rock mound
3 located at the northwest corner of said Section 98;
4 THENCE S 89° 38' 51" W, a distance of 4,333.4 feet along the north
5 section line of said Section 101 to a rock mound located on the east
6 line Section 36;
7 THENCE N 00° 21' 09" W, a distance of 1,466.7 feet along the east
8 section line of said Section 36 to a rock mound common with the
9 northwest corner with Section 101, Block 341;
10 THENCE S 89° 38' 51" W (called East), a distance of 2,638.9 feet
11 along the north section line of said Section 36 to a rock mound
12 located at the northwest corner of said Section 36;
13 THENCE S 00° 21' 09" E (called North), a distance of 50.6 feet, more
14 or less, along the west section line of said Section 36 to a rock
15 mound located at the northeast corner of said Section 35,
16 continuing 7,389.7 feet, to the north right-of-way line of FM
17 Highway 170;
18 THENCE S 00° 21' 09" E (called North), a distance of 60.0 feet, more
19 or less, along the west section line of said Section 36 to the
20 center line of said of FM Highway 170;
21 THENCE along the established center line as follows;
22 THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the
23 center line of the right-of-way line of F. M. Highway 170 to point
24 located at the beginning of a curve to the left having a center line
25 central angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;
26 THENCE around the said curve to the left, a distance of 339.43 feet,
27 to a point of tangent;

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1 THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the
2 center line of the right-of-way line of F. M. Highway 170 to point
3 located at the beginning of a curve to the right having a center
4 line central angle of 62° 55' 02.1" Right, a Radius of 818.51 feet;
5 THENCE around the said curve to the right, a distance of 898.82
6 feet, to a point of tangent;
7 THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the
8 center line of the right-of-way line of F. M. Highway 170 to a point
9 located on the Section line between Sections 36 and 37, and
10 continuing on a distance of 72.2 feet to the beginning of a curve to
11 the left, having a center line central angle of 50° 46' 37.1" left,
12 a R = 954.93 feet;
13 THENCE around the said curve to the left, a distance of 846.28 feet,
14 to a point of tangent;
15 THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to point located
17 at the beginning of a curve to the left having a center line central
18 angle of 33° 39 ' 17" left , a R = 1,909.86 feet;
19 THENCE around the said curve to the left, a distance of 670.43 feet,
20 to a point located on the Section line between Sections 37 and 100,
21 and continuing on a distance of 451.4 feet to a point of tangent;
22 THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center
23 line of the right-of-way line of F. M. Highway 170 to a point
24 located on the Section line between Sections 100 and 99, and
25 continuing on a distance of 3,073.0 feet to the beginning of a curve
26 to the right, having a center line central angle of 44° 08'
27 21"right, a R = 1,273.24 feet; and this Easement is described an

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1 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
2 THENCE around the said curve to the right, a distance of 980.87
3 feet, to a point of tangent;
4 THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center
5 line of the right-of-way line of F. M. Highway 170 to point located
6 at the beginning of a curve to the left having a center line central
7 angle of 43° 21' 04" left , a R = 818.51 feet;
8 THENCE around the said curve to the left, a distance of 419.60 feet,
9 to a point located on the Section line between Sections 99 and 94,
10 and continuing on a distance of 199.7 feet to a point of tangent,
11 and this Easement is described an recorded in Volume 133 Page 436 of
12 the Brewster County Deed Records;
13 THENCE N 55° 27' 37.7" E, a distance of 82.6 feet along the center
14 line of the right-of-way line of F. M. Highway 170 to a point
15 located on the Section line between Sections 94 and 95, and
16 continuing on a distance of 5,266.18 feet to the beginning of a
17 curve to the right, having a center line central angle of 25° 53'
18 27.6" right, a R = 1,432.39 feet;
19 THENCE around the said curve to the right, a distance of 647.28
20 feet, to a point of tangent;
21 THENCE N 81° 21' 05.4" E, a distance of 267.0 feet along the center
22 line of the right-of-way line of F. M. Highway 170 to a point
23 located on the Section line between Sections 95 and 86, and
24 continuing on a distance of 995.5 feet to the beginning of a curve
25 to the right, having a center line central angle of 61° 36' 29.6"
26 right, a R = 881.47 feet ;
27 THENCE around the said curve to the right, a distance of 947.82

1 feet, to a point of tangent;
2 THENCE S 37° 02' 25" E, a distance of 1,119.4 feet along the center
3 line of the right-of-way line of F. M. Highway 170 to point located
4 at the beginning of a curve to the left having a center line central
5 angle of 56° 48' 15.5" left , a R = 1,145.92 feet;
6 THENCE around the said curve to the left, a distance of 1,136.09
7 feet, to a point of tangent;
8 THENCE N 86° 09'19.5" E, a distance of 1,899.44 feet along the
9 center line of the right-of-way line of F. M. Highway 170 to the
10 beginning of a curve to the left, having a center line central angle
11 of 11° 33' 03.2" left, a R = 5,729.58 feet and this Easement is
12 described an recorded in Volume 133 Page 437 of the Brewster County
13 Deed Records;
14 THENCE around the said curve to the left, a distance of 1,155.09
15 feet, to a point of tangent;
16 THENCE N 74° 36' 16.3" E, a distance of 1,512.63 feet along the
17 center line of the right-of-way line of F. M. Highway 170 to point
18 located at the beginning of a curve to the left having a center line
19 central angle of 16° 44' 06.5" left , a R = 2,864.79 feet;
20 THENCE around the said curve to the left, a distance of 836.76 feet,
21 to a point of tangent;
22 THENCE N 57° 52' 09.7 " E, a distance of 807.2 feet along the center
23 line of the right-of-way line of F. M. Highway 170 to point located
24 at the beginning of a curve to the left having a center line central
25 angle of 04° 00' 03" left , a R = 11,459.16 feet;
26 THENCE around the said curve to the left, a distance of 800.19 feet,
27 to a point of tangent;

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1 THENCE N 61° 52' 13.1" E, a distance of 807.2 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to a point
3 located on the Section line between Sections 83 and 74, , and this
4 Easement is described an recorded in Volume 4 Page 166 of the
5 Brewster County Deed Records, and continuing on a distance of
6 2,714.68 feet a point located on the Section line between Sections
7 74 and 73, and continuing on a distance of 20.1 feet for a total
8 distance of 3,541.98 feet to the beginning of a curve to the left,
9 having a center line central angle of 26° 39' 56.7" left, a R =
10 1,637.02 feet; and this Easement is described an recorded in Volume
11 133 Page 438 of the Brewster County Deed Records;

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

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

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

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

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

26 THENCE N 48° 28' 59" E, a distance of 46.84 feet along the center
27 line of the right-of-way line of F. M. Highway 170 to a point

1 located on the Section line between Sections 73 and 72;
2 THENCE N 02° 35' 58" W (called North), a distance of 1,799.22 feet,
3 more or less, along the east line of said Section 73 to a rock mound,
4 this being the Place of Beginning of this survey description of
5 property located north of the centerline of FM Highway 170; The land
6 area contained within this description is 7,949.704 acres, more or
7 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
8 wide right-of-way) strip of land along the north half of FM Highway
9 170.

10 Tract 2

11 Being parts of the following Surveys:

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

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

14 Commencing at a rock mound found for the northeast corner of Section
15 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co.
16 Surveys common with the southeast corner of Section 59, the
17 northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co.
18 Surveys in Brewster County, Texas;

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

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

1 to the southwest corner of said Section 72 and the northwest corner
2 of Section 64 Block 341;
3 THENCE N 89° 38' 51" E , a distance of 5,277.8 feet along the north
4 section line of said Section 64 a rock mound located at the
5 northeast corner of said Section 64 common to the northwest corner
6 of said Section 65 and the southwest corner of Section 71 Block 341;
7 THENCE N 00° 21' 00" W, a distance of 5,277.8 feet along the west
8 section line of said Section 71 to a rock mound located at the
9 northeast corner of said Section 72 common to the northwest corner
10 of said Section 71 and the southwest corner of Section 70 Block 341
11 and the southeast corner of Section 60 Block G-12;
12 THENCE N 00° 21' 09" W, a distance of 2,631.36 feet along the west
13 section line of said Section 70 and the east section line of Section
14 60 to a iron rod located on the south right-of-way line of F M
15 Highway 170, described being 120 feet in width in total width with
16 the south right-of-way line located 60 feet from the center line of
17 the road, and this Easement is described an recorded in Volume 133
18 Page 438 of the Brewster County Deed Records;
19 THENCE N 64° 13' 04" E, a distance of 869.0 feet along the south
20 right-of-way line of F. M. Highway 170 to an iron rod set by Walker;
21 THENCE S 16° 33' 44" E, a distance of 444.09 feet to an iron rod set
22 by Walker;
23 THENCE S 36° 44' 19" E, a distance of 348.44 feet to an iron rod set
24 by Walker;
25 THENCE S 08° 07' 25" E, a distance of 679.25 feet to an iron rod set
26 by Walker;
27 THENCE N 89° 38' 51" E, a distance of 2,980.6 feet along the north

1 section line of said Section 71 a rock mound located at the
2 northeast corner of said Section 71, common to the northwest corner
3 of said Section 68 Block 341;

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

8 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet, more or less,
9 along the north section line of said Section 67 to a rock mound
10 located at the northeast corner of said Section 67 on the west
11 section line of Section 299 Block G-12;

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

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

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

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

1 most corner of Section 37 Block 17;
2 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
3 the east section line of said Section 32 Block 17 to a rock mound
4 located at the northern most corner of Section 31 and the western
5 most corner of Section 38 Block 17;
6 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
7 the east section line of said Section 31 Block 17 to a rock mound
8 located at the eastern most corner of Section 31 and the western most
9 corner of Section 39 Block 17;
10 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
11 the south section line of said Section 31 Block 17 to a rock mound
12 located at the northern most corner of
13 Section 25 and the western most corner of Section 30 Block 17;
14 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
15 the east section line of said Section 25 Block 17 to a rock mound
16 located at the eastern most corner of Section 25 and the western
17 most corner of Section 29 Block 17, being a point on the boundary
18 line of the Big Bend National Park;
19 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
20 the south section line of said Section 25 Block 17 to a rock mound
21 located at the southern most corner of Section 25 and the western
22 most corner of Section 26 Block 17, being a point on the boundary
23 line of the Big Bend National Park;
24 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
25 the west section line of said Section 25 Block 17 along the boundary
26 line of the Big Bend National Park;
27 to a rock mound located at the western most corner of Section

1 25 and the southern most corner of Section 24 Block 17;
2 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
3 the north section line of said Section 25 Block 17 to a rock mound
4 located at the northern most corner of Section 25 and the southern
5 most corner of Section 31 Block 17;
6 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
7 the west section line of said Section 31 Block 17 to a rock mound
8 located at the eastern most corner of Section 23 and the southern
9 most corner of Section 32 Block 17;
10 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
11 the south section line of said Section 23 Block 17 to a rock mound
12 located at the southern most corner of Section 23 and the northern
13 most corner of Section 17 Block 17;
14 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
15 the east section line of said Section 17 Block 17 to a rock mound
16 located at the eastern most corner of Section 17 and the northern
17 most corner of Section 16 Block 17, being a point on the boundary
18 line of the Big Bend National Park;
19 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
20 the south section line of said Section 17 Block 17 along the
21 boundary line of the Big Bend National Park to a rock mound located
22 at the southern most corner of Section 17 and the western most
23 corner of Section 16 Block 17;
24 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
25 the west section line of said Section 17 Block 17 along the boundary
26 line of the Big Bend National Park to a rock mound located at the
27 western most corner of Section 17 and the eastern most corner of

1 Section 9 Block 17;
2 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
3 the north section line of said Section 17 Block 17 to a rock mound
4 located at the northern most corner of Section 17 and the southern
5 most corner of Section 23 Block 17;
6 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
7 the west section line of said Section 23 Block 17 to a rock mound
8 located at the western most corner of Section 23 and the southern
9 most corner of Section 22 Block 17;
10 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
11 the south section line of said Section 19 Block 17 to a rock mound
12 located at the southern most corner of Section 19 and the northern
13 most corner of Section 9 Block 17;
14 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
15 the east section line of said Section 9 Block 17 to a rock mound
16 located at the eastern most corner of Section 9 and the northern
17 most corner of Section 10 Block 17, being a point on the boundary
18 line of the Big Bend National Park;
19 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
20 the south section line of said Section 9 Block 17 along the boundary
21 line of the Big Bend National Park to a rock mound located at the
22 southern most corner of Section 9 and the western most corner of
23 Section 9 Block 17;
24 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
25 the west section line of said Section 9 Block 17 along the boundary
26 line of the Big Bend National Park to a rock mound located at the
27 western most corner of Section 9 and the eastern most corner of

1 Section 5 Block 17;
2 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
3 the north section line of said Section 9 Block 17 to a rock mound
4 located at the northern most corner of Section 9 and the southern
5 most corner of Section 19 Block 17;
6 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
7 the west section line of said Section 19 Block 17 to a rock mound
8 located at the western most corner of Section 19 and the eastern
9 most corner of Section 8 Block 17;
10 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
11 the north section line of said Section 19 Block 17 to a rock mound
12 located at the northern most corner of Section 19 and the southern
13 most corner of Section 21 Block 17;
14 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
15 the west section line of said Section 21 Block 17 to a rock mound
16 located at the western most corner of Section 21 and the northern
17 most corner of Section 20 Block 17, this point being on the common
18 line with Section 66 Block 341;
19 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
20 the north section line of said Section 20 Block 17 and the
21 southeasterly line of said Section 66 to a rock mound at the
22 northern most corner of Section 7 Block 17;
23 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
24 the east section line of said Section 7 Block 17 to a rock mound
25 located at the eastern most corner of Section 7 and the northern
26 most corner of Section 8 Block 17
27 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along

1 the south section line of said Section 7 Block 17 to a rock mound
2 located at the southern most corner of Section 7 and the eastern
3 most corner of Section 6 Block 17 , being a point on the boundary
4 line of the Big Bend National Park;

5 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
6 the west section line of said Section 7 Block 17 along the boundary
7 line of the Big Bend National Park to a rock mound located at the
8 western most corner of Section 7 and the eastern most corner of
9 Section 6 Block 17, being a point on the southeast line of Section
10 61 Block 341;

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

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

21 THENCE S 01° 11' 14" W, a distance of 675.0 feet along the east line
22 of said Section 76 being the boundary line of the Big Bend National
23 Park to a rock mound located at the southeast most corner of Section
24 76 on the north line of Section 61 Block 341;

25 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south
26 section line of Section 76 between said Section 61 and 78 being the
27 boundary line of the Big Bend National Park to a rock mound located

1 at the southwest most corner of Section 76 on the east line of
2 Section 81 Block 341;

3 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south
4 section line of Section 81 between said Section 60 being the
5 boundary line of the Big Bend National Park to a rock mound located
6 at the southwest most corner of Section 81 on the east line of
7 Section 88 Block 341;

8 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the south
9 section line of Section 88 between said Section 89 being the
10 boundary line of the Big Bend National
11 Park to a rock mound located at the southwest most corner of Section
12 88 on the east line of Section 93 Block 341;

13 THENCE N 88° 46' 10" W, a distance of 4,874.2 feet along the south
14 section line of Section 93 between said Section 41 being the
15 boundary line of the Big Bend National Park to a rock mound located
16 at the southwest most corner of Section 93 on the east line of
17 Section 41 Block 341;

18 THENCE N 00° 49' 07" E, a distance of 2080.0 feet, more or less,
19 along the west section line of Section 93 located between said
20 Section 41 being the boundary line of the Big Bend National Park to
21 a rock mound located at the southeast most corner of Section 92 on
22 the east line of Section 41 Block 341;

23 THENCE N 88° 43' 49" W, a distance of 2,001.5 feet, more or less,
24 along the south section line of Section 92 Block 341 and the north
25 line of Section 41, being the boundary line of the Big Bend National
26 Park, to a rock mound located at the northwest most corner of
27 Section 41;

1 THENCE S 01° 16' 11" W, a distance of 316.1 feet, more or less, along
2 the west section line of Section 41 and the offset east line of
3 Section 92, being the boundary line of the Big Bend National Park,
4 to a rock mound located on the south line of Section 92;

5 THENCE N 88° 43' 49" W, a distance of 2,334.6 feet, more or less,
6 along the south section line of Section 92 Block 341 and the north
7 line of Section 48, being the boundary line of the Big Bend National
8 Park, to a rock mound and concrete marker located at the southwest
9 most corner of Section 92;

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

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

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

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

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

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

6 N 20° 07' 30" E, a distance of 335.53 feet
7 S 87° 27' 30" E, a distance of 877.59 feet
8 N 25° 19' 25" E, a distance of 219.65 feet
9 N 11° 41' 28" E, a distance of 511.26 feet
10 N 23° 23' 39" E, a distance of 510.57 feet
11 N 19° 19' 32" E, a distance of 645.17 feet
12 N 02° 03' 28" E, a distance of 270.32 feet
13 N 20° 01' 04" E, a distance of 337.82 feet
14 N 38° 01' 14" E, a distance of 827.59 feet
15 N 38° 19' 39" W, a distance of 754.08 feet
16 N 07° 15' 04" W, a distance of 1,333.57 feet
17 N 23° 27' 17" W, a distance of 926.79 feet
18 N 23° 27' 17" W, a distance of 115.86 feet
19 N 17° 48' 38" W, a distance of 580.31 feet
20 N 11° 49' 17" W, a distance of 461.28 feet
21 N 23° 38' 37" W, a distance of 802.90 feet
22 N 05° 44' 52" W, a distance of 99.91 feet to the beginning of a
23 curve to the left with a central angle of 77° 38' 50" having a cord
24 bearing of N 44° 34' 17" W with a cord length of 681.47 feet a radius
25 of 543.50 feet and continuing along the bank of the Rio Grande
26 N 83° 23' 43" W, a distance of 222.82 feet
27 S 84° 41' 58" W, a distance of 732.79 feet to a point on the

1 west section line of Section 36 Block 341;
2 THENCE N 00° 21' 09" W, a distance of 94.84 feet , more or less, to a
3 point on the center line of the right-of-way line of F M Highway
4 170, and this Easement is described an recorded in Volume 133 Page
5 460 - 461 of the Brewster County Deed Records;
6 THENCE along the said center line of the right-of-way line of F M
7 Highway 170 described as follows:
8 THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the
9 center line of the right-of-way line of F. M. Highway 170 to point
10 located at the beginning of a curve to the left having a center line
11 central angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;
12 THENCE around the said curve to the left, a distance of 339.43 feet,
13 to a point of tangent;
14 THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the
15 center line of the right-of-way line of F. M. Highway 170 to point
16 located at the beginning of a curve to the right having a center
17 line central angle of 62 55' 02.1" Right , a Radius of 818.51 feet;
18 THENCE around the said curve to the right, a distance of 898.82
19 feet, to a point of tangent;
20 THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the
21 center line of the right-of-way line of F. M. Highway 170 to a point
22 located on the Section line between Sections 36 and 37, and
23 continuing on a distance of 72.2 feet to the beginning of a curve to
24 the left, having a center line central angle of 50° 46' 37.1" left,
25 a R = 954.93 feet;
26 THENCE around the said curve to the left, a distance of 846.28 feet,
27 to a point of tangent;

1 THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to point located
3 at the beginning of a curve to the left having a center line central
4 angle of 33° 39 ' 17" left , a R = 1,909.86 feet;
5 THENCE around the said curve to the left, a distance of 670.43 feet,
6 to a point located on the Section line between Sections 37 and 100,
7 and continuing on a distance of 451.4 feet to a point of tangent;
8 THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center
9 line of the right-of-way line of F. M. Highway 170 to a point
10 located on the Section line between Sections 100 and 99, and
11 continuing on a distance of 3,073.0 feet to the beginning of a curve
12 to the right, having a center line central angle of 44 08'
13 21"right, a R = 1,273.24 feet; and this Easement is described and
14 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
15 THENCE around the said curve to the right, a distance of 980.87
16 feet, to a point of tangent;
17 THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center
18 line of the right-of-way line of F. M. Highway 170 to point located
19 at the beginning of a curve to the left having a center line central
20 angle of 43° 21' 04" left , a R = 818.51 feet;
21 THENCE around the said curve to the left, a distance of 419.60 feet,
22 to a point located on the Section line between Sections 99 and 94,
23 and continuing on a distance of 199.7 feet to a point of tangent,
24 and this Easement is described an recorded in Volume 133 Page 436 of
25 the Brewster County Deed Records;
26 THENCE N 55° 27' 37.7" E, a distance of 82.6 feet along the center
27 line of the right-of-way line of F. M. Highway 170 to a point

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1 located on the Section line between Sections 94 and 95, and
2 continuing on a distance of 5,266.18 feet to the beginning of a
3 curve to the right, having a center line central angle of $25^{\circ} 53'$
4 $27.6''$ right, a $R = 1,432.39$ feet;
5 THENCE around the said curve to the right, a distance of 647.28
6 feet, to a point of tangent;
7 THENCE $N 81^{\circ} 21' 05.4'' E$, a distance of 267.0 feet along the center
8 line of the right-of-way line of F. M. Highway 170 to a point
9 located on the Section line between Sections 95 and 86, and
10 continuing on a distance of 995.5 feet to the beginning of a curve
11 to the right, having a center line central angle of $61^{\circ} 36' 29.6''$
12 right, a $R = 881.47$ feet ;
13 THENCE around the said curve to the right, a distance of 947.82
14 feet, to a point of tangent;
15 THENCE $S 37^{\circ} 02' 25'' E$, a distance of 1,119.4 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to point located
17 at the beginning of a curve to the left having a center line central
18 angle of $56^{\circ} 48' 15.5''$ left , a $R = 1,145.92$ feet;
19 THENCE around the said curve to the left, a distance of 1,136.09
20 feet, to a point of tangent;
21 THENCE $N 86^{\circ} 09' 19.5'' E$, a distance of 1899.44 feet along the center
22 line of the right-of-way line of F. M. Highway 170 to the beginning
23 of a curve to the left, having a center line central angle of $11^{\circ} 33'$
24 $03.2''$ left, a $R = 5,729.58$ feet and this Easement is described an
25 recorded in Volume 133 Page 437 of the Brewster County Deed Records;
26 THENCE around the said curve to the left, a distance of 1,155.09
27 feet, to a point of tangent;

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1 THENCE N 74° 36' 16.3" E, a distance of 1,512.63 feet along the
2 center line of the right-of-way line of F. M. Highway 170 to point
3 located at the beginning of a curve to the left having a center line
4 central angle of 16° 44' 06.5" left , a R = 2,864.79 feet;
5 THENCE around the said curve to the left, a distance of 836.76 feet,
6 to a point of tangent;
7 THENCE N 57° 52' 09.7 " E, a distance of 807.2 feet along the center
8 line of the right-of-way line of F. M. Highway 170 to point located
9 at the beginning of a curve to the left having a center line central
10 angle of 04° 00' 03" left , a R = 11,459.16 feet;
11 THENCE around the said curve to the left, a distance of 800.19 feet,
12 to a point of tangent;
13 THENCE N 61° 52' 13.1" E, a distance of 807.2 feet along the center
14 line of the right-of-way line of F. M. Highway 170 to a point
15 located on the Section line between Sections 83 and 74, , and this
16 Easement is described an recorded in Volume 4 Page 166 of the
17 Brewster County Deed Records, and continuing on a distance of
18 2,714.68 feet a point located on the Section line between Sections
19 74 and 73, and continuing on a distance of 20.1 feet for a total
20 distance of 3,541.98 feet to the beginning of a curve to the left,
21 having a center line central angle of 26° 39' 56.7" left, a R =
22 1,637.02 feet; and this Easement is described an recorded in Volume
23 133 Page 438 of the Brewster County Deed Records;
24 THENCE around the said curve to the left, a distance of 761.88 feet,
25 to a point of tangent;
26 THENCE N 35° 12' 16.4" E, a distance of 538.0 feet along the center
27 line of the right-of-way line of F. M. Highway 170 to point located

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1 at the beginning of a curve to the right having a center line
2 central angle of $27^{\circ} 06' 51''$ right, a $R = 1,909.86$ feet ;
3 THENCE around the said curve to the right, a distance of 903.81
4 feet, to a point of tangent;
5 THENCE $N 62^{\circ} 19' 08.1'' E$, a distance of 264.68 feet along the center
6 line of the right-of-way line of F. M. Highway 170 to point located
7 at the beginning of a curve to the left having a center line central
8 angle of $13^{\circ} 50' 09.2''$ Left, a $R = 2,864.79$;
9 THENCE around the said curve to the left, a distance of 691.79 feet,
10 to a point of tangent;
11 THENCE $N 48^{\circ} 28' 59'' E$, a distance of 46.84 feet along the center
12 line of the right-of-way line of F. M. Highway 170 to a point
13 located on the Section line between Sections 73 and 72, this being
14 the Place of Beginning of this survey description of property
15 located south of the centerline of FM Highway 170. The land area
16 contained within this description is 19,908.976 acres, more or
17 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
18 wide right-of-way) strip of land along the south half of FM Highway
19 170.

20 Save and Except:

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

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

27 Mesa Vista, a subdivision in Lajitas, Brewster County, Texas, as

1 same appears in Plat Envelope No. 193 in the Plat Records of
2 Brewster County, Texas.

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

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

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

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

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

- 17 SE/4 of the SW/4, being 40 acres;
- 18 NE/4 of the SE/4, being 40 acres;
- 19 N/2 of the NE/4, being 80 acres; and
- 20 NW/4, being 160 acres.

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

- 22 23.13 acres conveyed in Volume 249, Page 555 of the Deed
- 23 Records of Brewster County, Texas;
- 24 NW/4, being 160 acres;
- 25 NE/4, being 160 acres;
- 26 NW/4 of the SW/4, being 40 acres; and
- 27 NW/4 of the SE/4, being 40 acres.

1 A 76.06 acre tract of land south of FM Highway 170 in Section 73,
2 Block 341, T.C. Ry. Co., Brewster County, Texas, conveyed in Volume
3 123, Page 367 of the Deed Records of Brewster County, Texas.

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

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

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

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

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

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

13 NW/4, being 160 acres;

14 S/2 of the SW/4, being 80 acres; and

15 NE/4, being 160 acres.

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

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

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

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

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

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

27 A 1.40 acre tract of land conveyed in Volume 68, Page 36 of

1 the Official Public Records of Brewster County, Texas, as
2 more particularly described below:

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

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

19 THENCE North 31 deg. 35'00" East 294.86 feet
20 to a 1/2" iron rod and cap marked "WALKER
21 4425" set for the Northeast corner of this
22 tract;

23 THENCE South 31 deg 36'10" East 53.20 feet
24 to a 1/2" iron rod and cap marked "WALKER
25 4425" set;

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

1 4425" set;
2 THENCE South 18 deg. 35'24" East 122.12 feet
3 to a 1/2" iron rod and cap marked "WALKER
4 4425" set;
5 THENCE South 78 deg. 42'12" East 246.26 feet
6 to a 1/2" iron rod and cap marked "WALKER
7 4425" set for the Southeast corner of this
8 tract;
9 THENCE South 38 deg. 29'05" West 206.20 feet
10 to a 1/2" iron rod and cap marked "WALKER
11 4425" set for the Southwest corner of this
12 tract;
13 THENCE North 32 deg. 25'55" West 69.47 feet
14 to a 1/2" iron rod and cap marked "WALKER
15 4425" set;
16 THENCE North 59 deg. 34'57" West 159.83 feet
17 to a 1/2" iron rod and cap marked "WALKER
18 4425" set;
19 THENCE North 76 deg. 26'32" West 154.83 feet
20 to the point of beginning.
21 Bearings and distances are based on the
22 Texas Coordinate System, South Central Zone
23 NAD 1927.

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

27 Metes and bounds description of a 1.06 Acre

1 tract of land, out of Survey 36, Block 341,
2 T.C. Ry.Co. Surveys, Brewster County,
3 Texas, said 1.06 acre tract being more
4 particularly described as follows:

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

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

13 THENCE South 11 deg. 02'25" East 164.89 feet
14 to a 1/2" iron rod and cap marked "WALKER
15 4425" set for the Southeast corner of this
16 tract;

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

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

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

27 THENCE South 86 deg. 40'17" East 159.12 feet

1 to the POINT OF BEGINNING and containing
2 more or less, 46,130.04 square feet or 1.06
3 acres.

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

7 All of the land south of the center line of FM Highway 170 in Section
8 36, Block 341, T.C. Ry. Co., Brewster County, Texas, as more
9 particularly described below:

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

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

20 THENCE N 86° 22' 11.64" E, a distance of
21 669.91 feet along the center line of the
22 right-of-way line of F. M. Highway 170 to
23 point located at the beginning of a curve to
24 the left having a center line central angle
25 of 10° 10' 58.5" Left, a Radius of 1,909.86
26 feet;

27 THENCE around the said curve to the left, a

1 distance of 339.43 feet, to a point of
2 tangent;
3 THENCE N 76° 11' 13.08" E, a distance of
4 203.77 feet along the center line of the
5 right-of-way line of F. M. Highway 170 to
6 point located at the beginning of a curve to
7 the right having a center line central angle
8 of 62 55' 02.1" Right , a Radius of 818.51
9 feet;
10 THENCE around the said curve to the right, a
11 distance of 898.82 feet, to a point of
12 tangent;
13 THENCE S 40° 53' 44.8"E, a distance of
14 1,564.13 feet along the center line of the
15 right-of-way line of F. M. Highway 170 to a
16 point located on the Section line between
17 Sections 36 and 37;
18 THENCE S 00° 21' 09"E, a distance of 3922.76
19 feet along the Section line between the east
20 line of Section 36 and the west line of
21 Section 37;
22 THENCE along the east meandering line of the
23 bank of the Rio Grande, as identified in the
24 year of April 2007, described as follows:
25 N 38° 19' 39" W, a distance of 720.19
26 feet
27 N 07° 15' 04" W, a distance of 1,333.57

1 feet
2 N 23° 27' 17" W, a distance of 926.79
3 feet
4 N 23° 27' 17" W, a distance of 115.86
5 feet
6 N 17° 48' 38" W, a distance of 580.31
7 feet
8 N 11° 49' 17" W, a distance of 461.28
9 feet
10 N 23° 38' 37" W, a distance of 802.90
11 feet
12 N 05° 44' 52" W, a distance of 99.91
13 feet to the beginning of a curve to the left
14 with a central angle of 77° 38' 50" and
15 having a cord bearing of N 44° 34' 17" W with
16 a cord length of 681.47 feet and a radius of
17 543.50 feet and continuing along the bank of
18 the Rio Grande;
19 N 83° 23' 43" W, a distance of 222.82
20 feet
21 S 84° 41' 58" W, a distance of 732.798
22 feet to a point on the west section line of
23 Section 36 Block 341:
24 THENCE N 00° 21' 09" W, a distance of 94.84
25 feet , more or less, to the center line of
26 the right-of-way line of F M Highway 170 and
27 to THE POINT OF BEGINNING containing,

1 4,447,180 square feet or 102.1 acres, more
2 or less.

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

6 All of the land south of the center line of FM Highway 170 in Section
7 98, Block 341, T.C. Ry. Co., Brewster County, Texas, as more
8 particularly described below:

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

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

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

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

1 Brewster County Deed Records;
2 THENCE around said curve to the right, a
3 distance of 980.87 feet, to a point of
4 tangent;
5 THENCE S 81° 11' 18" E, a distance of 672.9
6 feet along the center line of the
7 right-of-way line of F. M. Highway 170 to
8 point located at the beginning of a curve to
9 the left having a center line central angle
10 of 22° 18' 48" left , a Radius of 818.51
11 feet;
12 THENCE around said curve to the left, a
13 distance of 318.76 to a point for corner in
14 the centerline of Highway FM 170;
15 THENCE S 00° 21' 09" E, a distance of 1313.24
16 to the POINT OF BEGINNING and containing
17 more or less, 3,608,000 square feet or 82.8
18 acres of land.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

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

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