

SENATE AMENDMENTS

2nd Printing

By: Callegari

H.B. No. 3335

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the powers of certain water districts.

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

4 SECTION 1. Section 49.101, Water Code, is amended to read as
5 follows:

6 Sec. 49.101. GENERAL. (a) All elections shall be
7 generally conducted in accordance with the Election Code except as
8 otherwise provided for by this code.

9 (b) Write-in candidacies for any district office shall be
10 governed by Subchapter C, Chapter 146, Election Code.

11 (c) The board may contract with a person to serve as the
12 district's agent in the same manner as another officer or employee
13 of the district under Section 31.123, Election Code.

14 (d) Sections 32.009 and 42.002, Election Code, do not apply
15 to an election held by a district.

16 (e) Notwithstanding the requirements of Section 32.051,
17 Election Code, to serve as an election judge in an election held by
18 a district, a person must be a registered voter of the county in
19 which the district is located.

20 (f) Notwithstanding Sections 61.012 and 61.013, Election
21 Code, a district is exempt from the acquisition, lease, or use of an
22 electronic voting system for an election if:

23 (1) the election is a confirmation election or an
24 election held jointly with a confirmation election on the same date

1 and in conjunction with the confirmation election, except for an
2 election in which a federal office appears on the ballot;

3 (2) the most recently scheduled district directors
4 election was not held, as provided by Section 2.053(b), Election
5 Code; or

6 (3) fewer than 250 voters voted at the most recently
7 held district directors election.

8 (g) A district eligible for the exemption under Subsection
9 (f) must publish notice in a periodical of general circulation in an
10 area that includes the district and mail notice to each voter in the
11 district regarding the district's intention to hold an election
12 without providing a voting station that meets the requirements for
13 accessibility under 42 U.S.C. Section 15481(a)(3) on election day
14 and during the period for early voting by personal appearance. The
15 notice must provide that any voter in the district may request the
16 use of a voting station that meets those requirements to
17 accommodate voting by a person with a disability and provide
18 information on how to submit such a request. On receiving such a
19 request, the district shall comply with the request.

20 SECTION 2. Subchapter D, Chapter 49, Water Code, is amended
21 by adding Section 49.1045 to read as follows:

22 Sec. 49.1045. JOINT ELECTIONS WITH COUNTIES. (a) This
23 section applies only to a district with 10 or fewer registered
24 voters.

25 (b) A district that holds an election jointly with a county
26 in which the district is wholly or partly located may provide for a
27 certification of the voting results if the election results

1 indicate that there were more votes cast in the election than the
2 number of registered voters in the district. To certify the
3 district votes, the district may have each person whose signature
4 is on the sign-in sheet for the joint election certify the manner in
5 which the person voted in the election and that the person was a
6 qualified voter on the day of the election, and the certified votes
7 shall be used as the official election results.

8 SECTION 3. Section 49.107, Water Code, is amended by adding
9 Subsection (i) to read as follows:

10 (i) Section 375.161, Local Government Code, does not apply
11 to an impact fee, tax, or other requirement for payment for water,
12 sewer, drainage, reclamation, flood control, road, or park and
13 recreational services or improvements of a district that provides,
14 or proposes to provide, those services or improvements.

15 SECTION 4. Section 49.108, Water Code, is amended by adding
16 Subsections (g), (h), (i), and (j) to read as follows:

17 (g) Not later than the 10th day before the date an election
18 is held to authorize a contract, a substantially final form of the
19 contract must be filed in the office of the district and must be
20 open to inspection by the public. The contract is not required to
21 be attached as an exhibit to the order calling the election to
22 authorize the contract.

23 (h) A single contract may contain multiple purposes or
24 facilities authorized by one or more constitutional provisions. A
25 contract described by this subsection may be submitted for approval
26 in a single proposition at an election.

27 (i) A contract between districts for the provision of

1 facilities or services is not required to specify the maximum
2 amount of bonds or expenditures authorized under the contract if
3 the contract provides that the service area cannot be enlarged
4 without the consent of at least two-thirds of the districts that are
5 included in the service area or served by the facilities or services
6 provided for in the contract.

7 (j) A contract may generally describe the facilities to be
8 acquired or financed by the district without reference to specific
9 constitutional provisions.

10 SECTION 5. Section 49.151(c), Water Code, is amended to
11 read as follows:

12 (c) The board may allow disbursements of district money to
13 be transferred by federal reserve wire system or by electronic
14 means. The board by resolution may allow the wire or electronic
15 transfers to accounts in the name of the district or accounts not in
16 the name of the district.

17 SECTION 6. Section 49.194, Water Code, is amended by
18 amending Subsections (a) and (b) and adding Subsection (h) to read
19 as follows:

20 (a) Except as provided by Subsection (h), after ~~After~~ the
21 board has approved the audit, it shall submit a copy of the report
22 to the executive director for filing within 135 days after the close
23 of the district's fiscal year.

24 (b) Except as provided by Subsection (h), if ~~If~~ the board
25 refuses to approve the annual audit report, the board shall submit a
26 copy of the report to the executive director for filing within 135
27 days after the close of the district's fiscal year, accompanied by a

1 statement from the board explaining the reasons for its failure to
2 approve the report.

3 (h) A special water authority shall submit a copy of the
4 report to the executive director for filing within 160 days after
5 the close of the special water authority's fiscal year.

6 SECTION 7. Section 49.213, Water Code, is amended by adding
7 Subsection (d) to read as follows:

8 (d) A written contract between a district and any person,
9 including any public or private entity, for the provision of goods
10 or services to the district is a contract subject to Subchapter I,
11 Chapter 271, Local Government Code. The district and any person,
12 including any public or private entity, waive sovereign immunity to
13 suit for the purpose of adjudicating a claim for a breach of the
14 contract, subject to the terms and conditions of Subchapter I,
15 Chapter 271, Local Government Code.

16 SECTION 8. Section 49.216, Water Code, is amended by
17 amending Subsection (e) and adding Subsection (f) to read as
18 follows:

19 (e) Any peace officer who is directly employed by a
20 district, before beginning to perform any duties and at the time of
21 appointment, must take an oath and execute a bond conditioned on
22 faithful performance of such officer's duties in the amount of
23 \$1,000 payable to the district. The oath and the bond shall be
24 filed in the district office.

25 (f) A peace officer contracted for by the district,
26 individually or through a county, sheriff, constable, or
27 municipality, is an independent contractor, and the district is

1 responsible for the acts or omissions of the peace officer only to
2 the extent provided by law for other independent contractors.

3 SECTION 9. Section 49.273(d), Water Code, is amended to
4 read as follows:

5 (d) For contracts over \$50,000, the board shall advertise
6 the letting of the contract, including the general conditions,
7 time, and place of opening of sealed bids. The notice must ~~[shall]~~
8 be published in one or more newspapers circulated in each county in
9 which part of the district is located. If one newspaper meets both
10 of these requirements, publication in such newspaper is sufficient.
11 If there are more than four counties in the district, notice may be
12 published in any newspaper with general circulation in the
13 district. The notice must ~~[shall]~~ be published once a week for two
14 consecutive weeks before the date that the bids are opened, and the
15 first publication must ~~[shall]~~ be not later than the 14th ~~[21st]~~ day
16 before the date of the opening of the sealed bids.

17 SECTION 10. Section 49.351, Water Code, is amended by
18 amending Subsections (a), (b), (c), (f), (i), and (l) and adding
19 Subsection (m) to read as follows:

20 (a) A district providing potable water or sewer service to
21 household users may establish, operate, and maintain, finance with
22 ad valorem taxes, mandatory fees, or voluntary contributions, and
23 issue bonds for a fire department to perform all fire-fighting
24 services within the district as provided in this subchapter and may
25 provide for ~~[issue bonds or impose a mandatory fee, with voter~~
26 ~~approval, for financing a plan approved in accordance with this~~
27 ~~section, including]~~ the construction and purchase of necessary

1 buildings, facilities, land, and equipment and the provision of an
2 adequate water supply.

3 (b) After complying with the requirements of this section
4 ~~[approval of the district electors of a plan to operate, jointly~~
5 ~~operate, or jointly fund the operation of a fire department, and~~
6 ~~after complying with Subsections (g), (h), and (i)]~~, the district
7 or districts shall provide an adequate system and water supply for
8 fire-fighting purposes, may purchase necessary land, may construct
9 and purchase necessary buildings, facilities, and equipment, and
10 may employ or contract with a fire department to employ all
11 necessary personnel including supervisory personnel to operate the
12 fire department.

13 (c) Bonds shall be authorized and may be issued and ad
14 valorem taxes shall be authorized and may be imposed for financing a
15 plan approved in accordance with this section ~~[shall be authorized~~
16 ~~and may be issued, and a district shall be authorized to levy a tax~~
17 ~~to pay the principal of and interest on such bonds,~~ as provided by
18 law for authorization and issuance of other bonds and authorization
19 and imposition of other ad valorem taxes of the district.

20 (f) Before a district imposes an ad valorem tax or issues
21 bonds payable wholly or partly from ad valorem taxes to finance the
22 establishment of ~~[establishes]~~ a fire department, a contract
23 ~~[contracts]~~ to operate a joint fire department, or a contract
24 ~~[contracts]~~ with another person to perform fire-fighting services
25 within the district, the district must comply with the provisions
26 of Subsections (g), (h), and (i). A district that funds
27 fire-fighting services with revenue, including mandatory fees or

1 voluntary contributions, is not required to comply with the
2 provisions of Subsection (g), (h), or (i).

3 (i) After approval of a plan by the commission, the district
4 shall submit to the electors of the district at the election to
5 approve bonds payable wholly or partly from ad valorem taxes or to
6 impose ad valorem taxes [~~to impose a mandatory fee~~] for financing
7 the plan, [~~or if no bonds or fees are to be approved, at an election~~
8 ~~called for approval of the plan,~~] which may be held in conjunction
9 with an election required by Section 49.102, the proposition of
10 whether or not the plan should be implemented or entered into by the
11 district. [~~The ballots at the election shall be printed, as~~
12 ~~applicable, to provide for voting for or against the proposition:~~
13 ~~"The implementation of the plan for (operation/joint operation) of~~
14 ~~a fire department", or "The plan and contract to provide~~
15 ~~fire-fighting services for the district."~~]

16 (l) A [~~Notwithstanding the requirements of Subsections~~
17 ~~(a)-(j), a~~] district providing potable water or sewer service to
18 household users may as part of its billing process collect from its
19 customers a voluntary contribution on behalf of organizations
20 providing fire-fighting services to the district. A district that
21 chooses to collect a voluntary contribution under this subsection
22 must give reasonable notice to its customers that the contribution
23 is voluntary. Water and sewer service may not be terminated as a
24 result of failure to pay the voluntary contribution.

25 (m) Notwithstanding Subsection (l), if a customer makes a
26 partial payment of a district bill for water or sewer service and
27 includes with the payment a voluntary contribution for

1 fire-fighting services, the district shall apply the voluntary
2 contribution first to the bill for water or sewer service,
3 including any interest or penalties imposed. Any amount remaining
4 shall be used for fire-fighting services.

5 SECTION 11. Section 49.4645(a), Water Code, is amended to
6 read as follows:

7 (a) A district all or part of which is located in Bastrop
8 County, Bexar County, Waller County, Travis County, Williamson
9 County, Harris County, Galveston County, Brazoria County,
10 Montgomery County, or Fort Bend County may issue bonds supported by
11 ad valorem taxes to pay for the development and maintenance of
12 recreational facilities only if the bonds are authorized by a
13 majority vote of the qualified voters of the district voting in an
14 election held for that purpose. The outstanding principal amount
15 of bonds, notes, and other obligations issued to finance parks and
16 recreational facilities supported by ad valorem taxes [~~payable from~~
17 ~~any source~~] may not exceed an amount equal to one percent of the
18 value of the taxable property in the district as shown by the tax
19 rolls of the central appraisal district at the time of the issuance
20 of the bonds, notes, and other obligations or an amount greater than
21 the estimated cost provided in the park plan under Subsection (b),
22 whichever is smaller. The district may not issue bonds supported by
23 ad valorem taxes to pay for the development and maintenance of:

- 24 (1) indoor or outdoor swimming pools; or
25 (2) golf courses.

26 SECTION 12. Section 51.523, Water Code, is amended to read
27 as follows:

1 Sec. 51.523. BALLOTS. The ballot for an election under this
2 subchapter shall be printed to provide for voting for or against
3 defining the area to be taxed or designating the property to be
4 served, affected, and taxed and, if applicable, issuing bonds and
5 imposing a tax to retire the bonds or imposing a maintenance tax not
6 to exceed the rate, which must be specified in the ballot
7 proposition, provided by the proposed plan of taxation.
8 [~~substantially the proposition: "Designation of the area, issuance~~
9 ~~of bonds, and levy of a tax to retire the bonds."~~]

10 SECTION 13. Section 51.527, Water Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) Unless a maintenance tax is imposed in the defined area
13 or on the designated property, once bonds issued for the defined
14 area or designated property are paid off or defeased, the board may
15 declare the defined area dissolved or may repeal the designation of
16 the designated property, at which time the board shall cease
17 imposing taxes on the property located in the defined area or on the
18 designated property.

19 SECTION 14. Section 54.236, Water Code, is amended to read
20 as follows:

21 Sec. 54.236. STREET OR SECURITY LIGHTING. Subject to the
22 provisions of this section, a district may purchase, install,
23 operate, and maintain street lighting or security lighting within
24 public utility easements or public rights-of-way or property owned
25 by the district [~~within the boundaries of the district~~]. A
26 district, other than a district exercising powers under Section
27 54.234 or Subchapter N, Chapter 49, may not issue bonds supported by

1 ad valorem taxes to pay for the purchase, installation, and
2 maintenance of street or security lighting.

3 SECTION 15. Section 54.739, Water Code, is amended to read
4 as follows:

5 Sec. 54.739. SUBSTITUTING PROPERTY [~~LAND~~] OF EQUAL VALUE.
6 After the district is organized and has obtained voter approval for
7 the issuance of, or has sold, bonds payable wholly or partly from ad
8 valorem taxes, property [~~acquires facilities with which to function~~
9 ~~for the purposes for which it was organized, and votes, issues and~~
10 ~~sells bonds for such purposes, land~~] within the district boundaries
11 subject to taxation that does not need or utilize the services of
12 the district may be excluded and other property [~~land~~] not within
13 the boundaries of the district may be included within the
14 boundaries of the district without impairment of the security for
15 payment of [~~the~~] bonds or invalidation of any prior bond election,
16 as provided by this section and Sections 54.740 through 54.747.

17 SECTION 16. Section 54.744, Water Code, is amended to read
18 as follows:

19 Sec. 54.744. IMPAIRMENT OF SECURITY. (a) For purposes of
20 the board's consideration of the applications, the lands proposed
21 for inclusion shall be deemed to be sufficient to avoid an
22 impairment of the security for payment of obligations of the
23 district if:

24 (1) according to the most recent tax roll of the
25 district or the most recently certified estimates of taxable value
26 from the chief appraiser of the appropriate appraisal district, the
27 taxable value of such included lands equals or exceeds the taxable

1 value of the excluded lands;

2 (2) either the estimated costs of providing district
3 facilities and services to such included lands is equal to or less
4 than the estimated costs of providing district facilities and
5 services to the excluded lands or any increased estimated costs of
6 providing district facilities and services to the included land, as
7 determined by the district's engineer, can be amortized at
8 prevailing bond interest rates and maturity schedules and the
9 prevailing debt service tax rate of the district, as determined by
10 the district's professional financial advisor, when applied to the
11 increase in taxable value of the included land over the taxable
12 value of the excluded land; and

13 (3) with respect only to a district with ~~the~~
14 ~~district's~~ outstanding bonds or contract obligations ~~are~~
15 payable in whole or in part by a pledge of net revenues from the
16 ownership or operation of the district's facilities, ~~and~~ the
17 projected net revenues to be derived from the property ~~lands~~ to be
18 included during the succeeding 12-month period, as determined by
19 the district's engineer, equals or exceeds the projected net
20 revenues that would otherwise have been derived from the property
21 ~~lands~~ to be excluded during the same period.

22 (b) For purposes of this section, the taxable value of
23 included property means the market value of the property if, before
24 or contemporaneously with the inclusion of the property in the
25 district, the owner of the property waives the right to special
26 appraisal of the property as to the district as authorized by
27 Section 23.20, Tax Code.

1 SECTION 17. Section 388.005, Health and Safety Code, as
2 amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the
3 80th Legislature, Regular Session, 2007, is reenacted and amended
4 to read as follows:

5 Sec. 388.005. ENERGY EFFICIENCY PROGRAMS IN INSTITUTIONS OF
6 HIGHER EDUCATION[~~, STATE AGENCIES,~~] AND CERTAIN GOVERNMENTAL
7 ENTITIES. (a) In this section:

8 (1) "Institution of higher education" includes an
9 institution of higher education as defined by Section 61.003,
10 Education Code, and a private institution of higher education that
11 receives funding from the state.

12 (2) "Political subdivision" means:

13 (A) an affected county; or

14 (B) any political subdivision in a nonattainment
15 area or in an affected county other than:

16 (i) a school district; or

17 (ii) a district as defined by Section
18 36.001 or 49.001, Water Code, that had a total annual electricity
19 expense of less than \$200,000 in the previous fiscal year of the
20 district.

21 (3) "State agency" means a department, commission,
22 board, office, council, or other agency in the executive branch of
23 state government that is created by the constitution or a statute of
24 this state and has authority not limited to a geographical portion
25 of the state.

26 (b) Each political subdivision, institution of higher
27 education, or state agency shall implement all energy efficiency

1 measures that meet the standards established for a contract for
2 energy conservation measures under Section 302.004(b), Local
3 Government Code, in order to reduce electricity consumption by the
4 existing facilities of the entity.

5 (c) Each political subdivision, institution of higher
6 education, or state agency shall establish a goal to reduce the
7 electric consumption by the entity by five percent each state
8 fiscal year for six years, beginning September 1, 2007.

9 (d) A political subdivision, institution of higher
10 education, or state agency that does not attain the goals under
11 Subsection (c) must include in the report required by Subsection
12 (e) justification that the entity has already implemented all
13 available measures. An entity that submits a report under this
14 subsection indicating it has already implemented all available
15 measures is exempt from the annual reporting requirement of
16 Subsection (e) if a subsequent report would indicate no change in
17 status. An entity may be required to provide notice that it is
18 exempt to the State Energy Conservation Office.

19 (e) A political subdivision, institution of higher
20 education, or state agency annually shall report to the State
21 Energy Conservation Office, on forms provided by that office,
22 regarding the entity's efforts and progress under this section.
23 The State Energy Conservation Office shall provide assistance and
24 information to the entity to help the entity meet the goals set
25 under this section.

26 (f) This section does not apply to a state agency or an
27 institution of higher education that the State Energy Conservation

1 Office determines that, before September 1, 2007, adopted a plan
2 for conserving energy under which the agency or institution
3 established a percentage goal for reducing the consumption of
4 electricity. The exemption provided by this section applies only
5 while the agency or institution has an energy conservation plan in
6 effect and only if the agency or institution submits reports on the
7 conservation plan each calendar quarter to the governor, the
8 Legislative Budget Board, and the State Energy Conservation Office.

9 (g) This section does not apply to the electricity
10 consumption of a district as defined by Section 36.001 or 49.001,
11 Water Code, that relates to the operation and maintenance of
12 wastewater collection and treatment, water supply and
13 distribution, or stormwater diversion, detention, or pumping
14 facilities or improvements.

15 SECTION 18. Section 43.0751(a)(1), Local Government Code,
16 is amended to read as follows:

17 (1) "District" means a conservation and reclamation
18 [water control and improvement] district [or a municipal utility
19 district created or] operating under Chapter 49 [51 or 54], Water
20 Code.

21 SECTION 19. Section 43.0751, Local Government Code, is
22 amended by adding Subsection (r) to read as follows:

23 (r) To be annexed for limited purposes under this section,
24 an area must be:

25 (1) in the municipality's extraterritorial
26 jurisdiction; and

27 (2) contiguous to the corporate or limited purpose

1 boundaries of the municipality, unless the district consents to
2 noncontiguous annexation pursuant to a strategic partnership
3 agreement with the municipality.

4 SECTION 20. This Act takes effect September 1, 2009.

ADOPTED

MAY 27 2009

Atty. Gen.
Secretary of the Senate

By: *Avert*

H.B. No. 3335

Substitute the following for ___B. No. _____:

By: *Avert*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation and powers of certain groundwater and
3 surface water districts.

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

5 ARTICLE 1. GENERAL LAW PROVISIONS

6 SECTION 1.01. Section 35.012, Water Code, is amended by
7 amending Subsections (b) and (c) and adding Subsections (d) through
8 (f) to read as follows:

9 (b) Except as provided under Section 35.013, within
10 [~~within~~] two years, but no sooner than 120 days, from the date on
11 which the commission issues an order under Section 35.008
12 designating a priority groundwater management area, for those areas
13 that are not within a district, the commission shall[+

14 [~~(1)~~] create one or more new districts under Section
15 36.0151[+

16 [~~(2)~~] ~~recommend that the areas, or a portion of the~~
17 ~~areas, be added to an existing district under Section 35.013; or~~

18 [~~(3)~~] ~~take any combination of the actions under~~
19 ~~Subdivisions (1) and (2)].~~

20 (c) Except as provided by Subsection (d), a district created
21 under Section 36.0151 must be composed of territory within two or
22 more contiguous counties, unless the commission determines that a
23 district composed of territory within noncontiguous counties will
24 result in more effective or efficient groundwater management than

1 other legal options available to the commission.

2 (d) A district created under Section 36.0151 may be composed
3 of territory that exists within the boundaries of a single county
4 only if:

5 (1) the territory within the single county is the only
6 area within the designated priority groundwater management area
7 that is not within a district; or

8 (2) there are other areas within the designated
9 priority groundwater management area, but:

10 (A) the other areas are not contiguous to the
11 territory; and

12 (B) the commission determines that creating a
13 single district composed of two or more of the noncontiguous areas,
14 including the territory, would result in less effective or less
15 efficient management of groundwater resources in the territory than
16 creating a district composed of the territory within the single
17 county.

18 (e) For purposes of this section, the commission may
19 consider territory in two separately designated priority
20 groundwater management areas to be within the same designated
21 priority groundwater management area if:

22 (1) the priority groundwater management areas share a
23 common boundary and one or more common aquifers; and

24 (2) the commission determines that a district composed
25 of territory within the two areas will result in more effective or
26 efficient groundwater management than other legal options
27 available to the commission.

1 (f) Following the issuance of a commission order under
2 Section 35.008, the Texas Agricultural Extension Service shall
3 begin an educational program within such areas with the assistance
4 and cooperation of the Texas Water Development Board, the
5 commission, the Department of Agriculture, other state agencies,
6 and existing districts to inform the residents of the status of the
7 area's water resources and management options including possible
8 formation of a district. The county commissioners court of each
9 county in the priority groundwater management area shall form a
10 steering committee to provide assistance to the Texas Agricultural
11 Extension Service in accomplishing the goals of the education
12 program within the area.

13 SECTION 1.02. Subsections (b), (c), (h), and (i), Section
14 35.013, Water Code, are amended to read as follows:

15 (b) The commission shall submit a copy of the order to the
16 board of the district to which it is recommending the priority
17 groundwater management area be added. The board shall vote not
18 later than the 120th day after receiving the copy of the order from
19 the commission on the addition of the priority groundwater
20 management area to the district and shall advise the commission of
21 the outcome.

22 (c) If the board votes to accept the addition of the
23 priority groundwater management area to the district, the board:

24 (1) may request the Texas Agricultural Extension
25 Service, the commission, and the Texas Water Development Board,
26 with the cooperation and assistance of the Department of
27 Agriculture and other state agencies, to administer an educational

1 program to inform the residents of the status of the area's water
2 resources and management options including possible annexation
3 into a district;

4 (2) shall call an election to be held not later than
5 the 270th day after the date of the board's vote under Subsection
6 (b) within the priority groundwater management area, or portion of
7 the priority groundwater management area, as delineated by the
8 commission to determine whether [if] the priority groundwater
9 management area will be added to the district; and

10 (3) shall designate election precincts and polling
11 places for the elections in the order calling an election under this
12 subsection.

13 (h) If the proposition is defeated, or if the board of the
14 existing district votes not to accept the addition of the area to
15 the district, then the commission shall, except as provided under
16 Subsection (i), create under Section 36.0151 one or more districts
17 covering the priority groundwater management area not later than
18 the later of:

19 (1) the second anniversary of the date on which the
20 commission issued its order under Section 35.008 designating a
21 priority groundwater management area; or

22 (2) the 180th day after the date described under
23 Subdivision (1) if the legislature is in session on the date
24 described under Subdivision (1) and a bill has been filed and is
25 pending before the legislature to create a district in all or part
26 of the area or to add all or part of the area to an existing district
27 ~~[the first anniversary of the date on which the proposition is~~

1 ~~defeated or the board votes not to accept the area].~~

2 (i) In creating a district under Section 36.0151, the
3 commission may modify the recommendation issued in its order for
4 district creation under Section 35.008 to reflect the failure of an
5 area to be added to an existing district or to account for the
6 creation of any new districts or the addition of any other territory
7 in the priority groundwater management area to an existing district
8 during the intervening period, provided, however, that such
9 modification does not affect the deadlines for district creation
10 under Section 35.012 or this section. For an area that is not
11 feasible for the creation of one or more districts as determined in
12 the commission's findings under Section 35.008, the commission
13 shall include in its report under Section 35.018 recommendations
14 for the future management of the priority groundwater management
15 area.

16 SECTION 1.03. Section 49.101, Water Code, is amended to
17 read as follows:

18 Sec. 49.101. GENERAL. (a) All elections shall be
19 generally conducted in accordance with the Election Code except as
20 otherwise provided for by this code.

21 (b) Write-in candidacies for any district office shall be
22 governed by Subchapter C, Chapter 146, Election Code.

23 (c) The board may contract with a person to serve as the
24 district's agent in the same manner as another officer or employee
25 of the district under Section 31.123, Election Code.

26 (d) Sections 32.009 and 42.002, Election Code, do not apply
27 to an election held by a district.

1 (e) Notwithstanding the requirements of Section 32.051,
2 Election Code, to serve as an election judge in an election held by
3 a district, a person must be a registered voter of the county in
4 which the district is located.

5 (f) Notwithstanding Sections 61.012 and 61.013, Election
6 Code, a district is exempt from the acquisition, lease, or use of an
7 electronic voting system for an election if:

8 (1) the election is a confirmation election or an
9 election held jointly with a confirmation election on the same date
10 and in conjunction with the confirmation election, except for an
11 election in which a federal office appears on the ballot;

12 (2) the most recently scheduled district directors
13 election was not held, as provided by Section 2.053(b), Election
14 Code; or

15 (3) fewer than 250 voters voted at the most recently
16 held district directors election.

17 (g) A district eligible for the exemption under Subsection
18 (f) must publish notice in a periodical of general circulation in an
19 area that includes the district and mail notice to each voter in the
20 district regarding the district's intention to hold an election
21 without providing a voting station that meets the requirements for
22 accessibility under 42 U.S.C. Section 15481(a)(3) on election day
23 and during the period for early voting by personal appearance. The
24 notice must provide that any voter in the district may request the
25 use of a voting station that meets those requirements to
26 accommodate voting by a person with a disability and provide
27 information on how to submit such a request. On receiving such a

1 request, the district shall comply with the request.

2 SECTION 1.04. Subchapter D, Chapter 49, Water Code, is
3 amended by adding Section 49.1045 to read as follows:

4 Sec. 49.1045. JOINT ELECTIONS WITH COUNTIES. (a) This
5 section applies only to a district with 10 or fewer registered
6 voters.

7 (b) A district that holds an election jointly with a county
8 in which the district is wholly or partly located may provide for a
9 certification of the voting results if the election results
10 indicate that there were more votes cast in the election than the
11 number of registered voters in the district. To certify the
12 district votes, the district may have each person whose signature
13 is on the sign-in sheet for the joint election certify the manner in
14 which the person voted in the election and that the person was a
15 qualified voter on the day of the election, and the certified votes
16 shall be used as the official election results.

17 SECTION 1.05. Section 49.107, Water Code, is amended by
18 adding Subsection (i) to read as follows:

19 (i) Section 375.161, Local Government Code, does not apply
20 to an impact fee, tax, or other requirement for payment for water,
21 sewer, drainage, reclamation, flood control, road, or park and
22 recreational services or improvements of a district that provides,
23 or proposes to provide, those services or improvements.

24 SECTION 1.06. Section 49.108, Water Code, is amended by
25 adding Subsections (g), (h), (i), and (j) to read as follows:

26 (g) Not later than the 10th day before the date an election
27 is held to authorize a contract, a substantially final form of the

1 contract must be filed in the office of the district and must be
2 open to inspection by the public. The contract is not required to
3 be attached as an exhibit to the order calling the election to
4 authorize the contract.

5 (h) A single contract may contain multiple purposes or
6 facilities authorized by one or more constitutional provisions. A
7 contract described by this subsection may be submitted for approval
8 in a single proposition at an election.

9 (i) A contract between districts for the provision of
10 facilities or services is not required to specify the maximum
11 amount of bonds or expenditures authorized under the contract if
12 the contract provides that the service area cannot be enlarged
13 without the consent of at least two-thirds of the districts that are
14 included in the service area or served by the facilities or services
15 provided for in the contract.

16 (j) A contract may generally describe the facilities to be
17 acquired or financed by the district without reference to specific
18 constitutional provisions.

19 SECTION 1.07. Section 49.151(c), Water Code, is amended to
20 read as follows:

21 (c) The board may allow disbursements of district money to
22 be transferred by federal reserve wire system or by electronic
23 means. The board by resolution may allow the wire or electronic
24 transfers to accounts in the name of the district or accounts not in
25 the name of the district.

26 SECTION 1.08. Section 49.194, Water Code, is amended by
27 amending Subsections (a) and (b) and adding Subsection (h) to read

1 as follows:

2 (a) Except as provided by Subsection (h), after ~~[After]~~ the
3 board has approved the audit, it shall submit a copy of the report
4 to the executive director for filing within 135 days after the close
5 of the district's fiscal year.

6 (b) Except as provided by Subsection (h), if ~~[If]~~ the board
7 refuses to approve the annual audit report, the board shall submit a
8 copy of the report to the executive director for filing within 135
9 days after the close of the district's fiscal year, accompanied by a
10 statement from the board explaining the reasons for its failure to
11 approve the report.

12 (h) A special water authority shall submit a copy of the
13 report to the executive director for filing within 160 days after
14 the close of the special water authority's fiscal year.

15 SECTION 1.09. Section 49.213, Water Code, is amended by
16 amending Subsection (c) and adding Subsection (d) to read as
17 follows:

18 (c) A district may enter into contracts, which may be of
19 unlimited duration, with persons or any public or private entities
20 on the terms and conditions the board may consider desirable, fair,
21 and advantageous for:

22 (1) the purchase or sale of water;

23 (2) the collection, transportation, treatment, and
24 disposal of its domestic, industrial, and communal wastes or the
25 collection, transportation, treatment, and disposal of domestic,
26 industrial, and communal wastes of other persons;

27 (3) the gathering, diverting, and control of local

1 storm water, or other local harmful excesses of water;

2 (4) the continuing and orderly development of the land
3 and property within the district through the purchase,
4 construction, or installation of works, improvements, facilities,
5 plants, equipment, and appliances that the district may otherwise
6 be empowered and authorized to do or perform so that, to the
7 greatest extent reasonably possible, considering sound engineering
8 and economic practices, all of the land and property may be placed
9 in a position to ultimately receive the services of the works,
10 improvements, plants, facilities, equipment, and appliances;

11 (5) the maintenance and operation of any works,
12 improvements, facilities, plants, equipment, and appliances of the
13 district or of another person or public or private entity;

14 (6) the collection, treatment, and disposal of
15 municipal solid wastes; ~~and~~

16 (7) the establishment, administration, and
17 enforcement of a groundwater reduction plan to comply with
18 regulatory requirements of a political subdivision whose main
19 office is located in a county with a population of more than 3.3
20 million or in a county adjacent to such a county; and

21 (8) the exercise of any other rights, powers, and
22 duties granted to a district.

23 (d) A written contract between a district and any person,
24 including any public or private entity, for the provision of goods
25 or services to the district, including a contract entered into with
26 a governmental entity, other than a county, under Subsection
27 (c)(7), is a contract subject to Subchapter I, Chapter 271, Local

1 Government Code. The district and any person, including any public
2 or private entity, waive sovereign immunity to suit for the purpose
3 of adjudicating a claim for a breach of the contract, subject to the
4 terms and conditions of Subchapter I, Chapter 271, Local Government
5 Code.

6 SECTION 1.10. Section 49.216, Water Code, is amended by
7 amending Subsection (e) and adding Subsection (f) to read as
8 follows:

9 (e) Any peace officer who is directly employed by a
10 district, before beginning to perform any duties and at the time of
11 appointment, must take an oath and execute a bond conditioned on
12 faithful performance of such officer's duties in the amount of
13 \$1,000 payable to the district. The oath and the bond shall be
14 filed in the district office.

15 (f) A peace officer contracted for by the district,
16 individually or through a county, sheriff, constable, or
17 municipality, is an independent contractor, and the district is
18 responsible for the acts or omissions of the peace officer only to
19 the extent provided by law for other independent contractors.

20 SECTION 1.11. Section 49.273(d), Water Code, is amended to
21 read as follows:

22 (d) For contracts over \$50,000, the board shall advertise
23 the letting of the contract, including the general conditions,
24 time, and place of opening of sealed bids. The notice must ~~shall~~
25 be published in one or more newspapers circulated in each county in
26 which part of the district is located. If one newspaper meets both
27 of these requirements, publication in such newspaper is sufficient.

1 If there are more than four counties in the district, notice may be
2 published in any newspaper with general circulation in the
3 district. The notice must ~~[shall]~~ be published once a week for two
4 consecutive weeks before the date that the bids are opened, and the
5 first publication must ~~[shall]~~ be not later than the 14th ~~[21st]~~ day
6 before the date of the opening of the sealed bids.

7 SECTION 1.12. Section 49.351, Water Code, is amended by
8 amending Subsections (a), (b), (c), (f), (i), and (l) and adding
9 Subsection (m) to read as follows:

10 (a) A district providing potable water or sewer service to
11 household users may establish, operate, and maintain, finance with
12 ad valorem taxes, mandatory fees, or voluntary contributions, and
13 issue bonds for a fire department to perform all fire-fighting
14 services within the district as provided in this subchapter and may
15 provide for ~~[issue bonds or impose a mandatory fee, with voter~~
16 ~~approval, for financing a plan approved in accordance with this~~
17 ~~section, including]~~ the construction and purchase of necessary
18 buildings, facilities, land, and equipment and the provision of an
19 adequate water supply.

20 (b) After complying with the requirements of this section
21 ~~[approval of the district electors of a plan to operate, jointly~~
22 ~~operate, or jointly fund the operation of a fire department, and~~
23 ~~after complying with Subsections (g), (h), and (i)]~~, the district
24 or districts shall provide an adequate system and water supply for
25 fire-fighting purposes, may purchase necessary land, may construct
26 and purchase necessary buildings, facilities, and equipment, and
27 may employ or contract with a fire department to employ all

1 necessary personnel including supervisory personnel to operate the
2 fire department.

3 (c) Bonds shall be authorized and may be issued and ad
4 valorem taxes shall be authorized and may be imposed for financing a
5 plan approved in accordance with this section [~~shall be authorized~~
6 ~~and may be issued, and a district shall be authorized to levy a tax~~
7 ~~to pay the principal of and interest on such bonds,~~] as provided by
8 law for authorization and issuance of other bonds and authorization
9 and imposition of other ad valorem taxes of the district.

10 (f) Before a district imposes an ad valorem tax or issues
11 bonds payable wholly or partly from ad valorem taxes to finance the
12 establishment of [~~establishes~~] a fire department, a contract
13 [~~contracts~~] to operate a joint fire department, or a contract
14 [~~contracts~~] with another person to perform fire-fighting services
15 within the district, the district must comply with the provisions
16 of Subsections (g), (h), and (i). A district that funds
17 fire-fighting services with revenue, including mandatory fees or
18 voluntary contributions, is not required to comply with the
19 provisions of Subsection (g), (h), or (i).

20 (i) After approval of a plan by the commission, the district
21 shall submit to the electors of the district at the election to
22 approve bonds payable wholly or partly from ad valorem taxes or to
23 impose ad valorem taxes [~~to impose a mandatory fee~~] for financing
24 the plan, [~~or if no bonds or fees are to be approved, at an election~~
25 ~~called for approval of the plan,~~] which may be held in conjunction
26 with an election required by Section 49.102, the proposition of
27 whether or not the plan should be implemented or entered into by the

1 district. [~~The ballots at the election shall be printed, as~~
2 ~~applicable, to provide for voting for or against the proposition.~~
3 ~~"The implementation of the plan for (operation/joint operation) of~~
4 ~~a fire department", or "The plan and contract to provide~~
5 ~~fire-fighting services for the district."]~~

6 (1) A [~~Notwithstanding the requirements of Subsections~~
7 ~~(a)-(j), a]~~ district providing potable water or sewer service to
8 household users may as part of its billing process collect from its
9 customers a voluntary contribution on behalf of organizations
10 providing fire-fighting services to the district. A district that
11 chooses to collect a voluntary contribution under this subsection
12 must give reasonable notice to its customers that the contribution
13 is voluntary. Water and sewer service may not be terminated as a
14 result of failure to pay the voluntary contribution.

15 (m) Notwithstanding Subsection (1), if a customer makes a
16 partial payment of a district bill for water or sewer service and
17 includes with the payment a voluntary contribution for
18 fire-fighting services, the district shall apply the voluntary
19 contribution first to the bill for water or sewer service,
20 including any interest or penalties imposed. Any amount remaining
21 shall be used for fire-fighting services.

22 SECTION 1.13. Section 49.4645(a), Water Code, is amended to
23 read as follows:

24 (a) A district all or part of which is located in Bastrop
25 County, Bexar County, Waller County, Travis County, Williamson
26 County, Harris County, Galveston County, Brazoria County,
27 Montgomery County, or Fort Bend County may issue bonds supported by

1 ad valorem taxes to pay for the development and maintenance of
2 recreational facilities only if the bonds are authorized by a
3 majority vote of the qualified voters of the district voting in an
4 election held for that purpose. The outstanding principal amount
5 of bonds, notes, and other obligations issued to finance parks and
6 recreational facilities supported by ad valorem taxes [~~payable from~~
7 ~~any source~~] may not exceed an amount equal to one percent of the
8 value of the taxable property in the district as shown by the tax
9 rolls of the central appraisal district at the time of the issuance
10 of the bonds, notes, and other obligations or an amount greater than
11 the estimated cost provided in the park plan under Subsection (b),
12 whichever is smaller. The district may not issue bonds supported by
13 ad valorem taxes to pay for the development and maintenance of:

- 14 (1) indoor or outdoor swimming pools; or
15 (2) golf courses.

16 SECTION 1.14. Section 51.523, Water Code, is amended to
17 read as follows:

18 Sec. 51.523. BALLOTS. The ballot for an election under this
19 subchapter shall be printed to provide for voting for or against
20 defining the area to be taxed or designating the property to be
21 served, affected, and taxed and, if applicable, issuing bonds and
22 imposing a tax to retire the bonds or imposing a maintenance tax not
23 to exceed the rate, which must be specified in the ballot
24 proposition, provided by the proposed plan of taxation.
25 [~~substantially the proposition: "Designation of the area, issuance~~
26 ~~of bonds, and levy of a tax to retire the bonds."~~]

27 SECTION 1.15. Section 51.527, Water Code, is amended by

1 adding Subsection (c) to read as follows:

2 (c) Unless a maintenance tax is imposed in the defined area
3 or on the designated property, once bonds issued for the defined
4 area or designated property are paid off or defeased, the board may
5 declare the defined area dissolved or may repeal the designation of
6 the designated property, at which time the board shall cease
7 imposing taxes on the property located in the defined area or on the
8 designated property.

9 SECTION 1.16. Section 54.236, Water Code, is amended to
10 read as follows:

11 Sec. 54.236. STREET OR SECURITY LIGHTING. Subject to the
12 provisions of this section, a district may purchase, install,
13 operate, and maintain street lighting or security lighting within
14 public utility easements or public rights-of-way or property owned
15 by the district [~~within the boundaries of the district~~]. A
16 district, other than a district exercising powers under Section
17 54.234 or Subchapter N, Chapter 49, may not issue bonds supported by
18 ad valorem taxes to pay for the purchase, installation, and
19 maintenance of street or security lighting.

20 SECTION 1.17. Section 54.739, Water Code, is amended to
21 read as follows:

22 Sec. 54.739. SUBSTITUTING PROPERTY [~~LAND~~] OF EQUAL VALUE.
23 After the district is organized and has obtained voter approval for
24 the issuance of, or has sold, bonds payable wholly or partly from ad
25 valorem taxes, property [~~acquires facilities with which to function~~
26 ~~for the purposes for which it was organized, and votes, issues and~~
27 ~~sells bonds for such purposes, land~~] within the district boundaries

1 subject to taxation that does not need or utilize the services of
2 the district may be excluded and other property [~~land~~] not within
3 the boundaries of the district may be included within the
4 boundaries of the district without impairment of the security for
5 payment of [~~the~~] bonds or invalidation of any prior bond election,
6 as provided by this section and Sections 54.740 through 54.747.

7 SECTION 1.18. Section 54.744, Water Code, is amended to
8 read as follows:

9 Sec. 54.744. IMPAIRMENT OF SECURITY. (a) For purposes of
10 the board's consideration of the applications, the lands proposed
11 for inclusion shall be deemed to be sufficient to avoid an
12 impairment of the security for payment of obligations of the
13 district if:

14 (1) according to the most recent tax roll of the
15 district or the most recently certified estimates of taxable value
16 from the chief appraiser of the appropriate appraisal district, the
17 taxable value of such included lands equals or exceeds the taxable
18 value of the excluded lands;

19 (2) either the estimated costs of providing district
20 facilities and services to such included lands is equal to or less
21 than the estimated costs of providing district facilities and
22 services to the excluded lands or any increased estimated costs of
23 providing district facilities and services to the included land, as
24 determined by the district's engineer, can be amortized at
25 prevailing bond interest rates and maturity schedules and the
26 prevailing debt service tax rate of the district, as determined by
27 the district's professional financial advisor, when applied to the

1 increase in taxable value of the included land over the taxable
2 value of the excluded land; and

3 (3) with respect only to a district with ~~[the~~
4 ~~district's]~~ outstanding bonds or contract obligations ~~[are]~~
5 payable in whole or in part by a pledge of net revenues from the
6 ownership or operation of the district's facilities, ~~[and]~~ the
7 projected net revenues to be derived from the property ~~[lands]~~ to be
8 included during the succeeding 12-month period, as determined by
9 the district's engineer, equals or exceeds the projected net
10 revenues that would otherwise have been derived from the property
11 ~~[lands]~~ to be excluded during the same period.

12 (b) For purposes of this section, the taxable value of
13 included property means the market value of the property if, before
14 or contemporaneously with the inclusion of the property in the
15 district, the owner of the property waives the right to special
16 appraisal of the property as to the district as authorized by
17 Section 23.20, Tax Code.

18 SECTION 1.19. Section 388.005, Health and Safety Code, as
19 amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the
20 80th Legislature, Regular Session, 2007, is reenacted and amended
21 to read as follows:

22 Sec. 388.005. ENERGY EFFICIENCY PROGRAMS IN INSTITUTIONS OF
23 HIGHER EDUCATION~~[, STATE AGENCIES,]~~ AND CERTAIN GOVERNMENTAL
24 ENTITIES. (a) In this section:

25 (1) "Institution of higher education" includes an
26 institution of higher education as defined by Section 61.003,
27 Education Code, and a private institution of higher education that

1 receives funding from the state.

2 (2) "Political subdivision" means:

3 (A) an affected county; or

4 (B) any political subdivision in a nonattainment
5 area or in an affected county other than:

6 (i) a school district; or

7 (ii) a district as defined by Section
8 36.001 or 49.001, Water Code, that had a total annual electricity
9 expense of less than \$200,000 in the previous fiscal year of the
10 district.

11 (3) "State agency" means a department, commission,
12 board, office, council, or other agency in the executive branch of
13 state government that is created by the constitution or a statute of
14 this state and has authority not limited to a geographical portion
15 of the state.

16 (b) Each political subdivision, institution of higher
17 education, or state agency shall implement all energy efficiency
18 measures that meet the standards established for a contract for
19 energy conservation measures under Section 302.004(b), Local
20 Government Code, in order to reduce electricity consumption by the
21 existing facilities of the entity.

22 (c) Each political subdivision, institution of higher
23 education, or state agency shall establish a goal to reduce the
24 electric consumption by the entity by five percent each state
25 fiscal year for six years, beginning September 1, 2007.

26 (d) A political subdivision, institution of higher
27 education, or state agency that does not attain the goals under

1 Subsection (c) must include in the report required by Subsection
2 (e) justification that the entity has already implemented all
3 available measures. An entity that submits a report under this
4 subsection indicating it has already implemented all available
5 measures is exempt from the annual reporting requirement of
6 Subsection (e) if a subsequent report would indicate no change in
7 status. An entity may be required to provide notice that it is
8 exempt to the State Energy Conservation Office.

9 (e) A political subdivision, institution of higher
10 education, or state agency annually shall report to the State
11 Energy Conservation Office, on forms provided by that office,
12 regarding the entity's efforts and progress under this section.
13 The State Energy Conservation Office shall provide assistance and
14 information to the entity to help the entity meet the goals set
15 under this section.

16 (f) This section does not apply to a state agency or an
17 institution of higher education that the State Energy Conservation
18 Office determines that, before September 1, 2007, adopted a plan
19 for conserving energy under which the agency or institution
20 established a percentage goal for reducing the consumption of
21 electricity. The exemption provided by this section applies only
22 while the agency or institution has an energy conservation plan in
23 effect and only if the agency or institution submits reports on the
24 conservation plan each calendar quarter to the governor, the
25 Legislative Budget Board, and the State Energy Conservation Office.

26 (g) This section does not apply to the electricity
27 consumption of a district as defined by Section 36.001 or 49.001,

1 Water Code, that relates to the operation and maintenance of
2 wastewater collection and treatment, water supply and
3 distribution, or stormwater diversion, detention, or pumping
4 facilities or improvements.

5 SECTION 1.20. Section 43.0751(a)(1), Local Government
6 Code, is amended to read as follows:

7 (1) "District" means a conservation and reclamation
8 ~~[water control and improvement]~~ district ~~[or a municipal utility~~
9 ~~district created or]~~ operating under Chapter 49 ~~[51 or 54]~~, Water
10 Code.

11 SECTION 1.21. Section 43.0751, Local Government Code, is
12 amended by adding Subsection (r) to read as follows:

13 (r) To be annexed for limited purposes under this section,
14 an area must be:

15 (1) in the municipality's extraterritorial
16 jurisdiction; and

17 (2) contiguous to the corporate or limited purpose
18 boundaries of the municipality, unless the district consents to
19 noncontiguous annexation pursuant to a strategic partnership
20 agreement with the municipality.

21 SECTION 1.22. Notwithstanding Section 35.012, Water Code,
22 as amended by this article, and Section 36.0151, Water Code, the
23 Texas Commission on Environmental Quality may not create a
24 groundwater conservation district under Section 36.0151, Water
25 Code, before September 1, 2011, in territory that exists within the
26 boundaries of a single county in which total surface water use is
27 more than 50 times the total groundwater production and that is

1 located in a priority groundwater management area.

2 SECTION 1.23. Notwithstanding Section 35.012, Water Code,
3 as amended by this article, and Section 36.0151, Water Code, the
4 Texas Commission on Environmental Quality may not create a
5 groundwater conservation district under Section 36.0151, Water
6 Code, before September 1, 2011, in territory that is located in an
7 area that on or after September 1, 2008, is designated by the
8 commission as a priority groundwater management area.

9 ARTICLE 2. PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

10 SECTION 2.01. The purpose of Chapter 8855, Special District
11 Local Laws Code, as added by this article, is to establish the
12 powers and authority of a certain district to be created in a part
13 of this state that under Chapter 35, Water Code, the Texas
14 Commission on Environmental Quality has designated a priority
15 groundwater management area.

16 SECTION 2.02. Subtitle H, Title 6, Special District Local
17 Laws Code, is amended by adding Chapter 8855 to read as follows:

18 CHAPTER 8855. PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 8855.001. DEFINITIONS. In this chapter:

21 (1) "Board" means the board of directors of the
22 district.

23 (2) "Director" means a member of the board.

24 (3) "District" means the Prairielands Groundwater
25 Conservation District.

26 Sec. 8855.002. NATURE OF DISTRICT; FINDINGS. (a) The
27 district is a groundwater conservation district initially composed

1 of Ellis, Hill, Johnson, and Somervell Counties created under and
2 essential to accomplish the purposes of Section 59, Article XVI,
3 Texas Constitution.

4 (b) The district is created to serve a public use and
5 benefit.

6 (c) All of the land and other property included within the
7 boundaries of the district will be benefited by the works and
8 projects that are to be accomplished by the district under powers
9 conferred by this chapter and by Chapter 36, Water Code.

10 (d) Any fees imposed by the district under this chapter are
11 necessary to pay for the costs of accomplishing the purposes of the
12 district, including the conservation and management of groundwater
13 resources, as provided by this chapter and Section 59, Article XVI,
14 Texas Constitution.

15 Sec. 8855.003. DISTRICT TERRITORY. The initial boundaries
16 of the district are coextensive with the boundaries of Ellis, Hill,
17 Johnson, and Somervell Counties.

18 Sec. 8855.004. APPLICABILITY OF OTHER GROUNDWATER
19 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
20 chapter, Chapter 36, Water Code, applies to the district.

21 Sec. 8855.005. CONSTRUCTION OF CHAPTER. This chapter shall
22 be liberally construed to achieve the purposes expressed by this
23 chapter and Chapter 36, Water Code. A power granted by this chapter
24 or Chapter 36, Water Code, shall be broadly interpreted to achieve
25 that intent and those purposes.

26 [Sections 8855.006-8855.020 reserved for expansion]

1 SUBCHAPTER B. INITIAL ORGANIZATION

2 Sec. 8855.021. APPOINTMENT OF INITIAL DIRECTORS. (a) The
3 district is governed by a board of eight initial directors
4 appointed as provided by Section 8855.051(a).

5 (b) Initial directors shall be appointed not later than the
6 90th day after the effective date of the Act enacting this chapter.
7 If after the 90th day fewer than eight initial directors have been
8 appointed, each unfilled initial director position shall be
9 considered a vacancy and filled by the remaining initial directors.

10 (c) Except as provided under Subsection (b) for failure to
11 appoint an initial director, if a vacancy occurs on the board in a
12 position for which an initial director has previously been
13 appointed, the appointing county commissioners court for the vacant
14 position shall appoint a person to fill the vacancy in a manner that
15 meets the representational requirements of Section 8855.051.

16 (d) To be eligible to serve as an initial director, a person
17 must be a registered voter in the appointing county.

18 (e) Each initial director must qualify to serve as a
19 director under Section 36.055, Water Code.

20 Sec. 8855.022. ORGANIZATIONAL MEETING OF INITIAL
21 DIRECTORS. As soon as practicable after all the initial directors
22 have qualified under Section 36.055, Water Code, a majority of the
23 initial directors shall convene the organizational meeting of the
24 district at a location in the district agreeable to a majority of
25 the directors. If an agreement on location cannot be reached, the
26 organizational meeting shall be held at a suitable location on the
27 Hill College campus in Cleburne, Johnson County, Texas.

1 Sec. 8855.023. INITIAL TERMS. (a) The two initial
2 directors appointed from each county shall draw lots to determine
3 which director serves an initial term expiring August 31, 2011, and
4 which director serves an initial term expiring August 31, 2013.

5 (b) Each successor director shall be appointed and shall
6 serve in accordance with Subchapter C.

7 [Sections 8855.024-8855.050 reserved for expansion]

8 SUBCHAPTER C. BOARD OF DIRECTORS

9 Sec. 8855.051. GOVERNING BODY; TERMS. (a) Except as
10 provided by Subchapter D, the district is governed by a board of
11 eight directors appointed as follows:

12 (1) two directors appointed by the Ellis County
13 Commissioners Court;

14 (2) two directors appointed by the Hill County
15 Commissioners Court;

16 (3) two directors appointed by the Johnson County
17 Commissioners Court; and

18 (4) two directors appointed by the Somervell County
19 Commissioners Court.

20 (b) Directors serve staggered four-year terms, with the
21 term of one director from each of the four counties expiring on
22 August 31 of each odd-numbered year.

23 (c) A director may serve multiple consecutive terms.

24 Sec. 8855.052. DIRECTOR ELIGIBILITY; QUALIFICATION.

25 (a) To be eligible to serve as a director, a person must be a
26 registered voter in the appointing county.

27 (b) Each director must qualify to serve under Section

1 36.055, Water Code.

2 Sec. 8855.053. VACANCIES. If a vacancy occurs on the board,
3 the appointing county commissioners court for the vacant position
4 shall appoint a person to fill the vacancy. Section 36.051(c),
5 Water Code, does not apply to the district.

6 Sec. 8855.054. COMPENSATION; REIMBURSEMENT.

7 (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a
8 director may not receive compensation for performing the duties of
9 director.

10 (b) A director is entitled to reimbursement of actual
11 expenses reasonably and necessarily incurred while engaging in
12 activities on behalf of the district.

13 [Sections 8855.055-8855.070 reserved for expansion]

14 SUBCHAPTER D. DISTRICT EXPANSION

15 Sec. 8855.071. EXPANSION OF DISTRICT BOUNDARIES.

16 (a) After the effective date of the Act enacting this chapter, the
17 district territory described in Section 8855.003 shall be expanded
18 to include all of the territory in Navarro County, and the governing
19 board described by Section 8855.051(a) shall be expanded to 10
20 members and include two directors appointed by the Navarro County
21 Commissioners Court, if:

22 (1) pursuant to Chapter 35, Water Code, the Texas
23 Commission on Environmental Quality designates all or any portion
24 of the territory in Navarro County as a priority groundwater
25 management area; and

26 (2) following the designation described by
27 Subdivision (1), the commissioners court of Navarro County:

1 (A) adopts a resolution that states, "By this
2 action of the Navarro County Commissioners Court, all of the
3 territory in Navarro County, Texas, shall, as of the date of this
4 resolution, be included in the boundaries of the Prairielands
5 Groundwater Conservation District"; and

6 (B) appoints two directors who are registered to
7 vote in Navarro County to the board.

8 (b) A person appointed under this section must qualify to
9 serve under Section 36.055, Water Code.

10 (c) At the first regular meeting of the board following the
11 qualification of both directors, the two directors appointed under
12 this section shall draw lots to determine which director serves a
13 term expiring August 31 of the first odd-numbered year after the
14 directors' appointment, and which director serves a term expiring
15 August 31 of the next odd-numbered year.

16 (d) A director appointed under this section shall otherwise
17 serve in accordance with Subchapter C.

18 [Sections 8855.072-8855.100 reserved for expansion]

19 SUBCHAPTER E. POWERS AND DUTIES

20 Sec. 8855.101. GROUNDWATER CONSERVATION DISTRICT POWERS
21 AND DUTIES. Except as provided by this chapter, the district has
22 the powers and duties provided by the general law of this state
23 applicable to groundwater conservation districts created under
24 Section 59, Article XVI, Texas Constitution, including Chapter 36,
25 Water Code.

26 Sec. 8855.102. CONTRACTS. The district may enter into a
27 contract with any person, public or private, for any purpose

1 authorized by law.

2 Sec. 8855.103. APPLICABILITY OF DISTRICT REGULATIONS.

3 Groundwater regulation under this chapter applies to all persons
4 except as exempted from permitting under Section 36.117, Water
5 Code, or this chapter.

6 Sec. 8855.104. WELL SPACING RULES; EXEMPTIONS. (a) Except

7 as provided by Subsection (b), the district shall exempt from the
8 well spacing requirements adopted by the district any well that is
9 completed on or before the effective date of those requirements.

10 (b) The district may provide by rule that a well may lose its

11 exemption under this section if the well is modified in a manner
12 that substantially increases the capacity of the well after the
13 effective date of the well spacing requirements adopted by the
14 district.

15 (c) Except as provided by this section and notwithstanding

16 Section 8855.103, the district may require a well or class of wells
17 exempt from permitting under Chapter 36, Water Code, to comply with
18 the well spacing requirements adopted by the district. The
19 district shall apply well spacing requirements uniformly to any
20 well or class of wells based on the size or capacity of the well and
21 without regard to the type of use of the groundwater produced by the
22 well.

23 Sec. 8855.105. REGISTRATION AND REPORTING REQUIREMENTS FOR

24 CERTAIN EXEMPT WELLS. The district may adopt rules that require the
25 owner or operator of a well or class of wells exempt from permitting
26 under Section 36.117, Water Code, to register the well with the
27 district and, except for a well exempt from permitting under

1 Section 36.117(b)(1), to report groundwater withdrawals from the
2 well using reasonable and appropriate reporting methods and
3 frequency.

4 Sec. 8855.106. ENFORCEMENT. (a) The district may enforce
5 this chapter against any person in the manner provided by Chapter
6 36, Water Code. In lieu of a remedy available to the district under
7 Section 36.102, Water Code, or in addition to those remedies, the
8 district may impose a fee in addition to a fee assessed under
9 Section 8855.152 on a person producing groundwater in violation of
10 a district order or rule, including the failure or refusal to comply
11 with any district order or rule relating to reducing or ceasing
12 groundwater use. The purpose of a fee authorized by this subsection
13 is to serve as a disincentive to producing groundwater except as
14 authorized by the district.

15 (b) A fee imposed under Subsection (a) may not exceed an
16 amount equal to 10 times the amount of a fee assessed under Section
17 8855.152.

18 [Sections 8855.107-8855.150 reserved for expansion]

19 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

20 Sec. 8855.151. TAXES PROHIBITED. The district may not
21 impose a tax. Sections 36.020(a) and 36.201-36.204, Water Code, do
22 not apply to the district.

23 Sec. 8855.152. DISTRICT REVENUES. (a) The district by
24 rule, resolution, or order may establish, amend, pledge, encumber,
25 spend the proceeds from, and assess to any person production fees,
26 based on the amount of groundwater authorized by permit to be
27 withdrawn from a well or on the amount of water actually withdrawn,

1 to enable the district to fulfill its purposes and regulatory
2 functions as provided by this chapter. The district may use revenue
3 generated by fees it assesses for any lawful purpose.

4 (b) Notwithstanding any provision of general law to the
5 contrary, a fee authorized by Subsection (a) may not exceed:

6 (1) \$1 per acre-foot annually for groundwater used for
7 agricultural purposes; or

8 (2) 30 cents per thousand gallons annually for
9 groundwater used for nonagricultural purposes.

10 (c) Notwithstanding any provision of general law or this
11 chapter to the contrary, if any, the district may assess a
12 production fee under this section for groundwater produced from a
13 well or class of wells exempt from permitting under Section 36.117,
14 Water Code, except for a well exempt from permitting under Section
15 36.117(b)(1). A production fee assessed by the district under this
16 subsection must be based on the amount of groundwater actually
17 withdrawn from the well and may not exceed the amount established by
18 the district for permitted uses under Subsection (b)(2) of this
19 section.

20 (d) Notwithstanding Section 36.1071(f), Water Code, the
21 district by rule, resolution, or order before the adoption of its
22 management plan may:

23 (1) establish, assess, and enforce the collection of
24 production fees under this section; and

25 (2) establish and enforce metering and reporting
26 requirements, except for a well exempt from permitting under
27 Section 36.117(b)(1), Water Code.

1 (e) The district by rule may establish a temporary or
2 permanent discounted fee rate for persons who prepay production
3 fees to the district under this section on or before the dates
4 established by district rule.

5 SECTION 2.03. (a) The legal notice of the intention to
6 introduce this article of this Act, setting forth the general
7 substance of this article, has been published as provided by law,
8 and the notice and a copy of this article have been furnished to all
9 persons, agencies, officials, or entities to which they are
10 required to be furnished under Section 59, Article XVI, Texas
11 Constitution, and Chapter 313, Government Code.

12 (b) The governor has submitted the notice and this article
13 to the Texas Commission on Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this article with the governor,
16 lieutenant governor, and speaker of the house of representatives
17 within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this article are
21 fulfilled and accomplished.

22 ARTICLE 3. EFFECTIVE DATES

23 SECTION 3.01. (a) Except as provided by Subsection (b) of
24 this section, this Act takes effect September 1, 2009.

25 (b) Sections 1.01 and 1.02 of this Act take effect
26 immediately if this Act receives a vote of two-thirds of all the
27 members elected to each house, as provided by Section 39, Article

1 III, Texas Constitution. If this Act does not receive the vote
2 necessary for immediate effect, Sections 1.01 and 1.02 of this Act
3 take effect September 1, 2009.

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 27 2009

BY: Wentworth

Patry Grew
Secretary of the Senate

1 Amend C.S.H.B. No. 3335 (senate committee report) by adding
2 the following appropriately numbered SECTIONS to ARTICLE 1 of
3 the bill and renumbering subsequent SECTIONS of that ARTICLE
4 accordingly:

5 SECTION ____ . Subchapter A, Chapter 67, Water Code, is
6 amended by adding Sections 67.0061, 67.0062, and 67.0063 to read
7 as follows:

8 Sec. 67.0061. DIRECTOR NOMINATIONS. (a) To be listed on
9 the ballot as a candidate for election to a director's position,
10 a person must file with the corporation an application that
11 includes:

12 (1) the person's written consent to serve, if
13 elected;

14 (2) biographical information about the person; and

15 (3) a statement of the person's qualifications,
16 including:

17 (A) a statement that the person meets the
18 requirements of Sections 11.002(1), (3), and (4), Election Code;
19 and

20 (B) whether the person is a member of the
21 corporation.

22 (b) The application must be filed with the corporation not
23 later than the 70th day before the date of the annual meeting.

24 (c) The corporation shall make available director
25 candidate application forms at the main office of the
26 corporation.

27 Sec. 67.0062. BALLOT FOR ELECTION OF DIRECTORS. The
28 secretary-treasurer of the board shall:

29 (1) have the names of all candidates for each

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1 director's position printed on the ballot; and

2 (2) not later than the 45th day before the date of
3 the annual meeting, mail the ballot to each person who is a
4 member or shareholder, along with a statement of the number of
5 directors to be elected and the biographical information about
6 each candidate, including the candidate's qualifications as
7 provided by each candidate for director in the candidate's
8 application.

9 Sec. 67.0063. ELECTION OF DIRECTORS. (a) A member or
10 shareholder may vote:

11 (1) in person at the annual meeting;

12 (2) by delivering a completed ballot to the member's
13 proxy to submit at the annual meeting;

14 (3) by mailing a completed ballot postmarked not
15 later than the sixth day before the date of the annual meeting
16 to the office of the independent election auditor selected by
17 the members or shareholders at the preceding annual meeting; or

18 (4) by delivering a completed ballot to the main
19 office of the corporation not later than noon of the day before
20 the date of the annual meeting.

21 (b) The corporation shall place each ballot received under
22 Subsection (a)(4) in a sealed envelope and shall deliver the
23 sealed envelopes to the independent election auditor at the
24 annual meeting.

25 (c) No person, including the corporation, may use any type
26 of incentive to encourage a member or shareholder to authorize
27 the corporation, a committee of the corporation, or another
28 person to act as the member's proxy in casting the vote of the
29 member in a director's election. The corporation may provide
30 incentives to obtain proxies or to encourage attendance at an
31 annual or special meeting of the members solely for the purpose

1 of establishing a quorum.

2 (d) The independent election auditor shall receive and
3 count the ballots before the annual meeting is adjourned.

4 (e) For each director's position, the nominee who receives
5 the highest number of votes is elected.

6 (f) If two or more candidates for a director's position
7 tie for the highest number of votes for that position, those
8 candidates shall draw lots under the direction of the
9 independent election auditor to determine who is elected.

10 (g) The independent election auditor shall provide the
11 board with a written report of the election results.

12 (h) The board may adopt rules as needed to implement this
13 section, including rules to ensure the fairness, integrity, and
14 openness of the voting process.

15 SECTION ____ . Section 67.007, Water Code, is amended by
16 amending Subsection (b) and adding Subsection (d) to read as
17 follows:

18 (b) The board shall adopt written procedures for
19 conducting an annual or special meeting of the members or
20 shareholders, which shall include the following:

21 (1) notification to eligible members or shareholders
22 of the proposed agenda, location, and date of the meeting;

23 (2) establishment of a quorum consisting of proxies
24 and the votes of members or shareholders present;

25 (3) nomination and election procedures;

26 (4) procedures for selecting an independent election
27 auditor required by Section 67.0063;

28 (5) approval of the proxy and ballot form to be used;
29 and

30 (6) [~~5~~] validation of eligible voters, proxies,
31 ballots, and election results.

1 (d) An independent election auditor must be selected at
2 each annual meeting for the following annual meeting at which
3 one or more directors are scheduled to be elected. The
4 independent auditor is not required to be an experienced
5 election judge or auditor and may serve as an unpaid volunteer.
6 At the time of selection and while serving in the capacity of an
7 independent election auditor, the independent election auditor
8 may not be associated with the corporation as:

9 (1) an employee or independent contractor; or

10 (2) a director or candidate for director.

11 SECTION ____ . Subchapter A, Chapter 67, Water Code, is
12 amended by adding Section 67.0085 to read as follows:

13 Sec. 67.0085. AUDIT REQUIREMENTS. Subchapter G, Chapter
14 49, applies to a corporation with 500 or more members in the
15 same manner that it applies to a district under that chapter.

16 For purposes of applying that subchapter to a corporation:

17 (1) "board" means the board of directors of a
18 corporation; and

19 (2) "district" means a corporation.

20 SECTION ____ . A water supply or sewer service corporation
21 operating under Chapter 67, Water Code, is subject to the audit
22 requirements of Section 67.0085, Water Code, as added by this
23 Act, beginning with the first fiscal year of the corporation
24 that begins on or after September 1, 2009.

25 SECTION ____ . The board of directors of a water supply or
26 sewer service corporation operating under Chapter 67, Water
27 Code, shall select an independent election auditor at least 30
28 days before the scheduled date of the 2010 annual meeting of the
29 corporation.

ADOPTED

MAY 27 2009

Atay Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 3

BY: Fraser

1 Amend C.S.H.B. 3335 (senate committee report) by inserting
2 the following appropriately numbered SECTION of the bill and by
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION____. Chapter 642, Acts of the 80th Legislature,
5 Regular Session, 2007, is amended by adding Section 1A to read
6 as follows:

7 Sec. 1A. To help facilitate the statewide and regional
8 goals of making efficient and responsible use of the state's
9 water resources, the Upper Guadalupe River Authority may
10 contract to provide any Kerr County entity, and may otherwise
11 use in Kerr County, water for municipal use under Permit No.
12 5394A, which was issued to the Upper Guadalupe River Authority
13 by the Texas Natural Resource Conservation Commission, the
14 predecessor agency to the Texas Commission on Environmental
15 Quality. This section supersedes Permit No. 5394A, and
16 specifically Special Condition No. 5D.i of the permit, to the
17 extent of any conflict.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 4

Atalay Spaw
Secretary of the Senate

BY:

P. Hest

1 Amend C.S.H.B. No. 3335 (senate committee report) by adding
2 the following appropriately numbered SECTIONS to ARTICLE 1 of the
3 bill and renumbering subsequent SECTIONS of that ARTICLE
4 accordingly:

5 SECTION 1.____. Subchapter D, Chapter 36, Water Code, is
6 amended by adding Section 36.1165 to read as follows:

7 Sec. 36.1165. RESTRICTION ON DRILLING OF WELLS NEAR CERTAIN
8 RIVERS AND THEIR TRIBUTARIES. A person may not drill a well in the
9 portion of the territory of a district that is located within 100
10 feet of the gradient boundary of the Frio, North Llano, South Llano,
11 Llano, West Nueces, Nueces, or San Saba River, or any tributary of
12 one of those rivers that is a perennial stream, unless the well is:

13 (1) exempt from permitting under Section
14 36.117(b)(1); and

15 (2) drilled, completed, or equipped so that it is
16 incapable of producing more than:

17 (A) 10 gallons of groundwater per minute; or

18 (B) 16 acre-feet of groundwater per year.

19 SECTION 1.____. The changes in law made by Section 36.1165,
20 Water Code, as added by this Act, apply only to a well for which
21 drilling is commenced on or after the effective date of this Act. A
22 well for which drilling is commenced before the effective date of
23 this Act is subject to the law in effect on the date drilling is
24 commenced, and that law is continued in effect for that purpose.

ADOPTED

MAY 27 2009

Antony Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 5

BY: 

Amend H.B. 3335 (senate committee report) as follows:

(1) Insert the following appropriately numbered SECTIONS to the bill:

SECTION ____ . Section 54.016(f), Water Code, is amended to read as follows:

(f) This subsection does not apply to a city or a district that is located in whole or in part in a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million. A city may provide in its written consent for the inclusion of land in a district that a contract ("allocation agreement") between the district and the city be entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The allocation agreement shall contain the following provisions:

(1) a method by which the district shall continue to exist following the annexation of all territory within the district by the city, if the district is initially located outside the corporate limits of the city;

(2) an allocation of the taxes or revenues of the district or the city which will assure that, following the date of the inclusion of all the district's territory within the corporate limits of the city, the total annual ad valorem taxes collected by the city and the district from taxable property within the district does not exceed an amount greater than the city's ad valorem tax upon such property;

(3) an allocation of governmental services to be provided by the city or the district following the date of the inclusion of all of the district's territory within the corporate limits of the city;

(4) such other terms and conditions as may be deemed appropriate by the city.

SECTION _____. The legislature finds that an agreement entered into prior to the effective date of this Act between a municipality and a municipal utility district that are located in whole or in part in a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million is an allocation agreement only if the agreement strictly complies with the requirements of Section 54.016(f), Water Code, and is identified as an "allocation agreement" by specific reference in the agreement to Section 54.016(f), Water Code.

(2) Renumber SECTIONS of the bill appropriately.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 8

Atay Spaw
Secretary of the Senate

BY:

Dowell

<EOH>

1 Amend C.S.H.B. No. 3335 (senate committee printing) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to
4 the bill and renumber subsequent ARTICLES of the bill
5 accordingly:

6 ARTICLE ____ . HUNT COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

7 SECTION ____ .01. Subtitle F, Title 6, Special District
8 Local Laws Code, is amended by adding Chapter 8341 to read as
9 follows:

10 CHAPTER 8341. HUNT COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8341.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a board member.

15 (3) "District" means the Hunt County Municipal
16 Utility District No. 1.

17 Sec. 8341.002. NATURE OF DISTRICT. The district is a
18 municipal utility district created under Section 59, Article
19 XVI, Texas Constitution.

20 Sec. 8341.003. CONFIRMATION AND DIRECTORS' ELECTION

21 REQUIRED. (a) The temporary directors shall hold an election
22 to confirm the creation of the district and to elect five
23 permanent directors as provided by Section 49.102, Water Code.

24 (b) If the creation of the district is not confirmed at a
25 confirmation election held under this section before September
26 1, 2013:

27 (1) the district is dissolved December 31, 2013,
28 except that:

29 (A) any debts incurred shall be paid;

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1 (B) any assets that remain after the payment of
2 debts shall be transferred to Hunt County or the City of
3 Greenville, as mutually determined by the governing bodies of
4 Hunt County and the City of Greenville; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2016.

9 Sec. 8341.004. CONSENT OF MUNICIPALITY REQUIRED. The
10 temporary directors may not hold an election under Section
11 8341.003 until each municipality in whose corporate limits or
12 extraterritorial jurisdiction the district is located has
13 consented by ordinance or resolution to the creation of the
14 district and to the inclusion of land in the district.

15 Sec. 8341.005. DEVELOPMENT AGREEMENT REQUIRED. (a) The
16 temporary directors may not hold an election under Section
17 8341.003 until a development agreement, as described by Section
18 212.172, Local Government Code, covering the land described by
19 the article creating this chapter, is executed by the owners of
20 the land covered by the development agreement and by the City of
21 Greenville.

22 (b) The district may not annex land until:

23 (1) the land proposed for annexation is covered by a
24 development agreement executed by the owners of the land and the
25 City of Greenville; or

1 (2) the governing bodies of the City of Greenville
2 and Hunt County consent by ordinance or resolution to the
3 annexation.

4 (c) Notwithstanding the requirement under Section
5 212.172(b), Local Government Code, that a development agreement
6 apply only to land located in the extraterritorial jurisdiction
7 of a municipality, a development agreement described by this
8 section may cover land outside the extraterritorial jurisdiction
9 of the City of Greenville.

10 (d) Section 212.172(d), Local Government Code, does not
11 apply to a development agreement described by this section, and
12 the term of the development agreement may be renewed or extended
13 as mutually agreed to by the owners of the land covered by the
14 agreement and the City of Greenville.

15 Sec. 8341.006. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

25 (c) The creation of the district is in the public interest

1 and is essential to accomplish the purposes of Section 52-a,
2 Article III, Texas Constitution, and to:

3 (1) further the public purposes of developing and
4 diversifying the economy of the state;

5 (2) eliminate unemployment and underemployment; and

6 (3) develop or expand transportation and commerce.

7 (d) The district will:

8 (1) promote the health, safety, and general welfare
9 of residents, employers, potential employees, employees,
10 visitors, and consumers in the district, and of the public; and

11 (2) provide needed funding for the district to
12 preserve, maintain, and enhance the economic health and vitality
13 of the district territory as a community and business center.

14 (e) The district will not act as the agent or
15 instrumentality of any private interest even though the district
16 will benefit many private interests as well as the public.

17 Sec. 8341.007. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by the
19 article creating this chapter.

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

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and
2 interest on a bond;

3 (3) right to impose a tax; or

4 (4) legality or operation.

5 [Sections 8341.008-8341.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8341.051. GOVERNING BODY; TERMS. (a) The district
8 is governed by a board of five elected directors.

9 (b) Except as provided by Section 8341.052, directors
10 serve staggered four-year terms.

11 Sec. 8341.052. TEMPORARY DIRECTORS. (a) The temporary
12 board consists of:

13 (1) Jason Claunch;

14 (2) Jon Smalling;

15 (3) Spencer Taylor;

16 (4) Derek Rogers; and

17 (5) Rome Barnes.

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

19 (1) the date permanent directors are elected under
20 Section 8341.003; or

21 (2) September 1, 2013.

22 (c) If permanent directors have not been elected under
23 Section 8341.003 and the terms of the temporary directors have
24 expired, successor temporary directors shall be appointed or
25 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 8341.003; or

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

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

13 [Sections 8341.053-8341.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8341.101. GENERAL POWERS AND DUTIES. The district
16 has the powers and duties necessary to accomplish the purposes
17 for which the district is created.

18 Sec. 8341.102. MUNICIPAL UTILITY DISTRICT POWERS AND
19 DUTIES. The district has the powers and duties provided by the
20 general law of this state, including Chapters 49 and 54, Water
21 Code, applicable to municipal utility districts created under
22 Section 59, Article XVI, Texas Constitution.

23 Sec. 8341.103. WATER AND WASTEWATER FACILITIES AND
24 SERVICES. (a) The district shall make available any district
25 water or wastewater facility to each person that holds a

1 certificate of convenience and necessity to which any land in
2 the district is subject.

3 (b) The district may not provide retail water or
4 wastewater services.

5 Sec. 8341.104. AUTHORITY FOR ROAD PROJECTS. Under Section
6 52, Article III, Texas Constitution, the district may acquire,
7 construct, improve, operate, and maintain macadamized, graveled,
8 or paved roads, or improvements, including storm drainage, in
9 aid of those roads.

10 Sec. 8341.105. ROAD STANDARDS AND REQUIREMENTS. (a) A
11 road project must:

12 (1) meet all construction standards, zoning and
13 subdivision requirements, and regulations of each municipality
14 in whose corporate limits or extraterritorial jurisdiction the
15 road project is located that apply to the construction,
16 improvement, maintenance, repair, or operation of the road
17 project; and

18 (2) comply with the development agreement required by
19 Section 8341.005.

20 (b) If a road project is not located in the corporate
21 limits or extraterritorial jurisdiction of a municipality, the
22 road project must meet all applicable construction standards,
23 subdivision requirements, and regulations of each county in
24 which the road project is located.

25 (c) The district shall pay all costs associated with the

1 maintenance or operation of a road project.

2 (d) If the state will maintain and operate the road, the
3 Texas Transportation Commission must approve the plans and
4 specifications of the road project.

5 Sec. 8341.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
6 OR RESOLUTION. The district shall comply with all applicable
7 requirements of any ordinance or resolution that is adopted
8 under Section 54.016 or 54.0165, Water Code, and that consents
9 to the creation of the district or to the inclusion of land in
10 the district.

11 Sec. 8341.107. ANNEXATION BY CITY OF GREENVILLE. The City
12 of Greenville may annex a district created under this chapter on
13 the earlier of:

14 (1) the date that water, sanitary sewer, drainage,
15 and road improvements and roads have been constructed to serve
16 90 percent of the land in the district; or

17 (2) the 15th anniversary of the date of the election
18 held to confirm the creation of the district or any new district
19 created by the division of the district.

20 Sec. 8341.108. RAIL FACILITIES. The district may
21 construct, acquire, improve, maintain, and operate rail
22 facilities and improvements in aid of those facilities.

23 Sec. 8341.109. LIMITATION ON USE OF EMINENT DOMAIN. The
24 district may not exercise the power of eminent domain outside
25 the district to acquire a site or easement for:

- 1 (1) a road project authorized by Section 8341.104; or
2 (2) a recreational facility as defined by Section
3 49.462, Water Code.

4 Sec. 8341.110. DIVISION OF DISTRICT. (a) The district
5 may be divided into two or more new districts only if:

- 6 (1) the district has no outstanding bonded debt;
7 (2) the district is not imposing ad valorem taxes;
8 and
9 (3) the requirements of Subsection (i) are satisfied.

10 (b) This chapter applies to any new district created by
11 the division of the district, and a new district has all the
12 powers and duties of the district.

13 (c) Any new district created by the division of the
14 district may not, at the time the new district is created,
15 contain any land outside the area described by the article
16 creating this chapter.

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

21 (e) The board may adopt an order dividing the district
22 before or after the date the board holds an election under
23 Section 8341.003 to confirm the district's creation.

24 (f) An order dividing the district shall:

- 25 (1) name each new district;

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

3 (3) appoint temporary directors for each new
4 district; and

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

7 (g) On or before the 30th day after the date of adoption
8 of an order dividing the district, the district shall file the
9 order with the Texas Commission on Environmental Quality and
10 record the order in the real property records of each county in
11 which the district is located.

12 (h) Any new district created by the division of the
13 district shall hold a confirmation and directors' election as
14 required by Section 8341.003.

15 (i) If the district is located wholly or partly in the
16 corporate limits or the extraterritorial jurisdiction of a
17 municipality, the district may not divide under this section
18 unless the municipality by resolution or ordinance first
19 consents to the division of the district. If the district is
20 not located wholly or partly in the corporate limits or the
21 extraterritorial jurisdiction of a municipality, the district
22 may not divide under this section unless the commissioners court
23 of each county in which the district is wholly or partly located
24 first adopts a resolution or order in support of the division of
25 the district.

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

6 [Sections 8341.111-8341.150 reserved for expansion]

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 8341.151. ELECTIONS REGARDING TAXES OR BONDS. (a)

9 The district may issue, without an election, bonds and other
10 obligations secured by:

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

12 (2) contract payments described by Section 8341.153.

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

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

21 Sec. 8341.152. OPERATION AND MAINTENANCE TAX. (a) If
22 authorized at an election held under Section 8341.151, the
23 district may impose an operation and maintenance tax on taxable
24 property in the district in accordance with Section 49.107,
25 Water Code.

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

3 Sec. 8341.153. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other
5 than an operation and maintenance tax and use the revenue
6 derived from the tax to make payments under a contract after the
7 provisions of the contract have been approved by a majority of
8 the district voters voting at an election held for that purpose.

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

12 [Sections 8341.154-8341.200 reserved for expansion]

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 8341.201. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, revenue from economic
18 development agreements under Chapter 380, Local Government Code,
19 other district money, or any combination of those sources, to
20 pay for any authorized district purpose.

21 Sec. 8341.202. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while
25 all or part of the bonds are outstanding as required and in the

1 manner provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8341.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other
4 obligations issued or incurred to finance road projects and
5 payable from ad valorem taxes may not exceed one-fourth of the
6 assessed value of the real property in the district.

7 Sec. 8341.204. LIMIT ON REFINANCING DEBT. The district
8 may not refinance any debt incurred on behalf of the district
9 more than one time without the prior written consent of the City
10 of Greenville.

11 [Sections 8341.205-8341.250 reserved for expansion]

12 SUBCHAPTER F. DISSOLUTION

13 Sec. 8341.251. DISSOLUTION FOLLOWING ANNEXATION BY CITY OF
14 GREENVILLE. (a) On annexation of the district by the City of
15 Greenville, the district is dissolved in accordance with the
16 ordinance of the City of Greenville authorizing the annexation.

17 (b) Section 43.075(d), Local Government Code, applies to
18 the City of Greenville on the date the municipality adopts an
19 ordinance described by Subsection (a).

20 Sec. 8341.252. COLLECTION OF REVENUE OTHER THAN AD VALOREM
21 TAXES. If at the time of dissolution the district has
22 outstanding bonds or other obligations secured by and payable
23 from revenue described by Section 8341.201 other than ad valorem
24 taxes, the municipality succeeds to the rights and obligations
25 of the district regarding enforcement and collection of the

1 revenue and shall enforce and collect revenue as necessary to
2 pay for:

3 (1) the bonds or other obligations issued by the
4 district when due and payable according to their terms; or

5 (2) special revenue or assessment bonds or other
6 obligations issued by the City of Greenville to refund the
7 outstanding bonds or obligations.

8 Sec. 8341.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a)

9 The City of Greenville assumes the obligations of the district
10 after dissolution, including any bonds or other indebtedness
11 payable from revenue described by Section 8341.201.

12 (b) On dissolution of the district, ownership of all
13 district property is transferred to Hunt County or the City of
14 Greenville as mutually determined by the governing bodies of
15 Hunt County and the City of Greenville.

16 SECTION __.02. The Hunt County Municipal Utility District
17 No. 1 initially includes all the territory contained in the
18 following area:

19 TRACT 1

20 BEING A 668.169 ACRE TRACT OF LAND SITUATED IN THE JAMES MOORE
21 SURVEY, ABSTRACT NO. 654, GEO VAN CLEAVE SURVEY, ABSTRACT NO.
22 1074 AND WILLIAM KIZER SURVEY, ABSTRACT NO. 575, HUNT COUNTY,
23 TEXAS, AND BEING ALL OF A 305.706 ACRE TRACT OF LAND CONVEYED AS
24 "TRACT 1" TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1489,
25 PAGE 637, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING

1 ALL OF A 157.467 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS,
2 L.P., AS RECORDED IN VOLUME 1489, PAGE 647, OFFICIAL PUBLIC
3 RECORDS, HUNT COUNTY, TEXAS AND BEING ALL 31.979 ACRE TRACT OF
4 LAND CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1795,
5 PAGE 231, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING
6 ALL OF A 173.016 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS,
7 L.P., AS RECORDED IN VOLUME 1463, PAGE 539, OFFICIAL PUBLIC
8 RECORDS, HUNT COUNTY, TEXAS. SAID 668.169 ACRE TRACT WITH
9 BEARING BASIS GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH
10 CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS
11 OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259,
12 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DALLAS
13 CORS ARP (PID-DF8984). BEING MORE PARTICULARLY DESCRIBED BY
14 METES AND BOUNDS AS FOLLOWS:
15 BEGINNING AT THE NORTHEAST CORNER OF SAID 305.706 ACRE TRACT AND
16 THE SOUTHEAST CORNER OF A CALLED 66 ACRE TRACT OF LAND CONVEYED
17 AS "TRACT ONE" TO J.B. McNATT BY DEED RECORDED IN VOLUME 576,
18 PAGE 535, DEED RECORDS, HUNT COUNTY, TEXAS AND BEING ON THE WEST
19 LINE OF A CALLED 36.178 ACRE TRACT OF LAND CONVEYED AS TRACT III
20 TO LAWRENCE R. THOMAS BY DEED RECORDED IN VOLUME 250, PAGE 229,
21 DEED RECORDS, HUNT COUNTY, TEXAS AND BEING AT THE INTERSECTION
22 OF THE APPROXIMATE CENTERLINES OF HUNT COUNTY ROAD 1080 (A
23 VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY) AND HUNT COUNTY ROAD
24 1079 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY) FROM WHICH A
25 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER

1 BURGESS" SET FOR WITNESS BEARS SOUTH 51 DEGREES 58 MINUTES 38
2 SECONDS WEST, A DISTANCE OF 29.31 FEET;
3 THENCE SOUTH 00 DEGREES 42 MINUTES 26 SECONDS WEST, ALONG THE
4 EAST LINE OF SAID 305.706 ACRE TRACT AND THE COMMON WEST LINE OF
5 SAID 36.178 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF
6 SAID HUNT COUNTY ROAD 1079, A DISTANCE OF 1564.57 FEET TO A 5/8
7 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
8 SET FOR CORNER;
9 THENCE, CONTINUING ALONG THE EAST LINE OF SAID 305.706 ACRE
10 TRACT, THE FOLLOWING COURSES AND DISTANCES:

11 NORTH 88 DEGREES 23 MINUTES 01 SECONDS EAST, A
12 DISTANCE OF 11.20 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
13 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

14 SOUTH 00 DEGREES 18 MINUTES 24 SECONDS WEST, A
15 DISTANCE OF 3035.27 FEET TO A 1/2 INCH IRON ROD FOUND FOR
16 CORNER;

17 SOUTH 89 DEGREES 02 MINUTES 48 SECONDS WEST, A
18 DISTANCE OF 59.18 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
19 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE INTERIOR
20 ELL CORNER OF SAID 305.706 ACRE TRACT AND BEING THE
21 NORTHWEST CORNER OF A CALLED 20.000 ACRE TRACT OF LAND
22 CONVEYED TO MIKE BITTLE AND WIFE, BONNIE BITTLE, AS
23 RECORDED IN VOLUME 409, PAGE 731, DEED RECORDS, HUNT
24 COUNTY, TEXAS;

25 SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST, ALONG THE

1 WEST LINE OF SAID 20.000 ACRE TRACT AND PASSING AT A
2 DISTANCE OF 206.34 FEET, A 5/8 INCH IRON ROD WITH A YELLOW
3 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A SOUTHEAST
4 CORNER OF SAID 305.706 ACRE TRACT AND THE NORTHEAST CORNER
5 OF AFORESAID 157.467 ACRE TRACT, AND CONTINUING ALONG THE
6 EAST LINE OF SAID 157.467 ACRE TRACT AND THE WEST LINE OF
7 SAID 20.000 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 2178.64
8 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER
9 OF SAID 157.467 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID
10 20.000 ACRE TRACT AND BEING ON THE APPROXIMATE CENTERLINE
11 OF HUNT COUNTY ROAD NO. 1071 (A VARIABLE WIDTH PRESCRIPTIVE
12 RIGHT-OF-WAY);
13 THENCE, NORTH 89 DEGREES 59 MINUTES 21 SECONDS WEST, ALONG THE
14 SOUTH LINE OF SAID 157.467 ACRE TRACT AND WITH THE APPROXIMATE
15 CENTERLINE OF SAID HUNT COUNTY ROAD 1771, PASSING AT A DISTANCE
16 OF 1307.23 FEET A 1/2 INCH IRON ROD FOUND, CONTINUING IN ALL A
17 TOTAL DISTANCE OF 1311.67 FEET TO A POINT FOR AN INTERIOR ELL
18 CORNER OF SAID 157.467 ACRE TRACT AND BEING AT THE INTERSECTION
19 OF THE APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD 1071 AND
20 HUNT COUNTY ROAD NO. 1074 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-
21 OF-WAY), FROM WHICH A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST
22 CORNER OF A CALLED 22.0 ACRE TRACT OF LAND CONVEYED TO GERALD
23 HENRY CLEMENTS, AS RECORDED IN VOLUME 1014, PAGE 495, OFFICIAL
24 PUBLIC RECORDS, HUNT COUNTY, TEXAS, BEARS SOUTH 69 DEGREES 22
25 MINUTES 52 SECONDS WEST, A DISTANCE OF 6.90 FEET;

1 THENCE, SOUTH 00 DEGREES 37 MINUTES 07 SECONDS EAST, WITH THE
2 EAST LINE OF SAID 157.467 ACRE TRACT AND THE APPROXIMATE
3 CENTERLINE OF SAID HUNT COUNTY ROAD 1074, A DISTANCE OF 538.77
4 FEET TO A 3/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF
5 SAID 22.0 ACRE TRACT AND THE NORTHWEST CORNER OF AFORESAID
6 173.016 ACRE TRACT;

7 THENCE, NORTH 89 DEGREES 41 MINUTES 33 SECONDS EAST, ALONG THE
8 NORTH LINE OF SAID 173.016 ACRE TRACT AND THE COMMON SOUTH LINE
9 OF SAID 22.0 ACRE TRACT, PASSING AT A DISTANCE OF 19.91 FEET A
10 1/2" IRON ROD FOUND WITH CAP STAMPED "WISDOM R.P.L.S. 3646"
11 FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1778.50
12 FEET TO A 1/2 INCH IRON ROD FOUND WITH CAP STAMPED "WISDOM
13 R.P.L.S. 3646" FOR THE NORTHEAST CORNER OF SAID 173.016 ACRE
14 TRACT AND THE SOUTHEAST CORNER OF SAID 22.0 ACRE TRACT, SAID
15 POINT BEING IN THE WEST LINE OF A CALLED 97.784 ACRE TRACT OF
16 LAND CONVEYED TO PAUL WIRTZBERGER BY DEED RECORDED IN VOLUME
17 575, PAGE 179, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS;

18 THENCE, ALONG THE EAST LINE OF SAID 173.016 ACRE TRACT AND THE
19 WEST LINE OF SAID 97.784 ACRE TRACT, THE FOLLOWING COURSES AND
20 DISTANCES:

21 SOUTH 00 DEGREES 07 MINUTES 57 SECONDS WEST, A
22 DISTANCE OF 2019.66 FEET TO A 3/8 INCH IRON ROD FOUND FOR
23 CORNER;

24 SOUTH 00 DEGREES 22 MINUTES 50 SECONDS WEST, A
25 DISTANCE OF 388.78 FEET TO A 3/8 INCH IRON ROD FOUND FOR

1 CORNER;

2 SOUTH 00 DEGREES 07 MINUTES 29 SECONDS WEST, A
3 DISTANCE OF 2053.44 FEET TO A 1/2 INCH IRON ROD FOUND FOR
4 THE SOUTHEAST CORNER OF SAID 173.016 ACRE TRACT AND THE
5 SOUTHWEST CORNER OF SAID 97.784 ACRE TRACT, SAID POINT ALSO
6 BEING IN THE NORTH RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD
7 NO. 1569 (A VARIABLE WIDTH RIGHT-OF-WAY);

8 THENCE, ALONG THE SOUTH LINE OF SAID 173.016 ACRE TRACT AND THE
9 COMMON NORTH RIGHT-OF-WAY LINE OF SAID FARM TO MARKET ROAD NO.
10 1569, THE FOLLOWING COURSES AND DISTANCES:

11 SOUTH 89 DEGREES 33 MINUTES 34 SECONDS WEST, A
12 DISTANCE OF 1000.94 FEET TO A BROKEN CONCRETE MONUMENT
13 FOUND FOR CORNER;

14 SOUTH 84 DEGREES 33 MINUTES 30 SECONDS WEST, A
15 DISTANCE OF 112.36 FEET TO A BROKEN CONCRETE MONUMENT FOUND
16 FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE
17 RIGHT HAVING A CENTRAL ANGLE OF 89 DEGREES 34 MINUTES 36
18 SECONDS, A RADIUS OF 532.96 FEET, A LONG CHORD THAT BEARS,
19 NORTH 45 DEGREES 39 MINUTES 26 SECONDS WEST, A DISTANCE OF
20 750.93 FEET;

21 ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC
22 DISTANCE OF 833.23 FEET TO A BROKEN CONCRETE MONUMENT FOUND
23 FOR CORNER;

24 THENCE, ALONG THE WEST LINE OF SAID 173.016 ACRE TRACT AND THE
25 COMMON EAST RIGHT-OF-WAY LINE OF SAID FARM TO MARKET ROAD NO.

1 1569, THE FOLLOWING COURSES AND DISTANCES:

2 NORTH 01 DEGREES 01 MINUTES 34 SECONDS WEST, A
3 DISTANCE OF 797.09 FEET TO A BROKEN CONCRETE MONUMENT FOUND
4 FOR CORNER;

5 NORTH 01 DEGREES 12 MINUTES 32 SECONDS WEST, A
6 DISTANCE OF 1152.33 FEET TO A BROKEN CONCRETE MONUMENT
7 FOUND FOR CORNER;

8 NORTH 04 DEGREES 02 MINUTES 50 SECONDS EAST, A
9 DISTANCE OF 100.47 FEET TO A BROKEN CONCRETE MONUMENT FOUND
10 FOR CORNER;

11 NORTH 01 DEGREES 20 MINUTES 07 SECONDS WEST, A
12 DISTANCE OF 209.81 FEET TO A BROKEN CONCRETE MONUMENT FOUND
13 FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT
14 HAVING A CENTRAL ANGLE OF 10 DEGREES 10 MINUTES 52 SECONDS,
15 A RADIUS OF 622.96 FEET, A LONG CHORD THAT BEARS, NORTH 06
16 DEGREES 25 MINUTES 33 SECONDS WEST, A DISTANCE OF 110.55
17 FEET;

18 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE
19 OF 110.70 FEET TO A POINT FOR CORNER;

20 NORTH 00 DEGREES 57 MINUTES 59 SECONDS WEST, A
21 DISTANCE OF 282.19 FEET TO A BROKEN CONCRETE MONUMENT FOUND
22 FOR AN INTERIOR ELL CORNER OF SAID 173.016 ACRE TRACT;

23 SOUTH 88 DEGREES 39 MINUTES 13 SECONDS WEST, A
24 DISTANCE OF 39.92 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN
25 EXTERIOR ELL CORNER OF SAID 173.016 ACRE TRACT AND THE

1 SOUTHEAST CORNER OF A CALLED 2.001 ACRE TRACT CONVEYED TO
2 DONALD C. CASH, AS RECORDED IN VOLUME 1058, PAGE 698,
3 OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS, SAID POINT
4 BEING IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD NO. 1074
5 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

6 THENCE, ALONG THE WEST LINE OF SAID 173.016 ACRE TRACT AND THE
7 COMMON EAST LINE OF SAID 2.001 ACRE TRACT, WITH THE GENERAL
8 DIRECTION OF THE APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO.
9 1074, THE FOLLOWING COURSES AND DISTANCES:

10 NORTH 01 DEGREES 32 MINUTES 05 SECONDS WEST, A
11 DISTANCE OF 122.14 FEET TO A 1/2 INCH IRON ROD FOUND WITH
12 CAP STAMPED "WISDOM R.P.L.S. 3646" FOR CORNER, FROM WHICH A
13 1/2 INCH IRON ROD FOUND WITH CAP STAMPED "WISDOM R.P.L.S.
14 3646" FOUND FOR WITNESS BEARS SOUTH 89 DEGREES 46 MINUTES
15 19 SECONDS EAST, A DISTANCE OF 14.82 FEET;

16 NORTH 01 DEGREES 39 MINUTES 50 SECONDS WEST, A
17 DISTANCE OF 302.03 FEET TO A 1/2 INCH IRON ROD FOUND FOR
18 THE NORTHEAST CORNER OF SAID 2.001 ACRE TRACT AND THE
19 SOUTHEAST CORNER OF A CALLED 3.500 ACRE TRACT CONVEYED TO
20 LISA MARIE ROBLES BY DEED RECORDED IN VOLUME 1097, PAGE
21 595, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS;

22 THENCE, CONTINUING ALONG THE WEST LINE OF SAID 173.016 ACRE
23 TRACT AND THE COMMON EAST LINE OF SAID 3.500 ACRE TRACT, WITH
24 THE GENERAL DIRECTION OF THE APPROXIMATE CENTERLINE OF SAID
25 COUNTY ROAD NO. 1074, THE FOLLOWING COURSES AND DISTANCES:

1 NORTH 00 DEGREES 08 MINUTES 49 SECONDS EAST, A
2 DISTANCE OF 282.96 FEET TO A 3/8 INCH IRON ROD FOUND FOR
3 CORNER, FROM WHICH A 1/2 INCH IRON ROD FOUND WITH CAP
4 STAMPED "WISDOM R.P.L.S. 3646" FOUND FOR WITNESS BEARS
5 SOUTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF
6 20.04 FEET;

7 NORTH 01 DEGREES 11 MINUTES 16 SECONDS WEST, A
8 DISTANCE OF 234.74 FEET TO A POINT FOR THE NORTHEAST CORNER
9 OF SAID 3.500 ACRE TRACT AND A SOUTHEAST CORNER OF
10 AFORESAID 31.979 ACRE TRACT;

11 THENCE, SOUTH 88 DEGREES 35 MINUTES 54 SECONDS WEST, ALONG THE
12 SOUTH LINE OF SAID 31.979 ACRE TRACT AND THE COMMON NORTH LINE
13 OF SAID 3.500 ACRE TRACT, PASSING AT A DISTANCE OF 20.00 FEET A
14 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
15 BURGESS" SET FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF
16 302.92 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST
17 CORNER OF SAID 3.500 ACRE TRACT;

18 THENCE, SOUTH 01 DEGREES 24 MINUTES 06 SECONDS EAST, ALONG THE
19 EAST LINE OF SAID 31.979 ACRE TRACT AND THE COMMON WEST LINE OF
20 SAID 3.500 ACRE TRACT, A DISTANCE OF 517.78 FEET TO A 1/2 INCH
21 IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 3.500 ACRE
22 TRACT, SAID POINT BEING ON THE NORTH LINE OF AFORESAID 2.001
23 ACRE TRACT;

24 THENCE, SOUTH 88 DEGREES 23 MINUTES 58 SECONDS WEST, ALONG THE
25 SOUTH LINE OF SAID 31.979 ACRE TRACT AND THE COMMON NORTH LINE

1 OF SAID 2.001 ACRE TRACT, A DISTANCE OF 81.14 FEET TO A 1/2 INCH
2 IRON ROD WITH PLASTIC CAP STAMPED "STOVALL & ASSOC" FOUND FOR
3 THE NORTHWEST CORNER OF SAID 2.001 ACRE TRACT AND BEING ON THE
4 EAST LINE OF A 3.907 ACRE TRACT OF LAND CONVEYED TO TRAVIS HOBBS
5 BY DEED RECORDED IN VOLUME 1388, PAGE 105, OFFICIAL PUBLIC
6 RECORDS, HUNT COUNTY, TEXAS;
7 THENCE, NORTH 35 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG A
8 WEST LINE OF SAID 31.979 ACRE TRACT AND THE COMMON EAST LINE OF
9 SAID 3.907 ACRE TRACT, A DISTANCE OF 78.00 FEET TO A 1/2 INCH
10 IRON ROD WITH PLASTIC CAP STAMPED "STOVALL & ASSOC" FOUND FOR
11 THE NORTHEAST CORNER OF SAID 3.907 ACRE TRACT;
12 THENCE, SOUTH 86 DEGREES 04 MINUTES 36 SECONDS WEST, ALONG THE
13 SOUTH LINE OF SAID 31.979 ACRE TRACT AND THE COMMON NORTH LINE
14 OF SAID 3.907 ACRE TRACT, A DISTANCE OF 770.20 FEET TO A 1/2
15 INCH IRON ROD WITH PLASTIC CAP STAMPED "STOVALL & ASSOC" FOUND
16 FOR THE NORTHWEST CORNER OF SAID 3.907 ACRE TRACT;
17 THENCE, SOUTH 01 DEGREES 46 MINUTES 57 SECONDS WEST, ALONG AN
18 EAST LINE OF SAID 31.979 ACRE TRACT AND THE COMMON WEST LINE OF
19 SAID 3.907 ACRE TRACT, A DISTANCE OF 223.89 FEET TO A 1/2 INCH
20 IRON ROD WITH PLASTIC CAP STAMPED "STOVALL & ASSOC" FOUND FOR
21 THE SOUTHWEST CORNER OF SAID 3.907 ACRE TRACT AND BEING ON THE
22 COMMON NORTH RIGHT-OF-WAY LINE OF AFORESAID FARM TO MARKET ROAD
23 NO. 1569;
24 THENCE, SOUTH 89 DEGREES 20 MINUTES 25 SECONDS WEST, ALONG THE
25 SOUTH LINE OF SAID 31.979 ACRE TRACT AND THE COMMON NORTH RIGHT-

1 OF-WAY LINE OF SAID FARM TO MARKET ROAD NO. 1569, A DISTANCE OF
2 558.27 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
3 STAMPED "CARTER BURGESS" SET FOR CORNER;
4 THENCE, NORTH 03 DEGREES 10 MINUTES 24 SECONDS EAST, ALONG A
5 WEST LINE OF SAID 31.979 ACRE TRACT, OVER AND ACROSS A TRACT OF
6 LAND CONVEYED TO W.G. MARTIN BY DEED RECORDED IN VOLUME 650,
7 PAGE 283, DEED RECORDS, HUNT COUNTY, TEXAS A DISTANCE OF 470.89
8 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
9 "CARTER BURGESS" SET FOR AN INTERIOR ELL CORNER OF SAID 31.979
10 ACRE TRACT;
11 THENCE, SOUTH 88 DEGREES 31 MINUTES 54 SECONDS WEST, ALONG A
12 SOUTH LINE OF SAID 31.979 ACRE TRACT, CONTINUING OVER AND
13 ACROSS SAID W.G. MARTIN TRACT, PASSING AT A DISTANCE OF 353.37
14 FEET A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
15 "CARTER BURGESS" SET FOR WITNESS, CONTINUING IN ALL A TOTAL
16 DISTANCE OF 372.37 FEET TO A POINT FOR A SOUTHWEST CORNER OF
17 SAID 31.979 ACRE TRACT, SAID POINT ALSO BEING ON THE EAST LINE
18 OF A 39.791 ACRE TRACT OF LAND CONVEYED BY DEED TO NORMAN HALL,
19 AS RECORDED IN VOLUME 203, PAGE 619, DEED RECORDS, HUNT COUNTY,
20 TEXAS AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD NO. 1075 (A
21 VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);
22 THENCE, ALONG THE WEST LINE OF SAID 31.979 ACRE TRACT, THE
23 COMMON EAST LINE OF SAID 39.791 ACRE TRACT AND WITH THE
24 APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 1075, THE
25 FOLLOWING COURSES AND DISTANCES:

1 NORTH 00 DEGREES 46 MINUTES 29 SECONDS WEST, A
2 DISTANCE OF 457.72 FEET TO A POINT FOR CORNER;

3 NORTH 09 DEGREES 57 MINUTES 20 SECONDS EAST, A
4 DISTANCE OF 69.13 FEET TO A POINT FOR THE NORTHWEST CORNER
5 OF SAID 31.979 ACRE TRACT AND THE SOUTHWEST CORNER OF
6 AFORESAID 157.467 ACRE TRACT;

7 THENCE, ALONG THE WEST LINE OF SAID 157.467 ACRE TRACT, THE
8 COMMON EAST LINE OF SAID 39.791 ACRE TRACT AND WITH THE
9 APPROXIMATE CENTERLINE OF SAID COUNTY ROAD NO. 1075, THE
10 FOLLOWING COURSES AND DISTANCES:

11 NORTH 09 DEGREES 57 MINUTES 20 SECONDS EAST, A
12 DISTANCE OF 30.33 FEET TO A POINT FOR CORNER;

13 NORTH 27 DEGREES 51 MINUTES 02 SECONDS EAST, A
14 DISTANCE OF 617.11 FEET TO A POINT FOR CORNER;

15 NORTH 75 DEGREES 30 MINUTES 15 SECONDS EAST, A
16 DISTANCE OF 152.78 FEET TO A POINT FOR CORNER;

17 NORTH 40 DEGREES 43 MINUTES 36 SECONDS EAST, A
18 DISTANCE OF 59.14 FEET TO A POINT FOR CORNER;

19 NORTH 08 DEGREES 29 MINUTES 05 SECONDS WEST, A
20 DISTANCE OF 242.89 FEET TO A 1/2 INCH IRON ROD FOUND FOR
21 THE NORTHEAST CORNER OF SAID 39.791 ACRE TRACT AND THE
22 SOUTHEAST CORNER OF A 101.55 ACRE TRACT OF LAND CONVEYED TO
23 DOROTHY JEAN SANCHEZ AND HUSBAND, MANUEL RICHARD SANCHEZ,
24 AS RECORDED IN VOLUME 568, PAGE 86, DEED RECORDS, HUNT
25 COUNTY, TEXAS;

1 THENCE, NORTH 00 DEGREES 57 MINUTES 57 SECONDS WEST, CONTINUING
2 ALONG THE WEST LINE OF SAID 157.467 ACRE TRACT, THE COMMON EAST
3 LINE OF SAID 101.55 ACRE TRACT AND WITH THE APPROXIMATE
4 CENTERLINE OF AFORESAID HUNT COUNTY ROAD 1075, A DISTANCE OF
5 1734.56 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST
6 CORNER OF SAID 157.467 ACRE TRACT AND THE NORTHEAST CORNER OF
7 SAID 101.55 ACRE TRACT AND BEING AT THE APPROXIMATE CENTERLINE
8 INTERSECTION OF SAID HUNT COUNTY ROAD 1075 AND AFORESAID HUNT
9 COUNTY ROAD 1074;

10 THENCE, NORTH 89 DEGREES 35 MINUTES 14 SECONDS EAST, ALONG THE
11 NORTH LINE OF SAID 157.467 ACRE TRACT AND WITH THE APPROXIMATE
12 CENTERLINE OF AFORESAID HUNT COUNTY ROAD 1074, A DISTANCE OF
13 970.56 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE OCCUPIED
14 SOUTHEAST CORNER OF A CALLED 80 ACRE TRACT OF LAND CONVEYED AS
15 "TRACT ONE" TO NORMAN AND LINDA OLIVER LIVING TRUST, AS RECORDED
16 IN VOLUME 1331, PAGE 540, OFFICIAL PUBLIC RECORDS, HUNT COUNTY,
17 TEXAS AND BEING THE SOUTHWEST CORNER OF AFORESAID 305.706 ACRE
18 TRACT;

19 THENCE, NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, ALONG THE
20 WEST LINE OF SAID 305.706 ACRE TRACT AND THE COMMON EAST LINE OF
21 SAID 80 ACRE TRACT, A DISTANCE OF 1846.41 FEET TO A 3/8 INCH
22 IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 80 ACRE TRACT;

23 THENCE, NORTH 89 DEGREES 52 MINUTES 27 SECONDS WEST, ALONG THE
24 SOUTH LINE OF SAID 305.706 ACRE TRACT AND THE COMMON NORTH LINE
25 OF SAID 80 ACRE TRACT, PASSING AT A DISTANCE OF 1975.47 FEET A

1 3/8 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL
2 DISTANCE OF 1993.80 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
3 NORTHWEST CORNER OF SAID 80 ACRE TRACT AND BEING ON THE EAST
4 LINE OF A 115.5 ACRE TRACT OF LAND CONVEYED AS "TRACT TWO" TO
5 NORMAN AND LINDA OLIVER LIVING TRUST, AS RECORDED IN VOLUME
6 1331, PAGE 540, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND
7 BEING ON THE APPROXIMATE CENTERLINE OF AFORESAID HUNT COUNTY
8 ROAD 1074;

9 THENCE, NORTH 00 DEGREES 00 MINUTES 17 SECONDS WEST, ALONG THE
10 WEST LINE OF SAID 305.706 ACRE TRACT AND THE COMMON EAST LINE OF
11 SAID 115.5 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF
12 SAID HUNT COUNTY ROAD 1074, A DISTANCE OF 1099.92 FEET TO A
13 POINT FOR THE NORTHEAST CORNER OF SAID 115.5 ACRE TRACT;

14 THENCE, SOUTH 89 DEGREES 36 MINUTES 33 SECONDS WEST, ALONG THE
15 SOUTH LINE OF SAID 305.706 ACRE TRACT AND THE COMMON NORTH LINE
16 OF SAID 115.5 ACRE TRACT, PASSING AT A DISTANCE OF 21.33 FEET A
17 3/8 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL
18 DISTANCE OF 1997.32 FEET TO FENCE CORNER POST FOUND FOR THE
19 NORTHWEST CORNER OF SAID 115.5 ACRE TRACT AND BEING ON THE EAST
20 LINE OF A 50 ACRE TRACT OF LAND CONVEYED TO DOYLE FAMILY
21 REVOCABLE LIVING TRUST, AS RECORDED IN VOLUME 902, PAGE 681,
22 DEED RECORDS, HUNT COUNTY, TEXAS;

23 THENCE, NORTH 01 DEGREES 11 MINUTES 31 SECONDS WEST, ALONG THE
24 WEST LINE OF SAID 305.706 ACRE TRACT AND THE EAST LINE OF SAID
25 50 ACRE TRACT, A DISTANCE OF 564.66 FEET TO A FENCE CORNER POST

1 FOUND FOR THE SOUTHWEST CORNER OF A CALLED 143.51 ACRE TRACT OF
2 LAND CONVEYED TO JACKY G. LEINART AND JERRY L. LEINART, AS
3 RECORDED IN VOLUME 136, PAGE 557, DEED RECORDS, HUNT COUNTY,
4 TEXAS;

5 THENCE, NORTH 89 DEGREES 16 MINUTES 24 SECONDS EAST, ALONG THE
6 NORTH LINE OF SAID 305.706 ACRE TRACT AND THE COMMON SOUTH LINE
7 OF SAID 143.51 ACRE TRACT, PASSING AT A DISTANCE OF 1991.01 FEET
8 A 3/8 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL
9 DISTANCE OF 2009.13 FEET TO A POINT FOR THE SOUTHEAST CORNER OF
10 SAID 143.51 ACRE TRACT AND BEING ON AFORESAID HUNT COUNTY ROAD
11 NO. 1074;

12 THENCE, NORTH 00 DEGREES 00 MINUTES 17 SECONDS WEST, ALONG THE
13 WEST LINE OF SAID 305.706 ACRE TRACT AND THE COMMON EAST LINE OF
14 SAID 143.51 ACRE TRACT, A DISTANCE OF 205.79 FEET TO A 3/8 INCH
15 IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A 17.75 ACRE TRACT OF
16 LAND CONVEYED AS "TRACT THREE" TO SHERMAN A. GREEN, AS RECORDED
17 IN VOLUME 603, PAGE 120, DEED RECORDS, HUNT COUNTY, TEXAS;

18 THENCE, ALONG THE NORTH LINE OF SAID 305.706 ACRE TRACT AND WITH
19 THE APPROXIMATE CENTERLINE OF AFORESAID HUNT COUNTY ROAD 1080,
20 THE FOLLOWING COURSES AND DISTANCES:

21 NORTH 89 DEGREES 45 MINUTES 23 SECONDS EAST, ALONG THE
22 COMMON SOUTH LINE OF SAID 17.75 ACRE TRACT AND THE COMMON
23 SOUTH LINE OF A 22.304 ACRE TRACT OF LAND CONVEYED AS
24 "TRACT TWO" TO J.B. McNATT, AS RECORDED IN VOLUME 576, PAGE
25 535, DEED RECORDS, HUNT COUNTY, TEXAS AND THE COMMON SOUTH

1 LINE OF A 66 ACRE TRACT OF LAND CONVEYED AS "TRACT ONE" TO
2 J.B. McNATT, AS RECORDED IN VOLUME 576, PAGE 535, DEED
3 RECORDS, HUNT COUNTY, TEXAS, A DISTANCE OF 1984.50 FEET TO
4 A POINT FOR CORNER, FROM WHICH A 3/8 INCH IRON ROD FOUND
5 FOR WITNESS BEARS, SOUTH 00 DEGREES 17 MINUTES 11 SECONDS
6 EAST, A DISTANCE OF 21.19 FEET;
7 NORTH 89 DEGREES 42 MINUTES 49 SECONDS EAST,
8 CONTINUING ALONG THE COMMON SOUTH LINE OF SAID 66 ACRE
9 TRACT, A DISTANCE OF 1087.57 FEET TO A 5/8 INCH IRON ROD
10 WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR
11 THE SOUTHEAST CORNER OF SAID 66 ACRE TRACT;
12 THENCE, NORTH 00 DEGREES 14 MINUTES 29 SECONDS WEST, ALONG THE
13 WEST LINE OF SAID 305.706 ACRE TRACT, A COMMON EAST LINE OF SAID
14 66 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF SAID HUNT
15 COUNTY ROAD 1080, A DISTANCE OF 1040.80 FEET TO A 5/8 INCH IRON
16 ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A
17 NORTHWEST CORNER OF SAID 305.706 ACRE TRACT AND THE INTERIOR ELL
18 CORNER OF SAID 66 ACRE TRACT;
19 THENCE, NORTH 89 DEGREES 45 MINUTES 31 SECONDS EAST, ALONG THE
20 NORTH LINE OF SAID 305.706 ACRE TRACT, THE COMMON SOUTH LINE OF
21 SAID 66 ACRE TRACT AND WITH THE APPROXIMATE CENTERLINE OF SAID
22 HUNT COUNTY ROAD 1080, A DISTANCE OF 932.78 FEET TO THE POINT OF
23 BEGINNING AND CONTAINING 668.169 ACRES OF LAND, MORE OR LESS.
24 TRACT 2
25 BEING A 36.077 ACRE TRACT OF LAND SITUATED IN THE JAMES MOORE

1 SURVEY, ABSTRACT NO. 654, AND THE JULIET PORTER SURVEY, ABSTRACT
2 NO. 819, HUNT COUNTY, TEXAS, AND BEING ALL OF A 36.077 ACRE
3 TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN
4 VOLUME 1489, PAGE 637, OFFICIAL PUBLIC RECORDS, HUNT COUNTY,
5 TEXAS. SAID 36.077 ACRE TRACT WITH BEARING BASIS GRID NORTH,
6 TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83
7 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS
8 BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004,
9 CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DALLAS CORS ARP
10 (PID-DF8984). BEING MORE PARTICULARLY DESCRIBED BY METES AND
11 BOUNDS AS FOLLOWS:
12 BEGINNING AT A 1/2 INCH CAPPED IRON ROD STAMPED "USA INC" FOUND
13 FOR THE SOUTHWEST CORNER OF AFORESAID 36.077 ACRE TRACT AND
14 BEING A SOUTHEAST CORNER OF A 20.000 ACRE TRACT OF LAND CONVEYED
15 TO MIKE BITTLE AND WIFE, BONNIE BITTLE, AS RECORDED IN VOLUME
16 409, PAGE 731, DEED RECORDS, HUNT COUNTY, TEXAS AND BEING ON THE
17 APPROXIMATE CENTERLINE OF HUNT COUNTY ROAD 1071 (A VARIABLE
18 WIDTH PRESCRIPTIVE RIGHT-OF-WAY);
19 THENCE, NORTH 00 DEGREES 00 MINUTES 36 SECONDS EAST, ALONG THE
20 WEST LINE OF SAID 36.077 ACRE TRACT AND THE COMMON EAST LINE OF
21 SAID 20.000 ACRE TRACT, A DISTANCE OF 1465.20 FEET TO A 1/2 INCH
22 IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 36.077 ACRE
23 TRACT AND BEING THE INTERIOR ELL CORNER OF SAID 20.000 ACRE
24 TRACT;
25 THENCE, NORTH 89 DEGREES 47 MINUTES 49 SECONDS EAST, ALONG THE

1 NORTH LINE OF SAID 36.077 ACRE TRACT AND THE COMMON SOUTH LINE
2 OF SAID 20.000 ACRE TRACT, A DISTANCE OF 1080.73 FEET TO A 1/2
3 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 36.077 ACRE
4 TRACT AND A SOUTHEAST CORNER OF SAID 20.000 ACRE TRACT;
5 THENCE, SOUTH 00 DEGREES 38 MINUTES 52 SECONDS WEST, ALONG THE
6 EAST LINE OF SAID 36.077 ACRE TRACT, PASSING AT A DISTANCE OF
7 1439.34 FEET A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
8 STAMPED "CARTER BURGESS" SET FOR WITNESS, CONTINUING IN ALL A
9 TOTAL DISTANCE OF 1465.34 FEET TO A POINT FOR THE SOUTHEAST
10 CORNER OF SAID 36.077 ACRE TRACT AND BEING IN THE APPROXIMATE
11 CENTERLINE OF AFORESAID HUNT COUNTY ROAD 1071;
12 THENCE, SOUTH 89 DEGREES 47 MINUTES 48 SECONDS WEST, ALONG THE
13 SOUTH LINE OF SAID 36.077 ACRE TRACT AND WITH THE APPROXIMATE
14 CENTERLINE OF SAID HUNT COUNTY ROAD 1071, A DISTANCE OF 1064.42
15 FEET TO THE POINT OF BEGINNING, AND CONTAINING 36.077 ACRES OF
16 LAND, MORE OR LESS.

17 TRACT 3

18 BEING A 1742.436 ACRE TRACT OF LAND SITUATED IN THE JESSE
19 BILLINGSLEY SURVEY, ABSTRACT NO. 37, THE T.H. FREESE SURVEY,
20 ABSTRACT NO. 336, THE ENOS MURPHY SURVEY, ABSTRACT NO. 647, THE
21 JAMES MOORE SURVEY, ABSTRACT NO. 654, THE M.E.P. & R.R.R.
22 SURVEY, ABSTRACT NO. 772, THE JULIET PORTER SURVEY, ABSTRACT NO.
23 819, THE NANCY K. WOODSON SURVEY, ABSTRACT NO. 1100, THE S.K.
24 WOODSON SURVEY, ABSTRACT NO. 1101, THE WILLIAM C. YOUNG SURVEY,
25 ABSTRACT NO. 1181, HUNT COUNTY, TEXAS, AND BEING ALL OF A 34.984

1 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS RECORDED
2 IN VOLUME 1652, PAGE 439, OFFICIAL PUBLIC RECORDS, HUNT COUNTY,
3 TEXAS, ALL OF A 240.184 ACRE TRACT OF LAND CONVEYED TO WALTON
4 TEXAS, L.P., AS RECORDED IN VOLUME 1662, PAGE 597, OFFICIAL
5 PUBLIC RECORDS, HUNT COUNTY, TEXAS, ALL OF A 133.764 ACRE TRACT
6 CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1681, PAGE
7 508, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS, ALL OF A
8 71.177 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS
9 RECORDED IN VOLUME 1783, PAGE 172, OFFICIAL PUBLIC RECORDS, HUNT
10 COUNTY, TEXAS, ALL OF A 30.000 ACRE TRACT OF LAND CONVEYED AS
11 "TRACT 1" TO GARY R. PICKETT, AS RECORDED IN VOLUME 1074, PAGE
12 569, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, ALL OF A 41.562 ACRE
13 TRACT OF LAND CONVEYED AS "TRACT 5" TO GARY R. PICKETT, AS
14 RECORDED IN VOLUME 1075, PAGE 269, OFFICIAL RECORDS, HUNT
15 COUNTY, TEXAS ALL OF A 829.635 ACRE TRACT OF LAND CONVEYED AS
16 "TRACT B" AND ALL OF A 51.548 ACRE TRACT OF LAND CONVEYED AS
17 "TRACT C" TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1637,
18 PAGE 551, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS, ALL OF A
19 96.166 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS
20 RECORDED IN VOLUME 1682, PAGE 467, OFFICIAL PUBLIC RECORDS, HUNT
21 COUNTY, TEXAS, ALL OF A 24.973 ACRE TRACT OF LAND CONVEYED TO
22 WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1682, PAGE 462,
23 OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS, ALL OF A 95.781
24 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO VICKI MAYABB, AS
25 RECORDED IN VOLUME 1074, PAGE 573, OFFICIAL RECORDS, HUNT

1 COUNTY, TEXAS, ALL OF A 15.000 ACRE TRACT OF LAND CONVEYED TO
2 VICKI MAYABB, AS RECORDED IN VOLUME 1535, PAGE 30, OFFICIAL
3 RECORDS, HUNT COUNTY, TEXAS, AND ALL OF A 75.574 ACRE TRACT OF
4 LAND CONVEYED TO BILLY DON EUDY, AS RECORDED IN VOLUME 245, PAGE
5 58, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS. SAID 1742.436
6 ACRE TRACT WITH BEARING BASIS GRID NORTH, TEXAS STATE PLANE
7 COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE
8 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253,
9 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP
10 (PID-DF8982) AND DALLAS CORS ARP (PID-DF8984). BEING MORE
11 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
12 BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER
13 OF SAID 34.984 ACRE TRACT AND BEING THE NORTHWEST CORNER OF A
14 34.871 ACRE TRACT OF LAND CONVEYED TO EDWIN N. KIRKENDOLL, AS
15 RECORDED IN VOLUME 936, PAGE 560, DEED RECORDS, HUNT COUNTY,
16 TEXAS AND BEING ON THE SOUTH RIGHT-OF-WAY OF F.M. 1569 (A
17 VARIABLE WIDTH RIGHT-OF-WAY);
18 THENCE, SOUTH 00 DEGREES 39 MINUTES 19 SECONDS EAST, ALONG THE
19 EAST LINE OF SAID 34.984 ACRE TRACT AND THE COMMON WEST LINE OF
20 SAID 34.871 ACRE TRACT, A DISTANCE OF 1574.58 FEET TO A 1/2 INCH
21 IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 34.984 ACRE
22 TRACT AND THE SOUTHWEST CORNER OF SAID 34.871 ACRE TRACT AND
23 BEING ON THE NORTH LINE OF A 80.561 ACRE TRACT OF LAND CONVEYED
24 TO DORTHY JEAN SANCHEZ, AS RECORDED IN VOLUME 1353, PAGE 597,
25 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;

1 THENCE, SOUTH 89 DEGREES 52 MINUTES 12 SECONDS WEST, ALONG THE
2 SOUTH LINE OF SAID 34.984 ACRE TRACT AND THE COMMON NORTH LINE
3 OF SAID 80.561 ACRE TRACT, A DISTANCE OF 958.06 FEET TO A 1/2
4 INCH IRON ROD WITH A PLASTIC CAP STAMPED "STOVALL" FOUND FOR THE
5 NORTHWEST CORNER OF SAID 80.561 ACRE TRACT SAID POINT BEING ON
6 THE EAST LINE OF AFORESAID 240.184 ACRE TRACT, FROM WHICH A 5/8
7 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
8 SET FOR THE SOUTHWEST CORNER OF SAID 34.984 ACRE TRACT AND BEING
9 IN THE APPROXIMATE CENTERLINE OF A CLOSED COUNTY ROAD, BEARS
10 SOUTH 89 DEGREES 52 MINUTES 12 SECONDS WEST, A DISTANCE OF 12.85
11 FEET;

12 THENCE, SOUTH 01 DEGREES 11 MINUTES 18 SECONDS EAST, ALONG THE
13 EAST LINE OF SAID 240.184 ACRE TRACT AND THE COMMON WEST LINE OF
14 SAID 80.561 ACRE TRACT, A DISTANCE OF 1769.48 FEET TO A 1/2 INCH
15 IRON ROD WITH A PLASTIC CAP STAMPED "STOVALL" FOUND FOR THE
16 SOUTHEAST CORNER OF SAID 240.184 ACRE TRACT AND THE SOUTHWEST
17 CORNER OF SAID 80.561 ACRE TRACT, SAID POINT BEING ON THE NORTH
18 LINE OF AFORESAID 133.764 ACRE TRACT;

19 THENCE, NORTH 89 DEGREES 50 MINUTES 44 SECONDS EAST, ALONG THE
20 NORTH LINE OF SAID 133.764 ACRE TRACT AND THE COMMON SOUTH LINE
21 OF SAID 80.561 ACRE TRACT, A DISTANCE OF 1437.36 FEET TO A 1/2
22 INCH IRON ROD WITH A PLASTIC CAP STAMPED "STOVALL" FOUND FOR THE
23 NORTHEAST CORNER OF SAID 133.764 ACRE TRACT

24 THENCE, SOUTH 00 DEGREES 33 MINUTES 13 SECONDS EAST, ALONG THE
25 EAST LINE OF SAID 133.764 ACRE TRACT AND THE COMMON WEST LINE OF

1 A 30.007 ACRE TRACT OF LAND CONVEYED TO JAMES HORACE COTTON, AS
2 RECORDED IN VOLUME 672, PAGE 610, DEED RECORDS, HUNT COUNTY,
3 TEXAS, PASSING AT A DISTANCE OF 2113.47 FEET A 1 INCH IRON PIPE
4 FOUND FOR THE SOUTHWEST CORNER OF SAID 30.007 ACRE TRACT AND THE
5 NORTHEAST CORNER OF A 31 ACRE TRACT OF LAND CONVEYED TO TOMMY L.
6 MANLEY, AS RECORDED IN VOLUME 391, PAGE 797, OFFICIAL RECORDS,
7 HUNT COUNTY, TEXAS, CONTINUING ALONG THE EAST LINE OF SAID
8 133.764 ACRE TRACT AND THE COMMON WEST LINE OF SAID 31 ACRE
9 TRACT, IN ALL A TOTAL DISTANCE OF 2545.93 FEET TO A 5/8 INCH
10 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
11 FOR THE SOUTHEAST CORNER OF SAID 133.764 ACRE TRACT AND THE
12 NORTHEAST CORNER OF A TRACT OF LAND CONVEYED AS "TRACT 1" TO
13 CURTIS ELLENBURG AND WIFE, DONNA ELLENBURG, AS RECORDED IN
14 VOLUME 360, PAGE 46, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
15 THENCE, SOUTH 89 DEGREES 34 MINUTES 11 SECONDS WEST, ALONG THE
16 SOUTH LINE OF SAID 134.897 ACRE TRACT AND THE COMMON NORTH LINE
17 OF SAID TRACT 1 AND THE COMMON NORTH LINE OF A TRACT OF LAND
18 CONVEYED AS "TRACT 2" TO CURTIS ELLENBURG AND WIFE, DONNA
19 ELLENBURG, AS RECORDED IN VOLUME 360, PAGE 46, OFFICIAL RECORDS,
20 HUNT COUNTY, TEXAS, A DISTANCE OF 1321.99 FEET TO A POINT FOR
21 THE NORTHWEST CORNER OF SAID TRACT 2;
22 THENCE, SOUTH 00 DEGREES 03 MINUTES 53 SECONDS WEST, ALONG THE
23 WEST LINE OF SAID TRACT 2, PASSING AT A DISTANCE OF 6.30 FEET A
24 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF AFORESAID
25 71.177 ACRE TRACT, CONTINUING ALONG AN EAST LINE OF SAID 71.177

1 ACRE TRACT, AND THE COMMON WEST LINE OF SAID TRACT 2, AND ALONG
2 THE APPROXIMATE CENTER LINE OF COUNTY ROAD NO. 1061 (A VARIABLE
3 WIDTH PRESCRIPTIVE RIGHT-OF-WAY), PASSING AT A DISTANCE OF
4 658.46 FEET TO A 5/8 INCH IRON WITH A YELLOW PLASTIC CAP STAMPED
5 "CARTER BURGESS" SET FOR A SOUTHEAST CORNER OF SAID 71.177 ACRE
6 TRACT, CONTINUING OVER AND ACROSS A REMAINDER OF A CALLED 71.734
7 ACRE TRACT OF LAND CONVEYED TO JAMES LAMM, AS RECORDED IN
8 VOLUME 981, PAGE 434, DEED RECORDS, HUNT COUNTY, TEXAS, IN ALL A
9 TOTAL DISTANCE OF 781.06 FEET TO A POINT FOR THE SOUTHEAST
10 CORNER OF SAID 71.734 ACRE TRACT;
11 THENCE, SOUTH 88 DEGREES 18 MINUTES 27 SECONDS WEST, CONTINUING
12 OVER AND ACROSS SAID 71.734 ACRE TRACT, A DISTANCE OF 273.07
13 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER ON AN EAST LINE OF
14 SAID 71.177 ACRE TRACT AND THE COMMON WEST LINE OF A 5.535 ACRE
15 TRACT OF LAND CONVEYED TO TOMMY L. MANLEY, AS RECORDED IN VOLUME
16 1290, PAGE 184, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
17 THENCE, SOUTH 00 DEGREES 32 MINUTES 09 SECONDS EAST, ALONG AN
18 EAST LINE OF SAID 177.177 ACRE TRACT AND THE COMMON WEST LINE OF
19 SAID 5.535 ACRE TRACT, A DISTANCE OF 377.78 FEET TO A 5/8 INCH
20 IRON WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR
21 THE SOUTHEAST CORNER OF SAID 71.177 ACRE TRACT AND THE NORTHEAST
22 CORNER OF A 19.999 ACRE TRACT OF LAND CONVEYED AS "SECOND TRACT"
23 TO TOMMY L. MANLEY, AS RECORDED IN VOLUME 891, PAGE 794,
24 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
25 THENCE, SOUTH 89 DEGREES 38 MINUTES 29 SECONDS WEST, ALONG THE

1 SOUTH LINE OF SAID 71.177 ACRE TRACT AND THE COMMON NORTH LINE
2 OF SAID 19.999 ACRE TRACT, A DISTANCE OF 1031.57 FEET TO A 1/2
3 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF AFORESAID 30.000
4 ACRE PICKETT TRACT AND THE COMMON NORTHWEST CORNER OF SAID
5 19.999 ACRE TRACT;
6 THENCE, SOUTH 00 DEGREES 29 MINUTES 16 SECONDS EAST, ALONG THE
7 EAST LINE OF SAID 30.000 ACRE PICKETT TRACT AND THE COMMON WEST
8 LINE OF SAID 19.999 ACRE TRACT, PASSING AT A DISTANCE OF 865.72
9 FEET THE SOUTHWEST CORNER OF SAID 19.999 ACRE TRACT AND THE
10 COMMON NORTHWEST CORNER OF 84.296 ACRE TRACT OF LAND CONVEYED TO
11 JOHN RANDALL COOPER, JOE G. COOPER, JOHN S. COOPER, AND THOMAS
12 E. COOPER, AS RECORDED IN VOLUME 541, PAGE 42, OFFICIAL RECORDS,
13 HUNT COUNTY, TEXAS, AND CONTINUING ALONG THE EAST LINE OF SAID
14 30.000 ACRE PICKETT TRACT AND THE COMMON WEST LINE OF SAID
15 84.296 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 917.05 FEET TO A
16 1/2 INCH IRON ROD FOUND FOR A SOUTHEAST CORNER OF SAID 30.000
17 ACRE PICKETT TRACT AND A NORTHEAST CORNER OF A REMAINDER OF
18 53.351 ACRE TRACT OF LAND CONVEYED TO W.G. MCNATT, AS RECORDED
19 IN VOLUME 506, PAGE 568, DEED RECORDS, HUNT COUNTY, TEXAS;
20 THENCE, SOUTH 89 DEGREES 32 MINUTES 19 SECONDS WEST, ALONG A
21 SOUTH LINE OF SAID 30.000 ACRE PICKETT TRACT AND THE COMMON
22 NORTH LINE OF SAID 53.351 ACRE TRACT, PASSING AT A DISTANCE OF
23 306.01 FEET A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
24 STAMPED "CARTER BURGESS" SET FOR A 25 FOOT OFFSET OF BRIAR
25 CREEK, AND CONTINUING IN ALL A TOTAL DISTANCE OF 331.01 FEET TO

1 A POINT FOR CORNER BEING ON THE APPROXIMATE CENTER LINE OF SAID
2 BRIAR CREEK;

3 THENCE, ALONG THE EAST LINE OF AFORESAID 41.562 ACRE PICKETT
4 TRACT AND THE COMMON WEST LINE OF SAID 53.351 ACRE TRACT, AND
5 ALONG THE APPROXIMATE CENTERLINE OF BRIAR CREEK, THE FOLLOWING
6 COURSES AND DISTANCES:

7 SOUTH 59 DEGREES 51 MINUTES 41 SECONDS WEST, A
8 DISTANCE OF 36.32 FEET TO A POINT FOR CORNER;

9 SOUTH 43 DEGREES 45 MINUTES 27 SECONDS WEST, A
10 DISTANCE OF 34.44 FEET TO A POINT FOR CORNER;

11 SOUTH 08 DEGREES 39 MINUTES 46 SECONDS EAST, A
12 DISTANCE OF 40.56 FEET TO A POINT FOR CORNER;

13 SOUTH 00 DEGREES 12 MINUTES 36 SECONDS WEST, A
14 DISTANCE OF 107.91 FEET TO A POINT FOR CORNER;

15 SOUTH 13 DEGREES 08 MINUTES 39 SECONDS WEST, A
16 DISTANCE OF 42.29 FEET TO A POINT FOR CORNER;

17 SOUTH 01 DEGREES 41 MINUTES 29 SECONDS WEST, A
18 DISTANCE OF 49.28 FEET TO A POINT FOR CORNER;

19 SOUTH 06 DEGREES 48 MINUTES 54 SECONDS EAST, A
20 DISTANCE OF 116.15 FEET TO A POINT FOR CORNER;

21 SOUTH 00 DEGREES 04 MINUTES 17 SECONDS EAST, A
22 DISTANCE OF 27.87 FEET TO A POINT FOR CORNER;

23 SOUTH 07 DEGREES 55 MINUTES 23 SECONDS EAST, A
24 DISTANCE OF 90.52 FEET TO A POINT FOR CORNER;

25 SOUTH 03 DEGREES 27 MINUTES 17 SECONDS WEST, A

1 DISTANCE OF 39.78 FEET TO A POINT FOR CORNER;
2 SOUTH 30 DEGREES 20 MINUTES 01 SECONDS WEST, A
3 DISTANCE OF 35.81 FEET TO A POINT FOR CORNER;
4 SOUTH 01 DEGREES 29 MINUTES 33 SECONDS WEST, A
5 DISTANCE OF 86.37 FEET TO A POINT FOR CORNER;
6 SOUTH 09 DEGREES 16 MINUTES 14 SECONDS EAST, A
7 DISTANCE OF 46.31 FEET TO A POINT FOR CORNER;
8 SOUTH 05 DEGREES 53 MINUTES 35 SECONDS EAST, A
9 DISTANCE OF 136.91 FEET TO A POINT FOR CORNER;
10 SOUTH 08 DEGREES 28 MINUTES 25 SECONDS WEST, A
11 DISTANCE OF 84.67 FEET TO A POINT FOR CORNER;
12 SOUTH 07 DEGREES 49 MINUTES 52 SECONDS EAST, A
13 DISTANCE OF 26.80 FEET TO A POINT FOR CORNER;
14 SOUTH 09 DEGREES 08 MINUTES 50 SECONDS EAST, A
15 DISTANCE OF 91.47 FEET TO A POINT FOR CORNER;
16 SOUTH 06 DEGREES 24 MINUTES 04 SECONDS EAST, A
17 DISTANCE OF 52.11 FEET TO A POINT FOR CORNER;
18 SOUTH 02 DEGREES 31 MINUTES 18 SECONDS WEST, A
19 DISTANCE OF 62.07 FEET TO A POINT FOR CORNER;
20 SOUTH 03 DEGREES 21 MINUTES 40 SECONDS EAST, A
21 DISTANCE OF 150.58 FEET TO A POINT FOR CORNER;
22 SOUTH 11 DEGREES 04 MINUTES 07 SECONDS WEST, A
23 DISTANCE OF 28.98 FEET TO A POINT FOR CORNER;
24 SOUTH 15 DEGREES 12 MINUTES 45 SECONDS WEST, A
25 DISTANCE OF 9.50 FEET TO A POINT FOR THE SOUTHEAST CORNER

1 OF SAID 41.562 ACRE PICKETT TRACT, SAID POINT BEING ON THE
2 APPROXIMATE CENTER LINE OF HUNT COUNTY ROAD NO. 1057, (A
3 VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);
4 THENCE, SOUTH 89 DEGREES 26 MINUTES 39 SECONDS WEST, ALONG THE
5 SOUTH LINE OF SAID 41.562 ACRE PICKETT TRACT AND WITH THE
6 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1057, A
7 DISTANCE OF 37.92 FEET TO A POINT FOR CORNER;
8 THENCE, SOUTH 10 DEGREES 58 MINUTES 46 SECONDS EAST, OVER AND
9 ACROSS SAID HUNT COUNTY ROAD NO. 1057, PASSING AT A DISTANCE OF
10 18.09 FEET A 1/2 INCH IRON ROD FOUND FOR A NORTHEAST CORNER OF
11 AFORESAID 829.635 ACRE TRACT AND THE NORTHWEST CORNER OF A
12 119.988 ACRE TRACT OF LAND CONVEYED TO JAN C. MORGAN, CHRISTIAN
13 A. COOPER AND MARK E. COOPER, AS RECORDED IN VOLUME 908, PAGE
14 680, DEED RECORDS, HUNT COUNTY, TEXAS, CONTINUING ALONG AN EAST
15 LINE OF SAID 829.635 ACRE TRACT AND THE COMMON WEST LINE OF SAID
16 119.988 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 1905.02 FEET TO A
17 1/2 INCH IRON ROD FOUND FOR CORNER AN INTERIOR ELL CORNER OF
18 SAID 829.635 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 119.988
19 ACRE TRACT;
20 THENCE, NORTH 89 DEGREES 46 MINUTES 06 SECONDS EAST, ALONG A
21 NORTH LINE OF SAID 829.635 ACRE TRACT AND THE COMMON SOUTH LINE
22 OF SAID 119.988 ACRE TRACT, PASSING AT A DISTANCE OF 2171.15
23 FEET A 1/2 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A
24 TOTAL DISTANCE OF 2194.88 FEET TO A 1/2 INCH IRON ROD FOUND FOR
25 A NORTHEAST CORNER OF SAID 829.635 ACRE TRACT, AND BEING IN THE

1 APPROXIMATE CENTERLINE OF HUNT COUNTY ROAD NO. 1064 (A VARIABLE
2 WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

3 THENCE, ALONG THE EAST LINE OF SAID 829.635 ACRE TRACT AND WITH
4 THE APPROXIMATE CENTER LINE OF SAID HUNT COUNTY ROAD NO. 1064,
5 THE FOLLOWING COURSES AND DISTANCES:

6 SOUTH 00 DEGREES 27 MINUTES 14 SECONDS EAST, A
7 DISTANCE OF 2708.36 FEET TO A POINT FOR CORNER;

8 SOUTH 00 DEGREES 03 MINUTES 14 SECONDS EAST, A
9 DISTANCE OF 2332.91 FEET TO A POINT FOR THE SOUTHEAST
10 CORNER OF SAID 829.635 ACRE TRACT, BEING ON THE NORTH
11 RIGHT-OF-WAY OF KANSAS CITY SOUTHERN RAILROAD (A 100'
12 RIGHT-OF-WAY), FROM WHICH A 1/2 INCH CAPPED IRON ROD FOUND
13 BEARS, SOUTH 00 DEGREES 04 MINUTES 02 SECONDS EAST, A
14 DISTANCE OF 0.89 FEET AND 1/2 INCH CAPPED IRON ROD FOUND
15 FOR WITNESS BEARS, NORTH 86 DEGREES 41 MINUTES 52 SECONDS
16 WEST, A DISTANCE OF 20.41 FEET;

17 THENCE, NORTH 84 DEGREES 05 MINUTES 43 SECONDS WEST, ALONG THE
18 SOUTH LINE OF SAID 829.635 ACRE TRACT AND THE COMMON NORTH
19 RIGHT-OF-WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A
20 DISTANCE OF 1626.28 FEET TO A POINT FOR CORNER IN THE
21 APPROXIMATE CENTERLINE OF EAST CADDO CREEK, FROM WHICH A 1/2
22 INCH CAPPED IRON ROD FOUND BEARS, SOUTH 83 DEGREES 33 MINUTES 20
23 SECONDS EAST, A DISTANCE OF 25.34 FEET;

24 THENCE, ALONG THE SOUTH LINE OF SAID 829.635 ACRE TRACT AND
25 ALONG THE APPROXIMATE CENTERLINE OF SAID EAST CADDO CREEK, THE

1 FOLLOWING COURSES AND DISTANCES:
2 NORTH 39 DEGREES 38 MINUTES 11 SECONDS WEST, A
3 DISTANCE OF 11.69 FEET TO A POINT FOR CORNER;
4 NORTH 48 DEGREES 01 MINUTES 48 SECONDS WEST, A
5 DISTANCE OF 27.72 FEET TO A POINT FOR CORNER;
6 NORTH 42 DEGREES 24 MINUTES 43 SECONDS WEST, A
7 DISTANCE OF 26.99 FEET TO A POINT FOR CORNER;
8 NORTH 33 DEGREES 41 MINUTES 23 SECONDS WEST, A
9 DISTANCE OF 47.22 FEET TO A POINT FOR CORNER;
10 NORTH 49 DEGREES 57 MINUTES 15 SECONDS WEST, A
11 DISTANCE OF 60.41 FEET TO A POINT FOR CORNER;
12 NORTH 67 DEGREES 40 MINUTES 57 SECONDS WEST, A
13 DISTANCE OF 43.94 FEET TO A POINT FOR CORNER;
14 NORTH 52 DEGREES 48 MINUTES 04 SECONDS WEST, A
15 DISTANCE OF 74.31 FEET TO A POINT FOR CORNER;
16 SOUTH 56 DEGREES 01 MINUTES 56 SECONDS WEST, A
17 DISTANCE OF 55.51 FEET TO A POINT FOR CORNER;
18 NORTH 76 DEGREES 12 MINUTES 55 SECONDS WEST, A
19 DISTANCE OF 24.91 FEET TO A POINT FOR CORNER;
20 NORTH 34 DEGREES 05 MINUTES 29 SECONDS WEST, A
21 DISTANCE OF 33.59 FEET TO A POINT FOR CORNER;
22 NORTH 49 DEGREES 09 MINUTES 27 SECONDS WEST, A
23 DISTANCE OF 32.85 FEET TO A POINT FOR CORNER;
24 NORTH 58 DEGREES 13 MINUTES 14 SECONDS WEST, A
25 DISTANCE OF 42.71 FEET TO A POINT FOR CORNER;

1 NORTH 51 DEGREES 42 MINUTES 35 SECONDS WEST, A
2 DISTANCE OF 21.22 FEET TO A POINT FOR CORNER;
3 NORTH 38 DEGREES 57 MINUTES 36 SECONDS WEST, A
4 DISTANCE OF 29.55 FEET TO A POINT FOR CORNER;
5 NORTH 16 DEGREES 51 MINUTES 31 SECONDS WEST, A
6 DISTANCE OF 69.18 FEET TO A POINT FOR CORNER;
7 NORTH 67 DEGREES 13 MINUTES 59 SECONDS WEST, A
8 DISTANCE OF 29.78 FEET TO A POINT FOR CORNER;
9 NORTH 87 DEGREES 23 MINUTES 44 SECONDS WEST, A
10 DISTANCE OF 75.97 FEET TO A POINT FOR CORNER;
11 NORTH 56 DEGREES 54 MINUTES 08 SECONDS WEST, A
12 DISTANCE OF 41.83 FEET TO A POINT FOR CORNER;
13 NORTH 27 DEGREES 26 MINUTES 04 SECONDS WEST, A
14 DISTANCE OF 17.08 FEET TO A POINT FOR CORNER;
15 NORTH 07 DEGREES 24 MINUTES 41 SECONDS WEST, A
16 DISTANCE OF 15.00 FEET TO A POINT FOR CORNER;
17 NORTH 31 DEGREES 33 MINUTES 02 SECONDS EAST, A
18 DISTANCE OF 66.75 FEET TO A POINT FOR CORNER;
19 NORTH 40 DEGREES 30 MINUTES 16 SECONDS WEST, A
20 DISTANCE OF 22.11 FEET TO A POINT FOR CORNER;
21 NORTH 89 DEGREES 18 MINUTES 44 SECONDS WEST, A
22 DISTANCE OF 40.53 FEET TO A POINT FOR CORNER;
23 NORTH 59 DEGREES 53 MINUTES 46 SECONDS WEST, A
24 DISTANCE OF 26.70 FEET TO A POINT FOR CORNER;
25 NORTH 41 DEGREES 19 MINUTES 43 SECONDS WEST, A

1 DISTANCE OF 19.93 FEET TO A POINT FOR CORNER;
2 NORTH 24 DEGREES 27 MINUTES 15 SECONDS EAST, A
3 DISTANCE OF 15.25 FEET TO A POINT FOR CORNER;
4 NORTH 54 DEGREES 28 MINUTES 35 SECONDS EAST, A
5 DISTANCE OF 30.17 FEET TO A POINT FOR CORNER;
6 NORTH 45 DEGREES 05 MINUTES 08 SECONDS EAST, A
7 DISTANCE OF 17.94 FEET TO A POINT FOR CORNER;
8 NORTH 08 DEGREES 15 MINUTES 10 SECONDS EAST, A
9 DISTANCE OF 42.47 FEET TO A POINT FOR CORNER;
10 NORTH 24 DEGREES 06 MINUTES 40 SECONDS WEST, A
11 DISTANCE OF 11.22 FEET TO A POINT FOR CORNER;
12 NORTH 65 DEGREES 13 MINUTES 25 SECONDS WEST, A
13 DISTANCE OF 13.65 FEET TO A POINT FOR CORNER;
14 NORTH 80 DEGREES 18 MINUTES 50 SECONDS WEST, A
15 DISTANCE OF 22.82 FEET TO A POINT FOR CORNER;
16 SOUTH 89 DEGREES 44 MINUTES 41 SECONDS WEST, A
17 DISTANCE OF 4.48 FEET TO A POINT FOR CORNER;
18 THENCE, NORTH 01 DEGREES 24 MINUTES 46 SECONDS WEST, ALONG A
19 WEST LINE OF SAID 829.635 ACRE TRACT, PASSING AT A DISTANCE OF
20 25.54 FEET A 1/2 INCH CAPPED IRON ROD FOUND, CONTINUING IN ALL A
21 TOTAL DISTANCE OF 1024.73 FEET, A 1/2 INCH CAPPED IRON ROD FOUND
22 FOR AN INTERIOR ELL CORNER OF SAID 829.635 ACRE TRACT;
23 THENCE, SOUTH 88 DEGREES 53 MINUTES 22 SECONDS WEST, ALONG THE
24 SOUTH LINE OF SAID 829.635 ACRE TRACT, PASSING AT A DISTANCE OF
25 858.52 FEET, A 1/2 INCH CAPPED IRON ROD FOUND, CONTINUING IN ALL

1 A TOTAL DISTANCE OF 914.50 FEET TO A POINT FOR CORNER IN THE
2 APPROXIMATE CENTERLINE OF AFORESAID EAST CADDO CREEK;
3 THENCE, ALONG THE SOUTH LINE OF SAID 829.635 ACRE TRACT AND
4 ALONG THE APPROXIMATE CENTERLINE OF SAID EAST CADDO CREEK, THE
5 FOLLOWING COURSES AND DISTANCES:

6 NORTH 32 DEGREES 42 MINUTES 15 SECONDS EAST, A
7 DISTANCE OF 20.10 FEET TO A POINT FOR CORNER;

8 NORTH 64 DEGREES 06 MINUTES 05 SECONDS EAST, A
9 DISTANCE OF 34.97 FEET TO A POINT FOR CORNER;

10 NORTH 33 DEGREES 30 MINUTES 05 SECONDS EAST, A
11 DISTANCE OF 21.58 FEET TO A POINT FOR CORNER;

12 NORTH 04 DEGREES 23 MINUTES 16 SECONDS WEST, A
13 DISTANCE OF 20.43 FEET TO A POINT FOR CORNER;

14 NORTH 23 DEGREES 59 MINUTES 15 SECONDS WEST, A
15 DISTANCE OF 28.47 FEET TO A POINT FOR CORNER;

16 NORTH 69 DEGREES 32 MINUTES 05 SECONDS WEST, A
17 DISTANCE OF 37.40 FEET TO A POINT FOR CORNER;

18 NORTH 59 DEGREES 06 MINUTES 41 SECONDS WEST, A
19 DISTANCE OF 53.90 FEET TO A POINT FOR CORNER;

20 NORTH 43 DEGREES 07 MINUTES 34 SECONDS WEST, A
21 DISTANCE OF 30.77 FEET TO A POINT FOR CORNER;

22 NORTH 16 DEGREES 49 MINUTES 06 SECONDS WEST, A
23 DISTANCE OF 15.98 FEET TO A POINT FOR CORNER;

24 SOUTH 85 DEGREES 39 MINUTES 54 SECONDS WEST, A
25 DISTANCE OF 16.69 FEET TO A POINT FOR CORNER;

1 SOUTH 76 DEGREES 21 MINUTES 35 SECONDS WEST, A
2 DISTANCE OF 18.08 FEET TO A POINT FOR CORNER;
3 NORTH 82 DEGREES 23 MINUTES 17 SECONDS WEST, A
4 DISTANCE OF 15.67 FEET TO A POINT FOR CORNER;
5 SOUTH 65 DEGREES 12 MINUTES 47 SECONDS WEST, A
6 DISTANCE OF 23.32 FEET TO A POINT FOR CORNER;
7 SOUTH 25 DEGREES 25 MINUTES 43 SECONDS WEST, A
8 DISTANCE OF 18.58 FEET TO A POINT FOR CORNER;
9 SOUTH 04 DEGREES 04 MINUTES 20 SECONDS WEST, A
10 DISTANCE OF 14.39 FEET TO A POINT FOR CORNER;
11 SOUTH 27 DEGREES 45 MINUTES 32 SECONDS WEST, A
12 DISTANCE OF 12.05 FEET TO A POINT FOR CORNER;
13 SOUTH 11 DEGREES 59 MINUTES 02 SECONDS EAST, A
14 DISTANCE OF 45.59 FEET TO A POINT FOR CORNER;
15 SOUTH 03 DEGREES 50 MINUTES 31 SECONDS WEST, A
16 DISTANCE OF 45.56 FEET TO A POINT FOR CORNER;
17 SOUTH 08 DEGREES 27 MINUTES 37 SECONDS EAST, A
18 DISTANCE OF 20.59 FEET TO A POINT FOR CORNER;
19 SOUTH 14 DEGREES 10 MINUTES 14 SECONDS WEST, A
20 DISTANCE OF 10.46 FEET TO A POINT FOR CORNER;
21 SOUTH 50 DEGREES 42 MINUTES 27 SECONDS WEST, A
22 DISTANCE OF 11.73 FEET TO A POINT FOR CORNER;
23 NORTH 89 DEGREES 21 MINUTES 04 SECONDS WEST, A
24 DISTANCE OF 12.16 FEET TO A POINT FOR CORNER;
25 NORTH 71 DEGREES 21 MINUTES 52 SECONDS WEST, A

1 DISTANCE OF 29.42 FEET TO A POINT FOR CORNER;
2 NORTH 75 DEGREES 57 MINUTES 57 SECONDS WEST, A
3 DISTANCE OF 35.31 FEET TO A POINT FOR CORNER;
4 NORTH 50 DEGREES 13 MINUTES 47 SECONDS WEST, A
5 DISTANCE OF 30.02 FEET TO A POINT FOR CORNER;
6 NORTH 09 DEGREES 33 MINUTES 41 SECONDS WEST, A
7 DISTANCE OF 30.97 FEET TO A POINT FOR CORNER;
8 NORTH 20 DEGREES 10 MINUTES 17 SECONDS WEST, A
9 DISTANCE OF 30.58 FEET TO A POINT FOR CORNER;
10 NORTH 34 DEGREES 07 MINUTES 43 SECONDS WEST, A
11 DISTANCE OF 83.05 FEET TO A POINT FOR CORNER;
12 NORTH 73 DEGREES 00 MINUTES 39 SECONDS WEST, A
13 DISTANCE OF 10.29 FEET TO A POINT FOR CORNER;
14 NORTH 32 DEGREES 53 MINUTES 40 SECONDS WEST, A
15 DISTANCE OF 46.35 FEET TO A POINT FOR CORNER;
16 NORTH 42 DEGREES 09 MINUTES 43 SECONDS WEST, A
17 DISTANCE OF 18.54 FEET TO A POINT FOR CORNER;
18 NORTH 69 DEGREES 46 MINUTES 51 SECONDS WEST, A
19 DISTANCE OF 27.20 FEET TO A POINT FOR CORNER;
20 SOUTH 83 DEGREES 22 MINUTES 43 SECONDS WEST, A
21 DISTANCE OF 22.51 FEET TO A POINT FOR CORNER;
22 SOUTH 64 DEGREES 30 MINUTES 57 SECONDS WEST, A
23 DISTANCE OF 20.44 FEET TO A POINT FOR CORNER;
24 SOUTH 27 DEGREES 29 MINUTES 26 SECONDS WEST, A
25 DISTANCE OF 36.96 FEET TO A POINT FOR CORNER;

1 SOUTH 40 DEGREES 19 MINUTES 38 SECONDS WEST, A
2 DISTANCE OF 38.88 FEET TO A POINT FOR CORNER;
3 SOUTH 26 DEGREES 37 MINUTES 05 SECONDS WEST, A
4 DISTANCE OF 33.90 FEET TO A POINT FOR CORNER;
5 SOUTH 44 DEGREES 38 MINUTES 03 SECONDS WEST, A
6 DISTANCE OF 13.16 FEET TO A POINT FOR CORNER;
7 SOUTH 86 DEGREES 32 MINUTES 11 SECONDS WEST, A
8 DISTANCE OF 38.52 FEET TO A POINT FOR CORNER;
9 NORTH 68 DEGREES 33 MINUTES 11 SECONDS WEST, A
10 DISTANCE OF 21.22 FEET TO A POINT FOR CORNER;
11 NORTH 56 DEGREES 34 MINUTES 13 SECONDS WEST, A
12 DISTANCE OF 32.71 FEET TO A POINT FOR CORNER;
13 NORTH 51 DEGREES 13 MINUTES 35 SECONDS WEST, A
14 DISTANCE OF 43.49 FEET TO A POINT FOR CORNER;
15 NORTH 21 DEGREES 19 MINUTES 29 SECONDS WEST, A
16 DISTANCE OF 25.76 FEET TO A POINT FOR CORNER;
17 NORTH 00 DEGREES 28 MINUTES 27 SECONDS EAST, A
18 DISTANCE OF 31.48 FEET TO A POINT FOR CORNER;
19 NORTH 11 DEGREES 53 MINUTES 02 SECONDS EAST, A
20 DISTANCE OF 3.44 FEET TO A POINT FOR CORNER;
21 THENCE, NORTH 86 DEGREES 16 MINUTES 58 SECONDS WEST, CONTINUING
22 ALONG THE SOUTH LINE OF SAID 829.635 ACRE TRACT, PASSING AT A
23 DISTANCE OF 22.16 FEET, A 1/2 INCH CAPPED IRON ROD FOUND FOR
24 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE A DISTANCE OF 214.57
25 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR CORNER ON THE NORTH

1 RIGHT-OF-WAY OF HUNT COUNTY ROAD NO. 1065;
2 THENCE, NORTH 89 DEGREES 28 MINUTES 19 SECONDS WEST, CONTINUING
3 ALONG THE SOUTH LINE OF SAID 829.635 ACRE TRACT AND THE COMMON
4 NORTH RIGHT-OF-WAY LINE OF SAID HUNT COUNTY ROAD NO. 1065,
5 PASSING AT A DISTANCE OF 2465.01 FEET, A 1/2 INCH CAPPED IRON
6 ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF
7 2605.22 FEET TO A POINT FOR CORNER ON THE EAST LINE OF AFORESAID
8 51.548 ACRE TRACT, FROM WHICH A 5/8 INCH IRON ROD WITH A YELLOW
9 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHEAST
10 CORNER OF SAID 51.548 ACRE TRACT BEARS, NORTH 01 DEGREES 01
11 MINUTES 03 SECONDS WEST, A DISTANCE OF 98.80 FEET;
12 THENCE, SOUTH 01 DEGREES 01 MINUTES 03 SECONDS EAST, ALONG THE
13 EAST LINE OF SAID 51.548 ACRE TRACT, A DISTANCE OF 1360.94 FEET
14 TO A POINT FOR THE SOUTHEAST CORNER OF SAID 51.548 ACRE TRACT
15 AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF AFORESAID KANSAS
16 CITY SOUTHERN RAILROAD, FROM WHICH A 1/2 INCH CAPPED IRON ROD
17 FOUND BEARS, SOUTH 01 DEGREES 01 MINUTES 03 SECONDS EAST, A
18 DISTANCE OF 0.27 FEET;
19 THENCE, NORTH 84 DEGREES 05 MINUTES 43 SECONDS WEST, ALONG THE
20 SOUTH LINE OF SAID 51.548 ACRE TRACT AND THE COMMON NORTH RIGHT-
21 OF-WAY OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF
22 1573.55 FEET TO A CONCRETE HIGHWAY MONUMENT (BROKEN) FOUND FOR
23 THE SOUTHWEST CORNER OF SAID 51.548 ACRE TRACT, BEING ON THE
24 EAST RIGHT-OF-WAY LINE OF F.M. 903 (A VARIABLE WIDTH RIGHT-OF-
25 WAY) CONVEYED AS "TRACT 1" TO THE STATE OF TEXAS, AS RECORDED IN

1 VOLUME 496, PAGE 327, DEED RECORDS, HUNT COUNTY, TEXAS;
2 THENCE, ALONG THE WEST LINE OF SAID 51.548 ACRE TRACT AND THE
3 COMMON EAST RIGHT-OF-WAY LINE OF SAID F.M. 903, THE FOLLOWING
4 COURSES AND DISTANCES:

5 NORTH 00 DEGREES 27 MINUTES 39 SECONDS EAST, A
6 DISTANCE OF 1275.21 FEET TO A 1/2 INCH CAPPED IRON ROD
7 FOUND FOR CORNER;

8 NORTH 52 DEGREES 10 MINUTES 40 SECONDS EAST, A
9 DISTANCE OF 128.01 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
10 FOR CORNER;

11 NORTH 00 DEGREES 23 MINUTES 49 SECONDS EAST, A
12 DISTANCE OF 39.97 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
13 FOR THE NORTHWEST CORNER OF SAID 51.548 ACRE TRACT, BEING
14 IN THE APPROXIMATE CENTERLINE OF AFORESAID HUNT COUNTY ROAD
15 NO. 1065;

16 THENCE, NORTH 00 DEGREES 28 MINUTES 45 SECONDS EAST, CONTINUING
17 ALONG THE EAST RIGHT-OF-WAY LINE OF SAID F.M. 903, OVER AND
18 ACROSS SAID HUNT COUNTY ROAD NO. 1065, A DISTANCE OF 17.85 FEET
19 TO A 1/2 INCH CAPPED IRON ROD FOUND FOR THE SOUTHWEST CORNER OF
20 AFORESAID 829.635 ACRE TRACT, BEING ON THE NORTH RIGHT-OF-WAY
21 LINE OF SAID HUNT COUNTY ROAD NO. 1065;

22 THENCE, ALONG THE WEST LINE OF SAID 829.635 ACRE TRACT AND THE
23 COMMON EAST RIGHT-OF-WAY LINE OF SAID F.M. 903, THE FOLLOWING
24 COURSES AND DISTANCES:

25 NORTH 00 DEGREES 29 MINUTES 22 SECONDS WEST, A

1 DISTANCE OF 23.34 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
2 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
3 NORTH 47 DEGREES 28 MINUTES 10 SECONDS WEST, A
4 DISTANCE OF 135.78 FEET TO A 5/8 INCH IRON ROD WITH A
5 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
6 NORTH 00 DEGREES 28 MINUTES 01 SECONDS EAST, A
7 DISTANCE OF 2689.93 FEET TO A 3/8 INCH IRON ROD FOUND FOR
8 AN EXTERIOR ELL CORNER OF SAID 829.635 ACRE TRACT AND THE
9 SOUTHWEST CORNER OF A 1.500 ACRE TRACT OF LAND CONVEYED TO
10 GLENDA SUE LANDRUM, AS RECORDED IN VOLUME 850, PAGE 407,
11 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
12 THENCE, SOUTH 89 DEGREES 19 MINUTES 39 SECONDS EAST, ALONG A
13 NORTH LINE OF SAID 829.635 ACRE TRACT AND THE COMMON SOUTH LINE
14 OF SAID 1.500 ACRE TRACT, A DISTANCE OF 260.41 FEET TO A 5/8
15 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
16 SET FOR AN INTERIOR ELL CORNER OF SAID 829.635 ACRE TRACT AND
17 THE SOUTHEAST CORNER OF SAID 1.500 ACRE TRACT;
18 THENCE, NORTH 00 DEGREES 39 MINUTES 31 SECONDS EAST, ALONG THE
19 WEST LINE OF SAID 829.635 ACRE TRACT AND THE COMMON EAST LINE OF
20 SAID 1.500 ACRE TRACT, A DISTANCE OF 249.64 FEET TO A 5/8 INCH
21 IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 829.635 ACRE
22 TRACT AND THE NORTHEAST CORNER OF SAID 1.500 ACRE TRACT;
23 THENCE, NORTH 89 DEGREES 19 MINUTES 39 SECONDS WEST, ALONG A
24 SOUTH LINE OF SAID 829.635 ACRE TRACT AND THE COMMON NORTH LINE
25 OF SAID 1.500 ACRE TRACT, A DISTANCE OF 260.41 FEET TO A POINT

1 FOR AN EXTERIOR ELL CORNER OF SAID 829.635 ACRE TRACT AND THE
2 NORTHWEST CORNER OF SAID 1.500 ACRE TRACT, SAID POINT BEING ON
3 THE EAST RIGHT-OF-WAY LINE OF AFORESAID F.M. 903;
4 THENCE, NORTH 00 DEGREES 26 MINUTES 44 SECONDS EAST, ALONG THE
5 WEST LINE OF SAID 829.635 ACRE TRACT AND THE COMMON EAST RIGHT-
6 OF-WAY LINE OF SAID F.M. 903, A DISTANCE OF 753.66 FEET TO A 5/8
7 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 829.635
8 ACRE TRACT AND THE SOUTHWEST CORNER OF AFORESAID 96.166 ACRE
9 TRACT;

10 THENCE, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID F.M. 903, THE
11 FOLLOWING COURSES AND DISTANCES:

12 NORTH 00 DEGREES 26 MINUTES 58 SECONDS EAST, ALONG THE
13 WEST LINE OF SAID 96.166 ACRE TRACT, A DISTANCE OF 639.66
14 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
15 STAMPED "CARTER BURGESS" SET FOR CORNER;

16 NORTH 00 DEGREES 13 MINUTES 02 SECONDS WEST,
17 CONTINUING ALONG THE WEST LINE OF SAID 96.166 ACRE TRACT,
18 PASSING AT A DISTANCE OF 725.62 FEET, A 1/2 INCH IRON ROD
19 FOUND FOR THE NORTHWEST CORNER OF SAID 96.166 ACRE TRACT
20 AND THE SOUTHWEST CORNER OF AFORESAID 24.973 ACRE TRACT,
21 CONTINUING ALONG THE WEST LINE OF SAID 24.973 ACRE TRACT,
22 IN ALL A TOTAL DISTANCE OF 1298.17 FEET TO A POINT FOR THE
23 NORTHWEST CORNER OF SAID 24.973 ACRE TRACT AND THE
24 SOUTHWEST CORNER OF A 10.00 ACRE TRACT OF LAND CONVEYED TO
25 JASON BROOKS AND JENIFER BROOKS, AS RECORDED IN VOLUME

1 1267, PAGE 298, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, FROM
2 WHICH A 1/2 INCH CAPPED IRON ROD FOUND BEARS SOUTH 84
3 DEGREES 46 MINUTES 14 SECONDS WEST, A DISTANCE OF 0.39
4 FEET;

5 THENCE, ALONG THE NORTH LINE OF SAID 24.973 ACRE TRACT AND THE
6 COMMON SOUTH LINE OF SAID 10.00 ACRE TRACT, THE FOLLOWING
7 COURSES AND DISTANCES:

8 NORTH 87 DEGREES 37 MINUTES 55 SECONDS EAST, A
9 DISTANCE OF 421.99 FEET TO A FENCE CORNER FOUND FOR CORNER;

10 SOUTH 29 DEGREES 14 MINUTES 49 SECONDS EAST, A
11 DISTANCE OF 54.38 FEET TO A FENCE CORNER FOUND FOR CORNER;

12 NORTH 88 DEGREES 06 MINUTES 03 SECONDS EAST, A
13 DISTANCE OF 123.18 FEET TO A 5/8" IRON ROD WITH A YELLOW
14 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

15 NORTH 82 DEGREES 16 MINUTES 58 SECONDS EAST, A
16 DISTANCE OF 249.36 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
17 FOR THE SOUTHEAST CORNER OF SAID 10.00 ACRE TRACT AND A
18 SOUTHWEST CORNER OF AFORESAID 15.000 ACRE MAYABB TRACT;

19 THENCE, NORTH 20 DEGREES 19 MINUTES 00 SECONDS WEST, ALONG THE
20 WEST LINE OF SAID 15.000 ACRE MAYABB TRACT AND THE COMMON EAST
21 LINE OF SAID 10.00 ACRE TRACT, A DISTANCE OF 670.02 FEET TO A
22 1/2 INCH CAPPED IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID
23 10.00 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 15.000 ACRE
24 MAYABB TRACT AND BEING IN THE APPROXIMATE CENTERLINE OF SAID
25 HUNT COUNTY ROAD NO. 1062 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-

1 OF-WAY) AND BEING ON THE SOUTH LINE OF A 131.1 ACRE TRACT OF
2 LAND CONVEYED TO J.B. MCNATT AND WIFE, ELIZABETH MCNATT, AS
3 RECORDED IN VOLUME 604, PAGE 138, OFFICIAL RECORDS, HUNT COUNTY,
4 TEXAS

5 THENCE, ALONG THE NORTH LINE OF SAID 15.000 ACRE MAYABB TRACT
6 AND THE COMMON SOUTH LINE OF SAID 131.1 ACRE TRACT AND THE
7 COMMON SOUTH LINE OF A 15.51 ACRE TRACT OF LAND CONVEYED TO
8 BARRY TIPPER MCNATT AND WIFE, CINDY GAYE MCNATT, AS RECORDED IN
9 VOLUME 474, PAGE 681, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND
10 THE COMMON SOUTH LINE OF A REMAINDER OF A CALLED 99.682 ACRE
11 TRACT OF LAND CONVEYED TO BARRY TIPPER MCNATT, AS RECORDED IN
12 VOLUME 426, PAGE 111, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND
13 THE APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1062,
14 THE FOLLOWING COURSES AND DISTANCES:

15 NORTH 89 DEGREES 15 MINUTES 59 SECONDS EAST, A
16 DISTANCE OF 281.76 FEET TO A POINT FOR CORNER;

17 NORTH 87 DEGREES 16 MINUTES 25 SECONDS EAST, A
18 DISTANCE OF 338.48 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
19 FOR CORNER;

20 SOUTH 86 DEGREES 29 MINUTES 35 SECONDS EAST, A
21 DISTANCE OF 296.28 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
22 FOR CORNER;

23 NORTH 89 DEGREES 52 MINUTES 34 SECONDS EAST, A
24 DISTANCE OF 295.25 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
25 FOR THE NORTHEAST CORNER OF SAID 15.000 ACRE MAYABB TRACT

1 AND THE NORTHWEST CORNER OF AFORESAID 95.781 ACRE MAYABB
2 TRACT;
3 THENCE, NORTH 89 DEGREES 38 MINUTES 00 SECONDS EAST, ALONG THE
4 NORTH LINE OF SAID 95.781 ACRE MAYABB TRACT AND THE COMMON SOUTH
5 LINE OF LEGACY PARK ESTATES, AN ADDITION TO HUNT COUNTY, AS
6 RECORDED IN CABINET E, PAGE 223, PLAT RECORDS, HUNT COUNTY,
7 TEXAS, A DISTANCE OF 2535.62 FEET TO A 1/2 INCH CAPPED IRON ROD
8 FOUND FOR THE NORTHEAST CORNER OF SAID 95.781 ACRE MAYABB TRACT
9 AND BEING ON THE WEST LINE OF AFORESAID 30.000 ACRE PICKETT
10 TRACT AND BEING THE SOUTHEAST CORNER OF SAID LEGACY PARK ESTATES
11 AND BEING AT THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF
12 AFORESAID HUNT COUNTY ROAD NO. 1057 AND THE APPROXIMATE
13 CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1062;
14 THENCE, NORTH 00 DEGREES 39 MINUTES 15 SECONDS WEST, ALONG THE
15 WEST LINE OF SAID 30.000 ACRE PICKETT TRACT, THE COMMON EAST
16 LINE OF SAID LEGACY PARK ESTATES AND WITH THE APPROXIMATE
17 CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1057, A DISTANCE OF
18 501.72 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST
19 CORNER OF SAID 30.000 ACRE PICKETT TRACT AND THE SOUTHWEST
20 CORNER OF AFORESAID 71.177 ACRE TRACT;
21 THENCE, NORTH 00 DEGREES 14 MINUTES 01 SECONDS WEST, ALONG THE
22 WEST LINE OF SAID 71.177 ACRE TRACT, THE COMMON EAST LINE OF
23 SAID LEGACY PARK ESTATES AND WITH THE APPROXIMATE CENTERLINE OF
24 SAID HUNT COUNTY ROAD NO. 1057, A DISTANCE OF 1077.24 FEET TO A
25 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 71.177

1 ACRE TRACT AND THE NORTHEAST CORNER OF SAID LEGACY PARK ESTATES,
2 SAID POINT BEING ON THE SOUTH LINE OF AFORESAID 75.574 ACRE EUDY
3 TRACT, SAID POINT ALSO BEING IN THE APPROXIMATE INTERSECTION OF
4 SAID HUNT COUNTY ROAD 1057 AND AFORESAID HUNT COUNTY ROAD NO.
5 1061;
6 THENCE, SOUTH 89 DEGREES 32 MINUTES 48 SECONDS WEST, ALONG THE
7 SOUTH LINE OF SAID 75.574 ACRE EUDY TRACT, A DISTANCE OF 600.55
8 FEET TO A POINT FOR CORNER;
9 THENCE, NORTH 01 DEGREES 20 MINUTES 36 SECONDS WEST, ALONG THE
10 WEST LINE OF SAID 75.574 ACRE EUDY TRACT, A DISTANCE OF 1350.27
11 FEET TO A POINT FOR CORNER;
12 THENCE, ALONG THE NORTH LINE OF SAID 75.574 ACRE EUDY TRACT, THE
13 FOLLOWING COURSES AND DISTANCES:
14 NORTH 89 DEGREES 26 MINUTES 45 SECONDS EAST, A
15 DISTANCE OF 1124.18 FEET TO A POINT FOR CORNER;
16 SOUTH 01 DEGREES 34 MINUTES 39 SECONDS EAST, A
17 DISTANCE OF 428.71 FEET TO A POINT FOR CORNER;
18 NORTH 88 DEGREES 26 MINUTES 38 SECONDS EAST, A
19 DISTANCE OF 300.07 FEET TO A POINT FOR CORNER;
20 NORTH 04 DEGREES 23 MINUTES 33 SECONDS EAST, A
21 DISTANCE OF 210.91 FEET TO A POINT FOR CORNER;
22 NORTH 86 DEGREES 56 MINUTES 44 SECONDS EAST, A
23 DISTANCE OF 697.44 FEET TO A POINT FOR CORNER;
24 SOUTH 03 DEGREES 26 MINUTES 48 SECONDS EAST, A
25 DISTANCE OF 147.74 FEET TO A POINT FOR CORNER;

1 NORTH 89 DEGREES 54 MINUTES 21 SECONDS EAST, A
2 DISTANCE OF 228.29 FEET TO A 5/8 INCH IRON ROD WITH A
3 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A
4 SOUTHWEST OF AFORESAID 133.764 ACRE TRACT AND BEING A
5 SOUTHEAST OF A 83.811 ACRE TRACT OF LAND CONVEYED TO JOANNE
6 COLEMAN, AS RECORDED IN VOLUME 363, PAGE 521, OFFICIAL
7 RECORDS, HUNT COUNTY, TEXAS;
8 THENCE, NORTH 00 DEGREES 15 MINUTES 33 SECONDS EAST, ALONG THE
9 WEST LINE OF SAID 133.764 ACRE TRACT AND THE COMMON EAST LINE OF
10 SAID 83.811 ACRE TRACT A DISTANCE OF 1441.67 FEET TO A 5/8 INCH
11 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
12 FOR AN INTERIOR ELL CORNER OF SAID 133.764 ACRE TRACT AND THE
13 NORTHEAST CORNER OF SAID 83.811 ACRE TRACT;
14 THENCE, NORTH 89 DEGREES 04 MINUTES 07 SECONDS WEST, ALONG A
15 SOUTH LINE OF SAID 133.764 ACRE TRACT AND A COMMON NORTH LINE OF
16 SAID 83.811 ACRE TRACT, PASSING AT A DISTANCE OF 61.46 FEET, A
17 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
18 BURGESS" SET FOR AN EXTERIOR ELL CORNER OF SAID 133.764 ACRE
19 TRACT AND A SOUTHEAST CORNER OF AFORESAID 240.184 ACRE TRACT,
20 CONTINUING ALONG THE NORTH LINE OF SAID 83.811 ACRE TRACT AND
21 THE COMMON SOUTH LINE OF SAID 240.184 ACRE TRACT, A DISTANCE OF
22 1261.61 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 240.184
23 ACRE TRACT AND BEING A NORTHWEST CORNER OF SAID 83.811 ACRE
24 TRACT, FROM WHICH A 1" BUGGY AXLE (DISTURBED) BEARS NORTH 28
25 DEGREES 18 MINUTES 03 SECONDS WEST, A DISTANCE OF 0.42 FEET;

1 THENCE, NORTH 01 DEGREES 07 MINUTES 48 SECONDS WEST, ALONG THE
2 WEST LINE OF SAID 240.184 ACRE TRACT, PASSING AT A DISTANCE OF
3 640.99 FEET A 3/8 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER
4 OF HOMEPLACE ESTATES, AN ADDITION TO HUNT COUNTY, AS RECORDED IN
5 CABINET E, PAGE 186, PLAT RECORDS, HUNT COUNTY, TEXAS AND BEING
6 THE SOUTHEAST CORNER OF A 23.000 ACRE TRACT OF LAND CONVEYED TO
7 MARVIN LEROY FARROW, AS RECORDED IN VOLUME 817, PAGE 677, DEED
8 RECORDS, HUNT COUNTY, TEXAS, CONTINUING ALONG THE WEST LINE OF
9 SAID 240.184 ACRE TRACT AND THE COMMON EAST LINE OF SAID 23.000
10 ACRE TRACT AND THE COMMON EAST LINE OF A 16.882 ACRE TRACT OF
11 LAND CONVEYED DARRELL M. FARROW, AS RECORDED IN VOLUME 817, PAGE
12 690, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, IN ALL A TOTAL
13 DISTANCE OF 1289.67 FEET TO A 12 INCH HACKBERRY TREE FOUND FOR
14 THE SOUTHEAST CORNER OF SAID 70 ACRE TRACT AND THE NORTHEAST
15 CORNER OF SAID 16.882 ACRE TRACT;
16 THENCE, NORTH 89 DEGREES 49 MINUTES 02 SECONDS WEST, ALONG THE
17 SOUTH LINE OF SAID 240.184 ACRE TRACT AND THE COMMON NORTH LINE
18 OF SAID 16.882 ACRE TRACT, A DISTANCE OF 1503.02 FEET TO A 5/8
19 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
20 SET FOR THE SOUTHWEST CORNER OF SAID 240.184 ACRE TRACT AND
21 BEING THE SOUTHEAST CORNER OF A 51.222 ACRE TRACT OF LAND
22 CONVEYED TO W. HOMER MARTIN, AS RECORDED IN VOLUME 207, PAGE 67,
23 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
24 THENCE, NORTH 00 DEGREES 18 MINUTES 05 SECONDS WEST, ALONG THE
25 WEST LINE OF SAID 240.184 ACRE TRACT AND THE COMMON EAST LINE OF

1 SAID 51.222 ACRE TRACT, PASSING A 1/2 INCH IRON ROD FOUND AT A
2 DISTANCE OF 1998.17 FEET, CONTINUING IN ALL A TOTAL DISTANCE OF
3 1998.86 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 240.184
4 ACRE TRACT AND NORTHEAST CORNER OF SAID 51.222 ACRE TRACT AND
5 BEING ON THE SOUTH RIGHT-OF-WAY OF AFORESAID F.M. 1569;
6 THENCE, ALONG THE NORTH LINE OF SAID 240.184 ACRE TRACT AND THE
7 COMMON SOUTH RIGHT-OF-WAY OF SAID F.M. 1569, THE FOLLOWING
8 COURSES AND DISTANCES:

9 NORTH 89 DEGREES 58 MINUTES 22 SECONDS EAST, A
10 DISTANCE OF 363.01 FEET TO A 5/8 INCH IRON ROD WITH A
11 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
12 AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A
13 CENTRAL ANGLE OF 05 DEGREES 27 MINUTES 22 SECONDS, A RADIUS
14 OF 5769.58 FEET, A CHORD BEARING OF NORTH 87 DEGREES 14
15 MINUTES 41 SECONDS EAST, A CHORD LENGTH OF 549.22 FEET;

16 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF
17 549.43 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
18 CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

19 NORTH 84 DEGREES 31 MINUTES 00 SECONDS EAST, A
20 DISTANCE OF 94.39 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
21 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

22 NORTH 88 DEGREES 30 MINUTES 25 SECONDS EAST, A
23 DISTANCE OF 26.77 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
24 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER ON THE
25 WEST LINE OF A TRACT OF LAND CONVEYED TO BOBBY FISCHER, AS

1 RECORDED IN VOLUME 855, PAGE 643, OFFICIAL RECORDS, HUNT
2 COUNTY, TEXAS;

3 THENCE, SOUTH 00 DEGREES 18 MINUTES 51 SECONDS EAST, ALONG THE
4 WEST LINE OF SAID BOBBY FISCHER TRACT, A DISTANCE OF 455.54 FEET
5 TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
6 BURGESS" SET FOR THE SOUTHWEST CORNER OF SAID BOBBY FISCHER
7 TRACT;

8 THENCE, NORTH 89 DEGREES 41 MINUTES 09 SECONDS EAST, ALONG THE
9 SOUTH LINE OF SAID BOBBY FISCHER TRACT, A DISTANCE OF 450.00
10 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
11 "CARTER BURGESS" SET FOR THE SOUTHEAST CORNER OF SAID BOBBY
12 FISCHER TRACT;

13 THENCE, NORTH 00 DEGREES 18 MINUTES 51 SECONDS WEST, ALONG THE
14 EAST LINE TO SAID BOBBY FISCHER TRACT, A DISTANCE OF 478.04 FEET
15 TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
16 BURGESS" SET FOR CORNER ON THE SOUTH RIGHT-OF-WAY OF SAID F.M.
17 1569;

18 THENCE, ALONG THE NORTH LINE OF SAID 240.184 ACRE TRACT AND THE
19 COMMON SOUTH RIGHT-OF-WAY OF SAID F.M. 1569, THE FOLLOWING
20 COURSES AND DISTANCES:

21 NORTH 84 DEGREES 31 MINUTES 00 SECONDS EAST, A
22 DISTANCE OF 118.80 FEET TO A 5/8 INCH IRON ROD WITH A
23 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

24 NORTH 81 DEGREES 31 MINUTES 10 SECONDS EAST, A
25 DISTANCE OF 191.26 FEET TO A 5/8 INCH IRON ROD WITH A

1 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
2 NORTH 84 DEGREES 31 MINUTES 00 SECONDS EAST, A
3 DISTANCE OF 665.50 FEET TO A 5/8 INCH IRON ROD WITH A
4 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
5 AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A
6 CENTRAL ANGLE OF 04 DEGREES 44 MINUTES 38 SECONDS, A RADIUS
7 OF 5679.58 FEET, A CHORD BEARING OF NORTH 86 DEGREES 53
8 MINUTES 19 SECONDS EAST, A CHORD LENGTH OF 470.10 FEET;
9 ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH
10 OF 470.24 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
11 CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
12 NORTH 89 DEGREES 15 MINUTES 37 SECONDS EAST, A
13 DISTANCE OF 816.41 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT
14 FOUND FOR THE NORTHEAST CORNER OF SAID 240.184 ACRE TRACT
15 AND BEING ON THE EAST LINE OF AFORESAID 34.984 ACRE TRACT;
16 THENCE, NORTH 00 DEGREES 39 MINUTES 57 SECONDS WEST, ALONG THE
17 WEST LINE OF SAID 34.984 ACRE TRACT AND ALONG THE COMMON SOUTH
18 RIGHT-OF-WAY OF SAID F.M. 1569, A DISTANCE OF 10.00 FEET TO A
19 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
20 BURGESS" SET FOR THE NORTHWEST CORNER OF SAID 34.984 ACRE TRACT
21 AND BEING ON THE SOUTH RIGHT-OF-WAY OF SAID F.M. 1569, FROM
22 WHICH A CONCRETE RIGHT-OF-WAY MONUMENT (DISTURBED) BEARS, SOUTH
23 00 DEGREES 39 MINUTES 56 SECONDS EAST, A DISTANCE OF 0.75 FEET;
24 THENCE, NORTH 89 DEGREES 15 MINUTES 37 SECONDS EAST, ALONG THE
25 NORTH LINE OF SAID 34.984 ACRE TRACT AND THE COMMON SOUTH RIGHT-

1 OF-WAY OF SAID F.M. 1569, A DISTANCE OF 971.15 FEET TO THE POINT
2 OF BEGINNING, CONTAINING 1742.436 ACRES OF LAND, MORE OR LESS.
3 TRACT 4
4 BEING A 2012.391 ACRE TRACT OF LAND SITUATED IN THE JESSE
5 BILLINGSLEY SURVEY, ABSTRACT NO. 37, THE P.B. CORZINE SURVEY,
6 ABSTRACT NO. 197, THE E. HILLBURN SURVEY, ABSTRACT NO. 486, THE
7 ENOS MURPHY SURVEY, ABSTRACT NO. 647, , THE ALEXANDER McBANE
8 SURVEY, ABSTRACT NO. 670, THE R.W. McBANE SURVEY, ABSTRACT NO.
9 671 AND THE JOHN YEARY SURVEY, ABSTRACT NO. 1182, HUNT COUNTY,
10 TEXAS, AND BEING ALL OF A 1139.667 ACRE TRACT OF LAND CONVEYED
11 AS "TRACT A" TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1578,
12 PAGE 398, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS, ALL OF A
13 616.275 ACRE TRACT OF LAND CONVEYED AS "TRACT TWO" TO WALTON
14 TEXAS, L.P., AS RECORDED IN VOLUME 1637, PAGE 620, OFFICIAL
15 PUBLIC RECORDS, HUNT COUNTY, TEXAS AND ALL OF A 255.411 ACRE
16 TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN
17 VOLUME 1720, PAGE 155, OFFICIAL PUBLIC RECORDS, HUNT COUNTY,
18 TEXAS. SAID 2012.391 ACRE TRACT WITH BEARING BASIS GRID NORTH,
19 TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83
20 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS
21 BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004,
22 CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DALLAS CORS ARP
23 (PID-DF8984). BEING MORE PARTICULARLY DESCRIBED BY METES AND
24 BOUNDS AS FOLLOWS:
25 BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR ELL

1 CORNER OF SAID 1139.667 ACRE TRACT AND THE SOUTHWEST CORNER OF A
2 57.960 ACRE TRACT OF LAND CONVEYED TO RAY A. ROCKHILL, AS
3 RECORDED IN VOLUME 1366, PAGE 634, OFFICIAL RECORDS, HUNT
4 COUNTY, TEXAS AND BEING THE AT THE INTERSECTION OF THE
5 APPROXIMATE CENTERLINE OF HUNT COUNTY ROAD NO. 1114 (A VARIABLE
6 WIDTH PRESCRIPTIVE RIGHT-OF-WAY) AND THE APPROXIMATE CENTERLINE
7 OF HUNT COUNTY ROAD NO. 1115 (A VARIABLE WIDTH PRESCRIPTIVE
8 RIGHT-OF-WAY);
9 THENCE, NORTH 89 DEGREES 01 MINUTES 44 SECONDS EAST, ALONG A
10 NORTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON SOUTH LINE
11 OF SAID 57.960 ACRE TRACT AND THE COMMON SOUTH LINE OF A 30.275
12 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO JAIME FERNANDES, AS
13 RECORDED IN VOLUME 1174, PAGE 370, OFFICIAL RECORDS, HUNT
14 COUNTY, TEXAS AND THE COMMON SOUTH LINE OF A 4.781 ACRE TRACT OF
15 LAND CONVEYED AS "TRACT 2" TO JAIME FERNANDES, AS RECORDED IN
16 VOLUME 1174, PAGE 370, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND
17 THE APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1114, A
18 DISTANCE OF 2007.34 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
19 NORTHWEST CORNER OF A 1.610 ACRE TRACT OF LAND CONVEYED TO FELIX
20 A. LEWIS, AS RECORDED VOLUME 120, PAGE 35, OFFICIAL RECORDS,
21 HUNT COUNTY, TEXAS;
22 THENCE, SOUTH 00 DEGREES 36 MINUTES 33 SECONDS EAST, ALONG THE
23 WEST LINE OF SAID 1.610 ACRE TRACT, A DISTANCE OF 1354.32 FEET
24 TO A 1/2 INCH IRON ROD FOUND FOR A SOUTHWEST CORNER OF SAID
25 1.610 ACRE TRACT;

1 THENCE, NORTH 89 DEGREES 39 MINUTES 19 SECONDS EAST, ALONG THE
2 SOUTH LINE OF SAID 1.610 ACRE TRACT, A DISTANCE OF 1555.16 FEET
3 TO A 1/2 INCH IRON ROD FOUND FOR A NORTHWEST CORNER OF A 137.824
4 ACRE TRACT OF LAND CONVEYED AS "TRACT A-2" TO SPEIR INVESTMENTS,
5 LTD., AS RECORDED IN VOLUME 760, PAGE 57, OFFICIAL RECORDS, HUNT
6 COUNTY, TEXAS;

7 THENCE, SOUTH 00 DEGREES 01 MINUTES 25 SECONDS EAST, ALONG A
8 EAST LINE OF SAID 1169.667 ACRE TRACT AND THE COMMON WEST LINE
9 OF SAID 137.824 ACRE TRACT, A DISTANCE OF 1421.40 FEET TO A 3/8
10 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 1139.667
11 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 137.824 ACRE TRACT;

12 THENCE, SOUTH 88 DEGREES 20 MINUTES 26 SECONDS EAST, ALONG A
13 NORTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON SOUTH LINE
14 OF SAID 137.824 ACRE TRACT, A DISTANCE OF 1936.78 FEET TO A 3/8
15 INCH IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID 1139.667 ACRE
16 TRACT AND THE NORTHWEST CORNER OF A 0.864 ACRE TRACT OF LAND
17 CONVEYED TO SPEIR INVESTMENTS, LTD., AS RECORDED IN VOLUME 1222,
18 PAGE 4, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;

19 THENCE, SOUTH 00 DEGREES 54 MINUTES 20 SECONDS WEST, ALONG AN
20 EAST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON WEST LINE
21 OF SAID 0.864 ACRE TRACT, A DISTANCE OF 227.27 FEET TO A 3/8
22 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.864 ACRE
23 TRACT;

24 THENCE, SOUTH 89 DEGREES 21 MINUTES 06 SECONDS EAST, ALONG THE
25 SOUTH LINE OF SAID 0.864 ACRE TRACT, A DISTANCE OF 33.49 FEET TO

1 A 3/8 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF A 1.546
2 ACRE TRACT OF LAND CONVEYED TO WILLIAM F. SMITH AND SHERRY LYNN
3 SMITH, AS RECORDED IN VOLUME 826, PAGE 156, OFFICIAL RECORDS,
4 HUNT COUNTY, TEXAS;

5 THENCE, SOUTH 00 DEGREES 55 MINUTES 56 SECONDS WEST, ALONG AN
6 EAST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON WEST LINE
7 OF SAID 1.546 ACRE TRACT, A DISTANCE OF 517.17 FEET TO A 1/2
8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 1.546 ACRE
9 TRACT;

10 THENCE, SOUTH 87 DEGREES 58 MINUTES 43 SECONDS EAST, ALONG THE
11 SOUTH LINE OF SAID 1.546 ACRE TRACT, A DISTANCE OF 129.59 FEET
12 TO A 3/8 INCH IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID
13 1139.667 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 1.546 ACRE
14 TRACT AND BEING ON THE WEST RIGHT-OF-WAY OF F.M. 903 (A VARIABLE
15 WIDTH RIGHT-OF-WAY) CONVEYED AS "TRACT 2" TO THE STATE OF TEXAS,
16 AS RECORDED IN VOLUME 496, PAGE 327, DEED RECORDS, HUNT COUNTY,
17 TEXAS;

18 THENCE, ALONG THE EAST LINE OF SAID 1139.667 ACRE TRACT AND THE
19 COMMON WEST RIGHT-OF-WAY LINE OF SAID F.M. 903, THE FOLLOWING
20 COURSES AND DISTANCES:

21 SOUTH 01 DEGREES 10 MINUTES 28 SECONDS WEST, A
22 DISTANCE OF 983.32 FEET TO A 1/2 INCH IRON ROD FOUND FOR
23 CORNER;

24 SOUTH 12 DEGREES 29 MINUTES 22 SECONDS WEST, A
25 DISTANCE OF 102.00 FEET TO A 5/8 INCH IRON ROD WITH A

1 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
2 SOUTH 01 DEGREES 10 MINUTES 22 SECONDS WEST, A
3 DISTANCE OF 300.00 FEET TO A 5/8 INCH IRON ROD WITH A
4 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
5 FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 00 DEGREES
6 15 MINUTES 12 SECONDS EAST, A DISTANCE OF 2.55 FEET;

7 SOUTH 10 DEGREES 08 MINUTES 38 SECONDS EAST, A
8 DISTANCE OF 102.00 FEET TO A 5/8 INCH IRON ROD WITH A
9 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

10 SOUTH 01 DEGREES 10 MINUTES 22 SECONDS WEST, A
11 DISTANCE OF 1373.30 FEET TO A 5/8 INCH IRON ROD WITH A
12 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

13 SOUTH 00 DEGREES 11 MINUTES 38 SECONDS EAST, A
14 DISTANCE OF 427.70 FEET TO A 5/8 INCH IRON ROD WITH A
15 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

16 SOUTH 42 DEGREES 04 MINUTES 22 SECONDS WEST, A
17 DISTANCE OF 148.70 FEET TO A 3/8 INCH IRON ROD FOUND FOR
18 CORNER;

19 SOUTH 00 DEGREES 11 MINUTES 38 SECONDS EAST, PASSING
20 AT A DISTANCE OF 20.00 FEET, A 5/8 INCH IRON ROD WITH A
21 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE
22 SOUTHEAST CORNER OF SAID 1139.667 ACRE TRACT AND BEING ON
23 THE NORTH RIGHT-OF-WAY LINE OF HUNT COUNTY ROAD NO. 1116 (A
24 VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY), CONTINUING OVER
25 AND ACROSS SAID HUNT COUNTY ROAD, AND PASSING AT A DISTANCE

1 OF 19.98 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
2 CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHEAST CORNER
3 OF AFORESAID 616.275 ACRE TRACT, CONTINUING ALONG THE EAST
4 LINE OF SAID 616.275 ACRE TRACT, IN ALL A TOTAL DISTANCE OF
5 80.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
6 STAMPED "CARTER BURGESS" SET FOR CORNER;

7 THENCE, ALONG THE EAST LINE OF SAID 616.275 ACRE TRACT AND THE
8 COMMON WEST RIGHT-OF-WAY LINE OF SAID F.M. 903, THE FOLLOWING
9 COURSES AND DISTANCES:

10 SOUTH 47 DEGREES 28 MINUTES 38 SECONDS EAST, A
11 DISTANCE OF 88.40 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
12 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

13 SOUTH 00 DEGREES 11 MINUTES 38 SECONDS EAST, A
14 DISTANCE OF 250.00 FEET TO A 5/8 INCH IRON ROD WITH A
15 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

16 SOUTH 10 DEGREES 29 MINUTES 36 SECONDS EAST, A
17 DISTANCE OF 204.85 FEET TO A 5/8 INCH IRON ROD FOUND FOR
18 CORNER;

19 SOUTH 00 DEGREES 13 MINUTES 16 SECONDS EAST, A
20 DISTANCE OF 1368.46 FEET TO A 1/2 INCH IRON ROD FOUND FOR
21 CORNER;

22 SOUTH 00 DEGREES 27 MINUTES 57 SECONDS WEST, A
23 DISTANCE OF 1231.78 FEET TO A 5/8 INCH IRON ROD WITH A
24 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

25 SOUTH 03 DEGREES 18 MINUTES 18 SECONDS WEST, A

1 DISTANCE OF 200.20 FEET TO A 1/2 INCH IRON ROD FOUND FOR
2 CORNER;

3 SOUTH 00 DEGREES 25 MINUTES 41 SECONDS WEST, A
4 DISTANCE OF 700.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR
5 CORNER;

6 SOUTH 02 DEGREES 28 MINUTES 50 SECONDS EAST, A
7 DISTANCE OF 200.29 FEET TO A 60D NAIL FOUND FOR CORNER;

8 SOUTH 00 DEGREES 28 MINUTES 43 SECONDS WEST, A
9 DISTANCE OF 2050.49 FEET TO A 5/8 INCH IRON ROD WITH A
10 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

11 SOUTH 28 DEGREES 58 MINUTES 33 SECONDS WEST, A
12 DISTANCE OF 41.90 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
13 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

14 NORTH 89 DEGREES 32 MINUTES 27 SECONDS WEST, A
15 DISTANCE OF 80.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
16 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

17 SOUTH 00 DEGREES 27 MINUTES 33 SECONDS WEST, A
18 DISTANCE OF 80.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
19 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

20 SOUTH 49 DEGREES 46 MINUTES 27 SECONDS EAST, A
21 DISTANCE OF 130.10 FEET TO A 1/2 INCH IRON ROD FOUND FOR
22 CORNER;

23 SOUTH 00 DEGREES 27 MINUTES 33 SECONDS WEST, A
24 DISTANCE OF 1100.00 FEET TO A 5/8 INCH IRON ROD WITH A
25 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

1 SOUTH 45 DEGREES 58 MINUTES 56 SECONDS WEST, A
2 DISTANCE OF 139.69 FEET TO A 1/2 INCH IRON ROD FOUND FOR
3 CORNER;

4 SOUTH 00 DEGREES 16 MINUTES 06 SECONDS WEST, PASSING
5 AT A DISTANCE OF 29.28 FEET, A 1/2 INCH IRON ROD FOUND,
6 CONTINUING IN ALL A TOTAL DISTANCE OF 30.76 FEET TO A POINT
7 FOR THE SOUTHEAST CORNER OF SAID 616.275 ACRE TRACT BEING
8 ON THE NORTH RIGHT-OF-WAY OF HUNT COUNTY ROAD NO. 1156 (A
9 30' PRESCRIPTIVE WIDTH RIGHT-OF-WAY), BEING 130.00 FEET
10 FROM THE CENTERLINE OF KANSAS CITY SOUTHERN RAILROAD (A
11 100' RIGHT-OF-WAY);

12 THENCE, NORTH 84 DEGREES 06 MINUTES 14 SECONDS WEST, ALONG THE
13 SOUTH LINE OF SAID 203.348 ACRE TRACT AND THE COMMON NORTH LINE
14 OF SAID HUNT COUNTY ROAD NO. 1156, PASSING AT A DISTANCE OF
15 2405.39 FEET, A POINT IN THE APPROXIMATE CENTERLINE OF ELM CREEK
16 FOR THE SOUTHWEST CORNER OF SAID 616.275 ACRE TRACT AND THE
17 SOUTHEAST CORNER OF AFORESAID 255.411 ACRE TRACT, FROM WHICH A
18 1/2 INCH IRON ROD FOUND FOR WITNESS BEARS SOUTH 85 DEGREES 12
19 MINUTES 09 SECONDS EAST, A DISTANCE 44.39 FEET, CONTINUING ALONG
20 THE SOUTH LINE OF SAID 255.411 ACRE TRACT, IN ALL A TOTAL
21 DISTANCE OF 5879.63 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
22 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE SOUTHWEST
23 CORNER OF SAID 255.411 ACRE TRACT, SAID POINT BEING ON THE EAST
24 LINE OF A 75.344 ACRE TRACT OF LAND CONVEYED TO ROBERT GRAHAM
25 ELIZABETH GRAHAM, AND CHRISTOPHER BILL GRAHAM, AS RECORDED IN

1 VOLUME 556, PAGE 518, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
2 THENCE, NORTH 00 DEGREES 18 MINUTES 42 SECONDS WEST, ALONG THE
3 WEST LINE OF SAID 255.411 ACRE TRACT AND THE COMMON EAST LINE OF
4 SAID 75.344 ACRE TRACT, A DISTANCE OF 3523.60 FEET TO A 5/8 INCH
5 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
6 FOR THE NORTHEAST CORNER OF SAID 75.344 ACRE TRACT AND THE
7 COMMON SOUTHEAST CORNER OF A 100 ACRE TRACT OF LAND CONVEYED TO
8 DAVE W. BELL, WILLIAM HIXSON, AND DENNIS W. BELL, AS RECORDED IN
9 VOLUME 128, PAGE 18, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
10 THENCE, NORTH 00 DEGREES 31 MINUTES 21 SECONDS WEST, CONTINUING
11 ALONG THE WEST LINE OF SAID 255.411 ACRE TRACT AND THE COMMON
12 EAST LINE OF SAID 100 ACRE TRACT, A DISTANCE OF 1061.59 FEET TO
13 A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID
14 255.411 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF A 70.000
15 ACRE TRACT OF LAND CONVEYED AS "TRACT 1", TO GESSELL MARTINEZ,
16 AS RECORDED IN VOLUME 1483, PAGE 212, OFFICIAL RECORDS, HUNT
17 COUNTY, TEXAS;
18 THENCE, NORTH 89 DEGREES 41 MINUTES 12 SECONDS EAST, ALONG THE
19 NORTH LINE OF SAID 255.411 ACRE TRACT AND THE COMMON SOUTH LINE
20 OF SAID 70.000 ACRE TRACT, PASSING AT A DISTANCE OF 843.85 FEET
21 TO A 1/2 INCH IRON ROD WITH A RED PLASTIC CAP STAMPED "OWENS"
22 FOUND FOR THE SOUTHEAST CORNER OF SAID 70.000 ACRE TRACT AND THE
23 SOUTHWEST CORNER OF A 53.127 ACRE TRACT OF LAND CONVEYED TO J.
24 SCOTT HOLLAND AND NATALIE HUDGINS, AS RECORDED IN VOLUME 861,
25 PAGE 628, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, AND CONTINUING

1 ALONG THE SOUTH LINE OF SAID 53.127 ACRE TRACT, IN ALL A TOTAL
2 DISTANCE OF 1323.37 FEET TO A POINT FOR CORNER ON THE WEST LINE
3 OF AFORESAID 616.275 ACRE TRACT, SAID POINT BEING ON THE
4 APPROXIMATE CENTER LINE OF ELM CREEK;
5 THENCE, NORTH 34 DEGREES 26 MINUTES 51 SECONDS WEST, ALONG THE
6 WEST LINE OF SAID 616.275 ACRE TRACT, A DISTANCE OF 2.35 FEET TO
7 A POINT FOR THE NORTHWEST CORNER OF SAID 616.275 ACRE TRACT;
8 THENCE, NORTH 89 DEGREES 49 MINUTES 12 SECONDS EAST, ALONG A
9 NORTH LINE OF SAID 616.275 ACRE TRACT AND BEING ON THE SOUTH
10 LINE OF SAID AFORESAID 53.127 ACRE TRACT, PASSING AT A DISTANCE
11 OF 63.24 FEET, A 1/2 INCH IRON ROD FOUND FOR WITNESS, CONTINUING
12 IN ALL A TOTAL DISTANCE OF 1251.53 FEET TO A 1/2 INCH IRON ROD
13 FOUND FOR THE SOUTHEAST CORNER OF SAID 53.127 ACRE TRACT AND AN
14 INTERIOR ELL CORNER OF SAID 616.275 ACRE TRACT;
15 THENCE, NORTH 00 DEGREES 05 MINUTES 55 SECONDS WEST, ALONG THE
16 WEST LINE OF SAID 616.275 ACRE TRACT AND THE COMMON EAST LINE OF
17 SAID 53.127 ACRE TRACT, PASSING AT A DISTANCE OF 2477.60 FEET A
18 1/2 INCH IRON ROD FOUND FOR WITNESS AND PASSING AT A DISTANCE OF
19 2498.79 FEET A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
20 STAMPED "CARTER BURGESS" SET FOR THE NORTHWEST CORNER OF SAID
21 616.275 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 53.127 ACRE
22 TRACT AND BEING IN THE APPROXIMATE CENTER LINE OF AFORESAID HUNT
23 COUNTY ROAD NO. 1116, CONTINUING OVER AND ACROSS SAID HUNT
24 COUNTY ROAD IN ALL A TOTAL DISTANCE OF 2518.29 FEET TO A POINT
25 FOR CORNER ON THE SOUTH LINE OF AFORESAID 1139.667 ACRE TRACT

1 AND THE NORTH RIGHT-OF-WAY LINE OF SAID HUNT COUNTY ROAD NO.
2 1116;

3 THENCE, SOUTH 89 DEGREES 29 MINUTES 54 SECONDS WEST, ALONG THE
4 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE NORTH RIGHT-OF-
5 WAY LINE OF SAID HUNT COUNTY ROAD NO. 1116, A DISTANCE OF 60.76
6 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 1139.667 ACRE
7 TRACT;

8 THENCE, ALONG THE WEST LINE OF SAID 1139.667 ACRE TRACT, THE
9 FOLLOWING COURSES AND DISTANCES:

10 NORTH 00 DEGREES 18 MINUTES 55 SECONDS WEST, PASSING
11 AT A DISTANCE OF 7.29 FEET, A 1/2 INCH IRON ROD FOUND FOR
12 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1570.39 FEET
13 TO A FENCE CORNER POST FOUND FOR CORNER;

14 NORTH 79 DEGREES 11 MINUTES 19 SECONDS WEST, A
15 DISTANCE OF 32.79 FEET TO A FENCE CORNER POST FOUND FOR
16 CORNER ON THE EAST LINE OF A CALLED 32.210 ACRE TRACT OF
17 LAND CONVEYED AS "TRACT 4" TO KENNETH R. BUTLER AND GENELLE
18 L. BUTLER, AS RECORDED IN VOLUME 1230, PAGE 407, OFFICIAL
19 RECORDS, HUNT COUNTY, TEXAS;

20 NORTH 00 DEGREES 14 MINUTES 12 SECONDS WEST, ALONG THE
21 COMMON EAST LINE OF SAID 32.210 ACRE TRACT, A DISTANCE OF
22 1728.39 FEET TO A FENCE CORNER POST FOUND FOR CORNER;

23 NORTH 86 DEGREES 12 MINUTES 13 SECONDS WEST, A
24 DISTANCE OF 55.07 FEET TO A FENCE CORNER POST FOUND FOR
25 CORNER;

1 NORTH 00 DEGREES 17 MINUTES 59 SECONDS WEST, ALONG THE
2 COMMON EAST LINE OF SAID 32.210 ACRE TRACT, A DISTANCE OF
3 626.72 FEET TO A FENCE CORNER POST FOUND FOR THE NORTHEAST
4 CORNER OF SAID 32.210 ACRE TRACT;
5 THENCE, SOUTH 89 DEGREES 49 MINUTES 42 SECONDS WEST, ALONG A
6 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON NORTH LINE
7 OF SAID 32.210 ACRE TRACT, THE COMMON NORTH LINE OF A 11.859
8 ACRE TRACT OF LAND CONVEYED TO BOBBY G. BUTLER, AS RECORDED IN
9 VOLUME 55, PAGE 184, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND
10 THE COMMON NORTH LINE OF A 11.859 ACRE TRACT OF LAND CONVEYED TO
11 DONALD H. BUTLER, AS RECORDED IN VOLUME 55, PAGE 190, OFFICIAL
12 RECORDS, HUNT COUNTY, TEXAS, PASSING AT A DISTANCE OF 1956.80
13 FEET A 1/2 INCH CAPPED IRON ROD FOUND FOR WITNESS, CONTINUING IN
14 ALL A TOTAL DISTANCE OF 1973.46 FEET TO A 1/2 INCH CAPPED IRON
15 ROD FOUND FOR A SOUTHWEST CORNER OF SAID 1139.667 ACRE TRACT AND
16 BEING ON THE EAST LINE OF A 93.89 ACRE TRACT OF LAND CONVEYED AS
17 "TRACT A-1" TO SPEIR INVESTMENTS, LTD., AS RECORDED IN VOLUME
18 760, PAGE 57, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND BEING IN
19 THE APPROXIMATE CENTERLINE OF AFORESAID HUNT COUNTY ROAD NO.
20 1115;
21 THENCE, NORTH 00 DEGREES 11 MINUTES 24 SECONDS WEST, ALONG A
22 WEST LINE OF SAID 1139.667 ACRE TRACT, THE COMMON EAST LINE OF
23 SAID 93.89 ACRE TRACT, THE COMMON EAST LINE OF A 7.9 ACRE TRACT
24 OF LAND CONVEYED TO DAVID L. TRAYNHAM AND MARIA A. TRAYNHAM, AS
25 RECORDED IN VOLUME 657, PAGE 402, OFFICIAL RECORDS, HUNT COUNTY,

1 TEXAS AND THE APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD
2 NO. 1115, A DISTANCE OF 1143.48 FEET TO A 1/2 INCH IRON ROD
3 FOUND FOR THE NORTHEAST CORNER OF SAID 7.9 ACRE TRACT;
4 THENCE, SOUTH 89 DEGREES 48 MINUTES 44 SECONDS WEST, ALONG A
5 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON NORTH LINE
6 OF SAID 7.9 ACRE TRACT, A DISTANCE OF 914.22 FEET TO A 1/2 INCH
7 IRON ROD FOUND FOR CORNER;
8 THENCE, SOUTH 89 DEGREES 47 MINUTES 54 SECONDS WEST, CONTINUING
9 ALONG A SOUTH LINE OF SAID 1139.667 ACRE TRACT, THE COMMON NORTH
10 LINE OF SAID 7.9 ACRE TRACT AND THE COMMON NORTH LINE OF A
11 93.886 ACRE TRACT OF LAND CONVEYED TO THE REDEEMED CHRISTIAN
12 CHURCH OF GOD (NORTH AMERICA), INC., AS RECORDED IN VOLUME 1374,
13 PAGE 57, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, A DISTANCE OF
14 809.78 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;
15 THENCE, NORTH 89 DEGREES 21 MINUTES 24 SECONDS WEST, CONTINUING
16 ALONG A SOUTH LINE OF SAID 1139.667 ACRE TRACT, THE COMMON NORTH
17 LINE OF SAID 93.886 ACRE TRACT AND A COMMON NORTH LINE OF A
18 243.597 ACRE TRACT OF LAND CONVEYED TO VAN K. DAVIS, TRUSTEE, AS
19 RECORDED IN VOLUME 928, PAGE 539, OFFICIAL RECORDS, HUNT COUNTY,
20 TEXAS, A DISTANCE OF 859.21 FEET TO A 1/2 INCH IRON ROD FOUND
21 FOR AN EXTERIOR ELL CORNER OF SAID 1139.667 ACRE TRACT AND AN
22 INTERIOR ELL CORNER OF SAID 243.597 ACRE TRACT;
23 THENCE, NORTH 00 DEGREES 14 MINUTES 41 SECONDS WEST, ALONG A
24 WEST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON EAST LINE
25 OF SAID 243.597 ACRE TRACT, A DISTANCE OF 882.25 FEET TO A 3/8

1 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 243.597
2 ACRE TRACT;
3 THENCE, NORTH 89 DEGREES 47 MINUTES 35 SECONDS WEST, ALONG A
4 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON NORTH LINE
5 OF SAID 243.597 ACRE TRACT, A DISTANCE OF 844.09 FEET TO A 1/2
6 INCH IRON ROD FOUND FOR AN EXTERIOR ELL CORNER OF SAID 1139.667
7 ACRE TRACT AND THE SOUTHEAST CORNER OF A 60.0 ACRE TRACT OF LAND
8 CONVEYED TO RONALD MIKE TREVINO, ALBERT JOE TREVINO AND VICTOR
9 TREVINO, AS RECORDED IN VOLUME 259, PAGE 234, OFFICIAL RECORDS,
10 HUNT COUNTY, TEXAS;
11 THENCE, NORTH 00 DEGREES 13 MINUTES 54 SECONDS WEST, ALONG THE
12 WEST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON EAST LINE
13 OF SAID 60.0 ACRE TRACT, A DISTANCE OF 1609.31 FEET TO A 3/8
14 INCH IRON ROD FOUND FOR CORNER;
15 THENCE, NORTH 00 DEGREES 30 MINUTES 31 SECONDS WEST, CONTINUING
16 ALONG THE WEST LINE OF SAID 1139.667 ACRE TRACT, THE COMMON EAST
17 LINE OF A 82.616 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO
18 JAMES H. BLAKEMORE AND EDITH L. BLAKEMORE, AS RECORDED IN VOLUME
19 707, PAGE 331, DEED RECORDS, HUNT COUNTY, TEXAS AND THE COMMON
20 EAST LINE OF A 40 ACRE TRACT OF LAND CONVEYED TO J.H. BLAKEMORE
21 AND WIFE, EDITH L. BLAKEMORE, AS RECORDED IN VOLUME 540, PAGE
22 623, DEED RECORDS, HUNT COUNTY, TEXAS, A DISTANCE OF 2189.68
23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF
24 SAID 40 ACRE TRACT;
25 THENCE, SOUTH 88 DEGREES 59 MINUTES 44 SECONDS WEST, ALONG A

1 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON NORTH LINE
2 OF SAID 40 ACRE TRACT, A DISTANCE OF 1548.59 FEET TO A POINT
3 CORNER IN THE APPROXIMATE CENTERLINE OF MIDDLE CADDO CREEK;
4 THENCE, ALONG THE WEST LINE OF SAID 1139.667 ACRE TRACT AND THE
5 COMMON APPROXIMATE CENTERLINE OF SAID MIDDLE CADDO CREEK, THE
6 FOLLOWING COURSES AND DISTANCES:

7 NORTH 21 DEGREES 00 MINUTES 15 SECONDS WEST, A
8 DISTANCE OF 6.21 FEET TO A POINT FOR CORNER;

9 NORTH 34 DEGREES 09 MINUTES 23 SECONDS EAST, A
10 DISTANCE OF 63.91 FEET TO A POINT FOR CORNER;

11 NORTH 12 DEGREES 40 MINUTES 10 SECONDS EAST, A
12 DISTANCE OF 26.28 FEET TO A POINT FOR CORNER;

13 NORTH 26 DEGREES 12 MINUTES 21 SECONDS WEST, A
14 DISTANCE OF 6.32 FEET TO A POINT FOR CORNER;

15 NORTH 20 DEGREES 42 MINUTES 04 SECONDS WEST, A
16 DISTANCE OF 38.17 FEET TO A POINT FOR CORNER;

17 NORTH 21 DEGREES 26 MINUTES 17 SECONDS WEST, A
18 DISTANCE OF 39.25 FEET TO A POINT FOR CORNER;

19 NORTH 35 DEGREES 13 MINUTES 45 SECONDS EAST, A
20 DISTANCE OF 31.01 FEET TO A POINT FOR CORNER;

21 NORTH 60 DEGREES 49 MINUTES 41 SECONDS EAST, A
22 DISTANCE OF 38.89 FEET TO A POINT FOR CORNER;

23 NORTH 32 DEGREES 52 MINUTES 06 SECONDS EAST, A
24 DISTANCE OF 66.78 FEET TO A POINT FOR CORNER;

25 NORTH 06 DEGREES 16 MINUTES 43 SECONDS EAST, A

1 DISTANCE OF 25.14 FEET TO A POINT FOR CORNER;
2 NORTH 29 DEGREES 02 MINUTES 56 SECONDS WEST, A
3 DISTANCE OF 26.91 FEET TO A POINT FOR CORNER;
4 NORTH 46 DEGREES 27 MINUTES 41 SECONDS WEST, A
5 DISTANCE OF 52.95 FEET TO A POINT FOR CORNER;
6 NORTH 65 DEGREES 10 MINUTES 49 SECONDS WEST, A
7 DISTANCE OF 44.93 FEET TO A POINT FOR CORNER;
8 NORTH 26 DEGREES 06 MINUTES 17 SECONDS WEST, A
9 DISTANCE OF 29.56 FEET TO A POINT FOR CORNER;
10 NORTH 13 DEGREES 19 MINUTES 05 SECONDS EAST, A
11 DISTANCE OF 61.59 FEET TO A POINT FOR CORNER;
12 NORTH 65 DEGREES 47 MINUTES 32 SECONDS EAST, A
13 DISTANCE OF 62.65 FEET TO A POINT FOR CORNER;
14 NORTH 51 DEGREES 18 MINUTES 24 SECONDS EAST, A
15 DISTANCE OF 37.86 FEET TO A POINT FOR CORNER;
16 NORTH 34 DEGREES 49 MINUTES 10 SECONDS EAST, A
17 DISTANCE OF 67.22 FEET TO A POINT FOR CORNER;
18 NORTH 00 DEGREES 09 MINUTES 44 SECONDS WEST, A
19 DISTANCE OF 28.50 FEET TO A POINT FOR CORNER;
20 NORTH 44 DEGREES 55 MINUTES 39 SECONDS WEST, A
21 DISTANCE OF 36.21 FEET TO A POINT FOR CORNER;
22 NORTH 85 DEGREES 07 MINUTES 33 SECONDS WEST, A
23 DISTANCE OF 26.04 FEET TO A POINT FOR CORNER;
24 NORTH 83 DEGREES 48 MINUTES 09 SECONDS WEST, A
25 DISTANCE OF 81.95 FEET TO A POINT FOR CORNER;

1 NORTH 65 DEGREES 20 MINUTES 02 SECONDS WEST, A
2 DISTANCE OF 52.40 FEET TO A POINT FOR CORNER;
3 NORTH 70 DEGREES 02 MINUTES 58 SECONDS WEST, A
4 DISTANCE OF 61.21 FEET TO A POINT FOR CORNER;
5 NORTH 50 DEGREES 53 MINUTES 09 SECONDS WEST, A
6 DISTANCE OF 27.81 FEET TO A POINT FOR CORNER;
7 NORTH 09 DEGREES 48 MINUTES 38 SECONDS WEST, A
8 DISTANCE OF 94.86 FEET TO A POINT FOR CORNER;
9 NORTH 52 DEGREES 21 MINUTES 14 SECONDS WEST, A
10 DISTANCE OF 47.81 FEET TO A POINT FOR CORNER;
11 SOUTH 88 DEGREES 07 MINUTES 56 SECONDS WEST, A
12 DISTANCE OF 46.23 FEET TO A POINT FOR CORNER;
13 NORTH 82 DEGREES 46 MINUTES 51 SECONDS WEST, A
14 DISTANCE OF 60.70 FEET TO A POINT FOR CORNER;
15 NORTH 00 DEGREES 54 MINUTES 56 SECONDS WEST, A
16 DISTANCE OF 34.95 FEET TO A POINT FOR CORNER;
17 NORTH 06 DEGREES 26 MINUTES 19 SECONDS EAST, A
18 DISTANCE OF 33.86 FEET TO A POINT FOR CORNER;
19 NORTH 19 DEGREES 52 MINUTES 12 SECONDS EAST, A
20 DISTANCE OF 75.18 FEET TO A POINT FOR CORNER;
21 NORTH 08 DEGREES 51 MINUTES 47 SECONDS EAST, A
22 DISTANCE OF 21.98 FEET TO A POINT FOR CORNER;
23 NORTH 51 DEGREES 14 MINUTES 55 SECONDS WEST, A
24 DISTANCE OF 15.56 FEET TO A POINT FOR CORNER;
25 NORTH 67 DEGREES 44 MINUTES 23 SECONDS WEST, A

1 DISTANCE OF 48.94 FEET TO A POINT FOR CORNER;
2 NORTH 44 DEGREES 48 MINUTES 26 SECONDS WEST, A
3 DISTANCE OF 46.84 FEET TO A POINT FOR CORNER;
4 NORTH 71 DEGREES 56 MINUTES 01 SECONDS WEST, A
5 DISTANCE OF 56.21 FEET TO A POINT FOR CORNER;
6 NORTH 56 DEGREES 30 MINUTES 17 SECONDS WEST, A
7 DISTANCE OF 64.81 FEET TO A POINT FOR CORNER;
8 NORTH 24 DEGREES 20 MINUTES 05 SECONDS WEST, A
9 DISTANCE OF 54.93 FEET TO A POINT FOR CORNER;
10 NORTH 64 DEGREES 45 MINUTES 50 SECONDS EAST, A
11 DISTANCE OF 59.42 FEET TO A POINT FOR CORNER;
12 NORTH 79 DEGREES 49 MINUTES 14 SECONDS EAST, A
13 DISTANCE OF 30.85 FEET TO A POINT FOR CORNER;
14 NORTH 59 DEGREES 46 MINUTES 01 SECONDS EAST, A
15 DISTANCE OF 42.98 FEET TO A POINT FOR CORNER;
16 NORTH 44 DEGREES 48 MINUTES 48 SECONDS WEST, A
17 DISTANCE OF 52.64 FEET TO A POINT FOR CORNER;
18 NORTH 57 DEGREES 08 MINUTES 41 SECONDS WEST, A
19 DISTANCE OF 61.18 FEET TO A POINT FOR CORNER;
20 NORTH 25 DEGREES 48 MINUTES 00 SECONDS EAST, A
21 DISTANCE OF 67.83 FEET TO A POINT FOR CORNER;
22 NORTH 33 DEGREES 37 MINUTES 31 SECONDS EAST, A
23 DISTANCE OF 61.74 FEET TO A POINT FOR CORNER;
24 NORTH 75 DEGREES 17 MINUTES 59 SECONDS EAST, A
25 DISTANCE OF 41.29 FEET TO A POINT FOR CORNER;

1 NORTH 87 DEGREES 23 MINUTES 13 SECONDS EAST, A
2 DISTANCE OF 49.41 FEET TO A POINT FOR CORNER;
3 NORTH 38 DEGREES 47 MINUTES 16 SECONDS EAST, A
4 DISTANCE OF 37.99 FEET TO A POINT FOR CORNER;
5 NORTH 69 DEGREES 48 MINUTES 22 SECONDS EAST, A
6 DISTANCE OF 67.94 FEET TO A POINT FOR CORNER;
7 NORTH 23 DEGREES 59 MINUTES 27 SECONDS EAST, A
8 DISTANCE OF 40.40 FEET TO A POINT FOR CORNER;
9 NORTH 33 DEGREES 58 MINUTES 09 SECONDS WEST, A
10 DISTANCE OF 20.48 FEET TO A POINT FOR CORNER;
11 NORTH 44 DEGREES 20 MINUTES 14 SECONDS WEST, A
12 DISTANCE OF 23.31 FEET TO A POINT FOR CORNER;
13 SOUTH 74 DEGREES 13 MINUTES 43 SECONDS WEST, A
14 DISTANCE OF 35.67 FEET TO A POINT FOR CORNER;
15 SOUTH 87 DEGREES 53 MINUTES 22 SECONDS WEST, A
16 DISTANCE OF 58.07 FEET TO A POINT FOR CORNER;
17 NORTH 64 DEGREES 32 MINUTES 24 SECONDS WEST, A
18 DISTANCE OF 62.27 FEET TO A POINT FOR CORNER;
19 NORTH 03 DEGREES 53 MINUTES 53 SECONDS WEST, A
20 DISTANCE OF 66.73 FEET TO A POINT FOR CORNER;
21 NORTH 84 DEGREES 44 MINUTES 09 SECONDS EAST, A
22 DISTANCE OF 62.95 FEET TO A POINT FOR CORNER;
23 SOUTH 72 DEGREES 08 MINUTES 47 SECONDS EAST, A
24 DISTANCE OF 54.95 FEET TO A POINT FOR CORNER;
25 NORTH 74 DEGREES 09 MINUTES 16 SECONDS EAST, A

1 DISTANCE OF 32.84 FEET TO A POINT FOR CORNER;
2 NORTH 62 DEGREES 27 MINUTES 21 SECONDS EAST, A
3 DISTANCE OF 55.15 FEET TO A POINT FOR CORNER;
4 SOUTH 89 DEGREES 34 MINUTES 47 SECONDS EAST, A
5 DISTANCE OF 41.41 FEET TO A POINT FOR CORNER;
6 NORTH 50 DEGREES 52 MINUTES 18 SECONDS EAST, A
7 DISTANCE OF 39.73 FEET TO A POINT FOR CORNER;
8 NORTH 35 DEGREES 47 MINUTES 05 SECONDS WEST, A
9 DISTANCE OF 39.52 FEET TO A POINT FOR CORNER;
10 NORTH 53 DEGREES 11 MINUTES 28 SECONDS WEST, A
11 DISTANCE OF 56.58 FEET TO A POINT FOR CORNER;
12 NORTH 01 DEGREES 29 MINUTES 22 SECONDS EAST, A
13 DISTANCE OF 29.58 FEET TO A POINT FOR CORNER;
14 NORTH 34 DEGREES 19 MINUTES 05 SECONDS EAST, A
15 DISTANCE OF 40.10 FEET TO A POINT FOR CORNER;
16 NORTH 33 DEGREES 35 MINUTES 40 SECONDS WEST, A
17 DISTANCE OF 43.80 FEET TO A POINT FOR CORNER;
18 NORTH 54 DEGREES 45 MINUTES 11 SECONDS WEST, A
19 DISTANCE OF 58.64 FEET TO A POINT FOR CORNER;
20 NORTH 59 DEGREES 06 MINUTES 28 SECONDS WEST, A
21 DISTANCE OF 53.89 FEET TO A POINT FOR CORNER;
22 NORTH 66 DEGREES 44 MINUTES 26 SECONDS WEST, A
23 DISTANCE OF 64.30 FEET TO A POINT FOR CORNER;
24 NORTH 20 DEGREES 21 MINUTES 59 SECONDS WEST, A
25 DISTANCE OF 47.18 FEET TO A POINT FOR CORNER;

1 NORTH 04 DEGREES 17 MINUTES 58 SECONDS WEST, A
2 DISTANCE OF 49.47 FEET TO A POINT FOR CORNER;
3 NORTH 60 DEGREES 05 MINUTES 12 SECONDS EAST, A
4 DISTANCE OF 23.20 FEET TO A POINT FOR CORNER;
5 SOUTH 85 DEGREES 17 MINUTES 54 SECONDS EAST, A
6 DISTANCE OF 10.58 FEET TO A POINT FOR CORNER;
7 NORTH 61 DEGREES 55 MINUTES 20 SECONDS EAST, A
8 DISTANCE OF 12.40 FEET TO A POINT FOR CORNER;
9 NORTH 10 DEGREES 07 MINUTES 13 SECONDS EAST, A
10 DISTANCE OF 59.37 FEET TO A POINT FOR CORNER;
11 NORTH 03 DEGREES 06 MINUTES 12 SECONDS EAST, A
12 DISTANCE OF 71.13 FEET TO A POINT FOR CORNER;
13 NORTH 07 DEGREES 53 MINUTES 39 SECONDS WEST, A
14 DISTANCE OF 37.89 FEET TO A POINT FOR THE NORTHWEST CORNER
15 OF SAID 1139.667 ACRE TRACT AND ON THE SOUTH LINE OF WOLFE
16 RUN ESTATES AN ADDITION RECORDED IN CABINET D, PAGE 359,
17 PLAT RECORDS, HUNT COUNTY, TEXAS;
18 THENCE, ALONG THE NORTH LINE OF SAID 1139.667 ACRE TRACT, THE
19 FOLLOWING COURSES AND DISTANCES:
20 SOUTH 89 DEGREES 50 MINUTES 52 SECONDS EAST, ALONG THE
21 COMMON SOUTH LINE OF SAID WOLFE RUN ESTATES, THE COMMON
22 SOUTH LINE OF A 20.491 ACRE TRACT OF LAND CONVEYED TO
23 LUTHER BENNETT SANDLIN, JR., AS RECORDED IN VOLUME 624,
24 PAGE 497, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND THE
25 COMMON SOUTH LINE OF A 67.158 ACRE TRACT OF LAND CONVEYED

1 TO ROBERT MEREDITH SPENCE, AS RECORDED IN VOLUME 602, PAGE
2 351, DEED RECORDS, HUNT COUNTY, TEXAS, PASSING AT A
3 DISTANCE OF 25.00 FEET A 5/8 INCH IRON ROD WITH A YELLOW
4 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR WITNESS,
5 CONTINUING IN ALL A TOTAL DISTANCE OF 2488.67 FEET TO A 1/2
6 INCH IRON ROD FOUND FOR CORNER;

7 SOUTH 64 DEGREES 25 MINUTES 54 SECONDS EAST,
8 CONTINUING ALONG THE SOUTH LINE OF SAID 67.158 ACRE TRACT,
9 A DISTANCE OF 208.32 FEET TO A 1/2 INCH IRON ROD FOUND FOR
10 CORNER;

11 SOUTH 89 DEGREES 05 MINUTES 27 SECONDS EAST,
12 CONTINUING ALONG THE SOUTH LINE OF SAID 67.158 ACRE TRACT
13 AND THE COMMON SOUTH LINE OF A 36.408 ACRE TRACT OF LAND
14 CONVEYED TO ROYCE G. SUMROW, AS RECORDED IN VOLUME 85, PAGE
15 893, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, DESCRIBED IN
16 VOLUME 561, PAGE 230, DEED RECORDS, HUNT COUNTY, TEXAS, A
17 DISTANCE OF 2565.21 FEET TO A 1/2 INCH IRON ROD FOUND FOR
18 AN INTERIOR ELL CORNER OF SAID 1139.667 ACRE TRACT AND THE
19 SOUTHEAST CORNER OF SAID 36.408 ACRE TRACT;

20 THENCE, NORTH 00 DEGREES 06 MINUTES 59 SECONDS EAST, ALONG A
21 WEST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON EAST LINE
22 OF SAID 36.408 ACRE TRACT, A DISTANCE OF 702.67 FEET TO A 5/8
23 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
24 SET FOR CORNER ON THE SOUTH RIGHT-OF-WAY OF F.M. 1569 (A
25 VARIABLE WIDTH RIGHT-OF-WAY);

1 THENCE, ALONG THE NORTH LINE OF SAID 1139.667 ACRE TRACT AND THE
2 COMMON SOUTH RIGHT-OF-WAY OF SAID F.M. 1569, THE FOLLOWING
3 COURSES AND DISTANCES:

4 SOUTH 68 DEGREES 29 MINUTES 14 SECONDS EAST, A
5 DISTANCE OF 40.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
6 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

7 NORTH 76 DEGREES 30 MINUTES 46 SECONDS EAST, A
8 DISTANCE OF 164.09 FEET TO A POINT FOR THE NORTHEAST CORNER
9 OF SAID 1139.667 ACRE TRACT AND THE NORTHWEST CORNER OF A
10 81.665 ACRE TRACT OF LAND CONVEYED TO J. BURKE YOUNG AND
11 FRANCES ANNE YOUNG, AS RECORDED IN VOLUME 947, PAGE 82,
12 DEED RECORDS, HUNT COUNTY, TEXAS;

13 THENCE, SOUTH 00 DEGREES 41 MINUTES 20 SECONDS EAST, ALONG AN
14 EAST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON WEST LINE
15 OF SAID 81.665 ACRE TRACT, PASSING AT A DISTANCE OF 3.29 FEET A
16 1/2 INCH CAPPED IRON ROD FOUND FOR WITNESS, CONTINUING A TOTAL
17 DISTANCE OF 646.60 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

18 THENCE, SOUTH 86 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE
19 OF 147.76 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

20 THENCE, SOUTH 00 DEGREES 45 MINUTES 00 SECONDS EAST, ALONG AN
21 EAST LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON WEST LINE
22 OF SAID 81.665 ACRE TRACT, A DISTANCE OF 2736.59 FEET TO A 1/2
23 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 81.665 ACRE
24 TRACT AND BEING ON THE NORTH LINE OF AFORESAID 57.960 ACRE
25 TRACT;

1 THENCE, SOUTH 89 DEGREES 10 MINUTES 10 SECONDS WEST, ALONG A
2 SOUTH LINE OF SAID 1139.667 ACRE TRACT AND THE COMMON NORTH LINE
3 OF SAID 57.960 ACRE TRACT, A DISTANCE OF 55.88 FEET TO A 1/2
4 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 57.960 ACRE
5 TRACT;

6 THENCE, SOUTH 00 DEGREES 03 MINUTES 22 SECONDS WEST, ALONG AN
7 EAST LINE OF SAID 597.419 ACRE TRACT AND THE COMMON WEST LINE OF
8 SAID 57.960 ACRE TRACT, A DISTANCE OF 2115.22 FEET TO THE POINT
9 OF BEGINNING AND CONTAINING 2012.391 ACRES OF LAND, MORE OR
10 LESS.

11 TRACT 5

12 BEING A 625.044 ACRE TRACT OF LAND SITUATED IN THE M.F. JONES
13 SURVEY, ABSTRACT NO. 542, THE NEEDHAM HAM SURVEY, ABSTRACT NO.
14 427, THE A. ROUSETTE SURVEY, ABSTRACT NO. 882, AND THE MARTIN
15 MOORE SURVEY, ABSTRACT NO. 762, HUNT COUNTY, TEXAS, AND BEING
16 ALL OF A 607.070 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO
17 WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1780, PAGE 53,
18 OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING ALL OF A
19 17.974 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS
20 RECORDED IN VOLUME 1778, PAGE 265, OFFICIAL PUBLIC RECORDS, HUNT
21 COUNTY, TEXAS. SAID 625.044 ACRE TRACT, WITH BEARING BASIS OF
22 GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE,
23 NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS
24 BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004,
25 CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DALLAS CORS ARP

1 (PID-DF8984), BEING MORE PARTICULARLY DESCRIBED BY METES AND
2 BOUNDS AS FOLLOWS:
3 BEGINNING AT A 5/8 INCH IRON ROD WITH AN ALUMINUM TXDOT MONUMENT
4 FOUND FOR A NORTHEAST CORNER OF SAID 607.070 ACRE TRACT AND THE
5 NORTHWEST CORNER OF A 13.6509 ACRE TRACT OF LAND CONVEYED AS
6 "PARCEL 27" TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 1581,
7 PAGE 81, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND BEING THE
8 SOUTHWEST CORNER OF A 16.7163 ACRE TRACT OF LAND CONVEYED AS
9 "PARCEL 26" TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 1617,
10 PAGE 466, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, SAID POINT BEING
11 ON THE SOUTH LINE OF A 40.089 ACRE TRACT OF LAND CONVEYED TO
12 AREY FAMILY LIVING TRUST, AS RECORDED IN VOLUME 756, PAGE 263,
13 DEED RECORDS, HUNT COUNTY, TEXAS;
14 THENCE, ALONG THE NORTHEAST LINE OF SAID 607.070 ACRE TRACT AND
15 THE COMMON SOUTHWEST LINE OF SAID 13.6509 ACRE TRACT, THE
16 FOLLOWING COURSES AND DISTANCES:
17 SOUTH 55 DEGREES 38 MINUTES 54 SECONDS EAST, A
18 DISTANCE OF 845.18 FEET TO A 5/8 INCH IRON ROD WITH A
19 ALUMINUM TXDOT MONUMENT FOUND FOR CORNER;
20 SOUTH 66 DEGREES 49 MINUTES 36 SECONDS EAST, A
21 DISTANCE OF 715.68 FEET TO A POINT FOR CORNER;
22 SOUTH 33 DEGREES 17 MINUTES 28 SECONDS EAST, A
23 DISTANCE OF 166.66 FEET TO A 5/8 INCH IRON ROD WITH AN
24 ALUMINUM TXDOT MONUMENT FOUND FOR THE SOUTHEAST CORNER OF
25 SAID 13.6509 ACRE TRACT AND BEING ON THE WEST RIGHT-OF-WAY

1 LINE OF F.M. 36 (A 80' RIGHT-OF-WAY);
2 THENCE, ALONG THE EAST LINE OF SAID 607.070 ACRE TRACT AND THE
3 COMMON WEST RIGHT-OF-WAY LINE OF SAID F.M. 36, THE FOLLOWING
4 COURSES AND DISTANCES:
5 SOUTH 01 DEGREES 28 MINUTES 32 SECONDS WEST, A
6 DISTANCE OF 793.59 FEET TO A 5/8 INCH IRON ROD WITH A
7 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
8 AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A
9 CENTRAL ANGLE OF 16 DEGREES 00 MINUTES 31 SECONDS, A RADIUS
10 OF 858.51 FEET, A CHORD BEARING OF SOUTH 06 DEGREES 31
11 MINUTES 43 SECONDS EAST, A CHORD LENGTH OF 239.09 FEET;
12 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF
13 239.87 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
14 CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
15 SOUTH 14 DEGREES 31 MINUTES 58 SECONDS EAST, A
16 DISTANCE OF 47.39 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
17 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
18 SOUTH 00 DEGREES 02 MINUTES 56 SECONDS WEST, A
19 DISTANCE OF 663.21 FEET TO A 100D NAIL SET FOR CORNER;
20 SOUTH 89 DEGREES 57 MINUTES 04 SECONDS EAST, A
21 DISTANCE OF 73.00 FEET TO A POINT FOR CORNER;
22 SOUTH 88 DEGREES 57 MINUTES 04 SECONDS EAST, A
23 DISTANCE OF 100.00 FEET TO A 5/8 INCH IRON ROD WITH A
24 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;
25 SOUTH 14 DEGREES 31 MINUTES 58 SECONDS EAST, A

1 DISTANCE OF 326.40 FEET TO A 5/8 INCH IRON ROD WITH A
2 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
3 AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A
4 CENTRAL ANGLE OF 15 DEGREES 06 MINUTES 41 SECONDS, A RADIUS
5 OF 778.51 FEET, A CHORD BEARING OF SOUTH 06 DEGREES 58
6 MINUTES 38 SECONDS EAST, A CHORD LENGTH OF 204.73 FEET;

7 ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH
8 OF 205.33 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW
9 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

10 SOUTH 00 DEGREES 34 MINUTES 43 SECONDS WEST, A
11 DISTANCE OF 402.61 FEET TO A 5/8 INCH IRON ROD WITH A
12 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
13 AND THE BEGINNING TO A TANGENT CURVE TO THE LEFT HAVING A
14 CENTRAL ANGLE OF 27 DEGREES 09 MINUTES 57 SECONDS, A RADIUS
15 OF 358.31 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 00
16 MINUTES 16 SECONDS EAST, A CHORD LENGTH OF 168.30 FEET;

17 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF
18 169.89 FEET, TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
19 CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

20 SOUTH 01 DEGREES 08 MINUTES 05 SECONDS EAST, A
21 DISTANCE OF 190.32 FEET TO A 5/8 INCH IRON ROD WITH A
22 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

23 THENCE, SOUTH 00 DEGREES 15 MINUTES 30 SECONDS WEST, CONTINUING
24 ALONG THE EAST LINE OF SAID 607.070 ACRE TRACT AND WITH THE
25 GENERAL DIRECTION OF AN OLD FENCE LINE, A DISTANCE OF 2549.04

1 FEET TO A PK NAIL SET IN A TREE FOR THE NORTHWEST CORNER OF A
2 10.019 ACRE TRACT OF LAND CONVEYED TO JAMES PATTERSON, AS
3 RECORDED IN VOLUME 932, PAGE 677, DEED RECORDS, HUNT COUNTY,
4 TEXAS;

5 THENCE, SOUTH 01 DEGREES 22 MINUTES 14 SECONDS WEST, CONTINUING
6 ALONG THE EAST LINE OF SAID 607.070 ACRE TRACT AND THE COMMON
7 WEST LINE OF SAID 10.019 ACRE TRACT, A DISTANCE OF 241.56 FEET
8 TO A 3/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID
9 607.070 ACRE TRACT AND THE NORTHEAST CORNER OF A 81.772 ACRE
10 TRACT OF LAND CONVEYED TO LAVERNE BATTLE AND LARRY L. BRYANT, AS
11 RECORDED IN VOLUME 120, PAGE 836, OFFICIAL RECORDS, HUNT COUNTY,
12 TEXAS;

13 THENCE, SOUTH 89 DEGREES 15 MINUTES 58 SECONDS WEST, ALONG A
14 SOUTH LINE OF SAID 607.070 ACRE TRACT AND THE COMMON NORTH LINE
15 OF SAID 81.772 ACRE TRACT, PASSING AT A DISTANCE OF 926.30 FEET
16 A 3/8 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL
17 DISTANCE OF 953.76 FEET TO A POINT FOR CORNER IN THE APPROXIMATE
18 CENTERLINE OF MIDDLE CADDO CREEK AND BEING ON THE EAST LINE OF A
19 14.95 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO LAVERNE
20 SWANSON, AS RECORDED IN VOLUME 786, PAGE 526, DEED RECORDS, HUNT
21 COUNTY, TEXAS;

22 THENCE, ALONG THE APPROXIMATE CENTERLINE OF SAID MIDDLE CADDO
23 CREEK, A COMMON WEST LINE OF SAID 607.070 ACRE TRACT, THE COMMON
24 EAST LINE OF SAID 14.95 ACRE TRACT AND THE COMMON EAST LINE OF A
25 14.902 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO LAVERNE

1 SWANSON, AS RECORDED IN VOLUME 786, PAGE 526, DEED RECORDS, HUNT
2 COUNTY, TEXAS, THE FOLLOWING COURSES AND DISTANCES;

3 NORTH 35 DEGREES 19 MINUTES 43 SECONDS EAST, A
4 DISTANCE OF 32.43 FEET TO A POINT FOR CORNER;

5 NORTH 04 DEGREES 44 MINUTES 28 SECONDS WEST, A
6 DISTANCE OF 12.04 FEET TO A POINT FOR CORNER;

7 NORTH 18 DEGREES 14 MINUTES 20 SECONDS WEST, A
8 DISTANCE OF 58.51 FEET TO A POINT FOR CORNER;

9 NORTH 48 DEGREES 59 MINUTES 25 SECONDS WEST, A
10 DISTANCE OF 51.15 FEET TO A POINT FOR CORNER;

11 NORTH 45 DEGREES 47 MINUTES 00 SECONDS WEST, A
12 DISTANCE OF 49.01 FEET TO A POINT FOR CORNER;

13 NORTH 71 DEGREES 36 MINUTES 24 SECONDS WEST, A
14 DISTANCE OF 35.27 FEET TO A POINT FOR CORNER;

15 SOUTH 58 DEGREES 01 MINUTES 28 SECONDS WEST, A
16 DISTANCE OF 22.70 FEET TO A POINT FOR CORNER;

17 SOUTH 37 DEGREES 24 MINUTES 39 SECONDS WEST, A
18 DISTANCE OF 38.48 FEET TO A POINT FOR CORNER;

19 SOUTH 75 DEGREES 41 MINUTES 15 SECONDS WEST, A
20 DISTANCE OF 66.86 FEET TO A POINT FOR CORNER;

21 NORTH 77 DEGREES 21 MINUTES 13 SECONDS WEST, A
22 DISTANCE OF 34.94 FEET TO A POINT FOR CORNER;

23 NORTH 61 DEGREES 45 MINUTES 32 SECONDS WEST, A
24 DISTANCE OF 38.57 FEET TO A POINT FOR CORNER;

25 NORTH 39 DEGREES 22 MINUTES 01 SECONDS WEST, A

1 DISTANCE OF 93.52 FEET TO A POINT FOR CORNER;
2 NORTH 56 DEGREES 25 MINUTES 32 SECONDS WEST, A
3 DISTANCE OF 57.54 FEET TO A POINT FOR CORNER;
4 NORTH 44 DEGREES 35 MINUTES 18 SECONDS WEST, A
5 DISTANCE OF 77.04 FEET TO A POINT FOR CORNER;
6 NORTH 57 DEGREES 44 MINUTES 48 SECONDS EAST, A
7 DISTANCE OF 53.22 FEET TO A POINT FOR CORNER;
8 NORTH 77 DEGREES 24 MINUTES 26 SECONDS EAST, A
9 DISTANCE OF 35.27 FEET TO A POINT FOR CORNER;
10 NORTH 22 DEGREES 54 MINUTES 14 SECONDS EAST, A
11 DISTANCE OF 66.74 FEET TO A POINT FOR CORNER;
12 NORTH 29 DEGREES 11 MINUTES 55 SECONDS WEST, A
13 DISTANCE OF 43.53 FEET TO A POINT FOR CORNER;
14 NORTH 35 DEGREES 59 MINUTES 06 SECONDS WEST, A
15 DISTANCE OF 76.01 FEET TO A POINT FOR CORNER;
16 NORTH 27 DEGREES 19 MINUTES 05 SECONDS WEST, A
17 DISTANCE OF 43.04 FEET TO A POINT FOR CORNER;
18 NORTH 24 DEGREES 46 MINUTES 51 SECONDS WEST, A
19 DISTANCE OF 28.29 FEET TO A POINT FOR CORNER;
20 SOUTH 57 DEGREES 56 MINUTES 21 SECONDS WEST, A
21 DISTANCE OF 20.27 FEET TO A POINT FOR CORNER;
22 SOUTH 32 DEGREES 17 MINUTES 50 SECONDS WEST, A
23 DISTANCE OF 46.40 FEET TO A POINT FOR CORNER;
24 NORTH 47 DEGREES 34 MINUTES 53 SECONDS WEST, A
25 DISTANCE OF 55.40 FEET TO A POINT FOR CORNER;

1 NORTH 09 DEGREES 39 MINUTES 26 SECONDS EAST, A
2 DISTANCE OF 58.82 FEET TO A POINT FOR CORNER;
3 NORTH 37 DEGREES 47 MINUTES 09 SECONDS WEST, A
4 DISTANCE OF 47.95 FEET TO A POINT FOR CORNER;
5 NORTH 41 DEGREES 23 MINUTES 24 SECONDS WEST, A
6 DISTANCE OF 32.90 FEET TO A POINT FOR CORNER;
7 SOUTH 81 DEGREES 25 MINUTES 04 SECONDS WEST, A
8 DISTANCE OF 25.71 FEET TO A POINT FOR CORNER;
9 SOUTH 45 DEGREES 03 MINUTES 09 SECONDS WEST, A
10 DISTANCE OF 45.32 FEET TO A POINT FOR CORNER;
11 SOUTH 37 DEGREES 44 MINUTES 04 SECONDS WEST, A
12 DISTANCE OF 37.17 FEET TO A POINT FOR CORNER;
13 SOUTH 31 DEGREES 32 MINUTES 29 SECONDS WEST, A
14 DISTANCE OF 49.31 FEET TO A POINT FOR CORNER;
15 SOUTH 62 DEGREES 05 MINUTES 02 SECONDS WEST, A
16 DISTANCE OF 40.08 FEET TO A POINT FOR CORNER;
17 NORTH 31 DEGREES 51 MINUTES 45 SECONDS WEST, A
18 DISTANCE OF 26.72 FEET TO A POINT FOR THE NORTHEAST CORNER
19 OF SAID 14.902 ACRE TRACT;
20 THENCE, SOUTH 88 DEGREES 41 MINUTES 00 SECONDS WEST, ALONG A
21 SOUTH LINE OF SAID 607.070 ACRE TRACT AND THE COMMON NORTH LINE
22 OF SAID 14.902 ACRE TRACT, PASSING AT A DISTANCE OF 26.37 FEET A
23 5/8 INCH IRON WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
24 SET FOR WITNESS, PASSING AT A DISTANCE 1364.67 FEET TO A 3/8
25 INCH IRON FOR FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL

1 DISTANCE OF 1385.72 FEET TO A POINT FOR AN EXTERIOR ELL CORNER
2 OF SAID 607.070 ACRE TRACT AND THE NORTHWEST CORNER OF SAID
3 14.902 ACRE TRACT, SAID POINT ALSO BEING ON THE WEST LINE OF SKY
4 MEADOWS ADDITION, PHASE 1 AN ADDITION TO HUNT COUNTY, AS
5 RECORDED IN CABINET E, PAGE 218, PLAT RECORDS, HUNT COUNTY,
6 TEXAS AND BEING IN THE APPROXIMATE CENTERLINE OF HUNT COUNTY
7 ROAD NO. 2726 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);
8 THENCE, NORTH 00 DEGREES 34 MINUTES 53 SECONDS EAST, ALONG A
9 WEST LINE OF SAID 607.070 ACRE TRACT, THE COMMON EAST LINE OF
10 SAID SKY MEADOWS ADDITION AND THE APPROXIMATE CENTERLINE OF SAID
11 HUNT COUNTY ROAD NO. 2726, A DISTANCE OF 363.20 FEET TO A POINT
12 FOR AN INTERIOR ELL CORNER OF SAID 607.070 ACRE TRACT AND BEING
13 THE NORTHEAST CORNER OF SAID SKY MEADOW ADDITION, PHASE I;
14 THENCE, ALONG THE SOUTH LINE OF SAID 607.070 ACRE TRACT, THE
15 FOLLOWING COURSES AND DISTANCES:

16 SOUTH 89 DEGREES 50 MINUTES 37 SECONDS WEST, ALONG THE
17 COMMON NORTH LINE OF SAID SKY MEADOWS ADDITION, PHASE I AND
18 THE COMMON NORTH LINE OF SKY MEADOWS ADDITION, PHASE III,
19 AN ADDITION TO HUNT COUNTY, AS RECORDED IN CABINET F, PAGE
20 278, PLAT RECORDS, HUNT COUNTY, TEXAS, PASSING AT A
21 DISTANCE OF 30.74 FEET, A 1/2 INCH IRON ROD WITH A PLASTIC
22 CAP STAMPED "OWENS" FOUND FOR WITNESS, CONTINUING IN ALL A
23 TOTAL DISTANCE OF 1467.81 FEET TO A 1/2 INCH IRON FOUND FOR
24 CORNER;

25 SOUTH 89 DEGREES 57 MINUTES 38 SECONDS WEST,

1 CONTINUING ALONG THE COMMON NORTH LINE OF SAID SKY MEADOWS
2 ADDITION, PHASE III, A DISTANCE OF 834.04 FEET TO A 1/2
3 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID SKY
4 MEADOW PHASE III ADDITION AND THE NORTHEAST CORNER OF CADDO
5 CREEK, AN ADDITION TO HUNT COUNTY, AS RECORDED IN CABINET
6 E, PAGE 121, PLAT RECORDS, HUNT COUNTY, TEXAS;

7 SOUTH 89 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG THE
8 COMMON NORTH LINE OF SAID CADDO CREEK ADDITION, PASSING AT
9 A DISTANCE OF 1403.36 FEET, A 5/8 INCH IRON ROD WITH A
10 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR
11 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1423.37 FEET
12 TO A POINT FOR THE SOUTHWEST CORNER OF SAID 607.070 ACRE
13 TRACT, SAID POINT BEING IN THE APPROXIMATE CENTERLINE OF
14 WEST CADDO CREEK;

15 THENCE, ALONG THE WEST LINE OF SAID 607.070 ACRE TRACT AND THE
16 APPROXIMATE OLD CENTERLINE OF WEST CADDO CREEK, THE FOLLOWING
17 COURSES AND DISTANCES:

18 NORTH 02 DEGREES 00 MINUTES 28 SECONDS WEST, A
19 DISTANCE OF 130.96 FEET TO A POINT FOR CORNER;

20 NORTH 02 DEGREES 51 MINUTES 19 SECONDS EAST, A
21 DISTANCE OF 21.79 FEET TO A POINT FOR CORNER;

22 NORTH 31 DEGREES 48 MINUTES 31 SECONDS EAST, A
23 DISTANCE OF 12.17 FEET TO A POINT FOR CORNER;

24 NORTH 38 DEGREES 07 MINUTES 26 SECONDS EAST, A
25 DISTANCE OF 24.09 FEET TO A POINT FOR CORNER;

1 NORTH 63 DEGREES 39 MINUTES 59 SECONDS EAST, A
2 DISTANCE OF 30.05 FEET TO A POINT FOR CORNER;
3 NORTH 75 DEGREES 44 MINUTES 49 SECONDS EAST, A
4 DISTANCE OF 93.62 FEET TO A POINT FOR CORNER;
5 NORTH 72 DEGREES 48 MINUTES 52 SECONDS EAST, A
6 DISTANCE OF 49.52 FEET TO A POINT FOR CORNER;
7 NORTH 39 DEGREES 15 MINUTES 53 SECONDS EAST, A
8 DISTANCE OF 36.53 FEET TO A POINT FOR CORNER;
9 NORTH 15 DEGREES 50 MINUTES 15 SECONDS WEST, A
10 DISTANCE OF 7.70 FEET TO A POINT FOR CORNER;
11 NORTH 69 DEGREES 08 MINUTES 47 SECONDS WEST, A
12 DISTANCE OF 79.10 FEET TO A POINT FOR CORNER;
13 SOUTH 89 DEGREES 51 MINUTES 37 SECONDS WEST, A
14 DISTANCE OF 66.20 FEET TO A POINT FOR CORNER;
15 NORTH 26 DEGREES 37 MINUTES 52 SECONDS WEST, A
16 DISTANCE OF 79.12 FEET TO A POINT FOR CORNER;
17 NORTH 25 DEGREES 39 MINUTES 20 SECONDS WEST, A
18 DISTANCE OF 62.19 FEET TO A POINT FOR CORNER;
19 NORTH 04 DEGREES 50 MINUTES 22 SECONDS WEST, A
20 DISTANCE OF 43.76 FEET TO A POINT FOR CORNER;
21 NORTH 08 DEGREES 57 MINUTES 12 SECONDS EAST, A
22 DISTANCE OF 23.56 FEET TO A POINT FOR CORNER;
23 NORTH 41 DEGREES 54 MINUTES 48 SECONDS EAST, A
24 DISTANCE OF 65.89 FEET TO A POINT FOR CORNER;
25 NORTH 89 DEGREES 12 MINUTES 34 SECONDS EAST, A

1 DISTANCE OF 67.47 FEET TO A POINT FOR CORNER;
2 NORTH 89 DEGREES 43 MINUTES 05 SECONDS EAST, A
3 DISTANCE OF 51.82 FEET TO A POINT FOR CORNER;
4 NORTH 69 DEGREES 05 MINUTES 27 SECONDS EAST, A
5 DISTANCE OF 68.73 FEET TO A POINT FOR CORNER;
6 NORTH 51 DEGREES 57 MINUTES 29 SECONDS EAST, A
7 DISTANCE OF 18.31 FEET TO A POINT FOR CORNER;
8 NORTH 54 DEGREES 15 MINUTES 42 SECONDS EAST, A
9 DISTANCE OF 61.08 FEET TO A POINT FOR CORNER;
10 SOUTH 79 DEGREES 05 MINUTES 08 SECONDS EAST, A
11 DISTANCE OF 50.99 FEET TO A POINT FOR CORNER;
12 SOUTH 75 DEGREES 40 MINUTES 48 SECONDS EAST, A
13 DISTANCE OF 65.18 FEET TO A POINT FOR CORNER;
14 SOUTH 80 DEGREES 18 MINUTES 26 SECONDS EAST, A
15 DISTANCE OF 60.73 FEET TO A POINT FOR CORNER;
16 NORTH 59 DEGREES 23 MINUTES 19 SECONDS EAST, A
17 DISTANCE OF 26.08 FEET TO A POINT FOR CORNER;
18 NORTH 20 DEGREES 24 MINUTES 11 SECONDS EAST, A
19 DISTANCE OF 32.35 FEET TO A POINT FOR CORNER;
20 NORTH 17 DEGREES 22 MINUTES 55 SECONDS WEST, A
21 DISTANCE OF 26.34 FEET TO A POINT FOR CORNER;
22 NORTH 23 DEGREES 30 MINUTES 16 SECONDS WEST, A
23 DISTANCE OF 18.16 FEET TO A POINT FOR CORNER;
24 NORTH 40 DEGREES 03 MINUTES 17 SECONDS WEST, A
25 DISTANCE OF 36.62 FEET TO A POINT FOR CORNER;

1 NORTH 85 DEGREES 15 MINUTES 57 SECONDS WEST, A
2 DISTANCE OF 100.19 FEET TO A POINT FOR CORNER;
3 NORTH 80 DEGREES 48 MINUTES 00 SECONDS WEST, A
4 DISTANCE OF 51.12 FEET TO A POINT FOR CORNER;
5 NORTH 50 DEGREES 45 MINUTES 05 SECONDS WEST, A
6 DISTANCE OF 53.06 FEET TO A POINT FOR CORNER;
7 NORTH 00 DEGREES 03 MINUTES 01 SECONDS WEST, A
8 DISTANCE OF 46.80 FEET TO A POINT FOR CORNER;
9 NORTH 73 DEGREES 42 MINUTES 35 SECONDS EAST, A
10 DISTANCE OF 131.79 FEET TO A POINT FOR CORNER;
11 NORTH 60 DEGREES 21 MINUTES 56 SECONDS EAST, A
12 DISTANCE OF 42.38 FEET TO A POINT FOR CORNER;
13 NORTH 46 DEGREES 35 MINUTES 35 SECONDS EAST, A
14 DISTANCE OF 119.09 FEET TO A POINT FOR CORNER;
15 NORTH 61 DEGREES 32 MINUTES 05 SECONDS WEST, A
16 DISTANCE OF 26.80 FEET TO A POINT FOR CORNER;
17 NORTH 50 DEGREES 07 MINUTES 23 SECONDS WEST, A
18 DISTANCE OF 92.16 FEET TO A POINT FOR CORNER;
19 SOUTH 67 DEGREES 22 MINUTES 47 SECONDS WEST, A
20 DISTANCE OF 39.68 FEET TO A POINT FOR CORNER;
21 SOUTH 44 DEGREES 51 MINUTES 31 SECONDS WEST, A
22 DISTANCE OF 65.57 FEET TO A POINT FOR CORNER;
23 SOUTH 66 DEGREES 34 MINUTES 53 SECONDS WEST, A
24 DISTANCE OF 59.47 FEET TO A POINT FOR CORNER;
25 NORTH 71 DEGREES 04 MINUTES 02 SECONDS WEST, A

1 DISTANCE OF 13.47 FEET TO A POINT FOR CORNER;
2 NORTH 17 DEGREES 41 MINUTES 28 SECONDS WEST, A
3 DISTANCE OF 31.58 FEET TO A POINT FOR CORNER;
4 NORTH 03 DEGREES 59 MINUTES 42 SECONDS EAST, A
5 DISTANCE OF 71.47 FEET TO A POINT FOR CORNER;
6 NORTH 10 DEGREES 35 MINUTES 38 SECONDS WEST, A
7 DISTANCE OF 53.43 FEET TO A POINT FOR CORNER;
8 NORTH 33 DEGREES 10 MINUTES 20 SECONDS WEST, A
9 DISTANCE OF 46.50 FEET TO A POINT FOR CORNER;
10 NORTH 65 DEGREES 43 MINUTES 58 SECONDS WEST, A
11 DISTANCE OF 8.59 FEET TO A POINT FOR CORNER;
12 NORTH 72 DEGREES 36 MINUTES 49 SECONDS WEST, A
13 DISTANCE OF 70.31 FEET TO A POINT FOR CORNER;
14 NORTH 21 DEGREES 57 MINUTES 32 SECONDS EAST, A
15 DISTANCE OF 106.82 FEET TO A POINT FOR CORNER;
16 NORTH 02 DEGREES 20 MINUTES 24 SECONDS EAST, A
17 DISTANCE OF 45.20 FEET TO A POINT FOR CORNER;
18 NORTH 15 DEGREES 36 MINUTES 13 SECONDS WEST, A
19 DISTANCE OF 51.30 FEET TO A POINT FOR CORNER;
20 NORTH 33 DEGREES 52 MINUTES 33 SECONDS WEST, A
21 DISTANCE OF 72.87 FEET TO A POINT FOR CORNER;
22 SOUTH 85 DEGREES 17 MINUTES 29 SECONDS WEST, A
23 DISTANCE OF 29.18 FEET TO A POINT FOR CORNER;
24 SOUTH 56 DEGREES 20 MINUTES 50 SECONDS WEST, A
25 DISTANCE OF 65.17 FEET TO A POINT FOR CORNER;

1 SOUTH 07 DEGREES 42 MINUTES 17 SECONDS WEST, A
2 DISTANCE OF 54.43 FEET TO A POINT FOR CORNER;
3 SOUTH 03 DEGREES 48 MINUTES 43 SECONDS EAST, A
4 DISTANCE OF 42.92 FEET TO A POINT FOR CORNER;
5 SOUTH 62 DEGREES 49 MINUTES 17 SECONDS WEST, A
6 DISTANCE OF 31.86 FEET TO A POINT FOR CORNER;
7 SOUTH 78 DEGREES 31 MINUTES 03 SECONDS WEST, A
8 DISTANCE OF 52.28 FEET TO A POINT FOR CORNER;
9 NORTH 58 DEGREES 13 MINUTES 10 SECONDS WEST, A
10 DISTANCE OF 64.99 FEET TO A POINT FOR CORNER;
11 NORTH 04 DEGREES 10 MINUTES 08 SECONDS WEST, A
12 DISTANCE OF 124.57 FEET TO A POINT FOR CORNER;
13 NORTH 49 DEGREES 05 MINUTES 10 SECONDS EAST, A
14 DISTANCE OF 83.05 FEET TO A POINT FOR CORNER;
15 NORTH 37 DEGREES 41 MINUTES 13 SECONDS EAST, A
16 DISTANCE OF 85.12 FEET TO A POINT FOR CORNER;
17 NORTH 05 DEGREES 42 MINUTES 52 SECONDS EAST, A
18 DISTANCE OF 53.27 FEET TO A POINT FOR CORNER;
19 NORTH 22 DEGREES 26 MINUTES 03 SECONDS EAST, A
20 DISTANCE OF 28.15 FEET TO A POINT FOR CORNER ON THE SOUTH
21 LINE OF A 38.533 ACRE TRACT OF LAND CONVEYED TO BILLY JOE
22 DAVIS AND HARRY FRED TIBBALS, AS RECORDED IN VOLUME 836,
23 PAGE 209, OFFICIAL RECORDS, HUNT COUNTY, TEXAS, DESCRIBED
24 IN VOLUME 684, PAGE 470, DEED RECORDS, HUNT COUNTY, TEXAS;
25 THENCE, SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST, ALONG A

1 NORTH LINE OF SAID 607.070 ACRE TRACT AND THE COMMON SOUTH LINE
2 OF SAID 38.533 ACRE TRACT, PASSING AT A DISTANCE OF 31.06 FEET A
3 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
4 BURGESS" SET FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF
5 708.22 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR ELL
6 CORNER OF SAID 607.070 ACRE TRACT AND THE SOUTHEAST CORNER OF
7 SAID 38.533 ACRE TRACT;

8 THENCE, NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, ALONG THE
9 WEST LINE OF SAID 607.070 ACRE TRACT AND THE COMMON EAST LINE OF
10 SAID 38.533 ACRE TRACT, A DISTANCE OF 1613.33 FEET TO A 1/2 INCH
11 IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 110.324 ACRE
12 TRACT AND THE NORTHEAST CORNER OF SAID 38.533 ACRE TRACT, SAID
13 POINT ALSO BEING IN THE APPROXIMATE CENTERLINE OF HUNT COUNTY
14 ROAD NO. 2740 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

15 THENCE, ALONG A SOUTH LINE OF SAID 607.070 ACRE TRACT AND THE
16 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2740, THE
17 FOLLOWING COURSE AND DISTANCES:

18 SOUTH 89 DEGREES 34 MINUTES 20 SECONDS WEST, A
19 DISTANCE OF 537.65 FEET TO A POINT FOR CORNER;

20 SOUTH 83 DEGREES 57 MINUTES 48 SECONDS WEST, A
21 DISTANCE OF 398.68 FEET TO A POINT FOR CORNER;

22 NORTH 80 DEGREES 49 MINUTES 30 SECONDS WEST, A
23 DISTANCE OF 142.84 FEET TO A POINT FOR THE SOUTHEAST CORNER
24 OF A 39.937 ACRE TRACT OF LAND CONVEYED TO CHRISTOPHER
25 MILES, AS RECORDED IN VOLUME 819, PAGE 435, OFFICIAL

1 RECORDS, HUNT COUNTY, TEXAS, SAID POINT ALSO BEING IN THE
2 APPROXIMATE CENTERLINE OF SAID WEST CADDO CREEK;
3 THENCE, ALONG THE WEST LINE OF SAID 607.070 ACRE TRACT AND THE
4 APPROXIMATE CENTERLINE OF SAID WEST CADDO CREEK, THE FOLLOWING
5 COURSES AND DISTANCES:

6 NORTH 14 DEGREES 31 MINUTES 58 SECONDS EAST, A
7 DISTANCE OF 48.15 FEET TO A POINT FOR CORNER;

8 NORTH 09 DEGREES 58 MINUTES 54 SECONDS EAST, A
9 DISTANCE OF 100.58 FEET TO A POINT FOR CORNER;

10 NORTH 12 DEGREES 29 MINUTES 19 SECONDS EAST, A
11 DISTANCE OF 80.29 FEET TO A POINT FOR CORNER;

12 NORTH 15 DEGREES 35 MINUTES 43 SECONDS EAST, A
13 DISTANCE OF 70.32 FEET TO A POINT FOR CORNER;

14 NORTH 29 DEGREES 31 MINUTES 02 SECONDS EAST, A
15 DISTANCE OF 53.82 FEET TO A POINT FOR CORNER;

16 NORTH 54 DEGREES 22 MINUTES 53 SECONDS EAST, A
17 DISTANCE OF 58.42 FEET TO A POINT FOR CORNER;

18 NORTH 11 DEGREES 18 MINUTES 16 SECONDS EAST, A
19 DISTANCE OF 26.04 FEET TO A POINT FOR CORNER;

20 NORTH 05 DEGREES 31 MINUTES 13 SECONDS WEST, A
21 DISTANCE OF 57.43 FEET TO A POINT FOR CORNER;

22 NORTH 02 DEGREES 02 MINUTES 32 SECONDS EAST, A
23 DISTANCE OF 71.20 FEET TO A POINT FOR CORNER;

24 NORTH 03 DEGREES 27 MINUTES 24 SECONDS WEST, A
25 DISTANCE OF 12.53 FEET TO A POINT FOR CORNER;

1 SOUTH 78 DEGREES 10 MINUTES 47 SECONDS WEST, A
2 DISTANCE OF 23.52 FEET TO A POINT FOR CORNER;
3 NORTH 77 DEGREES 37 MINUTES 59 SECONDS WEST, A
4 DISTANCE OF 55.19 FEET TO A POINT FOR CORNER;
5 NORTH 83 DEGREES 12 MINUTES 05 SECONDS WEST, A
6 DISTANCE OF 42.66 FEET TO A POINT FOR CORNER;
7 NORTH 30 DEGREES 53 MINUTES 58 SECONDS WEST, A
8 DISTANCE OF 45.39 FEET TO A POINT FOR CORNER;
9 NORTH 33 DEGREES 52 MINUTES 21 SECONDS WEST, A
10 DISTANCE OF 35.49 FEET TO A POINT FOR CORNER;
11 NORTH 72 DEGREES 18 MINUTES 26 SECONDS WEST, A
12 DISTANCE OF 19.38 FEET TO A POINT FOR CORNER;
13 SOUTH 63 DEGREES 09 MINUTES 44 SECONDS WEST, A
14 DISTANCE OF 30.55 FEET TO A POINT FOR CORNER;
15 SOUTH 77 DEGREES 42 MINUTES 07 SECONDS WEST, A
16 DISTANCE OF 24.33 FEET TO A POINT FOR CORNER;
17 NORTH 42 DEGREES 20 MINUTES 23 SECONDS WEST, A
18 DISTANCE OF 29.39 FEET TO A POINT FOR CORNER;
19 NORTH 10 DEGREES 26 MINUTES 52 SECONDS EAST, A
20 DISTANCE OF 57.86 FEET TO A POINT FOR CORNER;
21 NORTH 10 DEGREES 44 MINUTES 38 SECONDS EAST, A
22 DISTANCE OF 64.68 FEET TO A POINT FOR CORNER;
23 NORTH 13 DEGREES 26 MINUTES 19 SECONDS EAST, A
24 DISTANCE OF 71.97 FEET TO A POINT FOR CORNER;
25 NORTH 07 DEGREES 43 MINUTES 36 SECONDS EAST, A

1 DISTANCE OF 52.66 FEET TO A POINT FOR CORNER;
2 NORTH 03 DEGREES 31 MINUTES 02 SECONDS EAST, A
3 DISTANCE OF 51.00 FEET TO A POINT FOR CORNER;
4 NORTH 11 DEGREES 38 MINUTES 31 SECONDS WEST, A
5 DISTANCE OF 36.07 FEET TO A POINT FOR CORNER;
6 NORTH 40 DEGREES 58 MINUTES 30 SECONDS WEST, A
7 DISTANCE OF 20.34 FEET TO A POINT FOR CORNER;
8 NORTH 62 DEGREES 11 MINUTES 09 SECONDS WEST, A
9 DISTANCE OF 39.68 FEET TO A POINT FOR CORNER;
10 SOUTH 65 DEGREES 05 MINUTES 00 SECONDS WEST, A
11 DISTANCE OF 42.01 FEET TO A POINT FOR CORNER;
12 SOUTH 28 DEGREES 35 MINUTES 21 SECONDS WEST, A
13 DISTANCE OF 39.18 FEET TO A POINT FOR CORNER;
14 SOUTH 51 DEGREES 00 MINUTES 40 SECONDS WEST, A
15 DISTANCE OF 43.43 FEET TO A POINT FOR CORNER;
16 NORTH 80 DEGREES 11 MINUTES 22 SECONDS WEST, A
17 DISTANCE OF 29.03 FEET TO A POINT FOR CORNER;
18 NORTH 18 DEGREES 14 MINUTES 32 SECONDS WEST, A
19 DISTANCE OF 19.90 FEET TO A POINT FOR CORNER;
20 NORTH 18 DEGREES 11 MINUTES 37 SECONDS EAST, A
21 DISTANCE OF 15.05 FEET TO A POINT FOR CORNER;
22 NORTH 05 DEGREES 35 MINUTES 59 SECONDS EAST, A
23 DISTANCE OF 22.89 FEET TO A POINT FOR CORNER;
24 NORTH 08 DEGREES 19 MINUTES 31 SECONDS EAST, A
25 DISTANCE OF 50.21 FEET TO A POINT FOR CORNER;

1 NORTH 11 DEGREES 14 MINUTES 40 SECONDS WEST, A
2 DISTANCE OF 39.02 FEET TO A POINT FOR CORNER;
3 NORTH 25 DEGREES 20 MINUTES 27 SECONDS WEST, A
4 DISTANCE OF 26.68 FEET TO A POINT FOR CORNER;
5 NORTH 87 DEGREES 04 MINUTES 15 SECONDS WEST, A
6 DISTANCE OF 31.38 FEET TO A POINT FOR CORNER;
7 SOUTH 38 DEGREES 36 MINUTES 57 SECONDS WEST, A
8 DISTANCE OF 21.48 FEET TO A POINT FOR CORNER;
9 SOUTH 29 DEGREES 53 MINUTES 52 SECONDS WEST, A
10 DISTANCE OF 44.40 FEET TO A POINT FOR CORNER;
11 NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST, A
12 DISTANCE OF 28.85 FEET TO A POINT FOR CORNER;
13 NORTH 76 DEGREES 13 MINUTES 19 SECONDS WEST, A
14 DISTANCE OF 44.97 FEET TO A POINT FOR CORNER;
15 NORTH 58 DEGREES 26 MINUTES 12 SECONDS WEST, A
16 DISTANCE OF 32.11 FEET TO A POINT FOR CORNER;
17 NORTH 30 DEGREES 33 MINUTES 46 SECONDS EAST, A
18 DISTANCE OF 58.33 FEET TO A POINT FOR CORNER;
19 NORTH 40 DEGREES 06 MINUTES 28 SECONDS EAST, A
20 DISTANCE OF 56.14 FEET TO A POINT FOR CORNER;
21 NORTH 32 DEGREES 00 MINUTES 34 SECONDS EAST, A
22 DISTANCE OF 43.76 FEET TO A POINT FOR CORNER;
23 NORTH 05 DEGREES 36 MINUTES 07 SECONDS EAST, A
24 DISTANCE OF 24.80 FEET TO A POINT FOR CORNER;
25 NORTH 33 DEGREES 24 MINUTES 42 SECONDS WEST, A

1 DISTANCE OF 32.46 FEET TO A POINT FOR CORNER;
2 SOUTH 87 DEGREES 56 MINUTES 08 SECONDS WEST, A
3 DISTANCE OF 39.42 FEET TO A POINT FOR CORNER;
4 NORTH 81 DEGREES 29 MINUTES 55 SECONDS WEST, A
5 DISTANCE OF 26.17 FEET TO A POINT FOR CORNER;
6 NORTH 07 DEGREES 37 MINUTES 11 SECONDS WEST, A
7 DISTANCE OF 50.76 FEET TO A POINT FOR CORNER;
8 NORTH 08 DEGREES 16 MINUTES 22 SECONDS WEST, A
9 DISTANCE OF 43.32 FEET TO A POINT FOR CORNER;
10 NORTH 37 DEGREES 45 MINUTES 11 SECONDS WEST, A
11 DISTANCE OF 48.91 FEET TO A POINT FOR CORNER;
12 NORTH 42 DEGREES 30 MINUTES 47 SECONDS WEST, A
13 DISTANCE OF 51.91 FEET TO A POINT FOR THE NORTHWEST CORNER
14 OF SAID 607.070 ACRE TRACT, SAID POINT ALSO BEING ON THE
15 SOUTH LINE OF CREEKSIDE ESTATES, AN ADDITION TO HUNT
16 COUNTY, AS RECORDED IN CABINET A, PAGE 168, PLAT RECORDS,
17 HUNT COUNTY, TEXAS;
18 THENCE, ALONG THE NORTH LINE OF SAID 607.070 ACRE TRACT, THE
19 FOLLOWING COURSES AND DISTANCES:
20 SOUTH 88 DEGREES 50 MINUTES 00 SECONDS EAST, ALONG THE
21 COMMON SOUTH LINE OF SAID CREEKSIDE ESTATES, PASSING AT A
22 DISTANCE OF 13.99 FEET, A 3/8 INCH IRON ROD FOUND FOR
23 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1479.20 FEET
24 TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF
25 DIXIELAND ESTATES, AN ADDITION TO HUNT COUNTY, AS RECORDED

1 IN CABINET B, PAGE 193, PLAT RECORDS, HUNT COUNTY, TEXAS;

2 SOUTH 88 DEGREES 59 MINUTES 50 SECONDS EAST, ALONG THE
3 COMMON SOUTH LINE OF SAID DIXIELAND ESTATES, PASSING AT A
4 DISTANCE OF 633.48 FEET, A 3/8 INCH IRON ROD FOUND FOR
5 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 649.77 FEET
6 TO A POINT FOR THE SOUTHEAST CORNER OF SAID DIXIELAND
7 ESTATES AND BEING IN THE APPROXIMATE CENTERLINE OF HUNT
8 COUNTY ROAD NO. 2744 (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-
9 OF-WAY);

10 SOUTH 00 DEGREES 32 MINUTES 44 SECONDS EAST, ALONG THE
11 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2744, A
12 DISTANCE OF 2.77 FEET TO A POINT FOR THE SOUTHWEST CORNER
13 OF A 16.286 ACRE TRACT OF LAND CONVEYED TO SONA ESTATES,
14 LLC, AS RECORDED IN VOLUME 1301, PAGE 187, OFFICIAL
15 RECORDS, HUNT COUNTY, TEXAS;

16 SOUTH 89 DEGREES 22 MINUTES 07 SECONDS EAST, PASSING
17 AT A DISTANCE OF 23.56 FEET, A 2 INCH IRON PIPE FOUND FOR
18 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1468.35 FEET
19 TO A 3/8 INCH IRON ROD FOUND FOR A NORTHEAST FOR CORNER OF
20 SAID 607.070 ACRE TRACT;

21 THENCE, SOUTH 12 DEGREES 56 MINUTES 26 SECONDS EAST, ALONG AN
22 EAST LINE OF SAID 607.070 ACRE TRACT, PASSING AT A DISTANCE OF
23 1345.74 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
24 STAMPED "CARTER BURGESS" SET FOR WITNESS, CONTINUING IN ALL A
25 TOTAL DISTANCE OF 1370.60 FEET TO A POINT FOR CORNER IN THE

1 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2740 AND
2 BEING ON THE OCCUPIED NORTH LINE OF A 58.103 ACRE TRACT OF LAND
3 CONVEYED AS "TRACT 1" TO LARRY BRYANT AND LAVERNE BATTLE, AS
4 RECORDED IN VOLUME 1076, PAGE 269, DEED RECORDS, HUNT COUNTY,
5 TEXAS;
6 THENCE, NORTH 89 DEGREES 56 MINUTES 42 SECONDS WEST, ALONG A
7 SOUTH LINE OF SAID 607.070 ACRE TRACT, THE COMMON NORTH LINE OF
8 SAID 58.103 ACRE TRACT AND THE APPROXIMATE CENTERLINE OF SAID
9 HUNT COUNTY ROAD NO. 2740, A DISTANCE OF 860.42 FEET TO A POINT
10 FOR THE NORTHWEST CORNER OF SAID 58.103 ACRE TRACT;
11 THENCE, SOUTH 00 DEGREES 13 MINUTES 46 SECONDS WEST, ALONG THE
12 EAST LINE OF SAID 607.070 ACRE TRACT AND THE COMMON WEST LINE OF
13 SAID 58.103 ACRE TRACT, PASSING AT A DISTANCE OF 20.04 FEET, A
14 1/2 INCH IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL
15 DISTANCE OF 1711.67 FEET TO A PK NAIL SET IN CONCRETE AT THE
16 OCCUPIED SOUTHWEST CORNER OF SAID 58.103 ACRE TRACT AND BEING AN
17 INTERIOR ELL CORNER OF SAID 607.070 ACRE TRACT;
18 THENCE, NORTH 89 DEGREES 54 MINUTES 27 SECONDS EAST, ALONG A
19 NORTH LINE OF SAID 607.070 ACRE TRACT, THE COMMON OCCUPIED SOUTH
20 LINE OF SAID 58.103 ACRE TRACT AND THE OCCUPIED SOUTH LINE OF A
21 0.760 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO LARRY BRYANT
22 AND LAVERNE BATTLE, AS RECORDED IN VOLUME 1076, PAGE 269, DEED
23 RECORDS, HUNT COUNTY, TEXAS, PASSING AT A DISTANCE OF 1459.68
24 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
25 "CARTER BURGESS" SET FOR WITNESS, CONTINUING IN ALL A TOTAL

1 DISTANCE OF 1479.65 FEET TO A POINT FOR THE SOUTHEAST CORNER OF
2 SAID 0.760 ACRE TRACT AND BEING IN THE APPROXIMATE CENTERLINE OF
3 SAID HUNT COUNTY ROAD NO. 2726;
4 THENCE, NORTH 00 DEGREES 20 MINUTES 25 SECONDS EAST, ALONG THE
5 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2726, A
6 DISTANCE OF 53.41 FEET TO A POINT FOR THE SOUTHWEST CORNER OF A
7 25.232 ACRE TRACT OF LAND CONVEYED TO HENRY BATTLE, AS RECORDED
8 IN VOLUME 875, PAGE 24, DEED RECORDS, HUNT COUNTY, TEXAS;
9 THENCE, SOUTH 88 DEGREES 41 MINUTES 02 SECONDS EAST, ALONG A
10 NORTH LINE OF SAID 607.070 ACRE TRACT AND THE COMMON SOUTH LINE
11 OF SAID 25.232 ACRE TRACT, PASSING AT A DISTANCE OF 20.12 FEET,
12 A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
13 BURGESS" SET FOR WITNESS AND PASSING AT A DISTANCE OF 677.92
14 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
15 "CARTER BURGESS" SET FOR WITNESS, CONTINUING IN ALL A TOTAL
16 DISTANCE OF 727.92 FEET TO A POINT FOR THE SOUTHEAST CORNER OF
17 SAID 25.232 ACRE TRACT, SAID POINT BEING IN THE APPROXIMATE
18 CENTERLINE OF MIDDLE CADDO CREEK;
19 THENCE, ALONG THE WEST LINE OF SAID 607.070 ACRE TRACT, THE
20 COMMON EAST LINE OF SAID 25.232 ACRE TRACT AND THE APPROXIMATE
21 CENTERLINE OF SAID MIDDLE CADDO CREEK, THE FOLLOWING COURSES AND
22 DISTANCES:
23 NORTH 27 DEGREES 58 MINUTES 28 SECONDS WEST, A
24 DISTANCE OF 59.92 FEET TO A POINT FOR CORNER;
25 NORTH 08 DEGREES 20 MINUTES 01 SECONDS WEST, A

1 DISTANCE OF 70.06 FEET TO A POINT FOR CORNER;
2 NORTH 21 DEGREES 11 MINUTES 21 SECONDS WEST, A
3 DISTANCE OF 63.88 FEET TO A POINT FOR CORNER;
4 NORTH 81 DEGREES 53 MINUTES 48 SECONDS WEST, A
5 DISTANCE OF 14.55 FEET TO A POINT FOR CORNER;
6 SOUTH 10 DEGREES 46 MINUTES 05 SECONDS WEST, A
7 DISTANCE OF 28.38 FEET TO A POINT FOR CORNER;
8 SOUTH 58 DEGREES 06 MINUTES 15 SECONDS WEST, A
9 DISTANCE OF 29.41 FEET TO A POINT FOR CORNER;
10 NORTH 74 DEGREES 33 MINUTES 35 SECONDS WEST, A
11 DISTANCE OF 27.08 FEET TO A POINT FOR CORNER;
12 NORTH 57 DEGREES 46 MINUTES 13 SECONDS WEST, A
13 DISTANCE OF 35.19 FEET TO A POINT FOR CORNER;
14 SOUTH 87 DEGREES 10 MINUTES 49 SECONDS WEST, A
15 DISTANCE OF 35.35 FEET TO A POINT FOR CORNER;
16 SOUTH 81 DEGREES 58 MINUTES 10 SECONDS WEST, A
17 DISTANCE OF 43.35 FEET TO A POINT FOR CORNER;
18 NORTH 58 DEGREES 43 MINUTES 52 SECONDS WEST, A
19 DISTANCE OF 19.00 FEET TO A POINT FOR CORNER;
20 NORTH 19 DEGREES 25 MINUTES 54 SECONDS WEST, A
21 DISTANCE OF 41.00 FEET TO A POINT FOR CORNER;
22 NORTH 23 DEGREES 37 MINUTES 45 SECONDS EAST, A
23 DISTANCE OF 20.48 FEET TO A POINT FOR CORNER;
24 NORTH 66 DEGREES 41 MINUTES 24 SECONDS EAST, A
25 DISTANCE OF 32.79 FEET TO A POINT FOR CORNER;

1 NORTH 42 DEGREES 19 MINUTES 40 SECONDS EAST, A
2 DISTANCE OF 25.58 FEET TO A POINT FOR CORNER;
3 NORTH 02 DEGREES 19 MINUTES 46 SECONDS WEST, A
4 DISTANCE OF 17.41 FEET TO A POINT FOR CORNER;
5 NORTH 52 DEGREES 54 MINUTES 35 SECONDS WEST, A
6 DISTANCE OF 20.52 FEET TO A POINT FOR CORNER;
7 SOUTH 86 DEGREES 47 MINUTES 44 SECONDS WEST, A
8 DISTANCE OF 24.56 FEET TO A POINT FOR CORNER;
9 NORTH 42 DEGREES 32 MINUTES 55 SECONDS WEST, A
10 DISTANCE OF 30.93 FEET TO A POINT FOR CORNER;
11 NORTH 08 DEGREES 06 MINUTES 27 SECONDS EAST, A
12 DISTANCE OF 22.79 FEET TO A POINT FOR CORNER;
13 NORTH 34 DEGREES 07 MINUTES 54 SECONDS EAST, A
14 DISTANCE OF 8.78 FEET TO A POINT FOR CORNER;
15 NORTH 60 DEGREES 09 MINUTES 21 SECONDS EAST, A
16 DISTANCE OF 87.63 FEET TO A POINT FOR CORNER;
17 NORTH 61 DEGREES 36 MINUTES 53 SECONDS WEST, A
18 DISTANCE OF 21.89 FEET TO A POINT FOR CORNER;
19 NORTH 15 DEGREES 17 MINUTES 11 SECONDS EAST, A
20 DISTANCE OF 19.48 FEET TO A POINT FOR CORNER;
21 SOUTH 87 DEGREES 48 MINUTES 45 SECONDS EAST, A
22 DISTANCE OF 80.03 FEET TO A POINT FOR CORNER;
23 NORTH 35 DEGREES 55 MINUTES 56 SECONDS WEST, A
24 DISTANCE OF 35.95 FEET TO A POINT FOR CORNER;
25 SOUTH 86 DEGREES 55 MINUTES 12 SECONDS WEST, A

1 DISTANCE OF 66.08 FEET TO A POINT FOR CORNER;
2 NORTH 85 DEGREES 00 MINUTES 46 SECONDS WEST, A
3 DISTANCE OF 71.69 FEET TO A POINT FOR CORNER;
4 NORTH 31 DEGREES 13 MINUTES 44 SECONDS WEST, A
5 DISTANCE OF 24.20 FEET TO A POINT FOR CORNER;
6 NORTH 22 DEGREES 33 MINUTES 19 SECONDS EAST, A
7 DISTANCE OF 46.25 FEET TO A POINT FOR CORNER;
8 NORTH 52 DEGREES 09 MINUTES 50 SECONDS EAST, A
9 DISTANCE OF 19.76 FEET TO A POINT FOR CORNER;
10 NORTH 81 DEGREES 46 MINUTES 20 SECONDS EAST, A
11 DISTANCE OF 34.00 FEET TO A POINT FOR CORNER;
12 NORTH 84 DEGREES 20 MINUTES 04 SECONDS EAST, A
13 DISTANCE OF 124.21 FEET TO A POINT FOR CORNER;
14 NORTH 66 DEGREES 32 MINUTES 42 SECONDS EAST, A
15 DISTANCE OF 61.04 FEET TO A POINT FOR CORNER;
16 NORTH 48 DEGREES 42 MINUTES 13 SECONDS EAST, A
17 DISTANCE OF 90.94 FEET TO A POINT FOR CORNER;
18 NORTH 11 DEGREES 45 MINUTES 07 SECONDS EAST, A
19 DISTANCE OF 39.76 FEET TO A POINT FOR CORNER;
20 NORTH 01 DEGREES 46 MINUTES 13 SECONDS EAST, A
21 DISTANCE OF 75.46 FEET TO A POINT FOR CORNER;
22 NORTH 72 DEGREES 03 MINUTES 20 SECONDS WEST, A
23 DISTANCE OF 14.32 FEET TO A POINT FOR CORNER;
24 SOUTH 66 DEGREES 20 MINUTES 07 SECONDS WEST, A
25 DISTANCE OF 42.28 FEET TO A POINT FOR CORNER;

1 SOUTH 17 DEGREES 47 MINUTES 12 SECONDS WEST, A
2 DISTANCE OF 27.48 FEET TO A POINT FOR CORNER;
3 SOUTH 15 DEGREES 41 MINUTES 48 SECONDS WEST, A
4 DISTANCE OF 29.71 FEET TO A POINT FOR CORNER;
5 SOUTH 63 DEGREES 16 MINUTES 46 SECONDS WEST, A
6 DISTANCE OF 25.10 FEET TO A POINT FOR CORNER;
7 NORTH 69 DEGREES 08 MINUTES 15 SECONDS WEST, A
8 DISTANCE OF 38.77 FEET TO A POINT FOR CORNER;
9 NORTH 28 DEGREES 07 MINUTES 58 SECONDS WEST, A
10 DISTANCE OF 54.77 FEET TO A POINT FOR CORNER;
11 NORTH 06 DEGREES 06 MINUTES 29 SECONDS EAST, A
12 DISTANCE OF 38.69 FEET TO A POINT FOR CORNER;
13 NORTH 52 DEGREES 38 MINUTES 37 SECONDS EAST, A
14 DISTANCE OF 36.29 FEET TO A POINT FOR CORNER;
15 SOUTH 80 DEGREES 49 MINUTES 15 SECONDS EAST, A
16 DISTANCE OF 33.25 FEET TO A POINT FOR CORNER;
17 NORTH 58 DEGREES 56 MINUTES 02 SECONDS EAST, A
18 DISTANCE OF 32.09 FEET TO A POINT FOR CORNER;
19 NORTH 03 DEGREES 18 MINUTES 59 SECONDS WEST, A
20 DISTANCE OF 34.86 FEET TO A POINT FOR CORNER;
21 NORTH 55 DEGREES 14 MINUTES 49 SECONDS WEST, A
22 DISTANCE OF 18.25 FEET TO A POINT FOR CORNER;
23 NORTH 76 DEGREES 15 MINUTES 01 SECONDS WEST, A
24 DISTANCE OF 32.83 FEET TO A POINT FOR CORNER;
25 SOUTH 64 DEGREES 29 MINUTES 28 SECONDS WEST, A

1 DISTANCE OF 24.10 FEET TO A POINT FOR CORNER;
2 SOUTH 80 DEGREES 41 MINUTES 01 SECONDS WEST, A
3 DISTANCE OF 36.05 FEET TO A POINT FOR CORNER;
4 NORTH 49 DEGREES 13 MINUTES 41 SECONDS WEST, A
5 DISTANCE OF 30.68 FEET TO A POINT FOR CORNER;
6 NORTH 00 DEGREES 51 MINUTES 37 SECONDS EAST, A
7 DISTANCE OF 43.28 FEET TO A POINT FOR CORNER;
8 NORTH 30 DEGREES 13 MINUTES 43 SECONDS WEST, A
9 DISTANCE OF 80.54 FEET TO A POINT FOR CORNER;
10 NORTH 47 DEGREES 53 MINUTES 35 SECONDS WEST, A
11 DISTANCE OF 57.16 FEET TO A POINT FOR CORNER;
12 NORTH 87 DEGREES 31 MINUTES 40 SECONDS WEST, A
13 DISTANCE OF 45.47 FEET TO A POINT FOR CORNER;
14 NORTH 70 DEGREES 45 MINUTES 18 SECONDS WEST, A
15 DISTANCE OF 28.51 FEET TO A POINT FOR CORNER;
16 NORTH 35 DEGREES 53 MINUTES 06 SECONDS WEST, A
17 DISTANCE OF 22.87 FEET TO A POINT FOR CORNER;
18 NORTH 01 DEGREES 00 MINUTES 54 SECONDS WEST, A
19 DISTANCE OF 49.51 FEET TO A POINT FOR CORNER;
20 NORTH 08 DEGREES 13 MINUTES 21 SECONDS EAST, A
21 DISTANCE OF 38.25 FEET TO A POINT FOR CORNER;
22 NORTH 08 DEGREES 56 MINUTES 09 SECONDS EAST, A
23 DISTANCE OF 30.49 FEET TO A POINT FOR CORNER;
24 NORTH 14 DEGREES 19 MINUTES 45 SECONDS WEST, A
25 DISTANCE OF 72.16 FEET TO A POINT FOR CORNER;

1 NORTH 25 DEGREES 40 MINUTES 17 SECONDS WEST, A
2 DISTANCE OF 25.99 FEET TO A POINT FOR CORNER;
3 NORTH 40 DEGREES 07 MINUTES 54 SECONDS WEST, A
4 DISTANCE OF 38.60 FEET TO A POINT FOR CORNER;
5 NORTH 30 DEGREES 50 MINUTES 22 SECONDS WEST, A
6 DISTANCE OF 46.60 FEET TO A POINT FOR CORNER;
7 NORTH 77 DEGREES 14 MINUTES 40 SECONDS EAST, A
8 DISTANCE OF 45.22 FEET TO A POINT FOR CORNER;
9 NORTH 51 DEGREES 22 MINUTES 33 SECONDS EAST, A
10 DISTANCE OF 47.17 FEET TO A POINT FOR CORNER;
11 SOUTH 49 DEGREES 41 MINUTES 47 SECONDS EAST, A
12 DISTANCE OF 31.93 FEET TO A POINT FOR CORNER;
13 SOUTH 00 DEGREES 24 MINUTES 54 SECONDS EAST, A
14 DISTANCE OF 44.07 FEET TO A POINT FOR CORNER;
15 SOUTH 35 DEGREES 43 MINUTES 01 SECONDS EAST, A
16 DISTANCE OF 32.32 FEET TO A POINT FOR CORNER;
17 SOUTH 59 DEGREES 59 MINUTES 35 SECONDS EAST, A
18 DISTANCE OF 30.34 FEET TO A POINT FOR CORNER;
19 NORTH 82 DEGREES 08 MINUTES 38 SECONDS EAST, A
20 DISTANCE OF 48.35 FEET TO A POINT FOR CORNER;
21 NORTH 21 DEGREES 27 MINUTES 13 SECONDS EAST, A
22 DISTANCE OF 28.23 FEET TO A POINT FOR CORNER;
23 NORTH 05 DEGREES 01 MINUTES 00 SECONDS WEST, A
24 DISTANCE OF 63.46 FEET TO A POINT FOR CORNER;
25 NORTH 35 DEGREES 42 MINUTES 55 SECONDS EAST, A

1 DISTANCE OF 40.28 FEET TO A POINT FOR CORNER;
2 SOUTH 38 DEGREES 59 MINUTES 29 SECONDS EAST, A
3 DISTANCE OF 38.97 FEET TO A POINT FOR CORNER;
4 SOUTH 38 DEGREES 40 MINUTES 17 SECONDS EAST, A
5 DISTANCE OF 71.78 FEET TO A POINT FOR CORNER;
6 SOUTH 54 DEGREES 31 MINUTES 47 SECONDS EAST, A
7 DISTANCE OF 63.58 FEET TO A POINT FOR CORNER;
8 NORTH 87 DEGREES 25 MINUTES 38 SECONDS EAST, A
9 DISTANCE OF 85.26 FEET TO A POINT FOR CORNER;
10 NORTH 31 DEGREES 16 MINUTES 02 SECONDS EAST, A
11 DISTANCE OF 29.92 FEET TO A POINT FOR CORNER;
12 NORTH 41 DEGREES 02 MINUTES 30 SECONDS WEST, A
13 DISTANCE OF 33.52 FEET TO A POINT FOR CORNER;
14 NORTH 56 DEGREES 02 MINUTES 49 SECONDS WEST, A
15 DISTANCE OF 115.98 FEET TO A POINT FOR CORNER;
16 NORTH 23 DEGREES 58 MINUTES 56 SECONDS WEST, A
17 DISTANCE OF 27.56 FEET TO A POINT FOR CORNER;
18 NORTH 18 DEGREES 38 MINUTES 39 SECONDS EAST, A
19 DISTANCE OF 40.32 FEET TO A POINT FOR CORNER;
20 NORTH 36 DEGREES 51 MINUTES 02 SECONDS EAST, A
21 DISTANCE OF 76.38 FEET TO A POINT FOR CORNER;
22 NORTH 53 DEGREES 57 MINUTES 35 SECONDS EAST, A
23 DISTANCE OF 91.34 FEET TO A POINT FOR CORNER;
24 NORTH 01 DEGREES 12 MINUTES 05 SECONDS EAST, A
25 DISTANCE OF 72.26 FEET TO A POINT FOR CORNER;

1 NORTH 58 DEGREES 45 MINUTES 11 SECONDS WEST, A
2 DISTANCE OF 46.75 FEET TO A POINT FOR CORNER;
3 SOUTH 65 DEGREES 33 MINUTES 44 SECONDS WEST, A
4 DISTANCE OF 29.09 FEET TO A POINT FOR CORNER;
5 SOUTH 44 DEGREES 50 MINUTES 59 SECONDS WEST, A
6 DISTANCE OF 41.06 FEET TO A POINT FOR CORNER;
7 NORTH 33 DEGREES 14 MINUTES 16 SECONDS WEST, A
8 DISTANCE OF 23.85 FEET TO A POINT FOR CORNER;
9 NORTH 36 DEGREES 28 MINUTES 00 SECONDS WEST, A
10 DISTANCE OF 75.44 FEET TO A POINT FOR THE NORTHEAST CORNER
11 OF SAID 25.232 ACRE TRACT AND BEING IN THE APPROXIMATE
12 CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2740;
13 THENCE, ALONG A NORTH LINE OF SAID 607.070 ACRE TRACT AND THE
14 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2740, THE
15 FOLLOWING COURSES AND DISTANCES:
16 NORTH 87 DEGREES 23 MINUTES 19 SECONDS EAST, A
17 DISTANCE OF 457.22 FEET TO A POINT FOR CORNER;
18 NORTH 89 DEGREES 46 MINUTES 30 SECONDS EAST, A
19 DISTANCE OF 193.03 FEET TO A POINT FOR THE SOUTHEAST CORNER
20 OF A TRACT OF LAND CONVEYED AS "TRACT 1" TO LARRY L.
21 BRYANT, AS RECORDED IN VOLUME 491, PAGE 507, OFFICIAL
22 RECORDS, HUNT COUNTY, TEXAS;
23 THENCE, NORTH 18 DEGREES 51 MINUTES 07 SECONDS WEST, ALONG A
24 SOUTHWEST LINE OF SAID 607.070 ACRE TRACT, THE COMMON NORTHEAST
25 LINE OF SAID BRYANT TRACT 1 TRACT AND THE COMMON NORTHEAST LINE

1 OF A TRACT OF LAND CONVEYED AS "TRACT 2" TO LARRY L. BRYANT, AS
2 RECORDED IN VOLUME 491, PAGE 507, DEED RECORDS, HUNT COUNTY,
3 TEXAS, PASSING AT A DISTANCE OF 27.02 FEET, A WOOD FENCE CORNER
4 POST FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF
5 2768.37 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
6 STAMPED "CARTER BURGESS" SET FOR A NORTHWEST CORNER OF SAID
7 607.070 ACRE TRACT AND THE NORTHEAST CORNER OF SAID BRYANT TRACT
8 2, SAID POINT ALSO BEING ON THE SOUTH LINE OF AFORESAID 40.089
9 ACRE TRACT;
10 THENCE, SOUTH 89 DEGREES 57 MINUTES 22 SECONDS EAST, ALONG THE
11 NORTH LINE OF SAID 607.070 ACRE TRACT AND THE COMMON SOUTH LINE
12 OF SAID 40.089 ACRE TRACT, A DISTANCE OF 891.69 FEET TO THE
13 POINT OF BEGINNING, AND CONTAINING 625.044 ACRES OF LAND, MORE
14 OR LESS.
15 TRACT 6
16 BEING A 1.172 ACRE TRACT OF LAND SITUATED IN THE M.F. JONES
17 SURVEY, ABSTRACT NO. 542, HUNT COUNTY, TEXAS, AND BEING ALL OF A
18 1.172 ACRE TRACT OF LAND, CONVEYED TO WALTON TEXAS, L.P., AS
19 RECORDED IN VOLUME 1780, PAGE 53, OFFICIAL PUBLIC RECORDS, HUNT
20 COUNTY, TEXAS. SAID 1.172 ACRE TRACT, WITH BEARING BASIS OF GRID
21 NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83
22 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS
23 BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004,
24 CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DALLAS CORS ARP
25 (PID-DF8984), BEING MORE PARTICULARLY DESCRIBED BY METES AND

1 BOUNDS AS FOLLOWS:
2 BEGINNING AT A 5/8 INCH IRON ROD WITH AN ALUMINUM TXDOT MONUMENT
3 FOUND FOR THE NORTHWEST CORNER OF SAID 1.172 ACRE TRACT, A
4 NORTHEAST CORNER OF A 13.6509 ACRE TRACT OF LAND CONVEYED AS
5 "PARCEL 27" TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 1581,
6 PAGE 81, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND THE SOUTHEAST
7 CORNER OF A 16.7163 ACRE TRACT OF LAND CONVEYED AS "PARCEL 26"
8 TO THE STATE OF TEXAS, AS RECORDED IN VOLUME 1617, PAGE 466,
9 OFFICIAL RECORDS, HUNT COUNTY, TEXAS, SAID POINT ALSO BEING ON
10 THE SOUTH LINE OF A 40.089 ACRE TRACT OF LAND CONVEYED TO AREY
11 FAMILY LIVING TRUST, AS RECORDED IN VOLUME 756, PAGE 263, DEED
12 RECORDS, HUNT COUNTY, TEXAS;
13 THENCE, SOUTH 89 DEGREES 57 MINUTES 22 SECONDS EAST, ALONG THE
14 NORTH LINE OF SAID 1.172 ACRE TRACT, THE COMMON SOUTH LINE OF
15 SAID 40.089 ACRE TRACT, THE COMMON SOUTH LINE OF A 2.162 ACRE
16 TRACT OF LAND CONVEYED TO RICHARD A. HAGOOD, AS RECORDED IN
17 VOLUME 879, PAGE 524, DEED RECORDS, HUNT COUNTY, TEXAS AND THE
18 COMMON SOUTH LINE OF A 1.003 ACRE TRACT OF LAND CONVEYED TO
19 PEGGY ELLIOTT, AS RECORDED IN VOLUME 778, PAGE 405, OFFICIAL
20 RECORDS, HUNT COUNTY, TEXAS, A DISTANCE OF 425.81 FEET TO A 5/8
21 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS"
22 SET FOR THE NORTHEAST CORNER OF SAID 1.172 ACRE TRACT AND THE
23 SOUTHEAST CORNER OF SAID 1.003 ACRE TRACT, SAID POINT ALSO BEING
24 ON THE WEST RIGHT-OF-WAY LINE OF F.M. 36 (A 80' RIGHT-OF-WAY);
25 THENCE, SOUTH 00 DEGREES 26 MINUTES 28 SECONDS EAST, ALONG THE

1 EAST LINE OF SAID 1.172 ACRE TRACT AND THE COMMON WEST RIGHT-OF-
2 WAY LINE OF SAID F.M. 36, A DISTANCE OF 159.69 FEET TO A 5/8
3 INCH IRON ROD WITH A ALUMINUM TXDOT MONUMENT FOUND FOR A
4 SOUTHEAST CORNER OF SAID 1.172 ACRE TRACT AND A NORTHEAST CORNER
5 OF SAID 13.6509 ACRE TRACT;

6 THENCE, ALONG THE SOUTH LINE OF SAID 1.172 ACRE TRACT AND THE
7 COMMON NORTHEAST LINE OF SAID 13.6509 ACRE TRACT, THE FOLLOWING
8 COURSES AND DISTANCES:

9 SOUTH 60 DEGREES 25 MINUTES 29 SECONDS WEST, A
10 DISTANCE OF 97.50 FEET TO A POINT FOR CORNER;

11 NORTH 58 DEGREES 41 MINUTES 38 SECONDS WEST, A DISTANCE OF
12 400.56 FEET TO THE POINT OF BEGINNING, CONTAINING 1.172 ACRES OF
13 LAND, MORE OR LESS.

14 TRACT 7

15 BEING A 255.975 ACRE TRACT OF LAND SITUATED IN THE ENOS MURPHY
16 SURVEY, ABSTRACT NO. 647, HUNT COUNTY, TEXAS, AND BEING ALL OF A
17 255.975 ACRE TRACT OF LAND CONVEYED AS "TRACT ONE" TO WALTON
18 TEXAS, L.P., AS RECORDED IN VOLUME 1637, PAGE 620, OFFICIAL
19 PUBLIC RECORDS, HUNT COUNTY, TEXAS (O.R.H.C.T.), SAID 255.975
20 ACRE TRACT WITH REFERENCE BEARING OF GRID NORTH, TEXAS STATE
21 PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE
22 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253,
23 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP
24 (PID-DF8982) AND DALLAS CORS ARP (PID-DF8984), BEING MORE
25 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

1 BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF
2 SAID 255.975 ACRE TRACT AND THE SOUTHWEST CORNER OF A 1.548 ACRE
3 TRACT OF LAND CONVEYED TO BILLY CAUSEY, AS RECORDED IN VOLUME
4 1423, PAGE 135, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND BEING
5 ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 380 (A VARIABLE
6 WIDTH RIGHT-OF-WAY);

7 THENCE, ALONG THE SOUTH LINE OF SAID 255.975 ACRE TRACT AND THE
8 COMMON NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 380, THE
9 FOLLOWING COURSES AND DISTANCES:

10 NORTH 89 DEGREES 21 MINUTES 30 SECONDS WEST, A
11 DISTANCE OF 1216.11 FEET TO A 1/2 INCH IRON ROD FOUND FOR
12 CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT
13 HAVING A CENTRAL ANGLE OF 39 DEGREES 00 MINUTES 38 SECONDS,
14 A RADIUS OF 2025.45 FEET, A CHORD BEARING OF NORTH 69
15 DEGREES 51 MINUTES 10 SECONDS WEST, A CHORD LENGTH OF
16 1352.57 FEET;

17 ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH
18 OF 1379.06 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

19 NORTH 50 DEGREES 20 MINUTES 51 SECONDS WEST, A
20 DISTANCE OF 2810.50 FEET TO A 1/2 INCH IRON ROD FOUND FOR
21 THE SOUTHWEST CORNER OF SAID 255.975 ACRE TRACT;

22 THENCE, NORTH 00 DEGREES 00 MINUTES 39 SECONDS EAST, ALONG THE
23 WEST LINE OF SAID 255.975 ACRE TRACT, THE COMMON EAST LINE OF A
24 TRACT OF LAND CONVEYED TO FLOYD INDEPENDENT SCHOOL DISTRICT, AS
25 RECORDED IN VOLUME 389, PAGE 415, DEED RECORDS, HUNT COUNTY,

1 TEXAS AND THE COMMON EAST LINE OF A TRACT OF LAND CONVEYED TO
2 BLAND I.S.D., AS RECORDED IN VOLUME 147, PAGE 216, OFFICIAL
3 RECORDS, HUNT COUNTY, TEXAS, PASSING AT A DISTANCE OF 1075.86
4 FEET A 1/2 INCH IRON ROD FOUND, CONTINUING IN ALL A TOTAL
5 DISTANCE OF 1077.01 FEET TO A POINT FOR THE NORTHWEST CORNER OF
6 SAID 255.975 ACRE TRACT AND THE NORTHEAST CORNER OF SAID BLAND
7 I.S.D. TRACT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF
8 KANSAS CITY SOUTHERN RAILROAD (A 100' RIGHT-OF-WAY);
9 THENCE, SOUTH 84 DEGREES 06 MINUTES 14 SECONDS EAST, ALONG A
10 NORTH LINE OF SAID 255.975 ACRE TRACT AND THE COMMON SOUTH
11 RIGHT-OF-WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A
12 DISTANCE OF 4359.60 FEET TO A POINT FOR A NORTHEAST CORNER OF
13 SAID 255.975 ACRE TRACT AND THE NORTHWEST CORNER OF A 2.001 ACRE
14 TRACT OF LAND CONVEYED TO GEORGE S. WILSON, AS RECORDED IN
15 VOLUME 1247, PAGE 514, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
16 THENCE, SOUTH 00 DEGREES 11 MINUTES 51 SECONDS EAST, ALONG AN
17 EAST LINE OF SAID 255.975 ACRE TRACT AND THE COMMON WEST LINE OF
18 SAID 2.001 ACRE TRACT, PASSING AT A DISTANCE OF 0.45 FEET, A 1/2
19 INCH IRON ROD FOUND, CONTINUING IN ALL A TOTAL DISTANCE OF
20 296.81 FEET TO A 3/8 INCH IRON ROD FOUND FOR A INTERIOR ELL
21 CORNER OF SAID 255.975 ACRE TRACT AND THE SOUTHWEST CORNER OF
22 SAID 2.001 ACRE TRACT;
23 THENCE, SOUTH 84 DEGREES 06 MINUTES 47 SECONDS EAST, ALONG A
24 NORTH LINE OF SAID 255.975 ACRE TRACT AND THE COMMON SOUTH LINE
25 OF SAID 2.001 ACRE TRACT, A DISTANCE OF 295.50 FEET TO A 1/2

1 INCH IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID 255.975 ACRE
2 TRACT AND THE SOUTHEAST CORNER OF SAID 2.001 ACRE TRACT, SAID
3 POINT BEING ON THE WEST LINE OF PALO VERDE RANCH, AN ADDITION TO
4 HUNT COUNTY, AS RECORDED IN CABINET C, PAGE 239, PLAT RECORDS,
5 HUNT COUNTY, TEXAS;

6 THENCE, SOUTH 00 DEGREES 24 MINUTES 04 SECONDS EAST, ALONG AN
7 EAST LINE OF SAID 255.975 ACRE TRACT, THE COMMON WEST LINE OF
8 SAID PALO VERDE RANCH AND THE COMMON WEST LINE OF AFORESAID
9 1.548 ACRE TRACT, A DISTANCE OF 2575.08 FEET TO THE POINT OF
10 BEGINNING, AND CONTAINING 255.975 ACRES OF LAND MORE OR LESS.

11 TRACT 8

12 BEING A 144.638 ACRE TRACT OF LAND SITUATED IN THE ENOS MURPHY
13 SURVEY, ABSTRACT NO. 647, HUNT COUNTY, TEXAS, AND BEING ALL OF A
14 144.638 ACRE TRACT OF LAND CONVEYED AS "TRACT D" TO WALTON
15 TEXAS, L.P., AS RECORDED IN VOLUME 1637, PAGE 551, OFFICIAL
16 PUBLIC RECORDS, DENTON COUNTY, TEXAS. SAID 144.638 ACRE TRACT
17 WITH REFERENCE BEARING OF GRID NORTH, TEXAS STATE PLANE
18 COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE
19 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253,
20 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP
21 (PID-DF8982) AND DALLAS CORS ARP (PID-DF8984), BEING MORE
22 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

23 BEGINNING AT A 1/2 INCH CAPPED IRON ROD FOUND FOR THE SOUTHWEST
24 CORNER OF SAID 144.638 ACRE TRACT AND THE SOUTHEAST CORNER OF A
25 99.45 ACRE TRACT OF LAND CONVEYED TO DAWN MORGAN AND COLLEEN

1 ANDREWS, AS RECORDED IN VOLUME 81, PAGE 830, OFFICIAL RECORDS,
2 HUNT COUNTY, TEXAS AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF
3 U.S. HIGHWAY 380 (A VARIABLE WIDTH RIGHT-OF-WAY);
4 THENCE, NORTH 01 DEGREES 18 MINUTES 23 SECONDS WEST, ALONG THE
5 WEST LINE OF SAID 144.638 ACRE TRACT AND THE COMMON EAST LINE OF
6 SAID 99.45 ACRE TRACT, A DISTANCE OF 572.27 FEET TO A 1/2 INCH
7 CAPPED IRON ROD FOUND FOR CORNER;
8 THENCE, SOUTH 88 DEGREES 41 MINUTES 42 SECONDS WEST, ALONG A
9 SOUTH LINE OF SAID 144.638 ACRE TRACT AND A COMMON NORTH LINE OF
10 SAID 99.45 ACRE TRACT, A DISTANCE OF 164.47 FEET TO A 3/8 INCH
11 IRON ROD FOUND FOR CORNER;
12 THENCE, NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG THE
13 WEST LINE OF SAID 144.638 ACRE TRACT AND THE COMMON EAST LINE OF
14 SAID 99.45 ACRE TRACT, PASSING AT A DISTANCE OF 2003.03 FEET A
15 1/2 INCH CAPPED IRON ROD FOUND FOR WITNESS, CONTINUING IN ALL A
16 TOTAL DISTANCE OF 2003.56 FEET TO A POINT FOR THE NORTHWEST
17 CORNER OF SAID 144.638 ACRE TRACT AND THE NORTHEAST CORNER OF
18 SAID 99.45 ACRE TRACT, SAID POINT BEING ON THE SOUTH RIGHT-OF-
19 WAY LINE OF KANSAS CITY SOUTHERN RAILROAD (A 100' RIGHT-OF-WAY);
20 THENCE, SOUTH 84 DEGREES 05 MINUTES 43 SECONDS EAST, ALONG THE
21 NORTH LINE OF SAID 144.638 ACRE TRACT AND THE COMMON SOUTH
22 RIGHT-OF-WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A
23 DISTANCE OF 2964.04 FEET TO A POINT FOR THE NORTHEAST CORNER OF
24 SAID 144.638 ACRE TRACT, SAID POINT BEING IN THE APPROXIMATE
25 CENTERLINE OF HUNT COUNTY ROAD NO. 1065 (A VARIABLE WIDTH RIGHT-

1 OF-WAY), FROM WHICH A 1/2 INCH CAPPED IRON ROD FOUND BEARS,
2 NORTH 84 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 26.47
3 FEET AND A 1/2 INCH CAPPED IRON ROD FOUND BEARS, SOUTH 00
4 DEGREES 52 MINUTES 45 SECONDS EAST, A DISTANCE OF 0.28 FEET;
5 THENCE, SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST, ALONG THE
6 EAST LINE OF SAID 144.638 ACRE TRACT AND THE APPROXIMATE
7 CENTERLINE OF SAID HUNT COUNTY ROAD NO. 1065, A DISTANCE OF
8 1061.49 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR A SOUTHEAST
9 CORNER OF SAID 144.638 ACRE TRACT AND THE NORTHEAST CORNER OF A
10 2.500 ACRE TRACT OF LAND CONVEYED TO GARY SLACK AND SANDRA
11 SLACK, AS RECORDED IN VOLUME 276, PAGE 581, OFFICIAL RECORDS,
12 HUNT COUNTY, TEXAS;
13 THENCE, SOUTH 89 DEGREES 27 MINUTES 55 SECONDS WEST, ALONG A
14 SOUTH LINE OF SAID 144.638 ACRE TRACT AND THE COMMON NORTH LINE
15 OF SAID 2.500 ACRE TRACT, A DISTANCE OF 686.05 FEET TO A 3/8
16 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 144.638
17 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 2.500 ACRE TRACT;
18 THENCE, SOUTH 00 DEGREES 24 MINUTES 09 SECONDS EAST, ALONG THE
19 EAST LINE SAID 144.638 ACRE TRACT, A DISTANCE OF 1260.19 FEET TO
20 A 3/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID
21 144.638 ACRE TRACT AND THE SOUTHWEST CORNER OF A 2.326 ACRE
22 TRACT OF LAND CONVEYED TO WALTER WILLIAMS AND DIANNA WILLIAMS,
23 AS RECORDED IN VOLUME 450, PAGE 169, OFFICIAL RECORDS, HUNT
24 COUNTY, TEXAS AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF
25 AFORESAID U.S. HIGHWAY 380;

1 THENCE, NORTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, ALONG THE
2 SOUTH LINE OF SAID 144.638 ACRE TRACT AND THE COMMON NORTH
3 RIGHT-OF-WAY LINE OF SAID U.S. 380, A DISTANCE OF 695.21 FEET TO
4 A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A 0.99
5 ACRE TRACT OF LAND CONVEYED TO KELLY HARDIN AND BEITA HARDIN, AS
6 RECORDED IN VOLUME 164, PAGE 205, OFFICIAL RECORDS, HUNT COUNTY,
7 TEXAS;

8 THENCE, NORTH 02 DEGREES 16 MINUTES 10 SECONDS EAST, ALONG THE
9 EAST LINE OF SAID 0.99 ACRE TRACT, A DISTANCE OF 303.40 FEET TO
10 A 1/2 INCH CAPPED IRON ROD FOUND FOR THE NORTHEAST CORNER OF
11 SAID 0.99 ACRE TRACT;

12 THENCE, NORTH 89 DEGREES 00 MINUTES 12 SECONDS WEST, ALONG THE
13 NORTH LINE OF SAID 0.99 ACRE TRACT, A DISTANCE OF 128.78 FEET TO
14 A 1/2 INCH CAPPED IRON ROD FOUND FOR THE NORTHWEST CORNER OF
15 SAID 0.99 ACRE TRACT;

16 THENCE, SOUTH 06 DEGREES 37 MINUTES 33 SECONDS WEST, ALONG THE
17 WEST LINE OF SAID 0.99 ACRE TRACT, A DISTANCE OF 307.57 FEET TO
18 A 3/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.99
19 ACRE TRACT, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF
20 AFORESAID U.S. HIGHWAY 380;

21 THENCE, ALONG THE SOUTH LINE OF SAID 144.638 ACRE TRACT AND THE
22 COMMON NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 380, THE
23 FOLLOWING COURSES AND DISTANCES:

24 NORTH 87 DEGREES 51 MINUTES 23 SECONDS WEST, A
25 DISTANCE OF 965.93 FEET TO A 5/8 INCH CAPPED IRON ROD WITH

1 A YELLOW PLACTIC CAP STAMPED "CARTER BURGESS" SET FOR
2 CORNER;

3 NORTH 82 DEGREES 08 MINUTES 45 SECONDS WEST, A
4 DISTANCE OF 100.50 FEET TO A 5/8 INCH CAPPED IRON ROD WITH
5 A YELLOW PLACTIC CAP STAMPED "CARTER BURGESS" SET FOR
6 CORNER;

7 NORTH 87 DEGREES 51 MINUTES 23 SECONDS WEST, A
8 DISTANCE OF 129.20 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND
9 FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT
10 HAVING A CENTRAL ANGLE OF 00 DEGREES 44 MINUTES 25 SECONDS,
11 A RADIUS OF 5789.71 FEET, A CHORD BEARING OF NORTH 88
12 DEGREES 13 MINUTES 36 SECONDS WEST, A CHORD LENGTH OF 74.79
13 FEET;

14 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF
15 74.79 FEET, TO THE POINT OF BEGINNING, AND CONTAINING
16 144.638 ACRES OF LAND, MORE OR LESS.

17 TRACT 9

18 BEING A 1036.347 ACRE TRACT OF LAND SITUATED IN THE A.J. DAVIS
19 SURVEY, ABSTRACT NO. 273, THE WILLIAM EARL SURVEY, ABSTRACT NO.
20 287 AND THE HIRAM THOMPSON SURVEY, ABSTRACT NO. 1030, HUNT
21 COUNTY, TEXAS, AND BEING ALL OF A 49.640 ACRE TRACT OF LAND,
22 CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1717, PAGE
23 264, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING ALL
24 OF A 160.531 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" TO WALTON
25 TEXAS, L.P., AS RECORDED IN VOLUME 1551, PAGE 268, OFFICIAL

1 PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING ALL OF A 107.419
2 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS RECORDED
3 IN VOLUME 1777, PAGE 456, OFFICIAL PUBLIC RECORDS, HUNT COUNTY,
4 TEXAS AND BEING ALL OF A 109.434 ACRE TRACT OF LAND CONVEYED TO
5 WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1729, PAGE 261,
6 OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING PART OF A
7 486.151 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, L.P., AS
8 RECORDED IN VOLUME 1632, PAGE 199, OFFICIAL PUBLIC RECORDS, HUNT
9 COUNTY, TEXAS AND BEING ALL OF A 130.725 ACRE TRACT OF LAND
10 CONVEYED TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1551, PAGE
11 268, OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS. SAID 1036.347
12 ACRE TRACT, WITH REFERENCE BEARING OF GRID NORTH, TEXAS STATE
13 PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE
14 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253,
15 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP
16 (PID-DF8982) AND DALLAS CORS ARP (PID-DF8984), BEING MORE
17 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
18 BEGINNING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
19 STAMPED "CARTER BURGESS" SET FOR THE SOUTHWEST CORNER OF SAID
20 49.640 ACRE TRACT AND THE SOUTHEAST CORNER OF A 45 ACRE TRACT OF
21 LAND CONVEYED TO ALTON WEATHERLY AND WIFE, BEULAH WEATHERLY, AS
22 RECORDED IN VOLUME 649, PAGE 485, DEED RECORDS, HUNT COUNTY,
23 TEXAS, SAID POINT BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF
24 THE NORTHEAST TEXAS RURAL RAIL TRANSPORTATION DISTRICT RIGHT-OF-
25 WAY (A 100' RIGHT-OF-WAY), AS RECORDED IN VOLUME 987, PAGE 38,

1 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
2 THENCE, NORTH 00 DEGREES 02 MINUTES 59 SECONDS WEST, ALONG THE
3 WEST LINE OF SAID 49.640 ACRE TRACT, THE COMMON EAST LINE OF
4 SAID 45 ACRE TRACT AND THE COMMON EAST LINE OF A 60 ACRE TRACT
5 OF LAND CONVEYED AS "TRACT 1" TO ALTON RAY WEATHERLY, AS
6 RECORDED IN VOLUME 233, PAGE 778, OFFICIAL RECORDS, HUNT COUNTY,
7 TEXAS, A DISTANCE OF 1408.34 FEET TO A 5/8 INCH IRON ROD WITH A
8 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE
9 NORTHWEST CORNER OF SAID 49.640 ACRE TRACT AND AN INTERIOR ELL
10 CORNER OF SAID 60 ACRE TRACT;
11 THENCE, NORTH 88 DEGREES 41 MINUTES 55 SECONDS EAST, ALONG THE
12 NORTH LINE OF SAID 49.640 ACRE TRACT AND THE COMMON SOUTH LINE
13 OF SAID 60 ACRE TRACT, A DISTANCE OF 990.55 FEET TO A 5/8 INCH
14 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
15 FOR THE SOUTHEAST CORNER OF SAID 60 ACRE TRACT AND A SOUTHWEST
16 CORNER OF AFORESAID 160.531 ACRE TRACT;
17 THENCE, NORTH 00 DEGREES 19 MINUTES 00 SECONDS WEST, ALONG THE
18 WEST LINE OF SAID 160.531 ACRE TRACT AND THE COMMON EAST LINE OF
19 SAID 60 ACRE TRACT, PASSING AT A DISTANCE OF 2033.82 FEET A 1/2
20 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED "STOVALL" FOUND
21 FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 2064.15 FEET
22 TO A 1/2 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID
23 160.531 ACRE TRACT, SAID POINT BEING IN THE APPROXIMATE
24 CENTERLINE OF HUNT COUNTY ROAD NO. 2152 (A VARIABLE WIDTH
25 PRESCRIPTIVE RIGHT-OF-WAY);

1 THENCE, ALONG THE SOUTH LINE OF SAID 160.531 ACRE TRACT AND THE
2 APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2152, THE
3 FOLLOWING COURSES AND DISTANCES:

4 SOUTH 83 DEGREES 19 MINUTES 04 SECONDS WEST, A
5 DISTANCE OF 235.03 FEET TO A 5/8 INCH IRON ROD WITH A
6 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

7 SOUTH 89 DEGREES 03 MINUTES 33 SECONDS WEST, A
8 DISTANCE OF 1005.35 FEET TO A 1/2 INCH IRON ROD FOUND FOR A
9 SOUTHWEST CORNER OF SAID 160.531 ACRE TRACT AND THE
10 NORTHWEST CORNER OF AFORESAID 60 ACRE TRACT, SAID POINT
11 BEING ON THE EAST LINE OF A 101.94 ACRE TRACT OF LAND
12 CONVEYED TO MARTHA FAYE MAREK "TRUSTEE", AS RECORDED IN
13 VOLUME 920, PAGE 216, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;

14 THENCE, NORTH 00 DEGREES 03 MINUTES 33 SECONDS EAST, ALONG THE
15 WEST LINE OF SAID 160.531 ACRE TRACT AND THE COMMON EAST LINE OF
16 SAID 101.94 ACRE TRACT, A DISTANCE OF 1568.33 FEET TO A 1/2 INCH
17 IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 160.531 ACRE
18 TRACT AND THE NORTHEAST CORNER OF SAID 101.94 ACRE TRACT, SAID
19 POINT BEING ON THE SOUTH LINE OF A 145.49 ACRE TRACT OF LAND
20 CONVEYED TO BILL WAIDELICH AND DAWN WAIDELICH, AS RECORDED IN
21 VOLUME 1214, PAGE 633, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;

22 THENCE, SOUTH 89 DEGREES 14 MINUTES 06 SECONDS EAST, ALONG THE
23 NORTH LINE OF SAID 160.531 ACRE TRACT, A DISTANCE OF 2777.03
24 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
25 "CARTER BURGESS" SET FOR A SOUTHWEST CORNER OF AFORESAID 107.419

1 ACRE TRACT, SAID POINT BEING ON THE EAST LINE OF A 46.704 ACRE
2 TRACT OF LAND CONVEYED TO WILLIAM C. WAIDELICH AND WIFE, DAWN L.
3 WAIDELICH BY DEED RECORDED IN VOLUME 1465, PAGE 250, OFFICIAL
4 RECORDS, HUNT COUNTY, TEXAS;
5 THENCE, ALONG THE WEST LINE OF SAID 107.419 ACRE TRACT AND THE
6 COMMON EAST LINE OF SAID 46.704 ACRE TRACT, THE FOLLOWING
7 COURSES AND DISTANCES:

8 NORTH 00 DEGREES 16 MINUTES 59 SECONDS WEST, A
9 DISTANCE OF 1702.68 FEET TO A 5/8 INCH IRON ROD WITH A
10 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN
11 INTERIOR ELL CORNER OF SAID 107.419 ACRE TRACT AND A
12 NORTHEAST CORNER OF SAID 46.704 ACRE TRACT;

13 SOUTH 89 DEGREES 43 MINUTES 02 SECONDS WEST, A
14 DISTANCE OF 427.44 FEET TO A 5/8 INCH IRON ROD WITH A
15 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR A
16 SOUTHWEST CORNER OF SAID 107.419 ACRE TRACT AND AN INTERIOR
17 ELL CORNER OF SAID 46.704 ACRE TRACT;

18 NORTH 00 DEGREES 17 MINUTES 12 SECONDS WEST, PASSING
19 AT A DISTANCE OF 476.12 FEET, A 5/8 INCH IRON ROD WITH A
20 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR
21 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 501.12 FEET
22 TO A POINT FOR THE NORTHWEST CORNER OF SAID 107.419 ACRE
23 TRACT AND THE NORTHEAST CORNER OF SAID 46.704 ACRE TRACT,
24 SAID POINT BEING ON THE SOUTH LINE OF A 63.75 ACRE TRACT OF
25 LAND CONVEYED TO WILLIAM DALE SIEBERT AND DEBBIE LYNN

1 SIEBERT, AS RECORDED IN VOLUME 1298, PAGE 608, OFFICIAL
2 RECORDS, HUNT COUNTY, TEXAS AND BEING IN THE APPROXIMATE
3 CENTERLINE OF HUNT COUNTY ROAD NO. 2150 (A VARIABLE WIDTH
4 PRESCRIPTIVE RIGHT-OF-WAY);
5 THENCE, SOUTH 89 DEGREES 34 MINUTES 56 SECONDS EAST, ALONG THE
6 NORTH LINE OF SAID 107.419 ACRE TRACT, THE COMMON SOUTH LINE OF
7 SAID 63.75 ACRE TRACT AND THE COMMON SOUTH LINE OF A 96.68 ACRE
8 TRACT OF LAND CONVEYED TO BO AUSTIN MOSELEY, AS RECORDED IN
9 VOLUME 771, PAGE 60, OFFICIAL RECORDS, HUNT COUNTY, TEXAS,
10 PASSING AT A DISTANCE OF 371.38 FEET, A 5/8 INCH IRON ROD FOUND
11 FOR THE SOUTHEAST CORNER OF A SAID 63.75 ACRE TRACT AND THE
12 SOUTHWEST CORNER OF SAID 96.68 ACRE TRACT, CONTINUING IN ALL A
13 TOTAL DISTANCE OF 2078.98 FEET TO A POINT FOR THE NORTHEAST
14 CORNER OF SAID 107.419 ACRE TRACT AND THE NORTHWEST CORNER OF
15 AFORESAID 109.434 ACRE TRACT, FROM WHICH A 5/8 INCH IRON ROD
16 WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR
17 WITNESS BEARS, SOUTH 00 DEGREES 32 MINUTES 36 SECONDS WEST, A
18 DISTANCE OF 25.00 FEET;
19 THENCE, SOUTH 89 DEGREES 34 MINUTES 50 SECONDS EAST, ALONG THE
20 NORTH LINE OF SAID 109.434 ACRE TRACT AND THE COMMON SOUTH LINE
21 OF SAID 96.68 ACRE TRACT, PASSING AT A DISTANCE OF 1898.82 FEET,
22 A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
23 BURGESS" SET FOR THE NORTHEAST CORNER OF SAID 109.434 ACRE TRACT
24 AND THE SOUTHEAST CORNER OF SAID 96.68 ACRE TRACT, CONTINUING IN
25 ALL A TOTAL DISTANCE OF 1909.26 FEET, A 1/2 INCH IRON ROD FOUND

1 ON THE WEST LINE OF AFORESAID 486.151 ACRE TRACT;
2 THENCE, NORTH 01 DEGREES 11 MINUTES 20 SECONDS EAST, A DISTANCE
3 OF 105.38 FEET TO A POINT FOR A NORTHWEST CORNER OF SAID 486.151
4 ACRE TRACT AND THE SOUTHWEST CORNER OF A 141.842 ACRE TRACT OF
5 LAND CONVEYED AS "TRACT 3" TO THOMAS BETHELL OLIVER, AS RECORDED
6 IN VOLUME 1331, PAGE 543, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
7 THENCE, ALONG THE NORTH LINE OF SAID 486.151 ACRE TRACT AND THE
8 COMMON SOUTH LINE OF SAID 141.842 ACRE TRACT, THE FOLLOWING
9 COURSES AND DISTANCES:

10 SOUTH 89 DEGREES 57 MINUTES 59 SECONDS EAST, PASSING
11 AT A DISTANCE OF 20.80 FEET, A 3/8 INCH IRON ROD FOUND FOR
12 WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1883.17 FEET
13 TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
14 "CARTER BURGESS" SET FOR CORNER;

15 SOUTH 89 DEGREES 47 MINUTES 39 SECONDS EAST, A
16 DISTANCE OF 2130.29 FEET TO A 5/8 INCH IRON ROD WITH A
17 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN
18 INTERIOR ELL CORNER OF SAID 486.151 ACRE TRACT AND THE
19 SOUTHEAST CORNER OF SAID 141.842 ACRE TRACT;

20 THENCE, NORTH 00 DEGREES 25 MINUTES 08 SECONDS EAST, ALONG THE
21 WEST LINE OF SAID 486.151 ACRE TRACT, THE COMMON EAST LINE OF
22 SAID 141.842 ACRE TRACT AND THE COMMON EAST LINE OF A 100.078
23 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO THOMAS BETHELL
24 OLIVER, AS RECORDED IN VOLUME 1331, PAGE 543, OFFICIAL RECORDS,
25 HUNT COUNTY, TEXAS, A DISTANCE OF 3352.95 FEET TO A 5/8 INCH

1 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
2 FOR A NORTHWEST CORNER OF SAID 486.151 ACRE TRACT AND A
3 NORTHEAST CORNER OF SAID 100.078 ACRE TRACT, SAID POINT BEING ON
4 THE SOUTH LINE OF A 1.6 ACRE TRACT OF LAND CONVEYED TO WILLIAM
5 RENOLD SCHWENE AND WIFE, BETTY MARIE SCHWENE, AS RECORDED IN
6 VOLUME 741, PAGE 167, DEED RECORDS, HUNT COUNTY, TEXAS;
7 THENCE, NORTH 89 DEGREES 40 MINUTES 23 SECONDS EAST, ALONG A
8 NORTH LINE OF SAID 486.151 ACRE TRACT AND THE COMMON SOUTH LINE
9 OF SAID 1.6 ACRE TRACT, A DISTANCE OF 91.11 FEET TO A 5/8 INCH
10 IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
11 FOR THE SOUTHEAST CORNER OF SAID 1.6 ACRE TRACT;
12 THENCE, NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST, ALONG A
13 WEST LINE OF SAID 486.151 ACRE TRACT AND THE COMMON EAST LINE OF
14 SAID 1.6 ACRE TRACT, A DISTANCE OF 191.25 FEET TO A POINT FOR
15 CORNER ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 380 (A
16 VARIABLE WIDTH RIGHT-OF-WAY);
17 THENCE, OVER AND ACROSS SAID 486.151 ACRE TRACT, ALONG THE SOUTH
18 RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 380, THE FOLLOWING
19 COURSES AND DISTANCES:
20 SOUTH 88 DEGREES 09 MINUTES 41 SECONDS EAST, A
21 DISTANCE OF 101.10 FEET TO A POINT FOR CORNER;
22 SOUTH 89 DEGREES 53 MINUTES 20 SECONDS EAST, A
23 DISTANCE OF 1840.99 FEET TO A POINT FOR CORNER IN THE
24 APPROXIMATE CENTERLINE OF EAST CADDO CREEK;
25 THENCE, ALONG THE EAST LINE OF SAID 486.151 ACRE TRACT AND THE

1 APPROXIMATE CENTERLINE OF SAID EAST CADDO CREEK, THE FOLLOWING
2 COURSES AND DISTANCES:

3 SOUTH 25 DEGREES 36 MINUTES 22 SECONDS EAST, A
4 DISTANCE OF 35.71 FEET TO A POINT FOR CORNER;

5 SOUTH 25 DEGREES 40 MINUTES 23 SECONDS EAST, A
6 DISTANCE OF 50.12 FEET TO A POINT FOR CORNER;

7 SOUTH 45 DEGREES 18 MINUTES 51 SECONDS EAST, A
8 DISTANCE OF 54.74 FEET TO A POINT FOR CORNER;

9 SOUTH 40 DEGREES 46 MINUTES 48 SECONDS EAST, A
10 DISTANCE OF 55.18 FEET TO A POINT FOR CORNER;

11 SOUTH 23 DEGREES 12 MINUTES 03 SECONDS EAST, A
12 DISTANCE OF 49.94 FEET TO A POINT FOR CORNER;

13 SOUTH 22 DEGREES 37 MINUTES 02 SECONDS EAST, A
14 DISTANCE OF 56.38 FEET TO A POINT FOR CORNER;

15 SOUTH 35 DEGREES 48 MINUTES 36 SECONDS EAST, A
16 DISTANCE OF 34.90 FEET TO A POINT FOR CORNER;

17 SOUTH 46 DEGREES 25 MINUTES 52 SECONDS EAST, A
18 DISTANCE OF 109.50 FEET TO A POINT FOR CORNER;

19 SOUTH 20 DEGREES 12 MINUTES 36 SECONDS EAST, A
20 DISTANCE OF 52.08 FEET TO A POINT FOR CORNER;

21 SOUTH 16 DEGREES 48 MINUTES 12 SECONDS WEST, A
22 DISTANCE OF 57.47 FEET TO A POINT FOR CORNER;

23 SOUTH 30 DEGREES 57 MINUTES 58 SECONDS WEST, A
24 DISTANCE OF 49.17 FEET TO A POINT FOR CORNER;

25 NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A

1 DISTANCE OF 25.53 FEET TO A POINT FOR CORNER;
2 NORTH 83 DEGREES 21 MINUTES 07 SECONDS WEST, A
3 DISTANCE OF 59.04 FEET TO A POINT FOR CORNER;
4 NORTH 71 DEGREES 47 MINUTES 41 SECONDS WEST, A
5 DISTANCE OF 158.23 FEET TO A POINT FOR CORNER;
6 SOUTH 64 DEGREES 21 MINUTES 25 SECONDS WEST, A
7 DISTANCE OF 41.64 FEET TO A POINT FOR CORNER;
8 SOUTH 34 DEGREES 31 MINUTES 50 SECONDS WEST, A
9 DISTANCE OF 47.87 FEET TO A POINT FOR CORNER;
10 SOUTH 62 DEGREES 09 MINUTES 54 SECONDS WEST, A
11 DISTANCE OF 40.28 FEET TO A POINT FOR CORNER;
12 SOUTH 61 DEGREES 52 MINUTES 02 SECONDS WEST, A
13 DISTANCE OF 36.85 FEET TO A POINT FOR CORNER;
14 NORTH 45 DEGREES 36 MINUTES 47 SECONDS WEST, A
15 DISTANCE OF 47.60 FEET TO A POINT FOR CORNER;
16 SOUTH 50 DEGREES 27 MINUTES 29 SECONDS WEST, A
17 DISTANCE OF 33.95 FEET TO A POINT FOR CORNER;
18 SOUTH 15 DEGREES 27 MINUTES 50 SECONDS WEST, A
19 DISTANCE OF 44.64 FEET TO A POINT FOR CORNER;
20 SOUTH 25 DEGREES 23 MINUTES 54 SECONDS EAST, A
21 DISTANCE OF 56.80 FEET TO A POINT FOR CORNER;
22 SOUTH 70 DEGREES 28 MINUTES 51 SECONDS EAST, A
23 DISTANCE OF 65.46 FEET TO A POINT FOR CORNER;
24 SOUTH 56 DEGREES 46 MINUTES 51 SECONDS EAST, A
25 DISTANCE OF 37.55 FEET TO A POINT FOR CORNER;

1 SOUTH 73 DEGREES 19 MINUTES 16 SECONDS EAST, A
2 DISTANCE OF 81.91 FEET TO A POINT FOR CORNER;
3 SOUTH 64 DEGREES 09 MINUTES 46 SECONDS EAST, A
4 DISTANCE OF 73.55 FEET TO A POINT FOR CORNER;
5 SOUTH 22 DEGREES 23 MINUTES 30 SECONDS WEST, A
6 DISTANCE OF 28.48 FEET TO A POINT FOR CORNER;
7 SOUTH 34 DEGREES 23 MINUTES 46 SECONDS WEST, A
8 DISTANCE OF 90.07 FEET TO A POINT FOR CORNER;
9 SOUTH 80 DEGREES 24 MINUTES 39 SECONDS WEST, A
10 DISTANCE OF 62.13 FEET TO A POINT FOR CORNER;
11 SOUTH 10 DEGREES 45 MINUTES 23 SECONDS WEST, A
12 DISTANCE OF 48.93 FEET TO A POINT FOR CORNER;
13 SOUTH 29 DEGREES 44 MINUTES 38 SECONDS EAST, A
14 DISTANCE OF 92.80 FEET TO A POINT FOR CORNER;
15 SOUTH 02 DEGREES 05 MINUTES 57 SECONDS EAST, A
16 DISTANCE OF 36.82 FEET TO A POINT FOR CORNER;
17 SOUTH 34 DEGREES 45 MINUTES 50 SECONDS WEST, A
18 DISTANCE OF 30.29 FEET TO A POINT FOR CORNER;
19 SOUTH 70 DEGREES 15 MINUTES 44 SECONDS WEST, A
20 DISTANCE OF 38.39 FEET TO A POINT FOR CORNER;
21 SOUTH 86 DEGREES 21 MINUTES 32 SECONDS WEST, A
22 DISTANCE OF 41.41 FEET TO A POINT FOR CORNER;
23 SOUTH 46 DEGREES 48 MINUTES 17 SECONDS WEST, A
24 DISTANCE OF 36.43 FEET TO A POINT FOR CORNER;
25 SOUTH 04 DEGREES 24 MINUTES 19 SECONDS EAST, A

1 DISTANCE OF 68.88 FEET TO A POINT FOR CORNER;
2 SOUTH 33 DEGREES 46 MINUTES 04 SECONDS EAST, A
3 DISTANCE OF 49.33 FEET TO A POINT FOR CORNER;
4 NORTH 71 DEGREES 58 MINUTES 56 SECONDS EAST, A
5 DISTANCE OF 137.16 FEET TO A POINT FOR CORNER;
6 SOUTH 41 DEGREES 28 MINUTES 06 SECONDS EAST, A
7 DISTANCE OF 47.36 FEET TO A POINT FOR CORNER;
8 SOUTH 21 DEGREES 37 MINUTES 14 SECONDS EAST, A
9 DISTANCE OF 51.95 FEET TO A POINT FOR CORNER;
10 SOUTH 61 DEGREES 12 MINUTES 01 SECONDS EAST, A
11 DISTANCE OF 52.64 FEET TO A POINT FOR CORNER;
12 SOUTH 44 DEGREES 50 MINUTES 44 SECONDS EAST, A
13 DISTANCE OF 45.41 FEET TO A POINT FOR CORNER;
14 SOUTH 27 DEGREES 09 MINUTES 55 SECONDS EAST, A
15 DISTANCE OF 48.59 FEET TO A POINT FOR CORNER;
16 SOUTH 24 DEGREES 25 MINUTES 45 SECONDS WEST, A
17 DISTANCE OF 36.62 FEET TO A POINT FOR CORNER;
18 SOUTH 59 DEGREES 09 MINUTES 28 SECONDS WEST, A
19 DISTANCE OF 22.19 FEET TO A POINT FOR CORNER;
20 NORTH 53 DEGREES 25 MINUTES 12 SECONDS WEST, A
21 DISTANCE OF 62.19 FEET TO A POINT FOR CORNER;
22 SOUTH 88 DEGREES 37 MINUTES 00 SECONDS WEST, A
23 DISTANCE OF 64.81 FEET TO A POINT FOR CORNER;
24 SOUTH 67 DEGREES 02 MINUTES 28 SECONDS WEST, A
25 DISTANCE OF 68.99 FEET TO A POINT FOR CORNER;

1 SOUTH 21 DEGREES 27 MINUTES 30 SECONDS WEST, A
2 DISTANCE OF 59.43 FEET TO A POINT FOR CORNER;
3 SOUTH 24 DEGREES 42 MINUTES 37 SECONDS EAST, A
4 DISTANCE OF 47.30 FEET TO A POINT FOR CORNER;
5 SOUTH 38 DEGREES 19 MINUTES 33 SECONDS EAST, A
6 DISTANCE OF 57.09 FEET TO A POINT FOR CORNER;
7 SOUTH 43 DEGREES 23 MINUTES 35 SECONDS EAST, A
8 DISTANCE OF 58.17 FEET TO A POINT FOR CORNER;
9 SOUTH 14 DEGREES 33 MINUTES 05 SECONDS WEST, A
10 DISTANCE OF 33.68 FEET TO A POINT FOR CORNER;
11 SOUTH 36 DEGREES 58 MINUTES 45 SECONDS WEST, A
12 DISTANCE OF 38.64 FEET TO A POINT FOR CORNER;
13 SOUTH 72 DEGREES 11 MINUTES 16 SECONDS WEST, A
14 DISTANCE OF 51.29 FEET TO A POINT FOR CORNER;
15 SOUTH 71 DEGREES 13 MINUTES 55 SECONDS WEST, A
16 DISTANCE OF 38.54 FEET TO A POINT FOR CORNER;
17 SOUTH 08 DEGREES 07 MINUTES 42 SECONDS EAST, A
18 DISTANCE OF 43.84 FEET TO A POINT FOR CORNER;
19 SOUTH 08 DEGREES 59 MINUTES 59 SECONDS EAST, A
20 DISTANCE OF 41.61 FEET TO A POINT FOR CORNER;
21 SOUTH 16 DEGREES 27 MINUTES 12 SECONDS WEST, A
22 DISTANCE OF 44.05 FEET TO A POINT FOR CORNER;
23 SOUTH 85 DEGREES 01 MINUTES 38 SECONDS WEST, A
24 DISTANCE OF 39.94 FEET TO A POINT FOR CORNER;
25 NORTH 62 DEGREES 51 MINUTES 43 SECONDS WEST, A

1 DISTANCE OF 66.82 FEET TO A POINT FOR CORNER;
2 SOUTH 61 DEGREES 17 MINUTES 22 SECONDS WEST, A
3 DISTANCE OF 33.01 FEET TO A POINT FOR CORNER;
4 SOUTH 20 DEGREES 41 MINUTES 04 SECONDS WEST, A
5 DISTANCE OF 53.28 FEET TO A POINT FOR CORNER;
6 SOUTH 15 DEGREES 11 MINUTES 21 SECONDS EAST, A
7 DISTANCE OF 50.90 FEET TO A POINT FOR CORNER;
8 SOUTH 28 DEGREES 52 MINUTES 22 SECONDS EAST, A
9 DISTANCE OF 55.94 FEET TO A POINT FOR CORNER;
10 SOUTH 07 DEGREES 28 MINUTES 58 SECONDS WEST, A
11 DISTANCE OF 48.60 FEET TO A POINT FOR CORNER;
12 SOUTH 69 DEGREES 40 MINUTES 09 SECONDS WEST, A
13 DISTANCE OF 39.87 FEET TO A POINT FOR CORNER;
14 NORTH 70 DEGREES 51 MINUTES 40 SECONDS WEST, A
15 DISTANCE OF 63.99 FEET TO A POINT FOR CORNER;
16 SOUTH 56 DEGREES 46 MINUTES 56 SECONDS WEST, A
17 DISTANCE OF 60.62 FEET TO A POINT FOR CORNER;
18 SOUTH 09 DEGREES 03 MINUTES 25 SECONDS EAST, A
19 DISTANCE OF 56.57 FEET TO A POINT FOR CORNER;
20 SOUTH 26 DEGREES 27 MINUTES 47 SECONDS WEST, A
21 DISTANCE OF 48.69 FEET TO A POINT FOR CORNER;
22 NORTH 84 DEGREES 20 MINUTES 44 SECONDS WEST, A
23 DISTANCE OF 75.21 FEET TO A POINT FOR CORNER;
24 NORTH 74 DEGREES 04 MINUTES 53 SECONDS WEST, A
25 DISTANCE OF 49.73 FEET TO A POINT FOR CORNER;

1 SOUTH 38 DEGREES 58 MINUTES 17 SECONDS WEST, A
2 DISTANCE OF 72.37 FEET TO A POINT FOR CORNER;
3 SOUTH 14 DEGREES 20 MINUTES 24 SECONDS WEST, A
4 DISTANCE OF 64.86 FEET TO A POINT FOR CORNER;
5 SOUTH 66 DEGREES 39 MINUTES 01 SECONDS EAST, A
6 DISTANCE OF 132.16 FEET TO A POINT FOR CORNER;
7 NORTH 88 DEGREES 52 MINUTES 22 SECONDS EAST, A
8 DISTANCE OF 36.45 FEET TO A POINT FOR CORNER;
9 SOUTH 65 DEGREES 59 MINUTES 20 SECONDS EAST, A
10 DISTANCE OF 31.29 FEET TO A POINT FOR CORNER;
11 SOUTH 08 DEGREES 20 MINUTES 17 SECONDS WEST, A
12 DISTANCE OF 61.26 FEET TO A POINT FOR CORNER;
13 SOUTH 58 DEGREES 05 MINUTES 44 SECONDS WEST, A
14 DISTANCE OF 47.27 FEET TO A POINT FOR CORNER;
15 NORTH 83 DEGREES 06 MINUTES 06 SECONDS WEST, A
16 DISTANCE OF 52.67 FEET TO A POINT FOR CORNER;
17 SOUTH 63 DEGREES 23 MINUTES 50 SECONDS WEST, A
18 DISTANCE OF 76.84 FEET TO A POINT FOR CORNER;
19 SOUTH 51 DEGREES 52 MINUTES 35 SECONDS WEST, A
20 DISTANCE OF 37.19 FEET TO A POINT FOR CORNER;
21 SOUTH 33 DEGREES 08 MINUTES 46 SECONDS WEST, A
22 DISTANCE OF 39.40 FEET TO A POINT FOR CORNER;
23 SOUTH 18 DEGREES 19 MINUTES 54 SECONDS WEST, A
24 DISTANCE OF 45.83 FEET TO A POINT FOR CORNER;
25 SOUTH 04 DEGREES 33 MINUTES 41 SECONDS WEST, A

1 DISTANCE OF 49.19 FEET TO A POINT FOR CORNER;
2 SOUTH 20 DEGREES 10 MINUTES 09 SECONDS WEST, A
3 DISTANCE OF 49.87 FEET TO A POINT FOR CORNER;
4 SOUTH 57 DEGREES 26 MINUTES 31 SECONDS WEST, A
5 DISTANCE OF 65.23 FEET TO A POINT FOR CORNER;
6 SOUTH 75 DEGREES 39 MINUTES 48 SECONDS WEST, A
7 DISTANCE OF 55.82 FEET TO A POINT FOR CORNER;
8 SOUTH 10 DEGREES 19 MINUTES 44 SECONDS WEST, A
9 DISTANCE OF 57.10 FEET TO A POINT FOR CORNER;
10 SOUTH 54 DEGREES 43 MINUTES 34 SECONDS EAST, A
11 DISTANCE OF 72.46 FEET TO A POINT FOR CORNER;
12 SOUTH 85 DEGREES 41 MINUTES 21 SECONDS EAST, A
13 DISTANCE OF 53.15 FEET TO A POINT FOR CORNER;
14 SOUTH 73 DEGREES 03 MINUTES 31 SECONDS EAST, A
15 DISTANCE OF 44.74 FEET TO A POINT FOR CORNER;
16 SOUTH 54 DEGREES 32 MINUTES 09 SECONDS EAST, A
17 DISTANCE OF 47.14 FEET TO A POINT FOR CORNER;
18 SOUTH 06 DEGREES 46 MINUTES 32 SECONDS EAST, A
19 DISTANCE OF 54.30 FEET TO A POINT FOR CORNER;
20 SOUTH 16 DEGREES 27 MINUTES 12 SECONDS EAST, A
21 DISTANCE OF 34.33 FEET TO A POINT FOR CORNER;
22 SOUTH 39 DEGREES 52 MINUTES 15 SECONDS WEST, A
23 DISTANCE OF 49.92 FEET TO A POINT FOR CORNER;
24 SOUTH 82 DEGREES 15 MINUTES 48 SECONDS WEST, A
25 DISTANCE OF 39.17 FEET TO A POINT FOR CORNER;

1 SOUTH 70 DEGREES 23 MINUTES 37 SECONDS WEST, A
2 DISTANCE OF 65.00 FEET TO A POINT FOR CORNER;
3 SOUTH 78 DEGREES 17 MINUTES 09 SECONDS WEST, A
4 DISTANCE OF 45.45 FEET TO A POINT FOR CORNER;
5 SOUTH 79 DEGREES 43 MINUTES 00 SECONDS WEST, A
6 DISTANCE OF 63.13 FEET TO A POINT FOR CORNER;
7 SOUTH 66 DEGREES 28 MINUTES 11 SECONDS WEST, A
8 DISTANCE OF 46.31 FEET TO A POINT FOR CORNER;
9 SOUTH 16 DEGREES 14 MINUTES 21 SECONDS WEST, A
10 DISTANCE OF 105.54 FEET TO A POINT FOR CORNER;
11 SOUTH 13 DEGREES 54 MINUTES 09 SECONDS WEST, A
12 DISTANCE OF 57.22 FEET TO A POINT FOR CORNER;
13 SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A
14 DISTANCE OF 58.30 FEET TO A POINT FOR CORNER;
15 SOUTH 11 DEGREES 34 MINUTES 33 SECONDS EAST, A
16 DISTANCE OF 50.34 FEET TO A POINT FOR CORNER;
17 SOUTH 55 DEGREES 36 MINUTES 10 SECONDS EAST, A
18 DISTANCE OF 38.21 FEET TO A POINT FOR CORNER;
19 SOUTH 26 DEGREES 38 MINUTES 22 SECONDS EAST, A
20 DISTANCE OF 163.01 FEET TO A POINT FOR CORNER;
21 SOUTH 36 DEGREES 54 MINUTES 37 SECONDS EAST, A
22 DISTANCE OF 97.24 FEET TO A POINT FOR CORNER;
23 SOUTH 54 DEGREES 11 MINUTES 55 SECONDS EAST, A
24 DISTANCE OF 53.65 FEET TO A POINT FOR CORNER;
25 SOUTH 70 DEGREES 36 MINUTES 58 SECONDS EAST, A

1 DISTANCE OF 41.54 FEET TO A POINT FOR CORNER;
2 NORTH 43 DEGREES 27 MINUTES 19 SECONDS EAST, A
3 DISTANCE OF 101.71 FEET TO A POINT FOR CORNER;
4 SOUTH 61 DEGREES 22 MINUTES 07 SECONDS EAST, A
5 DISTANCE OF 80.55 FEET TO A POINT FOR CORNER;
6 SOUTH 04 DEGREES 18 MINUTES 58 SECONDS EAST, A
7 DISTANCE OF 176.96 FEET TO A POINT FOR CORNER;
8 SOUTH 04 DEGREES 48 MINUTES 01 SECONDS WEST, A
9 DISTANCE OF 37.36 FEET TO A POINT FOR CORNER;
10 SOUTH 52 DEGREES 35 MINUTES 53 SECONDS WEST, A
11 DISTANCE OF 56.54 FEET TO A POINT FOR CORNER;
12 SOUTH 66 DEGREES 24 MINUTES 43 SECONDS WEST, A
13 DISTANCE OF 35.91 FEET TO A POINT FOR CORNER;
14 SOUTH 58 DEGREES 18 MINUTES 10 SECONDS WEST, A
15 DISTANCE OF 54.25 FEET TO A POINT FOR CORNER;
16 SOUTH 24 DEGREES 03 MINUTES 12 SECONDS WEST, A
17 DISTANCE OF 84.09 FEET TO A POINT FOR CORNER;
18 SOUTH 29 DEGREES 49 MINUTES 03 SECONDS WEST, A
19 DISTANCE OF 38.07 FEET TO A POINT FOR CORNER;
20 SOUTH 77 DEGREES 36 MINUTES 13 SECONDS EAST, A
21 DISTANCE OF 68.66 FEET TO A POINT FOR CORNER;
22 NORTH 87 DEGREES 24 MINUTES 53 SECONDS EAST, A
23 DISTANCE OF 93.05 FEET TO A POINT FOR CORNER;
24 NORTH 80 DEGREES 29 MINUTES 04 SECONDS EAST, A
25 DISTANCE OF 54.50 FEET TO A POINT FOR CORNER;

1 NORTH 56 DEGREES 17 MINUTES 37 SECONDS EAST, A
2 DISTANCE OF 49.21 FEET TO A POINT FOR CORNER;
3 NORTH 46 DEGREES 07 MINUTES 57 SECONDS EAST, A
4 DISTANCE OF 44.53 FEET TO A POINT FOR CORNER;
5 SOUTH 66 DEGREES 41 MINUTES 17 SECONDS EAST, A
6 DISTANCE OF 76.94 FEET TO A POINT FOR CORNER;
7 SOUTH 31 DEGREES 47 MINUTES 43 SECONDS EAST, A
8 DISTANCE OF 50.02 FEET TO A POINT FOR CORNER;
9 SOUTH 00 DEGREES 37 MINUTES 41 SECONDS EAST, A
10 DISTANCE OF 37.54 FEET TO A POINT FOR CORNER;
11 SOUTH 50 DEGREES 10 MINUTES 47 SECONDS WEST, A
12 DISTANCE OF 38.12 FEET TO A POINT FOR CORNER;
13 SOUTH 03 DEGREES 38 MINUTES 07 SECONDS EAST, A
14 DISTANCE OF 82.68 FEET TO A POINT FOR CORNER;
15 SOUTH 07 DEGREES 39 MINUTES 53 SECONDS WEST, A
16 DISTANCE OF 57.13 FEET TO A POINT FOR CORNER;
17 SOUTH 05 DEGREES 24 MINUTES 28 SECONDS EAST, A
18 DISTANCE OF 49.76 FEET TO A POINT FOR CORNER;
19 SOUTH 37 DEGREES 58 MINUTES 56 SECONDS EAST, A
20 DISTANCE OF 45.42 FEET TO A POINT FOR CORNER;
21 SOUTH 50 DEGREES 05 MINUTES 38 SECONDS EAST, A
22 DISTANCE OF 43.22 FEET TO A POINT FOR CORNER;
23 SOUTH 34 DEGREES 51 MINUTES 09 SECONDS EAST, A
24 DISTANCE OF 54.06 FEET TO A POINT FOR CORNER;
25 SOUTH 02 DEGREES 19 MINUTES 17 SECONDS WEST, A

1 DISTANCE OF 38.60 FEET TO A POINT FOR CORNER;
2 SOUTH 66 DEGREES 31 MINUTES 08 SECONDS WEST, A
3 DISTANCE OF 33.16 FEET TO A POINT FOR CORNER;
4 SOUTH 73 DEGREES 06 MINUTES 42 SECONDS WEST, A
5 DISTANCE OF 43.33 FEET TO A POINT FOR CORNER;
6 SOUTH 85 DEGREES 04 MINUTES 51 SECONDS WEST, A
7 DISTANCE OF 48.53 FEET TO A POINT FOR CORNER;
8 SOUTH 71 DEGREES 53 MINUTES 06 SECONDS WEST, A
9 DISTANCE OF 60.97 FEET TO A POINT FOR CORNER;
10 SOUTH 63 DEGREES 04 MINUTES 11 SECONDS WEST, A
11 DISTANCE OF 64.45 FEET TO A POINT FOR CORNER;
12 SOUTH 71 DEGREES 00 MINUTES 09 SECONDS WEST, A
13 DISTANCE OF 52.84 FEET TO A POINT FOR CORNER;
14 SOUTH 41 DEGREES 20 MINUTES 57 SECONDS WEST, A
15 DISTANCE OF 50.82 FEET TO A POINT FOR CORNER;
16 SOUTH 42 DEGREES 15 MINUTES 31 SECONDS EAST, A
17 DISTANCE OF 79.42 FEET TO A POINT FOR CORNER;
18 SOUTH 67 DEGREES 35 MINUTES 52 SECONDS EAST, A
19 DISTANCE OF 45.70 FEET TO A POINT FOR CORNER;
20 SOUTH 53 DEGREES 29 MINUTES 49 SECONDS EAST, A
21 DISTANCE OF 47.98 FEET TO A POINT FOR CORNER;
22 SOUTH 33 DEGREES 43 MINUTES 45 SECONDS WEST, A
23 DISTANCE OF 50.14 FEET TO A POINT FOR CORNER;
24 SOUTH 27 DEGREES 16 MINUTES 15 SECONDS WEST, A
25 DISTANCE OF 44.77 FEET TO A POINT FOR CORNER;

1 SOUTH 29 DEGREES 27 MINUTES 41 SECONDS EAST, A
2 DISTANCE OF 52.99 FEET TO A POINT FOR CORNER;
3 SOUTH 58 DEGREES 38 MINUTES 56 SECONDS EAST, A
4 DISTANCE OF 33.07 FEET TO A POINT FOR CORNER;
5 SOUTH 73 DEGREES 48 MINUTES 49 SECONDS EAST, A
6 DISTANCE OF 44.32 FEET TO A POINT FOR CORNER;
7 SOUTH 52 DEGREES 58 MINUTES 40 SECONDS EAST, A
8 DISTANCE OF 51.32 FEET TO A POINT FOR CORNER;
9 SOUTH 29 DEGREES 32 MINUTES 15 SECONDS EAST, A
10 DISTANCE OF 51.26 FEET TO A POINT FOR CORNER;
11 SOUTH 09 DEGREES 20 MINUTES 34 SECONDS EAST, A
12 DISTANCE OF 42.22 FEET TO A POINT FOR CORNER;
13 SOUTH 14 DEGREES 35 MINUTES 22 SECONDS WEST, A
14 DISTANCE OF 42.17 FEET TO A POINT FOR CORNER;
15 SOUTH 35 DEGREES 48 MINUTES 26 SECONDS WEST, A
16 DISTANCE OF 147.22 FEET TO A POINT FOR CORNER;
17 SOUTH 64 DEGREES 36 MINUTES 48 SECONDS WEST, A
18 DISTANCE OF 38.17 FEET TO A POINT FOR CORNER;
19 SOUTH 84 DEGREES 38 MINUTES 40 SECONDS WEST, A
20 DISTANCE OF 36.79 FEET TO A POINT FOR CORNER;
21 SOUTH 44 DEGREES 42 MINUTES 48 SECONDS WEST, A
22 DISTANCE OF 43.57 FEET TO A POINT FOR CORNER;
23 SOUTH 08 DEGREES 06 MINUTES 49 SECONDS EAST, A
24 DISTANCE OF 48.67 FEET TO A POINT FOR CORNER;
25 SOUTH 24 DEGREES 06 MINUTES 06 SECONDS WEST, A

1 DISTANCE OF 38.35 FEET TO A POINT FOR CORNER;
2 SOUTH 52 DEGREES 12 MINUTES 10 SECONDS WEST, A
3 DISTANCE OF 58.11 FEET TO A POINT FOR CORNER;
4 NORTH 87 DEGREES 01 MINUTES 39 SECONDS WEST, A
5 DISTANCE OF 107.40 FEET TO A POINT FOR CORNER;
6 SOUTH 24 DEGREES 15 MINUTES 49 SECONDS WEST, A
7 DISTANCE OF 56.46 FEET TO A POINT FOR CORNER;
8 SOUTH 31 DEGREES 21 MINUTES 37 SECONDS EAST, A
9 DISTANCE OF 82.11 FEET TO A POINT FOR CORNER;
10 SOUTH 42 DEGREES 39 MINUTES 43 SECONDS WEST, A
11 DISTANCE OF 21.72 FEET TO A POINT FOR CORNER;
12 SOUTH 51 DEGREES 59 MINUTES 02 SECONDS WEST, A
13 DISTANCE OF 51.81 FEET TO A POINT FOR CORNER;
14 NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A
15 DISTANCE OF 45.62 FEET TO A POINT FOR CORNER;
16 SOUTH 10 DEGREES 17 MINUTES 14 SECONDS WEST, A
17 DISTANCE OF 56.75 FEET TO A POINT FOR CORNER;
18 SOUTH 10 DEGREES 29 MINUTES 10 SECONDS EAST, A
19 DISTANCE OF 39.70 FEET TO A POINT FOR CORNER;
20 SOUTH 23 DEGREES 08 MINUTES 45 SECONDS EAST, A
21 DISTANCE OF 96.71 FEET TO A POINT FOR CORNER;
22 SOUTH 42 DEGREES 05 MINUTES 00 SECONDS EAST, A
23 DISTANCE OF 93.05 FEET TO A POINT FOR CORNER;
24 SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A
25 DISTANCE OF 41.05 FEET TO A POINT FOR CORNER;

1 SOUTH 29 DEGREES 36 MINUTES 27 SECONDS EAST, A
2 DISTANCE OF 41.19 FEET TO A POINT FOR CORNER;
3 SOUTH 75 DEGREES 47 MINUTES 51 SECONDS EAST, A
4 DISTANCE OF 57.38 FEET TO A POINT FOR CORNER;
5 SOUTH 34 DEGREES 54 MINUTES 53 SECONDS EAST, A
6 DISTANCE OF 44.25 FEET TO A POINT FOR CORNER;
7 SOUTH 23 DEGREES 00 MINUTES 46 SECONDS EAST, A
8 DISTANCE OF 76.74 FEET TO A POINT FOR CORNER;
9 NORTH 68 DEGREES 01 MINUTES 59 SECONDS EAST, A
10 DISTANCE OF 90.86 FEET TO A POINT FOR CORNER;
11 NORTH 23 DEGREES 09 MINUTES 21 SECONDS EAST, A
12 DISTANCE OF 52.81 FEET TO A POINT FOR CORNER;
13 NORTH 04 DEGREES 57 MINUTES 13 SECONDS EAST, A
14 DISTANCE OF 66.00 FEET TO A POINT FOR CORNER;
15 NORTH 76 DEGREES 05 MINUTES 57 SECONDS EAST, A
16 DISTANCE OF 70.77 FEET TO A POINT FOR CORNER;
17 SOUTH 65 DEGREES 39 MINUTES 19 SECONDS EAST, A
18 DISTANCE OF 44.96 FEET TO A POINT FOR CORNER;
19 SOUTH 19 DEGREES 27 MINUTES 06 SECONDS WEST, A
20 DISTANCE OF 42.56 FEET TO A POINT FOR CORNER;
21 SOUTH 33 DEGREES 37 MINUTES 03 SECONDS WEST, A
22 DISTANCE OF 70.72 FEET TO A POINT FOR CORNER;
23 SOUTH 21 DEGREES 52 MINUTES 46 SECONDS WEST, A
24 DISTANCE OF 116.52 FEET TO A POINT FOR CORNER;
25 SOUTH 01 DEGREES 06 MINUTES 28 SECONDS EAST, A

1 DISTANCE OF 55.45 FEET TO A POINT FOR CORNER;
2 SOUTH 46 DEGREES 26 MINUTES 43 SECONDS EAST, A
3 DISTANCE OF 51.29 FEET TO A POINT FOR CORNER;
4 SOUTH 61 DEGREES 23 MINUTES 17 SECONDS EAST, A
5 DISTANCE OF 29.07 FEET TO A POINT FOR CORNER;
6 NORTH 81 DEGREES 11 MINUTES 19 SECONDS EAST, A
7 DISTANCE OF 46.44 FEET TO A POINT FOR CORNER;
8 NORTH 53 DEGREES 17 MINUTES 44 SECONDS EAST, A
9 DISTANCE OF 55.43 FEET TO A POINT FOR CORNER;
10 NORTH 47 DEGREES 47 MINUTES 58 SECONDS EAST, A
11 DISTANCE OF 149.42 FEET TO A POINT FOR CORNER;
12 NORTH 74 DEGREES 16 MINUTES 37 SECONDS EAST, A
13 DISTANCE OF 43.79 FEET TO A POINT FOR CORNER;
14 SOUTH 65 DEGREES 27 MINUTES 13 SECONDS EAST, A
15 DISTANCE OF 70.18 FEET TO A POINT FOR CORNER;
16 SOUTH 28 DEGREES 14 MINUTES 31 SECONDS EAST, A
17 DISTANCE OF 43.56 FEET TO A POINT FOR THE SOUTHEAST CORNER
18 OF SAID 486.151 ACRE TRACT, SAID POINT BEING ON THE
19 NORTHWEST RAILROAD RIGHT-OF-WAY CONVEYED TO NORTHEAST
20 TEXAS RURAL RAIL TRANSPORTATION DISTRICT BY DEED RECORDED
21 IN VOLUME 987, PAGE 38, OFFICIAL RECORDS, HUNT COUNTY,
22 TEXAS;
23 THENCE, SOUTH 67 DEGREES 43 MINUTES 16 SECONDS WEST, ALONG THE
24 SOUTH LINE OF SAID 486.151 ACRE TRACT AND THE COMMON NORTHWEST
25 RAILROAD RIGHT-OF-WAY LINE, PASSING AT A DISTANCE OF 157.72

1 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
2 "CARTER BURGESS" SET FOR WITNESS, PASSING AT A DISTANCE OF
3 3459.94 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
4 STAMPED "CARTER BURGESS" SET FOR A SOUTHWEST CORNER OF SAID
5 486.151 ACRE TRACT AND A SOUTHEAST CORNER OF AFORESAID 130.725
6 ACRE TRACT, CONTINUING ALONG THE SOUTH LINE OF SAID 130.725 ACRE
7 TRACT AND THE COMMON NORTHWEST RAILROAD RIGHT-OF-WAY LINE, IN
8 ALL A TOTAL DISTANCE OF 5455.52 FEET TO A 1/2 INCH IRON ROD WITH
9 A ORANGE PLASTIC CAP STAMPED "STOVALL" FOUND FOR THE NORTHEAST
10 CORNER OF A 12.50 ACRE TRACT OF LAND CONVEYED TO VETERANS LAND
11 BOARD OF THE STATE OF TEXAS, AS RECORDED IN VOLUME 1298, PAGE
12 56, OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
13 THENCE, NORTH 89 DEGREES 56 MINUTES 05 SECONDS WEST, ALONG THE
14 SOUTH LINE OF SAID 130.725 ACRE TRACT AND THE COMMON NORTH LINE
15 OF SAID 12.50 ACRE TRACT, A DISTANCE OF 1007.97 FEET TO A 1/2
16 INCH IRON ROD FOUND FOR CORNER AND BEING THE BEGINNING OF A
17 TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 91 DEGREES
18 50 MINUTES 41 SECONDS, WITH A RADIUS OF 135.00 FEET, A CHORD
19 BEARING OF NORTH 44 DEGREES 00 MINUTES 45 SECONDS WEST, A CHORD
20 LENGTH OF 193.97 FEET;
21 THENCE, ALONG SAID TANGENT CURVE TO THE RIGHT, AND CONTINUING
22 ALONG THE SOUTH LINE OF SAID 130.725 ACRE TRACT, THE COMMON
23 NORTHEAST LINE SAID 12.50 ACRE TRACT AND THE COMMON NORTEAST
24 LINE OF A 10.0 ACRE TRACT OF LAND CONVEYED TO JOE WESTLEY SCOTT
25 AND DORIS LYNN SCOTT, AS RECORDED IN VOLUME 1297, PAGE 383,

1 OFFICIAL RECORDS, HUNT COUNTY, TEXAS, AN ARC LENGTH OF 216.40
2 FEET TO A 1/2 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED
3 "STOVALL" FOUND FOR CORNER;
4 THENCE, NORTH 01 DEGREES 54 MINUTES 36 SECONDS EAST, ALONG THE
5 WEST LINE OF SAID 130.725 ACRE TRACT AND THE COMMON EAST LINE OF
6 SAID 10.0 ACRE SCOTT TRACT, A DISTANCE OF 428.97 FEET TO A 1/2
7 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED "STOVALL" FOUND
8 FOR THE NORTHEAST CORNER OF SAID 10.0 ACRE SCOTT TRACT AND BEING
9 ON THE SOUTH LINE OF A 10.00 ACRE TRACT OF LAND CONVEYED TO BILL
10 SUDDITH AND LORI SUDDITH, AS RECORDED IN VOLUME 1330, PAGE 337,
11 OFFICIAL RECORDS, HUNT COUNTY, TEXAS;
12 THENCE, NORTH 89 DEGREES 46 MINUTES 26 SECONDS EAST, ALONG A
13 NORTH LINE OF SAID 130.725 ACRE TRACT AND THE COMMON SOUTH LINE
14 OF SAID 10.00 ACRE SUDDITH TRACT, A DISTANCE OF 10.26 FEET TO A
15 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
16 BURGESS" SET FOR AN INTERIOR ELL CORNER OF SAID 130.725 ACRE
17 TRACT AND THE SOUTHEAST CORNER OF SAID 10.00 ACRE SUDDITH TRACT;
18 THENCE, NORTH 00 DEGREES 41 MINUTES 23 SECONDS EAST, ALONG THE
19 WEST LINE OF SAID 130.725 ACRE TRACT AND THE COMMON EAST LINE OF
20 SAID 10.00 ACRE SUDDITH TRACT, A DISTANCE OF 1147.61 FEET TO A
21 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
22 BURGESS" SET FOR AN INTERIOR ELL CORNER OF SAID 130.725 ACRE
23 TRACT AND THE NORTHEAST CORNER OF SAID 10.00 ACRE SUDDITH TRACT;
24 THENCE, SOUTH 89 DEGREES 46 MINUTES 17 SECONDS WEST, ALONG A
25 SOUTH LINE OF SAID 130.725 ACRE TRACT AND THE COMMON NORTH LINE

1 OF SAID 10.00 ACRE SUDDITH TRACT, PASSING AT A DISTANCE OF 12.43
2 FEET, A POINT FOR A SOUTHWEST CORNER OF SAID 130.725 ACRE TRACT
3 AND THE SOUTHEAST CORNER OF AFORESAID 109.434 ACRE TRACT,
4 CONTINUING ALONG THE SOUTH LINE OF SAID 109.434 ACRE TRACT, THE
5 COMMON NORTH LINE OF SAID 10.00 ACRE SUDDITH TRACT, THE COMMON
6 NORTH LINE OF A 10.00 ACRE TRACT OF LAND CONVEYED TO DUSTY GENE
7 PATE, AS RECQRDED IN VOLUME 1492, PAGE 74, OFFICIAL RECORDS,
8 HUNT COUNTY, TEXAS, THE COMMON NORTH LINE OF A 10.00 ACRE TRACT
9 OF LAND CONVEYED TO RASHID Y. NAFIKOV AND WIFE, BECKIE R.
10 NAFIKOV, AS RECORDED IN VOLUME 1466, PAGE 26, OFFICIAL RECORDS,
11 HUNT COUNTY, TEXAS AND THE COMMON NORTH LINE OF A 20.00 ACRE
12 TRACT OF LAND CONVEYED TO MASON TODD SANFORD AND JODEE LYNETTE
13 SANFORD, AS RECORDED IN VOLUME 1588, PAGE 96, OFFICIAL RECORDS,
14 HUNT COUNTY, TEXAS, IN ALL A TOTAL DISTANCE OF 1909.73 FEET TO A
15 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
16 BURGESS" SET FOR THE SOUTHWEST CORNER OF SAID 109.434 ACRE TRACT
17 AND BEING ON THE EAST LINE OF AFORESAID 107.419 ACRE TRACT, FROM
18 WHICH A 1/2 INCH IRON ROD FOUND, BEARS NORTH 47 DEGREES 34
19 MINUTES 07 SECONDS EAST, A DISTANCE OF 2.06 FEET;
20 THENCE, SOUTH 00 DEGREES 32 MINUTES 36 SECONDS WEST, ALONG THE
21 EAST LINE OF SAID 107.419 ACRE TRACT AND THE COMMON WEST LINE OF
22 SAID 20.00 ACRE TRACT, A DISTANCE OF 1137.38 FEET TO A 1/2 INCH
23 CAPPED IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 107.419
24 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 20.000 ACRE TRACT
25 AND BEING IN THE APPROXIMATE CENTERLINE OF AFORESAID HUNT COUNTY

1 ROAD NO. 2152;
2 THENCE, NORTH 89 DEGREES 54 MINUTES 14 SECONDS WEST, ALONG THE
3 SOUTH LINE OF SAID 107.419 ACRE TRACT AND THE APPROXIMATE
4 CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2152, A DISTANCE OF
5 587.54 FEET TO A 1/2 INCH CAPPED IRON ROD FOUND FOR A SOUTHWEST
6 CORNER OF SAID 107.419 ACRE TRACT AND BEING THE SOUTHEAST CORNER
7 OF A 10.00 ACRE TRACT OF LAND CONVEYED TO JASON CROOK AND
8 MICHELLE CROOK, AS RECORDED IN VOLUME 1461, PAGE 276, OFFICIAL
9 RECORDS, HUNT COUNTY, TEXAS;
10 THENCE, NORTH 00 DEGREES 24 MINUTES 02 SECONDS EAST, ALONG A
11 WEST LINE OF SAID 107.419 ACRE TRACT AND THE COMMON EAST LINE OF
12 SAID 10.00 ACRE CROOK TRACT, A DISTANCE OF 1466.69 FEET TO A 1/2
13 INCH IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 107.419
14 ACRE TRACT AND THE NORTHEAST CORNER OF SAID 10.00 ACRE CROOK
15 TRACT;
16 THENCE, NORTH 89 DEGREES 14 MINUTES 06 SECONDS WEST, ALONG A
17 SOUTH LINE OF SAID 107.419 ACRE TRACT AND THE COMMON NORTH LINE
18 OF SAID 10.00 ACRE CROOK TRACT, A DISTANCE OF 596.27 FEET TO A
19 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
20 BURGESS" SET FOR THE NORTHEAST CORNER OF AFORESAID 160.531 ACRE
21 TRACT;
22 THENCE, SOUTH 00 DEGREES 15 MINUTES 33 SECONDS WEST, ALONG THE
23 EAST LINE OF SAID 160.531 ACRE TRACT, PASSING AT A DISTANCE OF
24 7.11 FEET, A 1/2 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED
25 "STOVALL" FOUND FOR THE NORTHWEST CORNER OF A 10.00 ACRE TRACT

1 OF LAND CONVEYED TO JOSEPH ENGELHARDT AND MELISSA ENGELHARDT, AS
2 RECORDED IN VOLUME 1447, PAGE 578, OFFICIAL RECORDS, HUNT
3 COUNTY, TEXAS, CONTINUING ALONG THE EAST LINE OF SAID 160.531
4 ACRE TRACT AND THE COMMON WEST LINE OF SAID 10.00 ACRE
5 ENGELHARDT TRACT, PASSING AT A DISTANCE OF 1441.93 FEET A 1/2
6 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED "STOVALL" FOUND
7 FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1471.82 FEET
8 TO A 1/2 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED
9 "STOVALL" FOUND FOR A SOUTHEAST CORNER OF SAID 160.531 ACRE
10 TRACT AND THE SOUTHWEST CORNER OF SAID 10.00 ACRE ENGELHARDT
11 TRACT AND BEING IN THE APPROXIMATE CENTERLINE OF AFORESAID HUNT
12 COUNTY ROAD NO. 2152;
13 THENCE, NORTH 89 DEGREES 43 MINUTES 39 SECONDS WEST, ALONG A
14 SOUTH LINE OF SAID 160.531 ACRE TRACT, THE COMMON NORTH LINE OF
15 A 26.256 ACRE TRACT OF LAND CONVEYED TO BRENDA JEAN HALL, AS
16 RECORDED IN VOLUME 734, PAGE 246, OFFICIAL RECORDS, HUNT COUNTY,
17 TEXAS, THE COMMON NORTH LINE OF A 27.74 ACRE TRACT OF LAND
18 CONVEYED TO JOHN D. BARNES AND ASHLEY L. BARNES, AS RECORDED IN
19 VOLUME 1487, PAGE 428, OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND
20 THE APPROXIMATE CENTERLINE OF SAID HUNT COUNTY ROAD NO. 2152, A
21 DISTANCE OF 928.87 FEET TO A 1/2 INCH IRON ROD WITH A ORANGE
22 PLASTIC CAP STAMPED "STOVALL" FOUND FOR AN INTERIOR ELL CORNER
23 OF SAID 160.531 ACRE TRACT AND THE NORTHWEST CORNER OF SAID
24 27.74 ACRE TRACT;
25 THENCE, SOUTH 00 DEGREES 21 MINUTES 44 SECONDS EAST, ALONG THE

1 EAST LINE OF SAID 160.531 ACRE TRACT AND THE COMMON WEST LINE OF
2 SAID 27.74 ACRE TRACT, PASSING AT A DISTANCE OF 29.88 FEET, A
3 1/2 INCH IRON ROD WITH A ORANGE PLASTIC CAP STAMPED "STOVALL"
4 FOUND FOR WITNESS, CONTINUING IN ALL A TOTAL DISTANCE OF 1513.70
5 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;
6 THENCE, SOUTH 02 DEGREES 28 MINUTES 50 SECONDS EAST, CONTINUING
7 ALONG THE EAST LINE OF SAID 160.531 ACRE TRACT, THE COMMON WEST
8 LINE OF SAID 27.74 ACRE TRACT AND THE COMMON WEST LINE OF A
9 26.00 ACRE TRACT OF LAND CONVEYED TO TERRY W. MORAN AND WIFE,
10 DONNA K. MORAN, AS RECORDED IN VOLUME 466, PAGE 531, OFFICIAL
11 RECORDS, HUNT COUNTY, TEXAS, A DISTANCE OF 561.44 FEET TO A 1/2
12 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 160.531
13 ACRE TRACT AND AN EXTERIOR ELL CORNER OF SAID 26.00 ACRE TRACT,
14 SAID POINT BEING ON THE NORTH LINE OF AFORESAID 49.640 ACRE
15 TRACT;
16 THENCE, NORTH 87 DEGREES 29 MINUTES 46 SECONDS EAST, ALONG THE
17 NORTH LINE OF SAID 49.640 ACRE TRACT AND THE COMMON SOUTH LINE
18 OF SAID 26.00 ACRE TRACT, A DISTANCE OF 178.47 FEET TO A 1/2
19 IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 49.640 ACRE
20 TRACT AND BEING AN INTERIOR ELL CORNER OF SAID 26.00 ACRE TRACT;
21 THENCE, SOUTH 00 DEGREES 23 MINUTES 40 SECONDS WEST, ALONG THE
22 EAST LINE OF SAID 49.640 ACRE TRACT AND THE COMMON WEST LINE OF
23 SAID 26.00 ACRE TRACT, PASSING AT A DISTANCE OF 520.63 FEET A
24 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 26.00
25 ACRE TRACT, CONTINUING IN ALL A TOTAL DISTANCE OF 531.79 FEET TO

1 A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CARTER
2 BURGESS" SET FOR CORNER ON THE NORTHWEST RIGHT-OF-WAY LINE OF
3 AFORESAID NORTHEAST TEXAS RURAL RAIL TRANSPORTATION DISTRICT
4 RIGHT-OF-WAY;

5 THENCE, SOUTH 67 DEGREES 43 MINUTES 16 SECONDS WEST, ALONG THE
6 NORTHWEST RIGHT-OF-WAY LINE OF SAID NORTHEAST TEXAS RURAL RAIL
7 TRANSPORTATION DISTRICT RIGHT-OF-WAY, A DISTANCE OF 2402.00 FEET
8 TO THE POINT OF BEGINNING, AND CONTAINING 1036.347 ACRES OF
9 LAND, MORE OR LESS.

10 TRACT 10

11 BEING A 112.809 ACRE TRACT OF LAND SITUATED IN THE HIRAM
12 THOMPSON SURVEY, ABSTRACT NO. 1030, HUNT COUNTY, TEXAS, AND
13 BEING ALL OF A 11.444 ACRE TRACT OF LAND, CONVEYED AS "TRACT 3"
14 TO WALTON TEXAS, L.P., AS RECORDED IN VOLUME 1551, PAGE 268,
15 OFFICIAL PUBLIC RECORDS, HUNT COUNTY, TEXAS AND BEING ALL OF A
16 101.365 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO WALTON
17 TEXAS, L.P., AS RECORDED IN VOLUME 1632, PAGE 199, OFFICIAL
18 PUBLIC RECORDS, HUNT COUNTY, TEXAS. SAID 112.809 ACRE TRACT,
19 WITH REFERENCE BEARING OF GRID NORTH, TEXAS STATE PLANE
20 COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE
21 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253,
22 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP
23 (PID-DF8982) AND DALLAS CORS ARP (PID-DF8984), BEING MORE
24 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
25 BEGINNING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP

1 STAMPED "CARTER BURGESS" SET FOR THE SOUTHWEST CORNER OF SAID
2 11.444 ACRE TRACT, SAID POINT BEING ON THE SOUTHEAST RIGHT-OF-
3 WAY LINE CONVEYED TO THE NORTHEAST TEXAS RURAL RAIL
4 TRANSPORTATION DISTRICT, AS RECORDED IN VOLUME 987, PAGE 38,
5 OFFICIAL RECORDS, HUNT COUNTY, TEXAS (A 100' RIGHT-OF-WAY);
6 THENCE, NORTH 67 DEGREES 43 MINUTES 16 SECONDS EAST, ALONG THE
7 NORTHWEST LINE OF SAID 11.444 ACRE TRACT AND THE COMMON
8 SOUTHEAST RIGHT-OF-WAY LINE OF SAID NORTHEAST TEXAS RURAL RAIL
9 TRANSPORTATION DISTRICT RIGHT-OF-WAY, PASSING AT A DISTANCE OF
10 1683.23 FEET, A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
11 STAMPED "CARTER BURGESS" SET FOR THE NORTHEAST CORNER OF SAID
12 11.444 ACRE TRACT AND THE NORTHWEST CORNER OF AFORESAID 101.365
13 ACRE TRACT, CONTINUING ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF
14 SAID NORTHEAST TEXAS RURAL RAIL TRANSPORTATION DISTRICT RIGHT-
15 OF-WAY AND THE COMMON NORTHWEST LINE OF SAID 101.365 ACRE TRACT,
16 PASSING AT A DISTANCE OF 5025.51 FEET A 5/8 INCH IRON ROD WITH A
17 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR WITNESS,
18 CONTINUING IN ALL A TOTAL DISTANCE OF 5145.89 FEET TO A POINT
19 FOR THE NORTHEAST CORNER OF SAID 101.365 ACRE TRACT, SAID POINT
20 BEING IN THE APPROXIMATE CENTERLINE OF EAST CADDO CREEK;
21 THENCE, ALONG THE EAST LINE OF SAID 101.365 ACRE TRACT AND THE
22 APPROXIMATE CENTERLINE OF SAID EAST CADDO CREEK, THE FOLLOWING
23 COURSES AND DISTANCES:
24 SOUTH 01 DEGREES 06 MINUTES 11 SECONDS WEST, A
25 DISTANCE OF 77.37 FEET TO A POINT FOR CORNER;

1 SOUTH 39 DEGREES 19 MINUTES 04 SECONDS EAST, A
2 DISTANCE OF 57.39 FEET TO A POINT FOR CORNER;
3 SOUTH 67 DEGREES 30 MINUTES 20 SECONDS EAST, A
4 DISTANCE OF 49.61 FEET TO A POINT FOR CORNER;
5 NORTH 82 DEGREES 31 MINUTES 08 SECONDS EAST, A
6 DISTANCE OF 52.99 FEET TO A POINT FOR CORNER;
7 NORTH 50 DEGREES 07 MINUTES 46 SECONDS EAST, A
8 DISTANCE OF 58.06 FEET TO A POINT FOR CORNER;
9 NORTH 72 DEGREES 36 MINUTES 41 SECONDS EAST, A
10 DISTANCE OF 54.06 FEET TO A POINT FOR CORNER;
11 NORTH 89 DEGREES 10 MINUTES 22 SECONDS EAST, A
12 DISTANCE OF 52.05 FEET TO A POINT FOR CORNER;
13 NORTH 82 DEGREES 23 MINUTES 49 SECONDS EAST, A
14 DISTANCE OF 72.80 FEET TO A POINT FOR CORNER;
15 SOUTH 38 DEGREES 51 MINUTES 56 SECONDS EAST, A
16 DISTANCE OF 41.88 FEET TO A POINT FOR CORNER;
17 SOUTH 25 DEGREES 40 MINUTES 43 SECONDS EAST, A
18 DISTANCE OF 44.54 FEET TO A POINT FOR CORNER;
19 SOUTH 28 DEGREES 14 MINUTES 34 SECONDS WEST, A
20 DISTANCE OF 50.94 FEET TO A POINT FOR CORNER;
21 SOUTH 38 DEGREES 11 MINUTES 06 SECONDS WEST, A
22 DISTANCE OF 43.28 FEET TO A POINT FOR CORNER;
23 SOUTH 35 DEGREES 50 MINUTES 33 SECONDS WEST, A
24 DISTANCE OF 61.59 FEET TO A POINT FOR CORNER;
25 SOUTH 21 DEGREES 31 MINUTES 26 SECONDS WEST, A

1 DISTANCE OF 57.18 FEET TO A POINT FOR CORNER;
2 SOUTH 01 DEGREES 01 MINUTES 51 SECONDS EAST, A
3 DISTANCE OF 48.41 FEET TO A POINT FOR CORNER;
4 SOUTH 41 DEGREES 05 MINUTES 32 SECONDS EAST, A
5 DISTANCE OF 49.10 FEET TO A POINT FOR CORNER;
6 SOUTH 67 DEGREES 02 MINUTES 42 SECONDS EAST, A
7 DISTANCE OF 48.96 FEET TO A POINT FOR CORNER;
8 NORTH 74 DEGREES 44 MINUTES 11 SECONDS EAST, A
9 DISTANCE OF 100.28 FEET TO A POINT FOR CORNER;
10 NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A
11 DISTANCE OF 45.35 FEET TO A POINT FOR CORNER;
12 SOUTH 45 DEGREES 25 MINUTES 08 SECONDS EAST, A
13 DISTANCE OF 29.77 FEET TO A POINT FOR CORNER;
14 SOUTH 11 DEGREES 24 MINUTES 08 SECONDS WEST, A
15 DISTANCE OF 43.39 FEET TO A POINT FOR CORNER;
16 SOUTH 34 DEGREES 31 MINUTES 44 SECONDS WEST, A
17 DISTANCE OF 97.07 FEET TO A POINT FOR CORNER;
18 SOUTH 06 DEGREES 24 MINUTES 26 SECONDS WEST, A
19 DISTANCE OF 46.36 FEET TO A POINT FOR CORNER;
20 SOUTH 29 DEGREES 55 MINUTES 06 SECONDS EAST, A
21 DISTANCE OF 44.26 FEET TO A POINT FOR CORNER;
22 SOUTH 17 DEGREES 30 MINUTES 45 SECONDS EAST, A
23 DISTANCE OF 40.07 FEET TO A POINT FOR CORNER;
24 SOUTH 03 DEGREES 17 MINUTES 08 SECONDS WEST, A
25 DISTANCE OF 39.72 FEET TO A POINT FOR CORNER;

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1 SOUTH 18 DEGREES 33 MINUTES 58 SECONDS WEST, A
2 DISTANCE OF 48.81 FEET TO A POINT FOR CORNER;
3 SOUTH 27 DEGREES 47 MINUTES 44 SECONDS WEST, A
4 DISTANCE OF 40.47 FEET TO A POINT FOR CORNER;
5 SOUTH 52 DEGREES 02 MINUTES 46 SECONDS WEST, A
6 DISTANCE OF 43.72 FEET TO A POINT FOR CORNER;
7 NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A
8 DISTANCE OF 36.66 FEET TO A POINT FOR CORNER;
9 SOUTH 62 DEGREES 48 MINUTES 15 SECONDS WEST, A
10 DISTANCE OF 36.24 FEET TO A POINT FOR CORNER;
11 SOUTH 15 DEGREES 48 MINUTES 57 SECONDS EAST, A
12 DISTANCE OF 24.06 FEET TO A POINT FOR CORNER;
13 SOUTH 26 DEGREES 01 MINUTES 32 SECONDS EAST, A
14 DISTANCE OF 78.76 FEET TO A POINT FOR CORNER;
15 SOUTH 45 DEGREES 13 MINUTES 56 SECONDS EAST, A
16 DISTANCE OF 38.27 FEET TO A POINT FOR CORNER;
17 SOUTH 68 DEGREES 38 MINUTES 44 SECONDS EAST, A
18 DISTANCE OF 45.54 FEET TO A POINT FOR CORNER;
19 NORTH 62 DEGREES 56 MINUTES 56 SECONDS EAST, A
20 DISTANCE OF 35.99 FEET TO A POINT FOR CORNER;
21 NORTH 70 DEGREES 50 MINUTES 10 SECONDS EAST, A
22 DISTANCE OF 32.56 FEET TO A POINT FOR CORNER;
23 SOUTH 44 DEGREES 52 MINUTES 57 SECONDS EAST, A
24 DISTANCE OF 37.35 FEET TO A POINT FOR CORNER;
25 SOUTH 02 DEGREES 12 MINUTES 49 SECONDS EAST, A

1 DISTANCE OF 31.61 FEET TO A POINT FOR CORNER;
2 SOUTH 13 DEGREES 07 MINUTES 19 SECONDS WEST, A
3 DISTANCE OF 26.36 FEET TO A POINT FOR CORNER;
4 NORTH 79 DEGREES 24 MINUTES 48 SECONDS WEST, A
5 DISTANCE OF 33.15 FEET TO A POINT FOR CORNER;
6 SOUTH 59 DEGREES 15 MINUTES 34 SECONDS WEST, A
7 DISTANCE OF 45.76 FEET TO A POINT FOR CORNER;
8 SOUTH 66 DEGREES 13 MINUTES 34 SECONDS WEST, A
9 DISTANCE OF 52.78 FEET TO A POINT FOR CORNER;
10 SOUTH 80 DEGREES 48 MINUTES 29 SECONDS WEST, A
11 DISTANCE OF 63.78 FEET TO A POINT FOR CORNER;
12 NORTH 86 DEGREES 44 MINUTES 16 SECONDS WEST, A
13 DISTANCE OF 44.24 FEET TO A POINT FOR CORNER;
14 NORTH 73 DEGREES 30 MINUTES 55 SECONDS WEST, A
15 DISTANCE OF 52.94 FEET TO A POINT FOR CORNER;
16 NORTH 54 DEGREES 54 MINUTES 24 SECONDS WEST, A
17 DISTANCE OF 109.44 FEET TO A POINT FOR CORNER;
18 SOUTH 76 DEGREES 27 MINUTES 57 SECONDS WEST, A
19 DISTANCE OF 50.71 FEET TO A POINT FOR CORNER;
20 SOUTH 39 DEGREES 23 MINUTES 54 SECONDS WEST, A
21 DISTANCE OF 36.91 FEET TO A POINT FOR CORNER;
22 SOUTH 01 DEGREES 40 MINUTES 47 SECONDS EAST, A
23 DISTANCE OF 45.35 FEET TO A POINT FOR CORNER;
24 SOUTH 15 DEGREES 28 MINUTES 22 SECONDS EAST, A
25 DISTANCE OF 51.06 FEET TO A POINT FOR CORNER;

1 SOUTH 04 DEGREES 29 MINUTES 55 SECONDS WEST, A
2 DISTANCE OF 52.89 FEET TO A POINT FOR CORNER;
3 SOUTH 18 DEGREES 30 MINUTES 16 SECONDS WEST, A
4 DISTANCE OF 52.25 FEET TO A POINT FOR CORNER;
5 SOUTH 38 DEGREES 36 MINUTES 34 SECONDS WEST, A
6 DISTANCE OF 37.33 FEET TO A POINT FOR CORNER;
7 SOUTH 70 DEGREES 20 MINUTES 48 SECONDS WEST, A
8 DISTANCE OF 41.98 FEET TO A POINT FOR CORNER;
9 SOUTH 50 DEGREES 20 MINUTES 56 SECONDS WEST, A
10 DISTANCE OF 46.13 FEET TO A POINT FOR CORNER;
11 SOUTH 12 DEGREES 39 MINUTES 23 SECONDS WEST, A
12 DISTANCE OF 40.57 FEET TO A POINT FOR CORNER;
13 SOUTH 10 DEGREES 07 MINUTES 14 SECONDS EAST, A
14 DISTANCE OF 30.63 FEET TO A POINT FOR CORNER;
15 SOUTH 04 DEGREES 04 MINUTES 36 SECONDS WEST, A
16 DISTANCE OF 31.50 FEET TO A POINT FOR CORNER;
17 SOUTH 26 DEGREES 30 MINUTES 07 SECONDS WEST, A
18 DISTANCE OF 80.81 FEET TO A POINT FOR CORNER;
19 SOUTH 21 DEGREES 22 MINUTES 25 SECONDS EAST, A
20 DISTANCE OF 19.98 FEET TO A POINT FOR CORNER;
21 SOUTH 67 DEGREES 55 MINUTES 36 SECONDS EAST, A
22 DISTANCE OF 86.29 FEET TO A POINT FOR CORNER;
23 SOUTH 80 DEGREES 26 MINUTES 11 SECONDS EAST, A
24 DISTANCE OF 61.03 FEET TO A POINT FOR CORNER;
25 SOUTH 32 DEGREES 22 MINUTES 26 SECONDS EAST, A

1 DISTANCE OF 33.59 FEET TO A POINT FOR CORNER;
2 SOUTH 47 DEGREES 51 MINUTES 48 SECONDS WEST, A
3 DISTANCE OF 71.01 FEET TO A POINT FOR CORNER;
4 NORTH 81 DEGREES 14 MINUTES 36 SECONDS WEST, A
5 DISTANCE OF 66.86 FEET TO A POINT FOR CORNER;
6 SOUTH 86 DEGREES 10 MINUTES 14 SECONDS WEST, A
7 DISTANCE OF 52.30 FEET TO A POINT FOR CORNER;
8 SOUTH 53 DEGREES 48 MINUTES 37 SECONDS WEST, A
9 DISTANCE OF 45.72 FEET TO A POINT FOR CORNER;
10 SOUTH 14 DEGREES 33 MINUTES 01 SECONDS WEST, A
11 DISTANCE OF 51.11 FEET TO A POINT FOR CORNER;
12 SOUTH 22 DEGREES 41 MINUTES 08 SECONDS WEST, A
13 DISTANCE OF 36.54 FEET TO A POINT FOR CORNER;
14 NORTH 78 DEGREES 53 MINUTES 01 SECONDS WEST, A
15 DISTANCE OF 60.46 FEET TO A POINT FOR CORNER;
16 NORTH 56 DEGREES 40 MINUTES 28 SECONDS WEST, A
17 DISTANCE OF 43.84 FEET TO A POINT FOR CORNER;
18 NORTH 79 DEGREES 57 MINUTES 46 SECONDS WEST, A
19 DISTANCE OF 41.99 FEET TO A POINT FOR CORNER;
20 SOUTH 56 DEGREES 41 MINUTES 33 SECONDS WEST, A
21 DISTANCE OF 190.59 FEET TO A POINT FOR CORNER;
22 SOUTH 29 DEGREES 21 MINUTES 59 SECONDS WEST, A
23 DISTANCE OF 42.58 FEET TO A POINT FOR CORNER;
24 SOUTH 13 DEGREES 53 MINUTES 55 SECONDS EAST, A
25 DISTANCE OF 40.07 FEET TO A POINT FOR CORNER;

1 SOUTH 49 DEGREES 06 MINUTES 39 SECONDS EAST, A
2 DISTANCE OF 31.26 FEET TO A POINT FOR CORNER;

3 SOUTH 85 DEGREES 05 MINUTES 08 SECONDS EAST, A
4 DISTANCE OF 31.57 FEET TO A POINT FOR CORNER;

5 SOUTH 74 DEGREES 32 MINUTES 37 SECONDS EAST, A
6 DISTANCE OF 34.53 FEET TO A POINT FOR THE SOUTHEAST CORNER
7 OF AFORESAID 101.365 ACRE TRACT AND BEING ON THE NORTH
8 RIGHT-OF-WAY LINE OF F.M. 3211 (A VARIABLE WIDTH RIGHT-OF-
9 WAY);

10 THENCE, ALONG THE SOUTH LINE OF SAID 101.365 ACRE TRACT AND THE
11 COMMON NORTH RIGHT-OF-WAY LINE OF SAID F.M. 3211, THE FOLLOWING
12 COURSES AND DISTANCES:

13 SOUTH 89 DEGREES 58 MINUTES 29 SECONDS WEST, A
14 DISTANCE OF 85.16 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW
15 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

16 SOUTH 84 DEGREES 15 MINUTES 51 SECONDS WEST, A
17 DISTANCE OF 100.50 FEET TO A 5/8 INCH IRON ROD WITH A
18 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

19 SOUTH 89 DEGREES 58 MINUTES 29 SECONDS WEST, A
20 DISTANCE OF 900.13 FEET TO A 5/8 INCH IRON ROD WITH A
21 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER
22 AND THE BEGINNING OF TANGENT CURVE TO THE LEFT HAVING A
23 CENTRAL ANGLE OF 18 DEGREES 29 MINUTES 36 SECONDS, A RADIUS
24 OF 1195.92 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 43
25 MINUTES 41 SECONDS WEST, A CHORD LENGTH OF 384.33 FEET;

1 ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF
2 386.01 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC
3 CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

4 NORTH 71 DEGREES 18 MINUTES 24 SECONDS WEST, A
5 DISTANCE OF 140.73 FEET TO A 5/8 INCH IRON ROD WITH A
6 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

7 SOUTH 32 DEGREES 55 MINUTES 09 SECONDS WEST, A
8 DISTANCE OF 30.46 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
9 NORTHEAST CORNER OF A 319.1422 ACRE TRACT OF LAND CONVEYED
10 TO R&D AYCOCK, LTD., AS RECORDED IN VOLUME 824, PAGE 358,
11 OFFICIAL RECORDS, HUNT COUNTY, TEXAS AND BEING IN THE
12 APPROXIMATE CENTERLINE OF HUNT COUNTY ROAD NO. 2184 (A
13 VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

14 THENCE, SOUTH 89 DEGREES 38 MINUTES 39 SECONDS WEST, ALONG THE
15 SOUTH LINE OF SAID 101.365 ACRE TRACT, A DISTANCE OF 1264.32
16 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED
17 "CARTER BURGESS" SET FOR THE SOUTHWEST CORNER OF SAID 101.365
18 ACRE TRACT AND THE SOUTHEAST CORNER OF AFORESAID 11.444 ACRE
19 TRACT;

20 THENCE, NORTH 89 DEGREES 58 MINUTES 53 SECONDS WEST, ALONG THE
21 SOUTH LINE OF SAID 11.444 ACRE TRACT, A DISTANCE OF 1561.08 FEET
22 TO THE POINT OF BEGINNING, AND CONTAINING 112.809 ACRES OF LAND,
23 MORE OR LESS.

24 SECTION ____ .03. (a) The legal notice of the intention to
25 introduce this article of this Act, setting forth the general

1 substance of this article, has been published as provided by
2 law, and the notice and a copy of this article have been
3 furnished to all persons, agencies, officials, or entities to
4 which they are required to be furnished under Section 59,
5 Article XVI, Texas Constitution, and Chapter 313, Government
6 Code.

7 (b) The governor, one of the required recipients, has
8 submitted the notice and this article to the Texas Commission on
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has
11 filed its recommendations relating to this article with the
12 governor, the lieutenant governor, and the speaker of the house
13 of representatives within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with
16 respect to the notice, introduction, and passage of this article
17 are fulfilled and accomplished.

18 SECTION __.04. This article takes effect immediately if
19 this Act receives a vote of two-thirds of all the members
20 elected to each house, as provided by Section 39, Article III,
21 Texas Constitution. If this Act does not receive the vote
22 necessary for immediate effect, this article takes effect
23 September 1, 2009.

24 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
25 between "this section" and the comma, insert "or otherwise

1 provided by this Act".

2

ADOPTED

MAY 27 2009

Atty Gen
Secretary of the Senate

FLOOR AMENDMENT NO. 9

BY: *Craig Estes*

1 Amend H.B. No. 3335 (senate committee printing) by adding the
2 following appropriately numbered ARTICLE to the bill and
3 renumbering subsequent ARTICLES accordingly:

4 ARTICLE ____ . SIENNA RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
5 COLLIN COUNTY

6 SECTION ____ .01. Subtitle F, Title 6, Special District Local
7 Laws Code, is amended by adding Chapter 8305 to read as follows:

8 CHAPTER 8305. SIENNA RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
9 COLLIN COUNTY

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8305.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Sienna Ranch Municipal
15 Utility District No. 1 of Collin County.

16 Sec. 8305.002. NATURE OF DISTRICT. The district is a
17 municipal utility district created under Section 59, Article XVI,
18 Texas Constitution.

19 Sec. 8305.003. CONFIRMATION AND DIRECTORS' ELECTION
20 REQUIRED. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five permanent
22 directors as provided by Section 49.102, Water Code.

23 Sec. 8305.004. CONSENT OF MUNICIPALITY AND ANNEXATION INTO
24 CORPORATE LIMITS REQUIRED. The temporary directors may not hold an
25 election under Section 8305.003 until:

26 (1) the City of Nevada has consented by ordinance or
27 resolution to the creation of the district and to the inclusion of
28 land in the district; and

29 (2) all of the territory of the district has been

1 annexed into the corporate limits of the city of Nevada.

2 Sec. 8305.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

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

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

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

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

11 Sec. 8305.006. INITIAL DISTRICT TERRITORY. (a) The
12 district is initially composed of the territory described by the
13 article creating this chapter.

14 (b) The boundaries and field notes contained in the article
15 creating this chapter form a closure. A mistake made in the field
16 notes or in copying the field notes in the legislative process does
17 not affect the district's:

18 (1) organization, existence, or validity;

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

22 (3) right to impose a tax; or

23 (4) legality or operation.

24 [Sections 8305.007-8305.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8305.051. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five elected directors.

28 (b) Except as provided by Section 8305.052, directors serve
29 staggered four-year terms.

30 Sec. 8305.052. TEMPORARY DIRECTORS. (a) On or after the
31 effective date of the Act creating this chapter, the owner or owners

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

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

8 (1) the date permanent directors are elected under
9 Section 8305.003; or

10 (2) the fourth anniversary of the effective date of
11 the Act creating this chapter.

12 (c) If permanent directors have not been elected under
13 Section 8305.003 and the terms of the temporary directors have
14 expired, successor temporary directors shall be appointed or
15 reappointed as provided by Subsection (d) to serve terms that
16 expire on the earlier of:

17 (1) the date permanent directors are elected under
18 Section 8305.003; or

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

21 (d) If Subsection (c) applies, the owner or owners of a
22 majority of the assessed value of the real property in the district
23 may submit a petition to the commission requesting that the
24 commission appoint as successor temporary directors the five
25 persons named in the petition. The commission shall appoint as
26 successor temporary directors the five persons named in the
27 petition.

28 [Sections 8305.053-8305.100 reserved for expansion]

29 SUBCHAPTER C. POWERS AND DUTIES

30 Sec. 8305.101. GENERAL POWERS AND DUTIES. The district has
31 the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 8305.102. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8305.103. AUTHORITY FOR ROAD PROJECTS. Under Section
8 52, Article III, Texas Constitution, the district may design,
9 acquire, construct, finance, issue bonds for, improve, operate,
10 maintain, and convey to this state, a county, or a municipality for
11 operation and maintenance macadamized, graveled, or paved roads, or
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 8305.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
14 project must meet all applicable construction standards, zoning and
15 subdivision requirements, and regulations of each municipality in
16 whose corporate limits or extraterritorial jurisdiction the road
17 project is located.

18 (b) If a road project is not located in the corporate limits
19 or extraterritorial jurisdiction of a municipality, the road
20 project must meet all applicable construction standards,
21 subdivision requirements, and regulations of each county in which
22 the road project is located.

23 (c) If the state will maintain and operate the road, the
24 Texas Transportation Commission must approve the plans and
25 specifications of the road project.

26 Sec. 8305.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
27 OR RESOLUTION. The district shall comply with all applicable
28 requirements of any ordinance or resolution that is adopted under
29 Section 54.016 or 54.0165, Water Code, and that consents to the
30 creation of the district or to the inclusion of land in the
31 district.

1 Sec. 8305.106. EFFECT OF ANNEXATION BY CITY OF NEVADA. (a)

2 The City of Nevada may annex part of the territory of the district
3 into its corporate limits without annexing all of the territory of
4 the district under an agreement entered into before the effective
5 date of the Act creating this chapter between the City of Nevada and
6 the landowners of the land being annexed. The district continues in
7 existence following annexation of part of the territory of the
8 district as described by this subsection.

9 (b) The district shall be dissolved and its debts and
10 obligations assumed by the City of Nevada in accordance with
11 Chapter 43, Local Government Code, including Sections 43.075 and
12 43.0715, on annexation of all of the territory of the district by
13 the City of Nevada, provided that:

14 (1) water, sanitary sewer, and drainage improvements,
15 and roads have been constructed to serve at least 95 percent of the
16 territory of the district; or

17 (2) the board adopts a resolution consenting to the
18 dissolution of the district.

19 (c) Notwithstanding Section 54.016(f)(2), Water Code, a
20 contract ("Allocation Agreement") between the City of Nevada and
21 the district that provides for the allocation of the taxes or
22 revenues of the district and the city following the date of
23 inclusion of all the district's territory in the corporate limits
24 of the city, may provide that the total annual ad valorem taxes
25 collected by the city and the district from taxable property in the
26 district may exceed the city's ad valorem tax on the property.

27 Sec. 8305.107. LIMITATION ON USE OF EMINENT DOMAIN. The
28 district may not exercise the power of eminent domain outside the
29 district to acquire a site or easement for:

30 (1) a road project authorized by Section 8305.103; or

31 (2) a recreational facility as defined by Section

1 49.462, Water Code.

2 [Sections 8305.108-8305.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 8305.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
5 district may issue, without an election, bonds and other
6 obligations secured by:

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

8 (2) contract payments described by Section 8305.153.

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

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

17 Sec. 8305.152. OPERATION AND MAINTENANCE TAX. (a) If
18 authorized at an election held under Section 8305.151, the district
19 may impose an operation and maintenance tax on taxable property in
20 the district in accordance with Section 49.107, Water Code.

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

23 Sec. 8305.153. CONTRACT TAXES. (a) In accordance with
24 Section 49.108, Water Code, the district may impose a tax other than
25 an operation and maintenance tax and use the revenue derived from
26 the tax to make payments under a contract after the provisions of
27 the contract have been approved by a majority of the district voters
28 voting at an election held for that purpose.

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

1 [Sections 8305.154-8305.200 reserved for expansion]

2 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3 Sec. 8305.201. AUTHORITY TO ISSUE BONDS AND OTHER
4 OBLIGATIONS. The district may issue bonds or other obligations
5 payable wholly or partly from ad valorem taxes, impact fees,
6 revenue, contract payments, grants, or other district money, or any
7 combination of those sources, to pay for any authorized district
8 purpose.

9 Sec. 8305.202. TAXES FOR BONDS. At the time the district
10 issues bonds payable wholly or partly from ad valorem taxes, the
11 board shall provide for the annual imposition of a continuing
12 direct ad valorem tax, without limit as to rate or amount, while all
13 or part of the bonds are outstanding as required and in the manner
14 provided by Sections 54.601 and 54.602, Water Code.

15 Sec. 8305.203. BONDS FOR ROAD PROJECTS. At the time of
16 issuance, the total principal amount of bonds or other obligations
17 issued or incurred to finance road projects and payable from ad
18 valorem taxes may not exceed one-fourth of the assessed value of the
19 real property in the district.

20 SECTION ____ .02. The Sienna Ranch Municipal Utility District
21 No. 1 of Collin County initially includes all the territory
22 contained in the following area:

23 PARCEL 1

24 BEING a tract of land situated in the Denton Helmstettler
25 Survey, Abstract No. 378, the Roger Willis Survey, Abstract No.
26 748, and the Willis Roberts Survey, Abstract No. 790, Collin
27 County, Texas, the subject tract being a portion of that 1473.835
28 acre tract of land conveyed to Commercial Capital Investments, Inc.
29 by Resolution Trust Corporation according to the Special Warranty
30 Deed recorded in Collin County Clerk File number 94-0058780 of the
31 Land Records Of Collin County Texas (LRCCT), the subject tract

1 further being portions of three subdivision Final Plats filed in
2 said Land Records of Collin County Texas, those being Lake Hills,
3 Phase 1 recorded in Cabinet J, Page 134, Park Meadows Phase 1
4 recorded in Cabinet J, Page 137, and Sommerset Estates, Revised
5 Phase 1 recorded in Cabinet J, Page 313, said three subdivisions
6 being included within the above mentioned Commercial Capital
7 Investments, Inc. 1473.835 acre tract, the subject total tract
8 being more particularly described as follows;

9 BEGINNING at a point on the south line of Farm-To-Market Road
10 Number 1778, said south line being the same south line of that 15
11 feet wide strip of land dedicated by the above mentioned Park
12 Meadows Phase 1 Final Plat (Cab. J, Pg. 137), said Beginning point
13 further being the Northeast corner of Lot 4 of said Park Meadows
14 Phase 1 Final Plat and northwest corner of a tract of land conveyed
15 to Walt C. HSU according to the Warranty Deed recorded in Volume
16 3201, Page 795 (LRCCT), a 1/2" iron pin with a red cap stamped
17 Tipton Engineering, Inc. set at corner;

18 THENCE, along the easterly line of the previously mentioned
19 Park Meadows Phase 1 addition line and along the westerly lines of
20 the following tracts; three tracts of land of land conveyed to Walt
21 C. HSU according to two Warranty Deeds recorded in Volume 3201, Page
22 795 and Volume 3201, Page 797 (LRCCT), and a tract of land conveyed
23 to Phillip Chen recorded in Volume 3584, Page 166 (LRCCT) the
24 following:

25 S 00° 48' 47" E, a distance of 571.95 feet to a 60d nail found
26 at corner;

27 S 00° 38' 46" E, a distance of 354.47 feet to a 60d nail found
28 at corner;

29 S 00° 50' 29" E, a distance of 489.70 feet to an iron pin found
30 at corner;

31 S 00° 46' 54" E, a distance of 299.68 feet to a 60d nail found

1 at corner;

2 S 01° 19' 27" E, a distance of 524.53 feet to an iron pin found
3 at an ell corner of said Commercial Capital Investments, Inc.
4 tract, said corner further being the southwest corner of said
5 Phillip Chen tract;

6 THENCE, along a north line of said Park Meadows Phase 1 and
7 the south lines of said Phillip Chen tract, a tract conveyed to
8 Charles Sitzes according to the deed recorded in Volume, 5746, Page
9 4572, (LRCCT), a tract conveyed to John A. Whitson according to the
10 deed recorded in County Clerk File number 93-0046157 (LRCCT), and a
11 tract conveyed to Jesus Canales according to the deed recorded in
12 Volume 4987, Page 1808 (LRCCT) the following;

13 South 89° 02' 27" E, a distance of 658.56 feet to an iron
14 pin found at corner;

15 South 89° 07' 19" E, a distance of 2108.54 feet to another ell
16 corner of said Commercial Capital Investments, Inc. tract and
17 westerly line of Price Creek Estates, an addition to Collin County
18 according to the Final Plat recorded in Cabinet I, Page 517 (LRCCT),
19 a 1/2" iron pin next to a fence corner post found at corner;

20 THENCE, S 00° 04' 47" E, along the easterly line of said Park
21 Meadows Phase 1 and a westerly line of said Price Creek Estates, a
22 distance of 156.97 feet to an ell corner for both said Final Plats,
23 Price Creek Estates and Park Meadows Phase 1, said point also being
24 on the northerly line of Dearborn Acres Phase 1, an addition to
25 Collin County according to the Final Plat recorded in Cabinet J,
26 Page 145 (LRCCT);

27 THENCE, with the center of Price Creek and along the common
28 line between said additions, Dearborn Acres Phase 1 and Park
29 Meadows Phase 1 the following;

30 S 83° 21' 39" W, a distance of 30.84 feet; S 71° 03' 54" W, a
31 distance of 28.06 feet;

1 S 44° 28' 19" W, a distance of 52.54 feet; S 22° 28' 07" W, a
2 distance of 69.53 feet;
3 S 60° 04' 07" W, a distance of 43.37 feet; N 86° 00' 18" W, a
4 distance of 25.10 feet;
5 S 66° 13' 16" W, a distance of 140.26 feet; S 43° 31' 15" W, a
6 distance of 49.79 feet;
7 S 65° 26' 13" W, a distance of 131.00 feet; S 36° 26' 54" W, a
8 distance of 60.05 feet;
9 S 72° 04' 37" W, a distance of 111.47 feet; S 85° 25' 43" W, a
10 distance of 212.81 feet;
11 S 85° 44' 44" W, a distance of 211.15 feet; S 69° 09' 30" W, a
12 distance of 143.03 feet;
13 S 68° 17' 17" W, a distance of 67.74 feet; N 83° 10' 43" W, a
14 distance of 61.36 feet;
15 S 58° 50' 34" W, a distance of 164.79 feet; S 52° 22' 44" W, a
16 distance of 44.73 feet;
17 S 62° 21' 17" W, a distance of 49.51 feet; S 86° 31' 51" W, a
18 distance of 41.24 feet;
19 S 63° 55' 53" W, a distance of 128.94 feet; S 60° 49' 53" W a
20 distance of 131.62 feet;
21 S 56° 28' 41" W, a distance of 127.19 feet; S 63° 10' 56" W, a
22 distance of 52.78 feet;
23 S 80° 45' 54" W, a distance of 50.46 feet; S 72° 01' 10" W, a
24 distance of 126.88 feet to a point on the northerly line of the
25 previously mentioned Lake Hills Phase 1 addition;
26 THENCE, along a creek and along the northerly and easterly
27 line of said Lake Hills Phase 1 and the southwesterly and westerly
28 line of said Dearborn Acres Phase 1 the following;
29 S 20° 07' 18" E, a distance of 35.15 feet; N 71° 06' 50" E, a
30 distance of 42.23 feet;
31 S 40° 32' 52" E, a distance of 24.72 feet; S 78° 01' 18" E, a

1 distance of 109.13 feet;
2 S 58° 24' 56" E, a distance of 71.87 feet; N 70° 21' 55" E, a
3 distance of 51.93 feet;
4 S 58° 47' 28" E, a distance of 82.38 feet; S 87° 13' 03" E, a
5 distance of 36.21 feet;
6 S 39° 30' 42" E, a distance of 38.80 feet; S 84° 53' 40" E, a
7 distance of 32.75 feet;
8 S 50° 38' 42" E, a distance of 137.16 feet; S 81° 23' 41" E, a
9 distance of feet 61.43 feet;
10 S 55° 18' 27" E., a distance of 59.33 feet: S 38° 02' 26" E, a
11 distance of 77.63 feet;
12 S 53° 46' 10" E, a distance of 61.86 feet; S 29° 19' 27" E, a
13 distance of 63.87 feet;
14 S 62° 43' 45" E, a distance of 15.41 feet; S 75° 09' 51" E, a
15 distance of 75.61 feet;
16 N 51° 34' 08" E, a distance of 46.71 feet; S 61° 49' 18" E, a
17 distance of 29.41 feet;
18 S 16° 04' 27" E, a distance of 27.49 feet, S 75° 25' 16" E, a
19 distance of 92.21 feet;
20 S 65° 45' 26" E, a distance of 135.63 feet; S 58° 05' 24" E, a
21 distance of 108.92 feet;
22 S 56° 13' 03" E, a distance of 86.50 feet; S 67° 13' 21" E, a
23 distance of 87.18 feet;
24 S 65° 25' 12" E, a distance of 34.56 feet; S 03° 53' 51" E, a
25 distance of 95.72 feet;
26 S 52° 16' 17" E, a distance of 69.15 feet; S 06° 27' 15" E, a
27 distance of 67.59 feet;
28 S 28° 12' 59" E, a distance of 94.16 feet; S 07° 03' 34" E, a
29 distance of 105.29 feet to an iron pin found at corner.
30 S 14° 12' 13" W, a distance of 566.46 feet to an iron pin found
31 at corner;

1 S 00° 36' 58" W, a distance of 435.57 feet to a point on the
2 north line of Farm-To-Market Road No. 543, said point being the
3 southeast corner of Lot 12 of said Lake Hills Phase 1 and the
4 southwest corner of Lot 1 of Dearborn Acres Phase 1 to a 1/2" iron
5 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

6 THENCE, along the said County Road No. 543 north line the
7 following;

8 N 89° 24' 42" W, a distance of 2415.58 feet to a 1/2" iron pin
9 with a red cap stamped Tipton Engineering, Inc. set at corner;

10 Around a tangent curve to the right having a central angle of
11 08° 50' 44", a radius of 1849.86 feet and a chord of N 84° 59' 20" W -
12 285.31 feet, an arc distance of 285.59 feet to a 1/2" iron pin with a
13 red cap stamped Tipton Engineering, Inc. set at corner;

14 N 80° 33' 58" W, a distance of 278.01 feet to a point on an
15 easterly line of a tract of land conveyed to the United States of
16 America for Lake Lavon, said point further being on the westerly
17 line of said Lake Hills Phase 1, and located at the southwest corner
18 of Lot 1 of said Lake Hills Phase 1, a 1/2" iron pin with a red cap
19 stamped Tipton Engineering, Inc. set at corner, from which a 5/8"
20 iron pin found bears S 73° 23' 20" E, a distance of 0.82 feet;

21 THENCE, N 29° 00' 04" E, along the said Lake Hills Phase 1
22 westerly line and easterly line of said United States of America
23 property, a distance of 899.16 feet to an ell corner of said United
24 States of America property and Lake Hills Phase 1 westerly line, a
25 concrete Government marker found at corner;

26 THENCE, N 57° 11' 26" W, along a northerly line of said United
27 States of America property and southerly line of Lot 14 of Lake
28 Hills Phase 1 and southerly line of the previously mentioned Park
29 Meadows Phase 1, a distance of 519.49 feet to a concrete Government
30 marker found at corner;

31 THENCE, S 89° 16' 26" W, continuing along the northerly line

1 of said USA property and along the said Park Meadows Phase 1
2 southerly line and a southerly line of the previously mentioned
3 Sommerset Estates Revised Phase 1, a distance of 349.84 feet to an
4 ell corner of said USA property and Sommerset Estates Revised Phase
5 1, a concrete Government marker found at corner;

6 THENCE, along a westerly line of said United States of
7 America property and easterly line of said Sommerset Estates
8 Revised Phase 1 the following;

9 S 42° 57' 42" W, a distance of 779.67 feet to a concrete
10 Government marker found at corner;

11 S 70° 13' 25" W, a distance of 429.81 feet to a concrete
12 Government marker found at corner;

13 S 47° 45' 34" W, a distance of 423.23 feet to a point on the
14 northerly line of said Farm-To-Market Road No. 543 as dedicated by
15 the said Final Plat of Sommerset Estates Revised Phase 1, a 1/2"
16 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

17 THENCE, along said Farm-To-Market Road No. 543 northerly line
18 the following;

19 N 87° 26' 57" W, a distance of 437.75 feet to a 1/2" iron pin
20 with a red cap stamped Tipton Eng, Inc. set at corner;

21 N 86° 45' 05" W, a distance of 328.51 feet to a 1/2" iron pin
22 found at corner;

23 N 89° 58' 53" W, a distance of 99.89 feet to the southwest
24 corner of Lot 1 of said Sommerset Estates Revised Phase 1, said
25 corner further being on the east line of Rocky Road, a 50 feet wide
26 Right-Of-Way easement, a 1/2" iron pin with a red cap stamped Tipton
27 Eng, Inc. set at corner;

28 THENCE, N 01° 02' 52" E, along the west line of said Sommerset
29 Estates Revised Phase 1 and said Rocky Road east line, a distance of
30 1107.07 feet to an ell corner of said Sommerset Estates Revised
31 Phase 1, said corner further being the southwest corner of a tract

1 of land conveyed to Teri L. Beckmeyer by the General Warranty Deed
2 recorded in 94-0033501 (LRCCT), a 5/8" iron pin found at corner;

3 THENCE, S 88° 17' 44" E, along the south line of said Teri L.
4 Beckmeyer tract and north line of Lot 2 of said Sommerset Estates
5 Revised Phase 1, a distance of 593.43 feet to an ell corner of said
6 Sommerset Estates Revised Phase 1, a 1/2" iron pin with a red cap
7 stamped Tipton Eng, Inc. set at corner;

8 THENCE, along a west line of said Sommerset Estates Revised
9 Phase 1 and the east line of said Teri, L. Beckmeyer, and the east
10 lines of the following tracts, a tract conveyed to Harry E. Shibler
11 and Teri. L. Beckmeyer according to the Warranty Deed with Vendor's
12 Lien recorded in County Clerk File Number 94-0056623 (LRCCT), two
13 tracts conveyed to John Clentis Simpson, Sr. according to the
14 Special Warranty Deed recorded in Volume 5936, Page 4879 (LRCCT),
15 and that tract conveyed to Carol Chamberlain and Allen Chamberlain
16 according to the Warranty Deed With Vendor's Lien recorded in
17 Volume 4704, Page 1799 the following;

18 N 00° 47' 24" W, a distance of 296.21 feet to a 1/2" iron
19 pin found at corner;

20 N 01° 08' 33" W, a distance of 240.54 feet to a 1/2" iron
21 pin found at corner;

22 N 00° 36' 15" W, a distance of 195.04 feet to a 1/2" iron
23 pin found at corner;

24 N 01° 29' 49" W, a distance of 193.39 feet to a 1/2" iron
25 pin found at corner;

26 N 00° 42' 09" W, a distance of 467.62 feet to an ell corner of
27 said Sommerset Estates Revised Phase 1, said corner being on a south
28 line of a tract of land conveyed to JoAnne Gambrell Airhart and Tom
29 Patterson Airhart, according to the Warranty Deed With Vendor's
30 Lien recorded in Volume 4510, Page 1852 (LRCCT), a 1/2" iron pin
31 found at corner;

1 THENCE, S 89° 17' 05" E, along the south line of said JoAnne
2 Gambrell Airhart and Tom Patterson Airhart tract part of the way,
3 along the south line of a tract of land owned by Karen Webb Bennet
4 Ind Exec according to the deed recorded in Volume 1769, Page 435
5 (LRCCT) and along a north line of said Sommerset Estates Revised
6 Phase 1, a distance of 1660.39 feet to an ell corner of said
7 Sommerset Estates Revised Phase 1 and southeast corner of said
8 Karen Webb Bennet Ind Exec tract, a 1/2" iron pin found 3.7 feet
9 east of a fence corner post at corner;

10 THENCE, along the a west line of said Sommerset Estates
11 Revised Phase 1 addition and along the east lines of said Karen Webb
12 Bennet Ind Exec tract, that tract conveyed to Altis L. Powell Et Ux
13 according to the deed recorded in Volume 377, Page 119 (LRCCT), the
14 following;

15 N 01° 02' 36" E, a distance of 1376.06 feet to a 60d nail
16 found at corner;

17 N 00° 50' 16" E, a distance of 547.97 feet to a 1/2" iron
18 pin found at corner;

19 N 00° 48' 18" E, a distance of 340.88 feet to the southwest
20 corner of Lot 1 of said Park Meadows Phase 1, a 1/2" iron pin with a
21 red cap stamped Tipton Engineering, Inc. set at corner;

22 THENCE, S 89° 35' 45" E, along the south line of said Lot 1 of
23 Park Meadows Phase 1, a distance of 80.60 feet to a 1/2" iron pin
24 with a red cap stamped Tipton Engineering, Inc. set at corner;

25 THENCE, N 86° 52' 56" E, continuing along the said Lot 1 of
26 Park Meadows Phase 1 south line, a distance of 137.15 feet to the
27 southeast corner of said Lot 1 of Park Meadows Phase 1, a 1/2" iron
28 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

29 THENCE, N 00° 04' 54" W, along the east line of said Lot 1 of
30 Park Meadows Phase 1, a distance of 414.78 feet to a point on the
31 previously mentioned south line of Farm-To-Market Road No. 1778, a

1 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set at
2 corner;

3 THENCE, N 86° 24' 17" E, along the said Farm-To-Market Road
4 Number 1778 southerly line, a distance of 811.78 feet to the Place
5 of Beginning with the subject tract containing 15,226,847 Square
6 Feet or 349.5603 acres of land.

7 PARCEL 2

8 BEING a tract of land situated in the Silvester Williams
9 Survey, Abstract No. 955 and Willis Roberts Survey, Abstract No.
10 790, Collin County, Texas, the subject tract being a portion of that
11 1473.835 acre tract of land conveyed to Commercial Capital
12 Investments, Inc. by Resolution Trust Corporation according to the
13 Special Warranty Deed recorded in Collin County Clerk File number
14 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
15 subject tract being more particularly described as follows;

16 BEGINNING at a point on the southerly line of County Road No.
17 543 and at the southwest corner of that tract of land conveyed to
18 Collin County (for road purposes) according to the Deed recorded in
19 County Clerk File Number 99-0040895 (LRCCT), said beginning point
20 being on the west line of said Commercial Capital Investments, Inc.
21 1473.835 acre tract and further being S 01° 04' 17" W, a distance of
22 61.64 feet from the intersection of the north line of County Road
23 No. 543 and the east line of Rocky Road as shown on the Final Plat of
24 Sommerset Estates, an addition to Collin County according to said
25 Final Plat recorded in Cabinet J, Page 313 (LRCCT), a 1/2" iron pin
26 found at corner;

27 THENCE, along the said County Road No. 543 southerly line the
28 following;

29 S 88° 52' 45" E, a distance of 169.88 feet to a 1/2" iron pin
30 found at corner;

31 S 84° 33' 39" E, a distance of 606.25 feet to a point on an

1 easterly line of said Commercial Capital Investments, Inc. 1473.835
2 acre tract and northwesterly line of a tract of land conveyed to the
3 United States Of America, a 1/2" iron pin found at corner;

4 THENCE, S 47° 45' 34" W, along the said Commercial Capital
5 Investments, Inc. 1473.835 acre tract southeasterly line and United
6 States of America tract northwesterly line, a distance of 1750.27
7 feet to a US Government marker in concrete found at corner;

8 THENCE, along a southerly and westerly line of said
9 Commercial Capital Investments, Inc. 1473.835 acres tract and a
10 northerly and easterly line of said United States of America tract
11 the following;

12 N 46° 24' 25" W, a distance of 265.29 feet to a US Government
13 marker in concrete found at corner;

14 N 12° 08' 44" E, a distance of 594.70 feet to a US Government
15 marker in concrete found at corner;

16 THENCE, S 84° 49' 00" E, along a northerly line of said
17 Commercial Capital Investments, Inc. 1473.835 acres tract and part
18 of the way along a southerly line of a United States of America
19 tract and south line of a tract of land conveyed to J. B. Justice
20 according to the deed recorded in Volume 645, Page 055 (LRCCT), a
21 distance of 581.99 feet to the southeast corner of said J. B.
22 Justice tract and an ell corner of said Commercial Capital
23 Investments, Inc. 1473.835 acres tract, a US Government marker in
24 concrete found at corner;

25 THENCE, N 01° 04' 08" E, along a west line of said Commercial
26 Capital Investments, Inc. 1473.835 acres tract and east line of
27 said J. B. Justice tract, a distance of 525.75 feet to the Place of
28 Beginning with the subject tract containing 654,044 Square Feet or
29 15.0148 Acres of Land.

30 PARCEL 3

31 BEING a tract of land situated in the Roger Willis Survey,

1 Abstract No. 748, and the Silvester Williams Survey, Abstract No.
2 955 Collin County, Texas, the subject tract being a portion of that
3 1473.835 acre tract of land conveyed to Commercial Capital
4 Investments, Inc. by Resolution Trust Corporation according to the
5 Special Warranty Deed recorded in Collin County Clerk File number
6 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
7 subject tract further being a portion of Shalimar Acres, an
8 addition to Collin County Texas according to the Final Plat
9 recorded in Cabinet J, Page 136, (LRCCT), land in said plat being
10 included in the above mentioned Commercial Capital Investments,
11 Inc. 1473.835 acre tract, the subject tract being more particularly
12 described as follows;

13 BEGINNING at the intersection of the southerly line of County
14 Road No. 543 and the west line of County Road No. 544, said point
15 further being located at the northeast corner of Lot 1 of said
16 Shalimar Acres, a 1/2" iron pin with a red cap stamped Tipton Eng,
17 Inc. set at corner;

18 THENCE, S 00° 07' 23" W, along the said County Road No. 544
19 west line, a distance of 2065.10 feet to the southeast corner of Lot
20 16, of Shalimar Acres, said corner being located on the north line
21 of a tract of land conveyed to the United States Of America, a 1/2"
22 iron pin with a red cap stamped Tipton Eng, Inc. set at corner, from
23 which a US Government marker in concrete found bears N 73° 18' 15" E,
24 a distance of 9.85 feet;

25 THENCE, along the southerly and westerly line of said
26 Shalimar Acres and a northerly and easterly line of said United
27 States of America tract the following;

28 S 73° 18'15" W, a distance of 493.72 feet to a US Government
29 marker in concrete found at corner;

30 N 67° 31' 55" W, a distance of 619.64 feet to a US Government
31 marker in concrete found at corner;

1 S 89° 05' 23" W, a distance of 570.02 feet to a US Government
2 marker in concrete found at corner;

3 N 36° 58' 31" E, a distance of 919.31 feet to a US Government
4 marker in concrete found at corner;

5 N 26° 55' 54" E, a distance of 499.80 feet to a US Government
6 marker in concrete found at corner;

7 N 64° 31' 34" E, a distance of 464.89 feet to a US Government
8 marker in concrete found at corner;

9 N 29° 01' 25" E, a distance of 699.51 feet to a point on the
10 previously mentioned County Road No. 543 south line, said point
11 further being the northwest corner of the previously mentioned Lot
12 1 of Shalimar Acres, a US Government marker in concrete found at
13 corner;

14 THENCE, S 81° 18' 52" E, along said County Road No. 543 south
15 line, a distance of 82.46 feet to the Place Of Beginning with the
16 subject tract containing 1,820,913 Square Feet or 41.8024 acres of
17 land.

18 PARCEL 4

19 BEING a tract of land situated in the Roger Willis Survey,
20 Abstract No. 748, Collin County, Texas, the subject tract being a
21 portion of that 1473.835 acre tract of land conveyed to Commercial
22 Capital Investments, Inc. by Resolution Trust Corporation
23 according to the Special Warranty Deed recorded in Collin County
24 Clerk File number 94-0058780 of the Land Records Of Collin County
25 Texas (LRCCT), the subject tract further being a portion of
26 Shalimar Acres, an addition to Collin County Texas according to the
27 Final Plat recorded in Cabinet J, Page 136, (LRCCT), land in said
28 plat being included in the above mentioned Commercial Capital
29 Investments, Inc. 1473.835 acre tract, the subject tract being more
30 particularly described as follows;

31 BEGINNING at the intersection of the southerly line of County

1 Road No. 543 and the east line of County Road No. 544 as dedicated by
2 said Shalimar Acres Final Plat, said Beginning Point further being
3 located at the northwest corner of Lot 2 of said Shalimar Acres, a
4 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

5 THENCE, S 80° 33' 58" E, along the southerly line of said
6 County Road No. 543 a distance of 177.59 feet to a 1/2" iron pin with
7 a red cap stamped Tipton Eng, Inc. set at corner;

8 THENCE, continuing along said County Road No, 543 southerly
9 and around a tangent curve to the left having a central angle of 08°
10 34' 08", a radius of 1969.86 feet, and a chord of S 84° 51' 02" E with
11 a distance of 294.33 feet, an arc distance of 294.60 feet to the
12 northeast corner of Lot 4 of said Shalimar Acres and the southwest
13 corner of a tract of land conveyed to Collin County for right-of-way
14 according to the Deed recorded in County Clerk File No.
15 2000-0070885 (LRCCT), a 1/2" iron pin found at corner;

16 THENCE, S 00° 36' 54" E, along the east line of said Shalimar
17 Acres and a west line of a tract of land conveyed to John Lindsley
18 McCraw, Jr. and Marjorie Elizabeth Gantt according to the Warranty
19 Deed recorded in Volume 627, page 69 (LRCCT), a distance of 313.35
20 feet to an ell corner of said Shalimar Acres and John Lindsley
21 McCraw, Jr. and Marjorie Elizabeth Gantt tract, a US Government
22 marker in concrete found at corner);

23 THENCE, S 88° 28' 08" W, along a south line of said Shalimar
24 Acres and a north line of said John Lindsley McCraw, Jr. and
25 Marjorie Elizabeth Gantt tract, a distance of 472.68 feet to a point
26 on the previously mentioned County Road No, 544, said point further
27 being the southwest corner of Lot 2 of said Shalimar Acres, a 1/2"
28 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

29 THENCE, N 00° 07' 23" E, along said County Road No, 544 east
30 line, a distance of 381.49 feet to the Place Of Beginning with the
31 subject tract containing 160,368 Square Feet or 3.6815 Acres of

1 land.

2 PARCEL 5

3 BEING a tract of land situated in the Roger Willis Survey,
4 Abstract No. 748, and the Silvester Williams Survey, Abstract No.
5 955 Collin County, Texas, the subject tract being a portion of that
6 1473.835 acre tract of land conveyed to Commercial Capital
7 Investments, Inc. by Resolution Trust Corporation according to the
8 Special Warranty Deed recorded in Collin County Clerk File number
9 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
10 subject tract being more particularly described as follows;

11 COMMENCING at the intersection of the southerly line of
12 County Road No. 543 and the west line of County Road No. 544 as
13 dedicated by said Shalimar Acres Final Plat, said point further
14 being located at the northeast corner of Lot 1 of said Shalimar
15 Acres, a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at
16 corner;

17 THENCE, N 81° 19' 37" W, along the said County Road No. 543
18 south line, a distance of 82.52 feet to the Place Of Beginning of
19 the here-in described tract of land and northwest corner of said Lot
20 1 of Shalimar Acres, said corner further being located at an ell
21 corner of a tract of land conveyed to the United States Of America,
22 a US Government marker in concrete found at corner;

23 THENCE, leaving the addition line of said Shalimar Acres and
24 along a common line between that Commercial Capital Investments,
25 Inc. 1473.835 acres tract and the previously mentioned United
26 States of America tract the following;

27 N 89° 15' 55" W, a distance of 473.20 feet to a 1/2" iron
28 pin found at corner;

29 N 00° 45' 29" E, a distance of 92.19 feet to a 1/2" iron pin
30 found at corner;

31 THENCE, continuing along the previously mentioned common

1 property lines and along the approximate centerline of said County
2 Road No. 543 the following;

3 N 88° 56' 29" E, a distance of 107.30 feet to a 1/2" iron pin
4 found at corner;

5 S 84° 41' 46" E, a distance of 286.48 feet;

6 S 81° 15' 53" E, a distance of 112.04 feet;

7 THENCE, S 33° 09' 52" E, leaving said County Road No. 543 north
8 line and along a portion of that County Road No. 543 right-of-way
9 dedication by said Shalimar Acres, a distance of 69.05 feet;

10 THENCE, N 89° 06' 54" W, continuing along said County Road No.
11 543 right-of-way dedication by said Shalimar Acres, a distance of
12 69.12 feet to the Place Of Beginning with the subject tract
13 containing 42,403 Square Feet or 0.9734 acres of land.

14 PARCEL 6

15 BEING a tract of land situated in the Thomas Toby Survey,
16 Abstract No. 925 in the Sylvester William Survey, Abstract No. 955,
17 Collin County, Texas being all of a called 16.105 acre tract of land
18 conveyed by Angela Olivo Ramos to WYA Lake Lavon Ltd., a Texas
19 limited partnership, according to the General Warranty Deed with
20 Vendor's Lien recorded in County Clerk's File Number
21 20071126001578660 of the Land Records of Collin County, Texas
22 (LRCCT), the subject tract being more particularly described as
23 follows;

24 BEGINNING at a 1/2" iron pin found with a red cap in the
25 easterly right-of-way of State Highway No. 78 same being the
26 southwest corner of the subject tract and the northwest corner of a
27 tract of land conveyed to W.B. Montgomery;

28 THENCE, N 15° 54' 36" W, along the easterly line of said State
29 Highway No. 78, a distance of 453.48 feet to a 1/2" iron pin with a
30 red cap stamped Tipton Eng. Inc. set at corner, from which a wood
31 right-of-way monument bears S 16° 24' 09" E, a distance of 63.19

1 feet;

2 THENCE, continuing along the easterly line of said State
3 Highway No. 78 and around a curve to the right having a central
4 angle of 04° 27' 04", a radius of 1382.93 feet, a chord of N 13° 41'
5 04" W - 107.37 feet, an arc distance of 107.39 feet to a 1/2" iron
6 pin with a red cap stamped Tipton Eng. Inc. set at corner;

7 THENCE, N 89° 45' 00" E, along the south line of a tract of
8 land conveyed to Angela Olivo Ramos, according to the Warranty Deed
9 recorded in County Clerk File Number 20060208000171830 (LRCCT), a
10 distance of 1364.23 feet to the northeast corner of the subject
11 tract and a point in the west line of a called 23.764 acres tract of
12 land conveyed by Billy G. Roan and wife, Merle Ann Roan to WYA Lake
13 Lavon Ltd., a Texas limited partnership according to the Special
14 Warranty Deed with Vendor's Lien recorded in County Clerk File
15 Number 20080111000045480 (LRCCT), a 1/2" iron pin with a red cap
16 stamped Tipton Eng. Inc set at corner from which a 5/8" iron pin
17 found with a red cap stamped "Clark" bears N 00° 09' 30" W, a
18 distance of 515.87 feet;

19 THENCE, S 00° 15' 00" E, along the east line of said 16.105
20 acres WYA Lake Lavon Ltd., tract and west line of said WYA Lake
21 Lavon Ltd. 23.764 acres tract, a distance of 547.75 feet to a 1/2"
22 iron pin found at corner;

23 THENCE, N 89° 05' 05" W, along the south line of said WYA Lake
24 Lavon Ltd. 16.105 acres tract and the north line of said WYA Lake
25 Lavon Ltd. 23.764 acres tract, a distance of 205.28 feet to a common
26 northerly corner of said WYA Lake Lavon Ltd. 23.764 acres tract and
27 an 18.8098 acres tract of land conveyed by JDI Investors, LP to WYA
28 Lake Lavon Ltd., a Texas limited partnership according to according
29 to the Special Warranty Deed with Vendor's Lien recorded in CC#
30 20080702000812420 (LRCCT), a 1/2" iron pin found with a red cap
31 stamped "Clark" found 1 foot NW of a fence corner post at corner;

1 THENCE, S 89° 53' 31" W, along the north line of said WYA Lake
2 Lavon Ltd 18.8098 acres tract of land and the south line of the
3 subject WYA Lake Lavon Ltd. 16.105 acres tract of land, passing a
4 1/2" iron pin found at the northeast corner of said Montgomery Tract
5 at a distance of 592.68 feet and continuing along the north line of
6 said Montgomery Tract for a total distance of 1011.65 feet to the
7 PLACE OF BEGINNING with the subject tract containing 701,534 square
8 feet or 16.105 acres of land.

9 PARCEL 7

10 BEING a tract of land situated in the Sylvester William
11 Survey, Abstract No. 955, Collin County, Texas and being all of a
12 called 23.764 acres tract of land conveyed by Billy G. Roan and
13 wife, Merle Ann Roan to WYA Lake Lavon Ltd., a Texas limited
14 partnership according to the Special Warranty Deed with Vendor's
15 Lien recorded in County Clerk File Number 20080111000045480
16 (LRCCT), the subject tract being more particularly described as
17 follows;

18 BEGINNING at a 5/8" iron pin with a red cap stamped " Clark"
19 found for corner at the intersection of the South right-of-way of
20 County Road 543, the west boundary line of said 23.764 acres tract
21 and the east boundary line of a 1.001 acre tract owned by Dario M.
22 Castillo according to the warranty deed recorded in Volume 5734,
23 Page 2748 (LRCCT), said beginning point further being located at
24 the southwest corner of a 0.4622 acre tract described in conveyance
25 from Bill G. Roan to County of Collin, dated May 24, '2000 and
26 recorded in Volume 4677, Page 1545 (LRCCT), said beginning point
27 further being 1303.91 feet easterly, along said County Road 543
28 south line, from the point of intersection of the south line of
29 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width
30 ROW and the east line of State Highway Number 78;

31 THENCE with the south right-of-way of County Road 543 and the

1 south boundary line of said 0.4622 acre tract the following;

2 S 89° 25' 22" E, a distance of 30.49 feet to a 1/2" iron rod
3 found for corner;

4 N 89° 06' 30" E, a distance of 430.67 feet to the northeast
5 corner of the said subject 23.764 acres tract, said point further
6 being located on the west line of a 15.23 acres tract conveyed by
7 Emma Nowlin, et al to the United States of America dated September
8 21, 1972, recorded in Volume 837, Page 367 (LRCCT), a 1/2" iron rod
9 found at corner;

10 THENCE, S 30° 07' 59" E, a distance of 531.40 feet to a
11 concrete corporation monument found for corner and 1.2 feet north
12 of a fence corner, said corner being an interior corner of the
13 United States of America 15.23 acres tract;

14 THENCE, along the east line of said WYA Lake Lavon Ltd. 23.764
15 acres tract and the west line of said United States of America tract
16 the following;

17 S 57° 08' 27" W, a distance of 564.72 feet to a concrete
18 corporation monument found near a fence corner at corner,

19 S 30° 05' 11" E, a distance of 310.04 feet to a concrete
20 corporation monument found at corner;

21 S 06° 02' 06" W, passing a concrete corporation monument found
22 at a distance of 499.80 feet and continuing to make a total distance
23 of 899.52 feet to the most southerly southeast corner of said WYA
24 Lake Lavon Ltd. 23.764 acres tract, a concrete corporation monument
25 found at corner;

26 THENCE, S 77° 58' 17" W, along the south line of said WYA Lake
27 Lavon Ltd. 23.764 acres tract and the north line of said United
28 States of America 15.23 acres tract, a distance of 530.53 feet to
29 the southwest corner of the subject WYA Lake Lavon Ltd. 23.764 acres
30 tract and the southeast corner of that 18.8098 acres tract of land
31 conveyed by JDI Investors, LP to WYA Lake Lavon Ltd., a Texas

1 limited partnership according to according to the Special Warranty
2 Deed with Vendor's Lien recorded in CC# 20080702000812420 (LRCCT),
3 a 1/2" iron pin with a red cap stamped "Wisdom" found at corner,
4 from which a fence corner post bears S 04° 44" 01" E, a distance of
5 5.32 feet and a metal pole of a power line bears S 59° 34' 51" E, a
6 distance of 70.91 feet;

7 THENCE N 00° 12' 05" E, along the east line of said WYA Lake
8 Lavon Ltd. 18.8098 acres tract and the west line of said WYA Lake
9 Lavon Ltd. 23.764 acres tract and generally along or near a barbed
10 wire fence, a distance of 972.68 to a point on the south line of a
11 16.105 acre tract of land conveyed by Angela Olivo Ramos to WYA Lake
12 Lavon Ltd., a Texas limited partnership, according to the General
13 Warranty Deed with Vendor's Lien recorded in County Clerk's File
14 Number 20071126001578660 of the Land Records of Collin County,
15 Texas (LRCCT), a 1/2" iron pin with a red cap stamped "Clark" found
16 1 foot NW of a fence corner post at corner;

17 THENCE, S 89° 05' 05" E, along the north line of the subject
18 WYA Lake Lavon Ltd. 23.764 acres tract and the south line of said
19 WYA Lake Lavon Ltd. 16.105 acres tract, a distance of 205.28 feet to
20 a 1/2" iron pin found at corner;

21 THENCE, N 00° 15' 00" W, along the subject WYA Lake Lavon Ltd.
22 23.764 acres tract west line and east lines of the said WYA Lake
23 Lavon Ltd. 16.105 acres tract and that 16.1066 acres tract of land
24 owned by Angela Olivo Ramos, according to the warranty deed
25 recorded in County Clerk's File Number 20060208000171830 (LRCCT), a
26 distance of 970.04 feet to a 1/2" iron pin with a cap stamped
27 Stovall & Associates found at corner;

28 THENCE, N 00° 03' 27" E, along the east line of said Dario M.
29 Castillo 1.001 acre tract and the west line of the subject WYA Lake
30 Lavon Ltd. 23.764 acres tract, a distance of 93.64 feet to the Place
31 of Beginning with the subject tract containing 1,035,320 Square

1 Feet or 23.7677 acres of land.

2 PARCEL 8

3 BEING a tract of land situated in the Thomas Toby Survey,
4 Abstract No. 925 and the Sylvester William Survey, Abstract No.
5 955, Collin County, Texas, the subject tract being all of that
6 18.8098 acres tract of land conveyed by JDI Investors, LP to WYA
7 Lake Lavon Ltd., a Texas limited partnership according to according
8 to the Special Warranty Deed with Vendor's Lien recorded in CC#
9 20080702000812420 of the Land Records of Collin County, Texas
10 (LRCCT), the subject tract being more particularly described as
11 follows;

12 COMMENCING at the point intersection of the south line of
13 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width
14 ROW at this point and the east line of State Highway Number 78, said
15 point being the most northerly northwest corner of a tract of land
16 conveyed to Alfred Olivo according to the warranty deed recorded in
17 County Clerk's File Number 20060208000171820 (LRCCT), a 1/2" iron
18 pin with a red cap stamped "Boundary Solutions" found at corner,
19 from which a 1/2" iron pin found bears N 31° 40' 42" W, a distance of
20 176.28 feet;

21 THENCE, along the said State Highway Number 78 easterly line
22 the following;

23 S 45° 09' 02" W, a distance of 131.71 feet;

24 S 00° 36' 13" E, a distance of 184.23 feet;

25 Around a non-tangent curve to the left having a central angle
26 of 15° 42' 46", a radius of 1382.39 feet and a chord of S 08° 03' 17" E
27 - 377.92 feet, an arc distance of 379.10 feet;

28 S 15° 54' 36" E, a distance of 453.48 feet to the southwest
29 corner of a 16.105 acres tract of land conveyed to WYA Lake Lavon
30 Ltd., according to the according to the General Warranty Deed With
31 Vendor's Lien recorded in CC# 20071126001578660 (LRCCT);

1 THENCE, N, 89° 53' 31" E, along the south line of said WYA Lake
2 Lavon Ltd., 16.105 acres tract, a distance of 418.96 feet to the
3 PLACE OF BEGINNING of the herein described tract, said Beginning
4 Point being the most northerly northwest corner of the subject WYA
5 Lake Lavon Ltd., 18.8098 acres tract and the northeast corner of a
6 tract of land conveyed to Willie B. Montgomery according to the deed
7 recorded in Volume 463, Page 496 (LRCCT), a 1/2" iron pin with a red
8 cap stamped "Wisdom" found at corner;

9 THENCE, N 89° 53' 31" E, along the south line of said WYA Lake
10 Lavon Ltd., 16.105 acres tract and the north line of said WYA Lake
11 Lavon Ltd., 18.8098 acres tract, a distance of 592.69 feet to the
12 northeast corner of said WYA Lake Lavon Ltd., 18.8098 acres tract,
13 said corner also being located at an angle point of a 23.764 acre
14 tract of land conveyed to WYA Lake Lavon Ltd., a Texas limited
15 partnership, according to the Warranty Deed With Vendor's Lien
16 recorded in CC# 20080111000045480 (LRCCT), a 1/2" iron pin with a
17 red cap stamped "Clark" found 1 foot NW of a fence corner post at
18 corner;

19 THENCE, S 00° 11' 58" W, along the east line of said WYA Lake
20 Lavon Ltd., 18.8098 acres tract and west line of said WYA Lake Lavon
21 Ltd., 23.764 acres tract, and generally along or near a barbed wire
22 fence, a distance of 972.52 feet to the southeast corner of said WYA
23 Lake Lavon Ltd., 18.8098 acres tract, a 1/2" iron pin with a red cap
24 stamped "Wisdom" found at corner, from which a fence corner post
25 bears S 04° 44' 01" E, a distance of 5.32 feet and a metal pole of a
26 power line bears S 59° 34' 51" E, a distance of 70.91 feet;

27 THENCE, S 89° 52' 50" W, along the south line of said WYA Lake
28 Lavon Ltd., 18.8098 acres tract and the north line of a tract of
29 land conveyed to the United States Of America according to the
30 Condemnation document recorded in Volume 714, page 825 (LRCCT), and
31 proceeding approximately 5.3 feet to 6 feet northerly of a barbed

1 wire fence, a distance of 811.92 feet to a concrete Government
2 marker stamped 1918-1-1 found at corner, from which a fence corner
3 post bears S 02° 51' 19" E, a distance of 6.1 feet;

4 THENCE, N 04° 36' 49" W, along the westerly line of said WYA
5 Lake Lavon Ltd., 18.8098 acres tract and an easterly line of a tract
6 of land conveyed to the United States Of America and identified as
7 Tract 1918-1 according to the Condemnation document recorded in
8 Volume 755, Page 612 (LRCCT), a distance of 460.09 feet to a
9 concrete Government marker stamped 1918-1-2 found at corner,

10 THENCE, S 88° 38' 36" W, along a south line of said WYA Lake
11 Lavon Ltd., 18.8098 acres tract and the north line of said United
12 States Of America north line (755, Page 612), a distance of 49.97
13 feet to a concrete Government marker stamped 1918-1-3 found at
14 corner,

15 THENCE, along said State Highway No. 78 easterly line and the
16 westerly line of said WYA Lake Lavon Ltd., 18.8098 acres tract the
17 following;

18 Around a non-tangent curve to the left having a central angle
19 of 13° 07' 52", a radius of 1373.25 feet and a chord of N 09° 20' 40" W
20 - 314.03 feet, an arc distance of 314.72 feet to a 1/2" iron pin with
21 a red cap stamped Tipton Engineering, Inc. set at corner;

22 N 15° 54' 36" W, a distance of 89.62 feet to a 1/2" iron pin
23 with a red cap stamped Tipton Engineering, Inc. set at corner, from
24 which a Highway Department wood monument found bears N 24° 06' E, a
25 distance of 0.28 foot and a 1/2" iron pin with a red cap stamped
26 "Wisdom" found bears S 15° 54' 36" E, a distance of 10.13 feet;

27 THENCE, N 89° 53' 31" E, along the south line of the previously
28 mentioned Willie B. Montgomery tract and a north line of said WYA
29 Lake Lavon Ltd., 18.8098 acres tract, a distance of 383.16 feet to a
30 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set at
31 corner, from which a 60d nail found in top of 3 feet tall power pole

1 bears S 07' 17' 23" E, a distance of 9.94 feet;

2 THENCE, N 00° 57' 15" E. along a west line of said WYA Lake
3 Lavon Ltd., 18.8098 acres tract and the east line of said Willie B.
4 Montgomery tract, a distance of 118.97 feet to the Place Of
5 Beginning with the subject tract containing 819,355 Square Feet or
6 18.8098 Acres of Land.

7 PARCEL 9

8 BEING a tract of land situated in the Thomas Toby Survey,
9 Abstract No. 925 and the Sylvester William Survey, Abstract No.
10 955, Collin County, Texas, the subject tract being all of that tract
11 of land conveyed to Alfred Olivo, according to the warranty deed
12 recorded in County Clerk's File Number 20060208000171830 of the
13 Land Records of Collin County, Texas (LRCCT), the subject tract
14 being more particularly described as follows;

15 BEGINNING at the point intersection of the south line of
16 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width
17 ROW and the east line of State Highway Number 78, said point being
18 the northwest corner of said Alfred Olivo subject tract, a 1/2" iron
19 pin with a red cap stamped "Boundary Solutions" found at corner,
20 from which a 1/2" iron pin found bears N 31° 40' 42" W, a distance of
21 176.28 feet;

22 THENCE, along the said County Road No. 543 south line the
23 following;

24 S 89° 21' 07" E (deed = S 89° 24' 48" E), a distance of 225.74
25 feet to a 5/8" iron pin with a red cap found at corner;

26 S 88° 24' 19" E (deed = S 88° 23' 30" E), a distance of 742.45
27 feet to the most northerly northeast corner of said Alfred Olivo
28 tract and northwest corner of a tract of land owned by Dario M.
29 Castillo according to the warranty deed recorded in Volume 5734,
30 Page 2748 (LRCCT), a 1/2" iron pin with a red cap stamped Tipton
31 Eng., Inc. set at corner, from which a 5/8" iron pin with a red cap

1 stamped " Clark" found bears N 71° 03' 30" W, a distance of 284.97
2 feet;

3 THENCE, S 00° 47' 36" W, along an east line of said Alfred
4 Olivo tract and west line of said Dario M. Castillo tract, a
5 distance of 91.56 feet to a 1/2" iron pin with a cap stamped Stovall
6 & Associates found at corner;

7 THENCE, S 89° 18' 46" E (deed = S 89° 19' 33" E), along a north
8 line of said Alfred Olivo tract and south line of said Dario M.
9 Castillo tract, a distance of 331.89 feet to the most easterly
10 northeast corner of said Alfred Olivo tract, said corner further
11 being located at a point on the west line of a tract of land conveyed
12 by Billy G. Roan and wife, Merle Ann Roan to WYA Lake Lavon Ltd., a
13 Texas limited partnership according to the Special Warranty Deed
14 with Vendor's Lien recorded in County Clerk File Number
15 20080111000045480 (LRCCT), a 1/2" iron pin with a cap stamped
16 Stovall & Associates found at corner;

17 THENCE, S 00° 15' 00" E, along the east line of said Alfred
18 Olivo tract and said WYA Lake Lavon Ltd., 23.764 acres tract west
19 line, a distance of 422.28 feet to the southeast corner of said
20 Alfred Olivo tract, a 1/2" iron pin with a red cap stamped Tipton
21 Eng. Inc. found at corner;

22 THENCE, S 89° 45' 00" W, along the south line of said Alfred
23 Olivo tract and the north line of a tract of land conveyed by Angela
24 Olivo Ramos to WYA Lake Lavon Ltd., a Texas limited partnership,
25 according to the General Warranty Deed with Vendor's Lien recorded
26 in County Clerk's File Number 20071126001578660 (LRCCT), a distance
27 of 1364.23 feet to the southwest corner of said Alfred Olivo tract
28 and a point on the east line of said State Highway No. 78, a 1/2"
29 iron pin with a red cap stamped Tipton Eng. Inc. found at corner,
30 from which a 5/8" iron pin with a yellow cap stamped RPLS 3949 bears
31 S 39° 23' 34" W, a distance of 161.44 feet;

1 THENCE, along the west line of said Alfred Olivo tract and the
2 east line of said State Highway No. 78 the following,

3 Around a non-tangent curve to the right having a central
4 angle of 11° 15' 42", a radius of 1382.39 feet and a chord of N 05° 49'
5 42" W - 271.28 feet, an arc distance of 271.72 feet to a 1/2" iron
6 pin with a red cap stamped "Boundary Solutions" found at corner;

7 N 00° 36' 13" W (deed = N 00° 11' 36" W - 184.40 feet), a
8 distance of 184.23 feet to a wood monument found at corner, from
9 which the corner of an old house bears N 89° 36' 11" E - 61.68 feet
10 and another wood monument across State Highway No, 78 bears N 78° 09'
11 24" W, a distance of 224.39 feet;

12 N 45° 09' 02" E (deed = N 44° 48' 24" E - 130.44 feet), a
13 distance of 131.71 feet to the PLACE OF BEGINNING with the subject
14 tract containing 701,603 square feet or 16.1066 acres of land.

15 PARCEL 10

16 BEING a tract of land situated in the Roger Willis Survey,
17 Abstract No. 748, Collin County, Texas, the subject tract being a
18 portion of that 1473.835 acre tract of land conveyed to Commercial
19 Capital Investments, Inc. by Resolution Trust Corporation
20 according to the Special Warranty Deed recorded in Collin County
21 Clerk File number 94-0058780 of the Land Records Of Collin County
22 Texas (LRCCT), the subject tract further being a portion of Wenners
23 Park, an addition to Collin County Texas according to the Final Plat
24 recorded in Cabinet J, Page 136, (LRCCT), which is included in the
25 above mentioned Commercial Capital Investments, Inc. 1473.835 acre
26 tract, the subject tract being more particularly described as
27 follows;

28 BEGINNING at a point on the south line of County Road No. 543
29 (a 120' ROW), said point being located at the Northwest corner of
30 Lot 1 of said Wenners Park and the southeast corner of that tract of
31 land conveyed to the County Of Collin for road purposes according to

1 the Deed recorded in County Clerk File No. 2000-0070885 (LRCCT),
2 said Beginning Point further being at the northeast corner of a
3 tract of land owned by John Lindsley McCraw and Marjorie Elizabeth
4 McCraw according to the Warranty deed recorded in Volume 627, Page
5 69 (LRCCT), a 1/2" iron pin with a red cap stamped Tipton Eng, Inc.
6 set at corner;

7 THENCE, along the said County Road No. 543 southerly line the
8 following;

9 S 89° 24' 06" E, a distance of 890.66 feet to a 1/2" iron pin
10 with a red cap stamped Tipton Eng, Inc. set at corner;

11 Around a tangent curve to the left having a central angle of
12 14° 46' 02", a radius of 1249.86 feet, and a chord of N 83° 12' 53"
13 E-321.24 feet, an arc distance of 322.13 feet to a 1/2" iron pin
14 with a red cap stamped Tipton Eng, Inc. set at corner;

15 N 75° 49' 52" E, a distance of 216.93 feet to a 1/2" iron pin
16 with a red cap stamped Tipton Eng, Inc. set at corner;

17 Around a tangent curve to the right having a central angle of
18 14° 22' 13", a radius of 1129.86 feet, and a chord of N 83° 00' 59"
19 E-282.64 feet, an arc distance of 283.38 feet to a 1/2" iron pin
20 with a red cap stamped Tipton Eng, Inc. set at corner;

21 S 89° 47' 55" E, a distance of 817.15 feet to the northeast
22 corner of Lot 12 of said Wenners Park and the southwest corner of a
23 tract of land conveyed to the County Of Collin for road purposes
24 according to the Deed recorded in County Clerk File No. 99-0115447
25 (LRCCT), a 1/2" iron pin found at corner;

26 THENCE, along or westerly of the west line of a tract of land
27 conveyed to Boyce Creek Estates Partnership, according to the
28 Warranty Deed recorded in County Clerk File No. 20071205001626340
29 (LRCCT) and the east line of said Wenners Park the following;

30 S 00° 48' 53" W, a distance of 913.39 feet to a 1/2" iron pin
31 found at corner;

1 S 01° 05' 39" W, a distance of 117.27 feet to a 1/2" iron pin
2 with a red cap stamped Tipton Eng, Inc. set at corner;

3 S 00° 24' 39" E, a distance of 1169.17 feet to a 1/2" iron pin
4 found at corner;

5 S 01° 16' 49" E, a distance of 426.06 feet to the southeast
6 corner of said Wenners Park, said corner being located on the north
7 line of a tract of land conveyed to Thomas A. Adcox according to the
8 Warranty Deed recorded in County Clerk File No. 93-0055843 (LRCCT),
9 a 1" iron pipe found at corner from which a fence corner post found
10 bears N 58° 58' 10" E - 1.72 feet;

11 THENCE, N 88° 15' 15" W, a distance of 234.65 feet along the
12 south line of said Wenners Park and south of the found north line of
13 a tract of land conveyed to Thomas A. Adcox according to the
14 Warranty Deed recorded in County Clerk File No. 93-0055843 (LRCCT)
15 to a 5/8" iron pin found at corner;

16 THENCE, N 88° 28' 43" W, continuing along the Wenners Park
17 south line along the north line of a tract of land conveyed to
18 Ronald D. Townsend according to the Warranty Deed With vendor's
19 Lien recorded in County Clerk File No. 95.0095541 (LRCCT), a
20 distance of 138.01 feet to the northwest corner of said Ronald D.
21 Townsend tract;

22 THENCE, continuing along the Wenners Park south line and
23 along or north of the north line of a tract of land conveyed to
24 Arapaho East, Inc. according to the Warranty Deed With Vendor's
25 Lien recorded in County Clerk File No. 2007125000110590 the
26 following; N 87° 28' 53" W, a distance of 106.30 feet to a 1/2" iron
27 pin found at corner;

28 N 89° 09' 24" W, a distance of 660.91 feet;

29 N 89° 15' 04" W, a distance of 329.10 feet to a 1/2" iron pin
30 with a red cap stamped Tipton Eng, Inc. set at corner;

31 S 89° 19' 08" W, a distance of 200.98 feet to a point being the

1 northwest corner of said Arapaho East, Inc. tract and the northeast
2 corner of a tract of land conveyed to John Yeager according to the
3 Warranty Deed recorded in County Clerk File No. 95-0018001 (LRCCT),
4 from said point a 1/2" iron pin with a yellow cap stamped R.S.C.I.
5 RPLS 5034 bears N 46° 38' 55" E- 3.09 feet;

6 THENCE, S 89° 49' 14" W, continuing along said Wengers Park
7 south line, and the north line of said John Yeager tract, a distance
8 of 831.17 feet to a common property corner being the southwest
9 corner of said Wengers Park, a northwesterly corner of said John
10 Yeager tract, and at a corner of a tract of land conveyed to the
11 United States Of America, no monument found at corner.

12 THENCE, along the west line of said Wengers Park, and part of
13 the way along an east line of said United States of America, and on
14 or near the east line of said John Lindsley McCraw and Marjorie
15 Elizabeth McCraw tract the following;

16 N 01° 20' 52" W, a distance of 63.19 feet to a US Government
17 monument in concrete found at corner;

18 N 00° 05' 48" E, a distance of 350.50 feet to a 1/2" iron pin
19 found at corner;

20 N 00° 00' 20" W, a distance of 428.47 feet to a 1/2" iron pin
21 found at corner;

22 N 01° 04' 04" W, a distance of 564.64 feet to a 1/2" iron pin
23 with a red cap stamped Tipton Eng, Inc. set at corner;

24 N 00° 25' 45" W, a distance of 1081.22 feet to the Place of
25 Beginning with the subject tract containing 6,354,268 Square Feet
26 or 145.8739 acres of land.

27 PARCEL 11

28 BEING a tract of land situated in the Roger Willis Survey,
29 Abstract No. 748 and the James Osgood Survey, Abstract No. 673, in
30 Collin County, Texas, the subject tract being all of that 122.085
31 acre tract of land conveyed to Boyce Creek Estates Partnership, a

1 Texas General Partnership according to the Warranty deed recorded
2 in County Clerk File Number 20071205001626340 (LRCCT), the subject
3 tract being more particularly described as follows;

4 BEGINNING at a point on the south line of County Road No. 543
5 (a 120' ROW), said point being located at the Northeast corner of
6 Lot 12 of Weners Park, an addition to Collin County Texas according
7 to the Final Plat recorded in Cabinet J, Page 136, (LRCCT), said
8 point further being the northwest corner of said Boyce Creek
9 Estates Partnership 122.085 acre tract, a 1/2" iron pin found next
10 to a fence corner post at corner,

11 THENCE, N 89° 42' 04" E, along the south line of said County
12 Road Number 543, a distance of 645.18 feet to the northwest corner
13 of a remaining tract of land conveyed to Commercial Capital
14 Investments, Inc. according to the deed recorded in County Clerk
15 File Number 94-0058780 (LRCCT), a 1/2" iron pin found at corner;

16 THENCE, S 00° 17' 56" E, along the west line of said Commercial
17 Capital Investments, Inc. tract, a distance of 116.02 feet;

18 THENCE, N 89° 51' 51" E, along the south line of said
19 Commercial Capital Investments, Inc. tract, a distance of 450.80
20 feet;

21 THENCE, N 00° 17' 56" W, along the east line of said Commercial
22 Capital Investments, Inc. tract, a distance of 117.32 feet to a
23 point on the said County Road Number 543 south line, a 1/2" iron pin
24 found at corner;

25 THENCE, N 89° 42' 04" E, along said County Road Number 543
26 south line, a distance of 943.24 feet to the northeast corner of
27 said Boyce Creek Estates Partnership tract, said point further
28 being the northwest corner of a 11.430 acre tract of land conveyed
29 to Raymond and Mary Estrello as recorded in Volume 1268, Page 498
30 (LRCCT);

31 THENCE, S 00° 13' 19" E, along the west line of said 11.430

1 acre tract, a distance of 449.65 feet to a 1/2" iron pin found at
2 corner;

3 THENCE, S 00° 05' 23" W, along a fence, a distance of 1068.33
4 feet to the existing southwest corner of a 2.600 acre tract of land
5 conveyed to Ray Estrello according to the deed recorded in Collin
6 County Clerk File Number 96-0033461 (LRCCT);

7 THENCE, S 00° 01' 45" E, along a fence, a distance of 350.10
8 feet to the southwest corner of an 8.00 acre tract of land conveyed
9 to Keenan and Janice Lusk according to the deed recorded in Collin
10 County Clerk File Number 96-0010294 (LRCCT), a 3/8" iron pin found
11 at corner;

12 THENCE, S 00° 03' 28" E, along a fence, a distance of 750.92
13 feet to the southeast corner of said Boyce Creek Estates
14 Partnership tract and the southwest corner of a 14.500 acre tract of
15 land conveyed to Rick and Terry Rabon according to the deed recorded
16 Collin County Clerk File Number 96-0055479 (LRCCT);

17 THENCE, along the south line of said Boyce Creek Estates
18 Partnership tract the following;

19 S 88° 49' 18" W, a distance of 322.40 feet to a 3/8" iron pin
20 found at corner;

21 S 89° 32' 40" W, a distance of 641.39 feet;

22 S 89° 42' 16" W, a distance of 1073.83 feet to the southwest
23 corner of said Boyce Creek Estates Partnership tract, a 1" iron pipe
24 found at corner, said corner further being the southeast corner of
25 the previously mentioned Wenners Park addition;

26 THENCE, along the west line of said Boyce Creek Estates
27 Partnership tract the following;

28 N 00° 42' 50" W, passing 4.2 feet east of an angle point of
29 said Wenners Park at a distance of 426.03 feet and continuing to
30 make a total distance of 837.78 feet;

31 N 00° 38' 25" W, a distance of 519.80 feet;

1 N 00° 36' 47" E, passing 4.2 feet east of a 1/2" iron pin with a
2 red cap stamped Tipton Eng., Inc. found at corner at a distance of
3 237.57 feet and passing 3.2 feet east of a 1/2" iron pin found at a
4 distance of 354.83 feet and continuing to make a total distance of
5 1268.21 feet to the Place of Beginning with the subject tract
6 containing 5,317,920 Square Feet or 122.0827 acres of land.

7 SECTION ____ .03. (a) The legal notice of the intention to
8 introduce this article, setting forth the general substance of this
9 article, has been published as provided by law, and the notice and a
10 copy of this article have been furnished to all persons, agencies,
11 officials, or entities to which they are required to be furnished
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
13 Government Code.

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

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

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

ADOPTED

MAY 27 2009

Antony Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 10

BY: _____

Thurk Dutton

1 Amend H B. No. 3335 (senate committee printing) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill:

5 ARTICLE ____ . LAKEWAY MUNICIPAL UTILITY DISTRICT

6 SECTION ____ .01. DEFINITIONS. In this article:

7 (1) "Additional voting area" means the territory
8 described by Section ____ .04 of this article.

9 (2) "Board" means the board of directors of the
10 district.

11 (3) "District" means the Lakeway Municipal Utility
12 District.

13 SECTION ____ .02. BOARD OF DIRECTORS. (a) The district is
14 governed by a board of seven directors elected in accordance with
15 Chapters 49 and 54, Water Code.

16 (b) Except as provided by Section ____ .05 of this article,
17 directors serve staggered terms of four years.

18 SECTION ____ .03. EFFECT OF ADDITIONAL VOTING AREA ON VOTING
19 RIGHTS, ELIGIBILITY FOR OFFICE, AND TAXING AUTHORITY. (a) The
20 qualified voters residing in the additional voting area are
21 entitled to vote only in district elections for the election of
22 directors. The voters in the additional voting area may not vote on
23 any district bond or tax propositions.

24 (b) The board by rule shall establish procedures to timely
25 notify qualified voters residing in the additional voting area of
26 the locations of polling places for each election of district
27 directors.

28 (c) Notwithstanding Section 54.102, Water Code, a resident
29 of the additional voting area is eligible to be a candidate for or

1 to be elected to the board.

2 (d) The district may not impose a tax on any property in or
3 any resident of the additional voting area.

4 SECTION ____04. ADDITIONAL VOTING AREA. The additional
5 voting area is that territory in certain subdivisions, the plats of
6 which are recorded in the plat records of Travis County, Texas, as
7 follows: Lakeway Section One, recorded in Volume 17, Page 65;
8 Lakeway Section Two, recorded in Volume 17, Page 74; Lakeway
9 Section Three, recorded in Volume 22, Page 20; Lakeway Section
10 Four, recorded in Volume 25, Page 29; Lakeway Section Four-B,
11 recorded in Volume 35, Page 12; Lakeway Section Five, recorded in
12 Volume 30, Page 12; Lakeway Section Six, recorded in Volume 31, Page
13 30; Lakeway Section Seven, recorded in Volume 32, Page 42;
14 Resubdivision of Lot 434-A, Lakeway Section 7-A, recorded in Volume
15 71, Page 26; Lakeway Section Eight, recorded in Volume 34, Page 28;
16 Lakeway Section Nine, recorded in Volume 40, Page 2; Resubdivision
17 of Lakeway Section Nine & Thirteen, recorded in Volume 62, Page 16;
18 Lakeway Section Ten, recorded in Volume 44, Page 10; Lakeway
19 Section Eleven, recorded in Volume 41, Page 41; Lakeway Section
20 Twelve, recorded in Volume 46, Page 1; Lakeway Section Thirteen,
21 recorded in Volume 46, Page 16; Lakeway Section Fourteen, recorded
22 in Volume 44, Page 8; Lakeway Section 15, recorded in Volume 77,
23 Page 149; Lakeway Section Sixteen, recorded in Volume 49, Page 39;
24 Lakeway Section 16-A, recorded in Volume 59, Page 19; Lakeway
25 Section Sixteen-B, recorded in Volume 59, Page 65; Lakeway Section
26 16-C, recorded in Volume 59, Page 18; Lakeway Section 16-D,
27 recorded in Volume 60, Page 57; Lakeway Section Seventeen, recorded
28 in Volume 50, Page 74; Lakeway Section 17-A, recorded in Volume 54,
29 Page 67; Amendment Plat of Lots 443-A, 444-A & 445-A, Lakeway
30 Section Four-A and Lot 446, Lakeway Section Four, recorded at
31 Volume 91, Page 49; Lakeway Section 4-C, recorded at Volume 38, Page

1 24; Confirming Plat of Lot 1, Lakeway Section 4-D (310 Seashell),
2 recorded at Volume 98, Page 160; Lakeway Section 4-E, recorded at
3 Volume 82, Page 355; Lakeway Section 16-G, recorded at Volume 88,
4 Page 320; Moore's Treetops a Resubdivision of a Portion of Lakeway
5 Section 4, recorded at Volume 79, Page 320-321; Derby Addition
6 Resubdivision of Lots 270, 271 & 272 Lakeway Section 2, recorded at
7 Volume 82, Page 50.

8 SECTION ____ .05. ELECTION OF DIRECTORS IN 2010. (a) Not
9 earlier than the 15th day or later than the sixth day before the
10 date of the first district election held in which the residents of
11 the additional voting area are entitled to vote, the district shall
12 publish notice in the form of a quarter-page advertisement in the
13 newspaper of general circulation in the district notifying the
14 residents that they are eligible to vote in the election and state
15 the location of all polling places for the residents.

16 (b) On the uniform election date in May 2010, four directors
17 shall be elected to the board. The directors elected to the two
18 additional positions on the board created by this article shall
19 draw lots to determine which director serves a two-year term and
20 which director serves a four-year term.

21 SECTION ____ .06. NOTICE. (a) The legal notice of the
22 intention to introduce this article, setting forth the general
23 substance of this article, has been published as provided by law,
24 and the notice and a copy of this article have been furnished to all
25 persons, agencies, officials, or entities to which they are
26 required to be furnished under Section 59, Article XVI, Texas
27 Constitution, and Chapter 313, Government Code.

28 (b) The governor has submitted the notice and this article
29 to the Texas Commission on Environmental Quality.

30 (c) The Texas Commission on Environmental Quality has filed
31 its recommendations relating to this article with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time.

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

7 (2) Number the SECTIONS of the added ARTICLE accordingly and
8 make conforming cross-reference changes.

9 (3) Renumber any subsequent ARTICLES and SECTIONS of the
10 bill accordingly.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 11

Atty Gen
Secretary of the Senate

BY: PATRICK

1 Amend C.S.H.B. No. 3335 (senate committee report) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill:

5 ARTICLE ____ HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524
6 SECTION ____ .01. Subtitle F, Title 6, Special District
7 Local Laws Code, is amended by adding Chapter 8354 to read as
8 follows:

9 CHAPTER 8354. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 524

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8354.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Harris County Municipal
15 Utility District No. 524.

16 Sec. 8354.002. NATURE OF DISTRICT. The district is a
17 municipal utility district created under Section 59, Article
18 XVI, Texas Constitution.

19 Sec. 8354.003. CONFIRMATION AND DIRECTORS' ELECTION
20 REQUIRED. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five permanent
22 directors as provided by Section 49.102, Water Code.

23 Sec. 8354.004. CONSENT OF MUNICIPALITY REQUIRED. The
24 temporary directors may not hold an election under Section
25 8354.003 until each municipality in whose corporate limits or
26 extraterritorial jurisdiction the district is located has
27 consented by ordinance or resolution to the creation of the
28 district and to the inclusion of land in the district.

29 Sec. 8354.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1 266

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

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

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

6 (2) Section 52, Article III, Texas Constitution, that
7 relate to the construction, acquisition, or improvement of
8 macadamized, graveled, or paved roads described by Section
9 54.234, Water Code, or improvements, including storm drainage,
10 in aid of those roads.

11 Sec. 8354.006. INITIAL DISTRICT TERRITORY. (a) The
12 district is initially composed of the territory described by the
13 article creating this chapter.

14 (b) The boundaries and field notes contained in the
15 article creating this chapter form a closure. A mistake made in
16 the field notes or in copying the field notes in the legislative
17 process does not affect the district's:

18 (1) organization, existence, or validity;

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

22 (3) right to impose a tax; or

23 (4) legality or operation.

24 [Sections 8354.007-8354.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8354.051. GOVERNING BODY; TERMS. (a) The district
27 is governed by a board of five elected directors.

28 (b) Except as provided by Section 8354.052, directors
29 serve staggered four-year terms.

30 Sec. 8354.052. TEMPORARY DIRECTORS. (a) On or after the
31 effective date of the article creating this chapter, the owner

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

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

8 (1) the date permanent directors are elected under
9 Section 8354.003; or

10 (2) the fourth anniversary of the effective date of
11 the article creating this chapter.

12 (c) If permanent directors have not been elected under
13 Section 8354.003 and the terms of the temporary directors have
14 expired, successor temporary directors shall be appointed or
15 reappointed as provided by Subsection (d) to serve terms that
16 expire on the earlier of:

17 (1) the date permanent directors are elected under
18 Section 8354.003; or

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

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

28 [Sections 8354.053-8354.100 reserved for expansion]

29 SUBCHAPTER C. POWERS AND DUTIES

30 Sec. 8354.101. GENERAL POWERS AND DUTIES. The district
31 has the powers and duties necessary to accomplish the purposes

1 for which the district is created.

2 Sec. 8354.102. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water
5 Code, applicable to municipal utility districts created under
6 Section 59, Article XVI, Texas Constitution.

7 Sec. 8354.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
8 Section 52, Article III, Texas Constitution, the district may
9 design, acquire, construct, finance, issue bonds for, improve,
10 and convey to this state, a county, or a municipality for
11 operation and maintenance macadamized, graveled, or paved roads
12 described by Section 54.234, Water Code, or improvements,
13 including storm drainage, in aid of those roads.

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

18 Sec. 8354.104. APPROVAL OF ROAD PROJECT. (a) The
19 district may not undertake a road project authorized by Section
20 8354.103 unless:

21 (1) each municipality or county that will operate and
22 maintain the road has approved the plans and specifications of
23 the road project, if a municipality or county will operate and
24 maintain the road; or

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

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

1 Sec. 8354.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2 OR RESOLUTION. The district shall comply with all applicable
3 requirements of any ordinance or resolution that is adopted
4 under Section 54.016 or 54.0165, Water Code, and that consents
5 to the creation of the district or to the inclusion of land in
6 the district.

7 Sec. 8354.106. LIMITATION ON USE OF EMINENT DOMAIN. The
8 district may not exercise the power of eminent domain outside
9 the district to acquire a site or easement for:

10 (1) a road project authorized by Section 8354.103; or

11 (2) a recreational facility as defined by Section
12 49.462, Water Code.

13 Sec. 8354.107. DIVISION OF DISTRICT. (a) The district
14 may be divided into two or more new districts only if the
15 district:

16 (1) has no outstanding bonded debt; and

17 (2) is not imposing ad valorem taxes.

18 (b) This chapter applies to any new district created by
19 the division of the district, and a new district has all the
20 powers and duties of the district.

21 (c) Any new district created by the division of the
22 district may not, at the time the new district is created,
23 contain any land outside the area described by the article
24 creating this chapter.

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

29 (e) The board may adopt an order dividing the district
30 before or after the date the board holds an election under
31 Section 8354.003 to confirm the district's creation.

1 (f) An order dividing the district:

2 (1) shall:

3 (A) name each new district;

4 (B) include the metes and bounds of each new
5 district;

6 (C) appoint temporary directors for each new
7 district, or provide that the owner or owners of a majority of
8 the assessed value of the real property in each new district may
9 submit a petition to the Texas Commission on Environmental
10 Quality requesting that the commission appoint as temporary
11 directors the five persons named in the petition; and

12 (D) provide for the division of assets and
13 liabilities between or among the new districts; and

14 (2) is subject to a confirmation election in each new
15 district.

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

21 (h) Any new district created by the division of the
22 district shall hold a confirmation and directors' election as
23 required by Section 8354.003. The results of that election must
24 be filed as required by Sections 49.102(e) and (f), Water Code.
25 If the voters of a new district do not confirm the creation of
26 the new district, the assets, liabilities, territory, and
27 governance of the new district revert to the original district.

28 (i) Municipal consent to the creation of the district and
29 to the inclusion of land in the district granted under Section
30 8354.004 acts as municipal consent to the creation of any new
31 district created by the division of the district and to the

1 inclusion of land in the new district.

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

7 Sec. 8354.108. FIREFIGHTING AND EMERGENCY MEDICAL
8 SERVICES. Subchapter L, Chapter 49, Water Code, applies to the
9 district.

10 [Sections 8354.109-8354.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8354.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

16 (2) contract payments described by Section 8354.153.

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

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

25 Sec. 8354.152. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8354.151, the
27 district may impose an operation and maintenance tax on taxable
28 property in the district in accordance with Section 49.107,
29 Water Code.

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

1 Sec. 8354.153. CONTRACT TAXES. (a) In accordance with
2 Section 49.108, Water Code, the district may impose a tax other
3 than an operation and maintenance tax and use the revenue
4 derived from the tax to make payments under a contract after the
5 provisions of the contract have been approved by a majority of
6 the district voters voting at an election held for that purpose.

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

10 [Sections 8354.154-8354.200 reserved for expansion]

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 8354.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or
16 any combination of those sources, to pay for any authorized
17 district purpose.

18 Sec. 8354.202. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while
22 all or part of the bonds are outstanding as required and in the
23 manner provided by Sections 54.601 and 54.602, Water Code.

24 Sec. 8354.203. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other
26 obligations issued or incurred to finance road projects and
27 payable from ad valorem taxes may not exceed one-fourth of the
28 assessed value of the real property in the district.

29 SECTION ____.02. The Harris County Municipal Utility
30 District No. 524 initially includes all the territory contained
31 in the following area: 990.804 acres in 5 non-contiguous tracts

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1 out of Sections 9, 10, 15, and 16 of Harris County School Land
2 Survey, Abstract No 332, recorded in Vol 17, Pg 222 of the Deed
3 Records of Harris County, Texas and including within Tracts 1,
4 2, 3, and 4 an unnamed 66 foot roadway as shown on the plat of
5 said Harris County School Land being granted by Commissioners
6 Award recorded in Vol 7448, Pg 181, HCDR; said roadway does not
7 exist physically on the ground: (All bearings used herein are
8 based on Highway Right-of-Way Maps provided by the Texas
9 Department of Transportation)

10 Tract 1

11 A tract or parcel of land containing 255.572 acres (11,132,730
12 square feet) out of Lots 9, 10, 15, and 16 of Section 9 and
13 Lots 1, 2, 7, & 8 of Section 16 of said Harris County School
14 Land Survey, Abstract No 332, Harris County, Texas; said 255.572
15 acres being that same tract of land called 257.230 acres
16 described by deed recorded in HCCF No M577056 ("Tract 1",
17 therein) and conveyed to Delta Troy Interests, Ltd by deed
18 recorded in X381657 and more particularly described by metes and
19 bounds as follows:

20 COMMENCING at a State Department of Highways and Public
21 Transportation Horizontal Control Monument located in the
22 southerly right-of-way line of U.S. 290, 160.00 feet at right
23 angles from the centerline, across from Engineers Station
24 109+27.74;

25 THENCE along said southerly right-of-way line, clockwise,
26 following the arc of a 1855.86 foot radius curve-to-the-right,
27 subtending a central angle of 03 degrees 20 min 18 seconds,
28 through an arc length of 108.13 feet (chord bearing of South 66
29 degrees 23 minutes 38 seconds East, 108.12 feet) to a 5/8 inch
30 iron rod found marking the POINT OF BEGINNING and most northerly
31 Northeast corner of the herein described tract, same being the
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1 East corner of that called 12.4147 acre tract of land conveyed
2 to Peter S. Terpstra, Trustee by deed recorded in HCCF No
3 20060246633;
4 THENCE continuing along said right-of-way line and said curve,
5 subtending a central angle of 06 degrees 36 minutes 09 seconds,
6 through an arc length of 213.86 feet (chord bearing of South 61
7 degrees 25 minutes 25 seconds East, 213.74 feet) to a 5/8 inch
8 iron rod set marking the end of said curve; said point being
9 located in the southerly right-of-way line of U.S. 290, 202.32
10 feet at right angles from the centerline, across from Engineers
11 Station 112+46.53;
12 THENCE continuing along said right-of-line line, following the
13 arc of a 1963.86 foot radius curve-to-the-left (radius point of
14 said curve falls along a bearing of North 31 degrees 52 minutes
15 42 seconds East), subtending a central angle of 12 degrees 31
16 minutes 54 seconds, through an arc length of 429.54 feet (chord
17 bearing of South 64 degrees 23 minutes 15 seconds East, 428.68
18 feet) to a 5/8 inch iron rod set marking a point-of-tangency in
19 the southerly right-of-way line; said point-of-tangency being
20 located in the southerly right-of-way line of U.S. 290, 249.10
21 feet at right angles from the centerline, across from Engineers
22 Station 116+72.65;
23 THENCE South 70 degrees 39 minutes 12 seconds East, along said
24 right-of-way line, a distance of 382.15 feet to a 5/8 inch iron
25 rod set marking the Northerly end of cut-back corner at the
26 southwest corner of the intersection of said U.S. 290 and
27 Binford Road; said corner being located in the southerly right-
28 of-way line of U.S. 290, 249.10 feet at right angles from the
29 centerline, across from Engineers Station 120+54.80;
30 THENCE South 30 degrees 37 minutes 41 seconds East, along said
31 cut-back, a distance of 95.73 feet to a 5/8 inch iron rod set

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1 marking the Southerly end of said cut-back and the most Easterly
2 Northeast corner of the herein described tract; said corner
3 being located in the southerly right-of-way line of U.S. 290,
4 310.37 feet at right angles from the centerline, across from
5 Engineers Station 121+28.11;
6 THENCE South 09 degrees 03 minutes 59 seconds East, along the
7 westerly right-of-way of said Binford Road (right-of-way varies
8 at this point), a distance of 452.04 feet to a 5/8 inch iron rod
9 set marking an angle point in said right-of-way line; a 1 inch
10 iron pipe found bears South 03 degrees 41 minutes 58 seconds
11 East, 35.93 feet from said angle point;
12 THENCE South 02 degrees 39 minutes 08 seconds East, along the
13 westerly right-of-way line of said Binford Road (66' right-of-
14 way) and crossing Lots 9 and 16 of said Section 9 and Lots 1 and
15 8 of Section 16, a distance of 3953.90 feet (call: 3954.35 feet)
16 to a 5/8 inch iron rod set marking the Southeast corner of the
17 herein described tract, same being the Northwest corner of the
18 intersection of U.S. 290 (old)/State Highway 6 (aka Hempstead
19 Highway) and said Binford Road; a 5/8 inch iron rod found bears
20 North 68 degrees 08 minutes 01 seconds West, 4.54 feet from said
21 corner;
22 THENCE North 68 degrees 08 minutes 01 seconds West, along the
23 Northerly right-of-way line of said U.S. 290 (old)/State Highway
24 6 (aka Hempstead Highway) and crossing Lots 8, 7, and 2 of said
25 Section 16, a distance of 2899.51 feet (call: 2897.66 feet) to a
26 5/8 inch iron set marking the Southwest corner of the herein
27 described tract, same being the Southeast corner of that called
28 30.213 acre tract of land conveyed to Michael L. Perry and Edna
29 A. Perry by deed recorded in HCCF No U717338; a 5/8 inch iron
30 rod found bears South 02 degrees 24 minutes 55 seconds East,
31 7.01 feet from said corner;

1 THENCE North 02 degrees 24 minutes 55 seconds West, along the
2 Easterly line of said 30.213 acres, same being the Westerly line
3 of Lot 2 of said Section 16 and of Lots 15, 10, and 7 of said
4 Section 9, and with the Easterly line of that called 70.801 acre
5 tract conveyed to A.J. Foyt, Jr. by deed recorded in HCCF No
6 U071611 and that called 11.15 acre tract conveyed to L.J.
7 Hakemack and wife, Ney Hakemack, by deed recorded in HCCF No
8 P056681, a distance of 3736.61 feet (call: 3753.11 feet) to a
9 point for corner at the Northwest corner of the herein described
10 tract, same being the Southwest corner of the aforesaid 12.4147
11 acre Terpstra Tract;

12 THENCE North 87 degrees 11 minutes 26 seconds East, along the
13 Southerly line of said 12.4147 acre tract, a distance of 1612.53
14 feet (call: 1623.36 feet) to the Point of Beginning and
15 containing 255.572 Acres (11,132,730 square feet) of land.

16 Tract 2

17 A tract or parcel of land containing 440.146 acres (19,172,762
18 square feet) out of Lots 11-15 of Section 10 and Lots 1-12, 15,
19 & 16 of Section 15 of said Harris County School Land Survey,
20 Abstract No 332, Harris County, Texas; said 440.146 acres out of
21 that same tract of land called 451.6392 acres described by deed
22 recorded in HCCF No M577056 ("Tract 2-A", therein) and conveyed
23 to Delta Troy Interests, Ltd by deed recorded in X381657 and
24 more particularly described by metes and bounds as follows:

25 COMMENCING at a State Department of Highways and Public
26 Transportation Horizontal Control Monument located in the
27 southerly right-of-way line of U.S. 290, 160.00 feet at right
28 angles from the centerline, across from Engineers Station
29 109+27.74;

30 THENCE South 70 degrees 39 minutes 12 seconds East, a distance
31 of 1690.16 feet to a point-of-curvature in the former southerly

1 right-of-way line of said U.S. 290; said point-of-curvature
2 being located 160.00 feet at right angles from the centerline,
3 across from Engineers Station 126+17.90;
4 THENCE along said former southerly right-of-way line, clockwise,
5 following the arc of a 7479.44 foot radius curve-to-the-right
6 (radius point of said curve falls along a bearing of South 19
7 degrees 20 minutes 48 seconds West), subtending a central angle
8 of 03 degrees 05 min 32 seconds, through an arc length of 403.66
9 feet (chord bearing of South 69 degrees 06 minutes 26 seconds
10 East, 403.61 feet) to a 5/8 inch iron rod set in the current
11 Southerly right-of-way line of said U.S. 290 marking the POINT
12 OF BEGINNING and the most Easterly Northwest corner of the
13 herein described tract; said point being located 160.00 feet at
14 right angles from the centerline, across from Engineers Station
15 130+30.21;
16 THENCE continuing along said right-of-way line and said curve,
17 subtending a central angle of 13 degrees 42 minutes 56 seconds,
18 through an arc length of 1790.44 feet (chord bearing of South 60
19 degrees 42 minutes 12 seconds East, 1786.17 feet) to a 5/8 inch
20 iron rod set marking a point-of-tangency in said right-of-way
21 line; said point being located in the southerly right-of-way
22 line of U.S. 290, 160.00 feet at right angles from the
23 centerline, across from Engineers Station 148+59.00;
24 THENCE South 53 degrees 50 minutes 44 seconds East, along said
25 right-of-way line, a distance of 2795.16 feet (call: 2793.73
26 feet - TxDOT) to a 5/8 inch iron rod found marking a point-of-
27 curvature in said right-of-way line;
28 THENCE along said southerly right-of-way line, clockwise,
29 following the arc of a 532.96 foot radius curve-to-the-right,
30 subtending a central angle of 51 degrees 31 min 30 seconds
31 (call: 51 degrees 32 minutes 51 seconds - TxDOT), through an arc

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1 length of 478.76 feet (call: 479.28 feet - TxDOT) (chord bearing
2 of South 28 degrees 04 minutes 59 seconds East, 463.29 feet) to
3 a 5/8 inch iron rod found marking a point-of-tangency in said
4 southerly right-of-way line;
5 THENCE South 02 degrees 19 minutes 14 seconds East (call: South
6 02 degrees 17 minutes 53 seconds East - TxDOT), along said
7 southerly right-of-way line, a distance of 187.88 feet (call:
8 188.32 feet - TxDOT) to a 5/8 inch iron rod found marking a
9 point-of-curvature in said southerly right-of-way line;
10 THENCE counter-clockwise continuing along said right-of-way line
11 and a 612.96 foot radius curve-to-the-left, subtending a central
12 angle of 24 degrees 29 minutes 23 seconds (call: 24 degrees 34
13 minutes 06 seconds), through an arc length of 261.99 feet (call:
14 262.84 feet) (chord bearing of South 14 degrees 33 minutes 56
15 seconds East, 260.00 feet) to a 5/8 inch iron rod set for
16 corner, same being the most Northerly corner of that called
17 1.939 acre tract of land conveyed to the State of Texas as a
18 Drainage Easement for Highway Purposes by deed recorded in HCCF
19 No R450176 out of that called 30 acre residue of that called
20 920.21 acre Schindler "First Tract" as described by deed
21 recorded in Vol 2187, Pg 525, HCDR;
22 THENCE South 63 degrees 11 minutes 23 seconds West (call: South
23 63 degrees 08 minutes 01 seconds West), along the northwesterly
24 line of said 1.939 acre tract, a distance of 620.23 feet (call:
25 620.08 feet) to a 5/8 inch iron rod set at the northwesterly
26 corner of said 1.939 acre tract;
27 THENCE South 02 degrees 19 minutes 14 seconds East (call: South
28 02 degrees 17 minutes 53 seconds East), along the westerly line
29 of said 1.939 acre tract, passing at a distance of 1102.28 feet
30 (call: 1100.29 feet) a 1/2 inch iron rod found marking the
31 Southwest corner of said 1.939 acre and 30 acre tract and the

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1 Northwest corner of that called 10.298 acre tract conveyed to
2 MRJ Wood Products by deed recorded in HCCF No U232228,
3 continuing along the westerly line of said 10.298 acre tract, a
4 total distance of 1502.28 feet (call: 1500.29 feet) to a 5/8
5 inch iron rod set for corner, same being the southwest corner of
6 said 10.298 acre tract;

7 THENCE North 87 degrees 40 minutes 46 seconds East (call: North
8 87 degrees 42 minutes 07 seconds East), along the southerly line
9 of said 10.298 acre tract, a distance of 1121.41 feet to a 5/8
10 inch iron rod set in the Westerly right-of-way line of Kickapoo
11 Road marking the most Northerly Southeast corner of the herein
12 described tract, same being the southeasterly corner of said
13 10.298 acre tract;

14 THENCE South 02 degrees 19 minutes 14 seconds East (call: South
15 02 degrees 17 minutes 53 seconds East), along the Westerly
16 right-of-way line of said Kickapoo Road, a distance of 939.31
17 feet (call: 938.70 feet) to a 1 inch iron pipe found for corner,
18 same being the Northeast corner of that called 2.401 acre tract
19 conveyed to Leaman Building Materials by deed recorded in HCCF
20 No X159580 ("Tract One");

21 THENCE North 68 degrees 08 minutes 01 seconds West, along the
22 northerly line of said 2.401 acre tract, a distance of 597.94
23 feet (call: 600.00') to a 5/8 inch iron rod set for corner, same
24 being the Northwest corner of said 2.401 acre tract;

25 THENCE South 02 degrees 19 minutes 14 seconds East, along the
26 westerly line of said 2.401 acre tract and that called 1.804
27 acre tract also conveyed to said Leaman Building Materials in
28 said HCCF No X159580 ("Tract Two"), a distance of 362.42 feet
29 (call: 363.00 feet) to a 5/8 inch iron rod set in the northerly
30 right-of-way line of U.S. 290 (old)/State Highway 6 (aka
31 Hempstead Highway) marking the most Southerly Southeast corner

1 of the herein described tract; a 1 inch iron rod found bears
2 South 02 degrees 19 minutes 14 seconds East, 2.33 feet from said
3 property corner; a 2 inch iron rod found marking the Northeast
4 corner of the intersection of said Kickapoo Road and said U.S.
5 290 (old)/State Highway 6 (aka Hempstead Highway) bears South 68
6 degrees 08 minutes 01 seconds East, 670.29 feet from said
7 property corner;

8 THENCE North 68 degrees 08 minutes 01 seconds West, along the
9 northerly right-of-way line of said U.S. 290 (old)/State Highway
10 6 (aka Hempstead Highway), a distance of 5170.99 feet (call:
11 5167.61 feet) to a 5/8 inch iron rod set marking the Southwest
12 corner of the herein described tract, same being the Northeast
13 corner of the intersection of Binford Road and said U.S. 290
14 (old)/State Highway 6 (aka Hempstead Highway); a 5/8 inch iron
15 rod set marking the Northwest corner of said intersection bears
16 North 68 degrees 08 minutes 01 seconds West, 72.54 feet from
17 which a 5/8 inch iron rod found bears North 68 degrees 08
18 minutes 01 seconds West, 4.54 feet;

19 THENCE North 02 degrees 39 minutes 08 seconds West, along the
20 Easterly right-of-way of said Binford Road (66' right-of-way), a
21 distance of 3983.74 feet (call: 3984.16 feet) to a 5/8 inch iron
22 rod set marking an angle point in said Easterly right-of-way
23 line;

24 THENCE North 03 degrees 59 minutes 00 seconds East, continuing
25 along the Easterly right-of-way of said Binford Road (right-of-
26 way varies at this point), a distance of 370.66 feet to a 5/8
27 inch iron rod set marking the Southerly end of cut-back corner
28 at the southeast corner of the intersection of the aforesaid
29 U.S. 290 (new) and said Binford Road; said corner being located
30 in the southerly right-of-way line of U.S. 290, 326.25 feet at
31 right angles from the centerline, across from Engineers Station

1 123+06.25;
2 THENCE North 56 degrees 39 minutes 54 seconds East, along said
3 cut-back, a distance of 97.00 feet to a 5/8 inch iron rod set
4 marking the most Northerly Northwest corner of the herein
5 described tract; said corner being located in the southerly
6 right-of-way line of U.S. 290, 249.10 feet at right angles from
7 the centerline, across from Engineers Station 123+65.05;
8 THENCE South 70 degrees 39 minutes 12 seconds East, along said
9 right-of-way line, a distance of 107.61 feet to a 5/8 inch iron
10 rod set marking a point-of-curvature in said right-of-way line;
11 said point-of-curvature being located in the southerly right-of-
12 way line of U.S. 290, 249.10 feet at right angles from the
13 centerline, across from Engineers Station 124+72.67;
14 THENCE continuing along said right-of-line line, counter-
15 clockwise, following the arc of a 1963.86 foot radius curve-to-
16 the-left (radius point of said curve falls along a bearing of
17 North 19 degrees 20 minutes 48 seconds East), subtending a
18 central angle of 16 degrees 13 minutes 27 seconds, through an
19 arc length of 556.10 feet (chord bearing of South 78 degrees 45
20 minutes 56 seconds East, 554.24 feet) to the POINT OF BEGINNING
21 and containing 440.146 acres (19,172,762 square feet) of land.

22 Tract 3

23 A tract or parcel of land containing 10.536 acres (458,955
24 square feet) out of Lot 1 of Section 15 of said Harris County
25 School Land Survey, Abstract No 332, Harris County, Texas; said
26 10.536 acres being that same tract of land called 10.5483 acres
27 described by deed recorded in HCCF No M577056 ("Tract 3",
28 therein) and conveyed to Delta Troy Interests, Ltd by deed
29 recorded in X381657 and more particularly described by metes and
30 bounds as follows:

31 BEGINNING at a 1/2 inch iron rod found marking the Northwest
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1 corner of the intersection of the northerly right-of-way line of
2 U.S. 290 and the westerly right-of-way line of Kickapoo Road
3 (66' right-of-way), same being the Southeast corner of the
4 herein described tract;

5 THENCE North 87 degrees 42 minutes 07 seconds West, along the
6 northerly right-of-way line of said U.S. 290, a distance of
7 468.34 feet to a 5/8 inch iron rod set marking a point-of-
8 curvature in said northerly right-of-way line; a 3/8 inch iron
9 rod found bears South 56 degrees 27 minutes 32 seconds East,
10 2.03 feet from said point-of-curvature;

11 THENCE clockwise along said northerly right-of-way line and
12 following a 532.96 foot radius curve-to-the-right, subtending a
13 central angle of 38 degrees 27 minutes 09 seconds, through an
14 arc length of 357.68 feet (chord bearing of North 73 degrees 04
15 minutes 18 seconds West, 351.01 feet) to a 5/8 inch iron rod set
16 marking a point-of-tangency in said northerly right-of-way line;
17 said point-of-tangency being located in the northerly right-of-
18 way line of U.S. 290, 160.00 feet at right angles from the
19 centerline, across from Engineers Station 174+17.41;

20 THENCE North 53 degrees 50 minutes 44 seconds West, along said
21 northerly right-of-way line, a distance of 595.14 feet (call:
22 596.40 feet) to a 5/8 inch iron rod set marking the Northwest
23 corner of the herein described tract in the common line of Lot
24 16 of Section 10 and said Lot 1 of Section 15;

25 THENCE North 87 degrees 57 minutes 51 seconds East, along said
26 common line, same being the centerline of the aforesaid unnamed
27 66' roadway, a distance of 1266.25 feet (call: 1266.84 feet) to
28 a 5/8 inch iron rod set in the westerly right-of-way line of
29 said Kickapoo Road marking the Northeast corner of the herein
30 described tract; a 1 inch iron pipe found marking the Southeast
31 corner of the called 78.9245 acre Schindler tract bears North 02
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1 degrees 15 minutes 05 seconds West, 33.00 feet for reference;
2 THENCE South 02 degrees 15 minutes 05 seconds East, along the
3 westerly right-of-way line of said Kickapoo Road, a distance of
4 479.89 feet (call: 480.13 feet) to the POINT OF BEGINNING and
5 containing 10.536 acres (458,955 square feet) of land.

6 Tract 4

7 A tract or parcel of land containing 283.558 acres (12,351,801
8 square feet) out of Lots 1, 2, 3, 6-11, 15, & 16 of Section 10
9 of said Harris County School Land Survey, Abstract No 332,
10 Harris County, Texas; said 283.558 acres being out of that tract
11 of land called 393.3575 acres described by deed recorded in HCCF
12 No M577056 ("Tract 4-A", therein) and conveyed to Delta Troy
13 Interests, Ltd by deed recorded in X381657 and more particularly
14 described by metes and bounds as follows:

15 BEGINNING at a 5/8 inch iron rod set marking the Northeast
16 corner of the herein described tract, same being the southwest
17 corner of the intersection of Kickapoo Road and said FM 2920
18 (aka Waller-Tomball Road); a 1 inch iron pipe found bears South
19 02 degrees 15 minutes 05 seconds East, 0.99 foot from said
20 property corner;

21 THENCE South 02 degrees 15 minutes 05 seconds East (call: South
22 02 degrees 17 minutes 53 seconds East), along the westerly
23 right-of-way line of said Kickapoo Road (66' right-of-way), a
24 distance of 2592.60 feet (HCCF No M798918; call: 2593.01 feet-
25 HCCF No M577056) to a 5/8 inch iron rod set marking the most
26 northerly Southeast corner of the herein described tract, same
27 being in the common line of Lots 8 and 9 of said Section 10 and
28 being the Northeast corner of that called 78.9245 acre Schindler
29 tract of land described in HCCF No M798918 and that called
30 23.6773 acre tract out of same conveyed to Michael McDonald and
31 wife, Kimela McDonald, by deed recorded in HCCF No X611580; a

1 5/8 inch iron rod found bears North 87 degrees 33 minutes 33
2 seconds East, 2.99 feet from said corner;
3 Thence South 87 degrees 33 minutes 33 seconds West, along the
4 common line of said Lots 8 and 9, same being the northerly line
5 of said 78.9245 acre Schindler tract, a distance of 1316.56 feet
6 (call: 1316.44 feet - HCCF No M798918) to a 1 inch iron pipe
7 found for corner, same being the common corner of Lots 7, 8, 9,
8 and 10 of said Section 10 and the Northwest corner of said
9 78.9245 acre Schindler tract; a capped iron rod found bears
10 North 41 degrees 57 minutes 18 seconds East, 12.64 feet from
11 said corner;
12 THENCE South 02 degrees 31 minutes 48 seconds East, along the
13 common line of Lots 9, 10, 15, and 16 of said Section 10, same
14 being the westerly line of said 78.9245 acre Schindler tract,
15 passing at a distance of 2618.58 feet (call: 2617.89 feet- HCCF
16 No M798918) a 1 inch iron pipe found marking the most Southwest
17 corner of said 78.9245 acre Schindler tract, same being in the
18 northerly line of the aforesaid unnamed 66' roadway, continuing
19 a total distance of 2621.94 feet (call: 2631.01 feet) to a 5/8
20 inch iron rod set in the northerly right-of-way line of the
21 aforesaid U.S. 290 marking the most southerly Southeast corner
22 of the herein described tract;
23 THENCE North 53 degrees 50 minutes 44 seconds West, along the
24 northerly right-of-way line of said U.S. 290, a distance of
25 1915.33 feet (call: 1917.64 feet) to a 5/8 inch iron rod set
26 marking a point-of-curvature in the northerly right-of-way line
27 of U.S. 290, 160.00 feet at right angles from the centerline,
28 across from Engineers Station 148+59.00;
29 THENCE along said northerly right-of-way line, counter-
30 clockwise, following the arc of a 7799.44 foot radius curve-to-
31 the-left, subtending a central angle of 04 degrees 50 min 53
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1 seconds, through an arc length of 659.96 feet (chord bearing of
2 North 55 degrees 16 minutes 11 seconds West, 659.76 feet) to the
3 Southwest corner of the herein described tract, same being the
4 Southeast corner of that called 107.6370 acre tract conveyed to
5 Peter S. Terpstra by deed recorded in HCCF No 20070033123; a 3/8
6 inch iron rod found bears South 79 degrees 56 minutes 25 seconds
7 West, 0.88 foot from said corner;

8 THENCE North 02 degrees 18 minutes 00 seconds West, crossing
9 Lots 11, 6, and 3 of said Section 10 and along the easterly line
10 of said 107.6370 acre tract, a distance of 3638.55 feet (call:
11 3639.80 feet) to a 5/8 inch iron rod set in the southerly right-
12 of-way line of FM 2920 (aka Waller-Tomball Road - 100' right-of-
13 way) marking the Northwest corner of the herein described tract,
14 same being the Northeast corner of said 107.6370 acres; 5/8 inch
15 iron rods found marking the northeast and northwest corners of a
16 10'x20' SWBT easement dedicated by instrument recorded in HCCF
17 No H844991 bear South 87 degrees 42 minutes 00 seconds West,
18 along said southerly right-of-way line at 379.81 feet and 399.81
19 feet, respectively, from said property corner;

20 THENCE North 87 degrees 42 minutes 00 seconds East, along said
21 southerly right-of-way line, passing at 2940.90 feet a 5/8 inch
22 iron rod found marking the northeast corner of a 20'x20' SWBT
23 easement dedicated by instrument recorded in HCCF No H844992,
24 continuing a total distance of 3341.68 feet (call: 3335.99 feet)
25 to the POINT OF BEGINNING and containing 283.558 acres
26 (12,351,801 square feet) of land.

27 Tract 5

28 Being 0.992 acre (43,220 square feet) out of Lot 1, Section 9 of
29 Harris County School Land Survey, Abstract No 332 and being that
30 called 1 acre conveyed to Leon Schindler and R.G. Schindler by
31 deed recorded in Volume 2187, Page 525 of the Deed Records of

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1 Harris County, Texas; said 0.992 acre fronting 208.00 feet on
2 Binford Road and being surrounded on three sides by that called
3 127.96 acre tract conveyed to Peter S. Terpstra, Trustee, by
4 deed recorded in HCCF Nos 20060246634 & 20060246637; said 0.992
5 acre also being that same tract of land called 1 acre conveyed
6 to Leon Schindler and R.G. Schindler by deed recorded in Vol
7 2187, Pg 525, HCDR ("Fourth Tract", therein) and called 0.9922
8 acre as described by deed recorded in HCCF No M577056 ("Tract
9 5", therein) and conveyed to Delta Troy Interests, Ltd by deed
10 recorded in X381657 and more particularly described by metes and
11 bounds as follows:

12 COMMENCING at a 5/8 inch iron rod found marking the Southerly
13 end of cut-back corner at the northwest corner of the
14 intersection of the aforesaid U.S. 290 (new) and Binford Road;
15 said corner being located in the northerly right-of-way line of
16 U.S. 290, 248.90 feet at right angles from the centerline,
17 across from Engineers Station 118+23.58;

18 THENCE North 56 degrees 39 minutes 54 seconds East, along said
19 cut-back, a distance of 97.00 feet to a point in the westerly
20 right-of-way line of said Binford Road at the Northerly end of
21 said cut-back;

22 THENCE North 03 degrees 59 minutes 00 seconds East, along the
23 westerly right-of-way line of said Binford Road (right-of-way
24 varies at this point), a distance of 370.87 feet to a 5/8 inch
25 iron rod found marking an angle point in said westerly right-of-
26 way line;

27 THENCE North 02 degrees 42 minutes 01 seconds West, along the
28 westerly right-of-way line of said Binford Road (66' right-of-
29 way), a distance of 1690.50 feet to a 1 inch iron pipe found
30 marking the POINT OF BEGINNING and southeast corner of the
31 herein described tract;

1 THENCE South 89 degrees 52 minutes 54 seconds West, crossing
2 said Lot 1 of Section 9, a distance of 208.00 feet to a 5/8 inch
3 iron rod set marking the southwest corner of the herein
4 described tract; a 5/8 inch iron rod found bears North 14
5 degrees 12 minutes 39 seconds East, 2.36 feet from said corner;
6 THENCE North 02 degrees 42 seconds 01 seconds West (call: North
7 02 degrees 41 seconds 16 seconds West, crossing said Lot 1 of
8 Section 9, a distance of 208.00 feet to a 5/8 inch iron rod set
9 marking the northwest corner of the herein described tract;
10 THENCE North 89 degrees 52 minutes 54 seconds East, crossing
11 said Lot 1 of Section 9, a distance of 208.00 feet to a 1 inch
12 iron pipe found in the westerly right-of-way line of said
13 Binford Road (66' right-of-way) marking the northeast corner of
14 the herein described tract;

15 THENCE South 02 degrees 42 minutes 01 seconds East (call:
16 South 02 degrees 41 minutes 16 seconds East, along the westerly
17 right-of-way line of said Binford Road, a distance of 208.00
18 feet to the POINT OF BEGINNING and containing 0.992 acre (43,220
19 square feet) of land.

20 SECTION __.03. (a) The legal notice of the intention to
21 introduce this article, setting forth the general substance of
22 this article, has been published as provided by law, and the
23 notice and a copy of this article have been furnished to all
24 persons, agencies, officials, or entities to which they are
25 required to be furnished under Section 59, Article XVI, Texas
26 Constitution, and Chapter 313, Government Code.

27 (b) The governor, one of the required recipients, has
28 submitted the notice and this article to the Texas Commission on
29 Environmental Quality.

30 (c) The Texas Commission on Environmental Quality has
31 filed its recommendations relating to this article with the

1 governor, the lieutenant governor, and the speaker of the house
2 of representatives within the required time.

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

7 SECTION ____04. This article takes effect immediately if
8 this Act receives a vote of two-thirds of all the members
9 elected to each house, as provided by Section 39, Article III,
10 Texas Constitution. If this Act does not receive the vote
11 necessary for immediate effect, this article takes effect
12 September 1, 2009.

13 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
14 between "this section" and the comma, insert "or otherwise
15 provided by this Act".

ADOPTED

MAY 27 2009

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 12

BY: *Steve Hegar*

1 Amend C.S.H.B. No. 3335 (senate committee printing) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill and renumber subsequent ARTICLES of the bill accordingly:

5 ARTICLE ____ . BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
6 NO. 2

7 SECTION ____ .01. Section 11001.007, Special District Local
8 Laws Code, is amended to read as follows:

9 Sec. 11001.007. MONTHLY CHARGES. (a) The board by
10 resolution may impose a monthly charge in an amount not to exceed
11 \$15 [~~of five dollars~~] for each developed or undeveloped lot, tract,
12 or reserve in the district.

13 (a-1) The board may not increase the monthly charge for a
14 developed or undeveloped lot, tract, or reserve in the district by
15 more than \$3 in any calendar year. The board may grant an exemption
16 to an increase in the monthly charge to the owner of a lot, tract, or
17 reserve in the district who:

18 (1) is 65 years of age or older and who uses the lot,
19 tract, or reserve as a residence; or

20 (2) has been determined to have a disability by and has
21 written documentation of the disability from the United States
22 Social Security Administration or the United States Department of
23 Veterans Affairs.

24 (b) Money received from the monthly charge may [~~must~~] be
25 used only for:

26 (1) constructing, maintaining, or repairing public
27 streets or roadways in the district; or

28 (2) purchasing equipment necessary to maintain or
29 repair public streets or roadways in the district.

1 (c) Of the money received under Subsection (a) each fiscal
2 year:

3 (1) not more than 10 percent may be used for
4 administrative purposes; and

5 (2) not less [~~more~~] than 15 percent shall [~~may~~] be used
6 for road maintenance.

7 SECTION ____ .02. This article takes effect immediately if
8 this Act receives a vote of two-thirds of all the members elected to
9 each house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this article takes effect September 1, 2009.

12 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
13 between "this section" and the comma, insert "or otherwise provided
14 by this Act".

ADOPTED

FLOOR AMENDMENT NO. 13

MAY 27 2009

BY: Wentworth

Atty Gen
Secretary of the Senate

1 Amend C.S.H.B. No. 3335 (senate committee report) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill:

5 ARTICLE ____ . COMAL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
6 NO. 5

7 SECTION __.01. Subtitle I, Title 6, Special District Local
8 Laws Code, is amended by adding Chapter 9036 to read as follows:

9 CHAPTER 9036. COMAL COUNTY WATER CONTROL AND IMPROVEMENT

10 DISTRICT NO. 5

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9036.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a board member.

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

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

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

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

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

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

3 (A) approved and entered into a strategic
4 partnership agreement with the district under Section 43.0751,
5 Local Government Code; and

6 (B) approved and entered into a development
7 agreement with the owners of land in the district under Section
8 212.172, Local Government Code;

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

12 (A) each municipality in whose extraterritorial
13 jurisdiction the district is located;

14 (B) the commissioners court of each county in
15 which the district is located;

16 (C) a retail or wholesale provider of water and
17 wastewater treatment; and

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

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

22 (5) the commissioners court of each county in which
23 the district is located has approved and entered into an
24 agreement with the district that must include, but is not
25 limited to, provisions relating to the use of county right-of-
26 way, the district's exercise of the power of eminent domain
27 outside the boundaries of the district, drainage serving the
28 land in the district, platting of land in the district, and the
29 provision of water and wastewater treatment to the land in the
30 district.

31 (b) A municipality that contains district territory in its

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1 corporate limits or extraterritorial jurisdiction may include in
2 its consent to the creation of the district any restriction on
3 or condition to the consent, including a limitation on the
4 powers of the district otherwise granted by this chapter.

5 (c) Sections 51.022 through 51.025, Water Code, do not
6 apply to the district or the order of the county under
7 Subsection (a)(4).

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

15 Sec. 9036.006. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

28 Sec. 9036.007. INITIAL DISTRICT TERRITORY. (a) The
29 district is initially composed of the territory described by the
30 article creating this chapter.

31 (b) The boundaries and field notes contained in the

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1 article creating this chapter form a closure. A mistake made in
2 the field notes or in copying the field notes in the legislative
3 process does not affect the district's:

4 (1) organization, existence, or validity;

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

8 (3) right to impose a tax; or

9 (4) legality or operation.

10 [Sections 9036.008-9036.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

16 Sec. 9036.052. TEMPORARY DIRECTORS. (a) The temporary
17 board consists of:

18 (1) Robert W. Fischer;

19 (2) John Genovese;

20 (3) Scot Giese;

21 (4) Gary Rauser; and

22 (5) James N. Young.

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

24 (1) the date permanent directors are elected under
25 Section 9036.003; or

26 (2) the fourth anniversary of the effective date of
27 the article creating this chapter.

28 (c) If permanent directors have not been elected under
29 Section 9036.003 and the terms of the temporary directors have
30 expired, successor temporary directors shall be appointed or
31 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 9036.003; or

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

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

13 [Sections 9036.053-9036.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 9036.101. GENERAL POWERS AND DUTIES. The district
16 has the powers and duties, as limited by this chapter, necessary
17 to accomplish the purposes for which the district is created.

18 Sec. 9036.102. WATER CONTROL AND IMPROVEMENT DISTRICT
19 POWERS AND DUTIES. The district has the powers and duties
20 provided by the general law of this state, including Chapters 49
21 and 51, Water Code, applicable to water control and improvement
22 districts created under Section 59, Article XVI, Texas
23 Constitution, including the powers and duties that relate to the
24 disposal of waste and control of storm water under Section
25 51.331, Water Code, as limited by this chapter.

26 Sec. 9036.103. AUTHORITY FOR ROAD PROJECTS. Under Section
27 52, Article III, Texas Constitution, as limited by this chapter,
28 the district may design, acquire, construct, finance, issue
29 bonds for, improve, operate, maintain, and convey to this state,
30 a county, or a municipality for operation and maintenance
31 macadamized, graveled, or paved roads, or improvements,

1 including storm drainage, in aid of those roads.

2 Sec. 9036.104. APPROVAL OF ROAD PROJECT. (a) The
3 district may not undertake a road project authorized by Section
4 9036.103 unless:

5 (1) the proposed road project complies with
6 applicable municipal or county subdivision ordinances or
7 regulations; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state
10 will operate and maintain the road.

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

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

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

24 (1) a road project authorized by Section 9036.103; or

25 (2) a recreational facility as defined by Section
26 49.462, Water Code.

27 (b) The district shall not exercise the power of eminent
28 domain outside the boundaries of the district for any purpose
29 unless the proposed exercise is approved by a written resolution
30 of the commissioners court of each county in which the district
31 is located.

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1 Sec. 9036.107. WATER AND WASTEWATER INFRASTRUCTURE. The
2 district may not construct any water or wastewater improvement
3 unless the plans and specifications for the improvement have
4 been approved by Comal County, the City of Bulverde, and any
5 wholesale provider of water or wastewater treatment to the
6 district.

7 [Sections 9036.108-9036.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

- 12 (1) revenue other than ad valorem taxes; or
- 13 (2) contract payments described by Section 9036.153.

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

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

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

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

29 Sec. 9036.153. CONTRACT TAXES. (a) In accordance with
30 Section 49.108, Water Code, the district may impose a tax other
31 than an operation and maintenance tax and use the revenue

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

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

7 [Sections 9036.154-9036.200 reserved for expansion]

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 9036.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. The district may issue bonds or other obligations
11 payable wholly or partly from ad valorem taxes, impact fees,
12 revenue, contract payments, grants, or other district money, or
13 any combination of those sources, to pay for any authorized
14 district purpose.

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

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

26 SECTION __.02. The Comal County Water Control and
27 Improvement District No. 5 initially includes all the territory
28 contained in the following area:

29 PART 1:

30 TRACT 1A:

31 A 5.128 acre tract of land out of Lot 2 of the Erna
9.146.372 sga

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1 Subdivision recorded in Volume 13, Page 137 of the Map and Plat
2 Records of Comal County, Texas, out of that 5.911 acre tract of
3 land conveyed to Travis Arthur Weidner in General Warranty Deed
4 recorded in Document # 200506007503 of the Official Records of
5 Comal County, Texas, out of the Agapito Gaytan Survey No. 194,
6 Abstract No. 174, in the City of Bulverde, Comal County, Texas.
7 Said 5.128 acre tract being more fully described as follows with
8 bearings being based on the North American Datum of 1983 (CORS
9 1996), from the Texas State Plane Coordinate System established
10 for the South Central Zone, and the west right-of-way line of
11 U.S. Highway 281:

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

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

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

27 THENCE: N 86°10'47" W, along and with the north line of
28 said 10.00 acre tract, a south line of said Lot 2, a distance of
29 194.76 feet to a point for an angle;

30 THENCE: S 88°26'59"W, along and with the north line of said
31 10.00 acre tract, the south line of said Lot 2, a distance of
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1 60.09 feet to a point, the southwest corner of said Lot 2, the
2 southeast corner of Lot 101 of said Saddleridge Subdivision Unit
3 1;

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

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

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

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

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

24 TRACT 1B:

25 A 10.922 acre tract of land being a portion of Bulverde
26 Commercial Subdivision recorded in Volume 13, Page 1 of the Map
27 and Plat Records of Comal County, Texas, and a portion of the
28 Bulverde Commercial Subdivision, Unit 2 recorded in Volume 13,
29 Page 57 of the Map and Plat Records of Comal County, also being
30 out of the Agapito Gayton Survey Number 194, Abstract Number
31 174, Comal County, Texas. Said 10.922 acre tract being more
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1 fully described as follows, with bearings based on the plats of
2 said subdivisions.

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

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

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

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

26 THENCE: S 69°12'48" W, along and with the south line of
27 said Bulverde Commercial Subdivision Unit 2, a north line of
28 said 45.81 acre tract a distance of 374.53 feet to a point for
29 the southwest corner of said Bulverde Commercial Subdivision
30 Unit 2, the northwest corner of said 45.81 acre tract, a point
31 on the east line of said Bulverde Commercial Subdivision;

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

7 THENCE: S 77°53'26" W, departing the west line of said
8 45.81 acre tract, the north line of said 92.37 acre tract a
9 distance of 644.66 feet to a point on curve in the northeast
10 right-of-way line of Ancestral Trail, a 60-foot private street
11 dedicated in the Weidner Subdivision Unit 1, recorded in Volume
12 11, Pages 330-331 of the Map and Plat Records of Comal County,
13 Texas, a southwest line of said Bulverde Commercial Subdivision;

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

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

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

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

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

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

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

8 TRACT 1C:

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

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

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

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

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

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

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

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

16 TRACT 1D:

17 A 38.367 acre tract out of a 45.81 acre tract of land being
18 the remainder of that Save & Except 50.00 acre tract conveyed to
19 Cibolo Valley Ranch, LTD in Correction Special Warranty Deed
20 recorded in Document 200006010170 of the Official Records of
21 Comal County, Texas and being part of a 140.0 acre tract
22 conveyed to Fritz Voges in Deed recorded in Volume M, Pages 746-
23 747 of the Deed Records of Comal County, also being out of the
24 Agapito Gayton Survey Number 194, Abstract Number 174, Comal
25 County, Texas. Said 38.367 acre tract being more fully described
26 as follows, bearings being based on the North American Datum of
27 1983, (CORS 1996), from Texas Coordinate System established for
28 the South Central Zone:

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

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

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

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

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

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

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1 tract;

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

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

11 TRACT 1E:

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

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

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

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

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

4 Northeasterly, along the arc of a curve to the left,
5 said curve having a radial bearing of N 06°04'31" E, a radius of
6 1472.70 feet, a central angle of 31°02'38", a chord bearing and
7 distance of N 80°33'12" E, 788.21 feet, for an arc length of
8 797.94 feet to a point, a point of non-tangency;

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

11 Northeasterly, along the arc of a curve to the right,
12 said curve having a radial bearing of S 24°56'32" E, a radius of
13 1392.70 feet, a central angle of 22°08'45", a chord bearing and
14 distance of N 76°07'50" E, 534.96 feet, for an arc length of
15 538.30 feet to a point, a point of non-tangency;

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

18 Northeasterly, along the arc of a curve to the left,
19 said curve having a radius of 1472.70 feet, a central angle of
20 2°53'47", a chord bearing and distance of N 85°37'32" E, 74.44
21 feet, for an arc length of 74.45 feet to a point, the northwest
22 corner of a remaining portion of a 261.17 acre tract recorded in
23 Volume 68, Pages 631-633 of the Deed Records of Comal County,
24 Texas, the northeast corner of said called 115.596 acre tract;

25 THENCE: Departing the south right-of-way line of said F.M.
26 1863, along and with the west line of said remaining portion of
27 a 261.17 acre tract, an east line of said called 115.596 acre
28 tract the following calls and distances:

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

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

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

4 THENCE: Along and with the centerline of Cibolo Creek, the
5 west line of said 220.5 acre tract the following calls and
6 distances:

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

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

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

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

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

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

13 S 18°22'43"E, a distance of 120.64 feet to a point,

14 the northeast corner of a 387.057 acre tract, the southeast
15 corner of the aforementioned called 115.596 acre tract;

16 THENCE: S 89°40'01"W, departing the west line of said 220.5
17 acre tract, along and with the north line of said 387.057 acre
18 tract, a south line of said called 115.596 acre tract, at a
19 distance of 906.4 feet passing point for the northeast corner of
20 a 3.002 acre tract recorded in Volume 862, Pages 874-877 of the
21 Official Records of Comal County, Texas and continuing for a
22 total distance of 1310.37 feet to a point, from which a found
23 1/2" iron rod bears N 14°43'14"E, 0.81 feet;

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

31 THENCE: S 00°18'53"W, continuing with an east line of said
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1 called 115.596 acre tract, the west line of said 0.238 acre
2 tract, a distance of 132.14 feet to a point on the north line of
3 the aforementioned 387.057 acre tract, a southeast corner of
4 said called 115.596 acre tract, the southwest corner of said
5 0.238 acre tract;

6 THENCE: S 89°31'19"W, along and with the north line of said
7 387.057 acre tract, a south line of said called 115.596 acre
8 tract, a distance of 1299.77 feet to a point, on the east line
9 of the aforementioned 140 acre tract (Tract 2), the northwest
10 corner of said 387.057 acre tract, the southwest corner of said
11 called 115.596 acre tract;

12 THENCE: Along and with the east line of said 140 acre tract
13 (Tract 2), the west line of said 115.596 acre tract the
14 following calls and distances:

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

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

18 TRACT 1F:

19 A 15.538 acre tract of land being a portion of Lot 827A and
20 all of Lot 827B of The Crossing at 46 subdivision recorded in
21 Volume 15, Pages 275-276 and all of Lots 828 and 829 of the
22 River Crossing subdivision Unit Four, recorded in Volume 14,
23 Page 219-220 and all of Lots 56, 57 and 58 of the Ridgeview Oaks
24 West subdivision, recorded in Volume 3, Pages 28-29 all of the
25 Map and Plat Records of Comal County, Texas, out of the Theo
26 Miller Survey No. 323, Abstract 384, Comal County, Texas. Said
27 15.538 acre tract being more fully described as follows, with
28 bearings based on the North American Datum of 1983 (CORS 1996),
29 from the Texas Coordinate System established for the South
30 Central Zone.

31 COMMENCING: At a point at the southwest end of the cutback
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1 line at the intersection of the north right-of-way line of State
2 Highway 46, a 130-foot right-of-way at this point, with the west
3 right-of-way line of River Way, a 60-foot right-of-way dedicated
4 in the River Crossing Subdivision recorded in Volume 14, Pages
5 19-20 of the Map and Plat Records of Comal County, Texas, for
6 the southeast corner of said Lot 827A;

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

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

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

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

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

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

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

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

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

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

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

28 THENCE: Along the west right-of-way line of said River Way,
29 the east line of said Lot 827B with a tangent curve to the right
30 said curve having radius of 270.00 feet, a central angle of
31 17°45'27", a chord bearing and distance of S 10°06'06" E, 83.35

1 feet, an arc length of 83.68 feet to a point of tangency;

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

6 PART 2:

7 TRACT 2A:

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

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

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

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

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

5 THENCE N 01° 09' 20" E - 583.04' continuing along said east
6 line of Stahl Road and west line of said 196.62 acre tract to a
7 3/4" iron rod set common to the southwest corner of a 2.889 acre
8 tract described as Lot 1, Bartlett's Paradise Valley
9 Subdivision, in Plat recorded under Volume 10, Page 174, Map and
10 Plat Records, Comal County, Texas;

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

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

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

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

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

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

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

1 described tract;

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

6 THENCE N 41° 05' 30" E - 228.89' continuing along said east
7 line of Stahl Road and west line of said 196.62 acre tract to a
8 3/4" iron rod set common to an angle corner of the herein
9 described tract;

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

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

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

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

31 THENCE S 00° 06' 34" E - 817.22' along the westerly line of
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1 said 36.513 acre tract to a 3/4" iron rod set common to an angle
2 point of the said 36.513 acre tract, and common to the northwest
3 corner of a 3.814 acre tract described in deed to Randy Harris
4 from Gary Eldon Bartlett recorded under Document No.
5 200306031386, Official Public Records of Real Property, Comal
6 County, Texas, said iron common to an angle corner of the herein
7 described tract;

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

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

16 THENCE S 00° 35' 26" E - 42.43' to a 3/8" iron rod found
17 common to the northeast corner of the aforementioned Lundgren
18 21.00 acre tract and common to the southeast corner of the
19 herein described tract;

20 THENCE along the north line of said Lundgren 21.00 acre
21 tract the following:

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

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

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

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

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

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

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

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

15 S 16° 51' 24" W - 287.11' along the north line of said
16 Lundgren 21.00 acre tract to a 1/2" iron rod found common to an
17 angle corner of the herein described tract;

18 THENCE S 89° 49' 45" W - 1250.21 along the north line of said
19 Lundgren 21.00 acre tract to the POINT OF BEGINNING of the
20 herein described tract and containing 105.5 acres of land.

21 TRACT 2B:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 TRACT 2C:

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

19 COMMENCING at a 1/2" iron rod found in the east line of
20 Stahl Road, said iron rod is common to the southwest corner of a
21 196.62 acre tract described in the deed from Brandy Kay Bartlett
22 to Gary Eldon Bartlett recorded under Document No. 200206018898,
23 Deed Records, Comal County, Texas;

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

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

30 THENCE N 01° 09' 20" E - 583.04' along said east line of
31 Stahl Road and west line of said 196.62 acre tract to a 3/4"
9.146.372 sga

1 iron rod set for the POINT OF BEGINNING;
2 THENCE N 01° 09' 20" E - 60.00' to a 3/4" iron rod set for
3 the northwest corner of the herein described tract;
4 THENCE S 88° 47' 33" E - 1080.24' to a 1/2" iron rod found
5 for an angle corner of the herein described tract;
6 THENCE N 40° 40' 02" E - 172.29' to a 1/2" iron rod found
7 for the most northerly corner of the herein described tract;
8 THENCE S 49° 19' 58" E - 250.00' to a 1/2" iron rod found
9 for the most easterly corner of the herein described tract;
10 THENCE S 40° 40' 02" W - 250.00' to a 1/2" iron rod found
11 for the most southerly corner of the herein described tract;
12 THENCE N 49° 19' 58" W - 250.00' to a 1/2" iron rod found
13 for an angle corner of the herein described tract;
14 THENCE N 88° 47' 33" W - 1030.80' to the POINT OF BEGINNING
15 of the herein described tract and containing 2.889 acres of
16 land.

17 TRACT 2D:

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

30 BEGINNING at a 39" diameter Live Oak tree, said tree is
31 common to the southeast corner of a 20.000 acre tract described
9.146.372 sga

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1 in the deed from Jane K. Kleck to Cantu Medical Association
2 recorded under Volume 424, Page 822 Deed Records, Comal County,
3 Texas, said tree common to the southwest corner of the herein
4 described tract;

5 THENCE N 00° 30' 25" W - 3004.27' along the east line of
6 said Cantu Medical Association tract, the east line of a 43.567
7 acre tract described in deed from Helena Kleck Vivian to Mark B.
8 Wagner and Barbara Wagner recorded under Document No.
9 200106022370 Official Public Records of Real Property, Comal
10 County Texas, the east line of a 43.547 acre tract described in
11 deed from Mark D. Wagner and wife, Barbara Wagner and Pamela
12 Wyrick and husband Jerry Lynn Wyrick to Helena Kleck Vivian
13 recorded under Document No. 200106022554, Official Public
14 Records of Real Property, Comal County Texas, and the west line
15 of the herein described tract to a 1/2" iron rod found, said
16 iron rod is common to the southwest corner of a 21.00 acre tract
17 described in the deed from Gary Eldon Bartlett and wife, Brandy
18 K. Bartlett to Stephen C. Lundgren and wife, Diane K. Lundgren,
19 recorded under Document No. 9806013761, Official Public Records
20 of Real Property, Comal County Texas, said iron rod is common to
21 an angle point of the herein described tract;

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

30 THENCE along the south line of said Harris tract and the
31 north line of the herein described tract the following:

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1 said Best tract to a fence corner found common to the southeast
2 corner of the said Best tract and an angle point of the herein
3 described tract;

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

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

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

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

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

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

27 THENCE along the westerly right-of-way line of Smithson
28 Valley Road and the easterly line of the herein described tract
29 the following:

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

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

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

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

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

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

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

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

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

28 S 01° 41' 27" E - 667.40' along the northerly line of
29 said Oak Village North, at 210.51 pass a 1/2" iron rod found
30 common to the southwest corner of lot 218, at 510.07' pass a
31 1/2" iron rod found common to the southwest corner of lot 215,
9.146.372 sga

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1 said Oak Village North, to a fence corner found common to an
2 angle corner of the herein described tract;

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

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

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

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

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

27 TRACT 2E:

28 All that certain 152.8 acres of land in the M. Jamison
29 Survey No. 697, Abstract No. 298, the F.W. Foerster Survey No.
30 850, Abstract No. 879, and the John Byland Survey No. 438,
31 Abstract No. 50, Comal County Texas, which is all of the land
9.146.372 sga

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

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

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

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

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

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

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

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

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

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

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

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

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

29 THENCE S 60° 31' 06" E - 448.57' along the south line of
30 said Stoney Ridge, at 234.76' pass a 1/2" iron rod found common
31 to the southeast corner of Lot 32, Stoney Ridge, said iron rod
9.146.372 sga

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1 is common to the southwest corner of a 34.00 acre tract
2 described in the deed from Anita Richards Mayer, Trustee to
3 Robert J. Nash and Gerri S. Nash recorded under Document No.
4 9806017120 Official Public Records of Real Property, Comal
5 County, Texas, to a 3/4" iron rod set common to an angle corner
6 of the herein described tract;

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

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

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

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

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

25 THENCE along the westerly right-of-way line of said
26 Smithson Valley Road and the easterly line of the herein
27 described tract the following:

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

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1 "Pape-Dawson", the south right-of-way line of State Highway 46,
2 a variable width right-of-way as shown in the retracement survey
3 TXDOT file SAT021501RA, the northeast corner of Travel Mart
4 Subdivision recorded in Volume 9, Page 312 of the Map and Plat
5 Records of Comal County, Texas, a northwest corner of said
6 remaining portion of 183.555 acre tract, from which a found
7 Texas Department of Transportation monument with a brass plate
8 bears a chord bearing and distance of S 66°37'32"W, 239.55 feet
9 and arc length of 241.30 feet to the northeast corner of said
10 Travel Mart Subdivision and the intersection of the southeast
11 right-of-way line of U.S. Highway 281, a variable width right-
12 of-way and the south right-of-way line of said State Highway 46;

13 THENCE: Along and with the south right-of-way line of said
14 State Highway 46 and the north line of said remaining portion of
15 183.555 acre tract, the following calls and distances:

16 Northeasterly, along the arc of a curve to the right,
17 said curve having a radial bearing of S 11°23'33" E, a radius of
18 576.94 feet, a central angle of 10°15'10", a chord bearing and
19 distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24
20 feet to a set 1/2" iron rod with yellow cap marked "Pape-
21 Dawson";

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

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

26 N 88°47'15"E, a distance of 184.35 feet to a found
27 1/2" iron rod with yellow cap marked "Pape-Dawson", the west
28 right-of-way line of Berry Oaks Drive, a private street, also
29 being Lot 1, Drainage, Electric, Gas, Telephone, Cable T.V., and
30 Water Easement out of Berry Oaks Subdivision Unit 1 recorded in
31 Volume 11, Pages 393-396 of the Map and Plat Records of Comal

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1 County, Texas;

2 THENCE: Departing the south right-of-way line of State
3 Highway 46, along and with the west line of said Berry Oaks
4 Drive and the east line of said remaining portion of 183.555
5 acre tract, the following calls and distances:

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

9 Southeasterly, along the arc of a curve to the right,
10 said curve having a radial bearing of S 01°27'35" E, a radius of
11 25.00 feet, a central angle of 92°07'18", a chord bearing and
12 distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20
13 feet to a found 1/2" iron rod with yellow cap marked "Pape-
14 Dawson";

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

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

23 Southwesterly, along the arc of a curve to the left,
24 said curve having a radial bearing of S 82°19'30" E, a radius of
25 350.00 feet, a central angle of 09°40'30", a chord bearing and
26 distance of S 02°50'16" W, 59.03 feet, an arc length of 59.10
27 feet to a found 1/2" iron rod with yellow cap marked "Pape-
28 Dawson" and the POINT OF BEGINNING;

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

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

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

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

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

15 S 05°38'29"E, a distance of 162.30 feet to a found
16 1/2" iron rod, being the southwest corner of said Lot 5R;

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

22 S 18°02'32"E, along and with the east right-of-way
23 line of said Berry Oaks Drive, a distance of 60.00 feet to a set
24 1/2" iron rod with yellow cap marked "Pape-Dawson", the
25 northeast corner of Lot 7R of said Berry Oaks Subdivision;

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

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

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

4 S 05°16'46"E, a distance of 441.98 feet to a found
5 1/2" iron rod with cap marked "ACE", being the southwest corner
6 of Lot 10R and the northwest corner of Lot 11R of said Berry
7 Oaks Subdivision;

8 S 37°37'14"E, a distance of 986.25 feet to a found
9 1/2" iron rod with cap marked "ACE", being the southwest corner
10 of Lot 15R and a west angle point of Lot 17R of said Berry Oaks
11 Subdivision;

12 S 48°46'32"E, a distance of 695.56 feet to a found
13 1/2" iron rod with cap marked "ACE", being the southeast corner
14 of Lot 18R and the southwest corner of Lot 19R of said Berry
15 Oaks Subdivision;

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

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

27 THENCE: Southwesterly, along and with the west line of said
28 Stahl Lane and the said curve to the right, said curve having a
29 radius of 663.42 feet, a central angle of 67°45'22", a chord
30 bearing and distance of S 33°38'10" W, 739.62 feet, an arc
31 length of 784.54 feet to a set 1/2" iron rod with yellow cap
9.146.372 sga

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1 marked "Pape-Dawson", the southeast corner of said remaining
2 portion of 183.555 acre tract, the east line of a 47.97 acre
3 tract recorded in Document #9806006222 of the Official Records
4 of Comal County, Texas;

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

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

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

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

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

27 THENCE: S 00°05'59"W, along and with the west line of said
28 easement, a distance of 148.37 feet (147.60' Deed) to a found
29 1/2" iron rod, the southwest corner of said called 0.50 acre
30 tract and being the northwest corner of said easement;

31 THENCE: S 00°53'07"W, along and with the west line of said
9.146.372 sga

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1 iron rod with yellow cap marked "Pape-Dawson";

2 N 45°36'42" E, a distance of 15.46 feet to a to a set
3 1/2" iron rod with yellow cap marked "Pape-Dawson";

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

6 PART 4:

7 TRACT 4A:

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

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

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

31 THENCE: S 00°36'37" E with the west line of the 497.9 acre
9.146.372 sga

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

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

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

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

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

26 TRACT 4B:

27 BEING 149.984 ACRES OF LAND BEING OUT OF THE F.H. FAIGAUX
28 SURVEY NO. 787, ABSTRACT NO. 767, IN COMAL COUNTY, TEXAS, AND
29 BEING OUT OF THAT CERTAIN 155.956 ACRE TRACT OF LAND DESCRIBED
30 IN A DEED DATED MAY 20, 1975, FROM EDDIE LUX TO VIRGIL K.
31 KNOWLTON RECORDED IN VOLUME 227, PAGE 604, OF THE DEED RECORDS
9.146.372 sga

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1 OF COMAL COUNTY, TEXAS, AND BEING ALL OF THOSE CERTAIN TWO
2 TRACTS OF LAND DESCRIBED IN TWO SEPARATE DEEDS DATED JULY 10,
3 1984, EXECUTED BY VIRGIL K. KNOWLTON, ET UX, ONE TRACT BEING
4 148.395 ACRES OF LAND, WHICH DEED IS RECORDED IN VOLUME 398,
5 PAGE 33, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND THE
6 OTHER TRACT BEING 4.116 ACRES OF LAND, WHICH DEED IS RECORDED IN
7 VOLUME 398, PAGE 42, OF THE DEED RECORDS OF COMAL COUNTY, TEXAS,
8 SAID 149.984 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY
9 METES AND BOUNDS AS FOLLOWS:

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

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

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

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

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

31 1) S 24°19'45" E, A DISTANCE OF 288.35 FEET TO AN IRON ROD
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1 FOUND;
2 2) S 61°24'18" E, A DISTANCE OF 809.86 FEET TO AN IRON ROD
3 FOUND;
4 3) S 71°39'27" E, A DISTANCE OF 390.70 FEET TO AN IRON ROD
5 FOUND;
6 4) S 33°11'33" E, A DISTANCE OF 16.90 FEET TO AN IRON ROD
7 FOUND;
8 5) S 06°04'41" E, A DISTANCE OF 213.95 FEET TO AN IRON ROD
9 FOUND;
10 6) S 00°29'28" W, A DISTANCE OF 1,475.86 FEET TO AN IRON
11 ROD SET
12 7) S 59°19'00" W, A DISTANCE OF 200.06 FEET TO AN IRON ROD
13 SET
14 8) S 88°57'00" W, A DISTANCE OF 388.95 FEET TO AN IRON ROD
15 SET
16 9) S 45°59'00" W, A DISTANCE OF 30.40 FEET TO AN IRON ROD
17 SET AT THE NORTHEAST CORNER OF THAT CERTAIN JOYCE LUX 0.616 OF
18 AN ACRE OF LAND, FOR THE SOUTHEAST CORNER HEREOF;
19 THENCE, WITH THE NORTH LINE OF SAID 0.516 OF AN ACRE OF
20 LAND AND WITH THE SOUTH LINE OF SAID 155.956 ACRE TRACT OF LAND
21 THE FOLLOWING FOUR (4) COURSES:
22 1) S 89°36'00" W, A DISTANCE OF 1,019.90 FEET TO AN IRON
23 ROD SET AT AN ANGLE POINT IN SAID LINE;
24 2) N 35°32'00" W, A DISTANCE OF 13.20 FEET TO AN IRON ROD
25 SET AT AN ANGLE POINT IN SAID LINE;
26 3) S 72°04'00" W, A DISTANCE OF 51.70 FEET TO AN IRON ROD
27 SET AT AN ANGLE POINT IN SAID LINE;
28 4) N 89°49'00" W, A DISTANCE OF 968.30 FEET TO AN IRON ROD
29 SET AT THE NORTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND
30 SONS HEREFORD RANCH, LTD 10.600 ACRE TRACT OF LAND, SAME BEING
31 THE SOUTHEAST CORNER OF THAT CERTAIN CLYDE JOHNSON AND SONS

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1 HEREFORD RANCH, LTD 151.900 ACRE TRACT OF LAND, BOTH RECORDED IN
2 DOCUMENT NO. 200006037239, OF THE OFFICIAL PUBLIC RECORDS OF
3 SAID COUNTY, FOR THE SOUTHWEST CORNER HEREOF;

4 THENCE, WITH THE EAST LINE OF SAID HEREFORD RANCH, LTD
5 151.900 ACRES OF LAND AND WITH THE WEST LINE OF SAID 155.956
6 ACRE TRACT OF LAND, N 00°40'00" W, A DISTANCE OF 3,017.30 FEET
7 TO AN IRON ROD FOUND AT A POINT IN THE SOUTH LINE OF SAID
8 HEREFORD RANCH, LTD 151.956 ACRE TRACT OF LAND, FOR THE
9 NORTHWEST CORNER HEREOF;

10 THENCE, WITH A PORTION OF SAID SOUTH LINE OF SAID 151.956
11 ACRE TRACT OF LAND AND WITH A PORTION OF THE NORTH LINE OF SAID
12 155.956 ACRE TRACT OF LAND, S 89°57'00" E, A DISTANCE OF 655.62
13 FEET TO AN IRON ROD SET AT A POINT IN SAID LINE AT THE NORTHWEST
14 CORNER OF SAID KANE 6.020 ACRE TRACT OF LAND, FOR A POINT IN THE
15 NORTH LINE HEREOF;

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

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

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

23 PART 5

24 FIELDNOTE DESCRIPTION of a 210.971 acre tract of land
25 situated within Comal County, Texas, out of the Christian Hanz
26 Survey Number 452, Abstract 263, the Agapita Nava Survey Number
27 451, Abstract 432 and the Johann Moegelin Survey Number 575,
28 Abstract 423 and being comprised of all of Lot 1, Block 2,
29 KESTREL AIR PARK as shown by plat recorded in Volume 12, Pages
30 314-316, Comal County Map and Plat records, together with 16.210
31 acres out of a certain 25.422 acre tract of land conveyed unto
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1 DJL Ventures Inc, by warranty deed executed November 27, 2006
2 and recorded in Document Number 200606050149, Comal County
3 Official Records, together with 0.519 acres out of a certain
4 3.827 acre tract of land conveyed unto James R. and Cecelia
5 Leininger by warranty deed executed April 8, 1987 and recorded
6 in Volume 564, Page 360, Comal County Deed Records, together
7 with 25.502 acres out of a remaining portion of a certain
8 412.1351 acre tract of land conveyed unto James R. Leininger by
9 warranty deed executed December 29, 1982 and recorded in Volume
10 338, Page 466, said Deed Records, together with a certain 35.00
11 acre tract of land and a certain 5.058 acre tract of land
12 conveyed unto DJL Ventures, Inc by warranty deed executed
13 December 27, 2006 and recorded in Document Number 200706009043,
14 said Official Records, together with a called 123.995 acre tract
15 conveyed unto DJL Ventures, Inc by warranty deed executed
16 January 3, 2007 and recorded in Document Number 200706009042,
17 said Official Records, in all said 210.971 acre tract being more
18 particularly described as follows:

19 BEGINNING at a 1/2" iron rod found at the intersection of
20 the westerly right-of-way line of U.S. Highway 281 (a variable
21 width public right-of-way) with the northerly incorporated
22 limits of City of Bulverde as described in the POLITICAL
23 BOUNDARY DESCRIPTION OF A 1.8 SQUARE MILE TRACT OF LAND FOR THE
24 CITY OF BULVERDE NORTHWEST - INCORPORATION LIMITS, dated October
25 8, 2001; same being the common southeast corner of said Lot 1,
26 Block 2, KESTREL AIR PARK and the northeast corner of said
27 25.422 acre tract, also being the eastern most corner and POINT
28 OF BEGINNING of this tract.

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

4 THENCE, across said 25.422 acre tract and with said line
5 running 200 feet west of, and parallel with, said westerly
6 right-of-way line as follows:

7 South $03^{\circ} 03' 10''$ East, 256.79 feet to a point for
8 corner.

9 South $05^{\circ} 51' 08''$ East, 710.05 to a point at the
10 beginning of a non-tangent curve concave to the west, whose
11 radius point bears South $84^{\circ} 07' 05''$ West and whose chord
12 bearing and distance is South $01^{\circ} 25' 05''$ West, 884.34 feet,

13 And southerly with the arc of said curve through a
14 central angle of $14^{\circ} 36' 01''$, an arc distance of 886.73 feet to
15 a point for corner situated in the incorporated city limit line
16 running perpendicular to the centerline of said U.S. Highway
17 281, said perpendicular line being situated approximately 2,200
18 feet north of the centerline of State Highway 46 (a 100 foot
19 wide public right-of-way).

20 THENCE along said perpendicular line, North $81^{\circ} 16' 54''$
21 West, at 106.16 feet pass the common south line of said 25.422
22 acre tract and the north line of said 3.827 acre tract, in all a
23 distance of 270.53 feet to a point for corner situated in the
24 incorporated city limit line running 470 feet west of, and
25 parallel with, the westerly right-of-way line said U.S. Highway
26 281.

27 THENCE, along said line running 470 feet west of, and
28 parallel with, said westerly right-of-way line, South $14^{\circ} 54'$
29 $38''$ West, at 178.41 feet pass the common west line of said 3.827
30 acre tract and the east line of said 412.1351 acre tract, in all
31 a distance of 756.85 feet to a point for corner in the north
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1 line of a 9.156 acre tract of land conveyed unto J. David
2 Bamberger by correction deed executed February 9, 1981 and
3 recorded in Volume 308, Page 202, said Deed Records.

4 THENCE, departing said line running 470 feet west of, and
5 parallel with, said westerly right-of-way line, South $76^{\circ} 50'$
6 $42''$ West, 88.53 feet to a $1/2''$ iron rod found in the east line
7 of said 412.1351 acre tract and at the northwest corner of said
8 9.156 acre tract.

9 THENCE, along the common west line of said 9.156 acre tract
10 and east line of said 412.1351 acre tract, South $01^{\circ} 13' 43''$
11 East, 281.04 feet to its intersection with said incorporated
12 city limit line running 470 feet west of, and parallel with,
13 said westerly right-of-way line.

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

24 THENCE, along said line running 750 feet north of, and
25 parallel with, said northerly right-of-way line and westerly
26 with the arc of said curve through a central angle of $01^{\circ} 20'$
27 $08''$, an arc distance of 248.51 feet to a point for corner.

28 THENCE, continuing across said 412.1351 acre tract and
29 along said line running 750 feet north of, and parallel with,
30 said northerly right-of-way line, North $83^{\circ} 56' 15''$ West, 475.45
31 feet to a point for corner in the west line of WINDMILL RANCH
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1 SUBDIVISION, UNIT 1, as shown by plat recorded in Volume 12,
2 Pages 321 - 324, said Map and Plat Records for the southerly
3 southwest corner of this tract, and from whence a 1/2" iron rod
4 found at the southeast corner of said WINDMILL RANCH
5 SUBDIVISION, UNIT 1, bears South 00° 05' 07" West, 4.89 feet.

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

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

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

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

28 THENCE, continuing with said incorporated city limit line,
29 North 00° 01' 22" East, at 872.34 feet pass a 1/2" iron rod
30 found at the common north corner of said WINDMILL RANCH
31 SUBDIVISION, UNIT 2 and the southeast corner of WINDMILL RANCH

1 SUBDIVISION, UNIT 3 according to the plat recorded in Volume 13,
2 Pages 33-36, said Map and Plat Records, at 1742.32 feet pass a
3 1/2" iron rod found at the northeast corner of Lot 84 as shown
4 by plat of said WINDMILL RANCH SUBDIVISION, UNIT 3, in all a
5 distance of 1742.99 feet to a 1/2" iron rod set on the south
6 line of KESTREL AIR PARK according to the plat recorded in
7 Volume 12, Pages 314-316, said Map and Plat Records for the
8 northwest corner of said called 123.995 acre tract and the
9 northwest corner of this tract.

10 THENCE, departing said incorporated city limit line, North
11 89° 35' 20" East, 2,627.46 feet, along the south line of said
12 KESTREL AIR PARK, to a 1/2" iron rod found on the south right-
13 of-way line of Flightline Drive (a 60 foot wide Private Street)
14 as shown by plat of said KESTREL AIR PARK.

15 THENCE, along said south right-of-way line, North 89° 29'
16 45" East, at 727.93 feet pass a 1/2" iron rod found at the
17 common northeast corner of said 123.995 acre tract and the
18 northwest corner of said 5.058 acre tract, in all a distance of
19 750.21 feet to a 1/2" iron rod found at the west corner of said
20 Lot 1, Block 2, KESTREL AIR PARK and at the beginning of a non-
21 tangent curve to the left whose radius point bears North 00° 29'
22 59" East, 360.00 feet and whose chord bearing and distance is
23 North 79° 06' 14" East, 142.26 feet,

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

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

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

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

6 South 73° 19' 11" East, 42.33 feet to a 1/2" iron rod
7 found at the beginning of a tangent curve to the left having a
8 radius 330.00 feet and a chord bearing and distance of South 80°
9 50' 39" East, 86.43 feet,

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

13 South 88° 22' 06" East, 190.99 feet to a 1/2" iron rod
14 found at the beginning of a tangent curve to the right having a
15 radius of 500.00 feet and a chord bearing and distance of South
16 85° 19' 27" East, 53.11 feet,

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

20 South 82° 16' 47" East, 97.67 feet to 1/2" iron rod
21 found at the beginning of a tangent curve to the left having a
22 radius of 500.00 feet and a chord bearing and distance of South
23 85° 19' 27" East, 53.11 feet,

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

27 And South 88° 21' 34" East, 127.32 feet to a 1/2" iron
28 rod found at the intersection of said south right-of-way line
29 and the westerly right-of-way line of said U.S. Highway 281,
30 same being at the common northeast corner of said Lot 1, Block
31 2, KESTREL AIR PARK and the northeast corner of this tract.

1 THENCE, along said westerly right-of-way line, South 03°
2 03' 10" East, at 134.71 feet to the point of POINT OF BEGINNING.

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

5 SECTION ____ .03. (a) The legal notice of the intention to
6 introduce this article, setting forth the general substance of
7 this article, has been published as provided by law, and the
8 notice and a copy of this article have been furnished to all
9 persons, agencies, officials, or entities to which they are
10 required to be furnished under Section 59, Article XVI, Texas
11 Constitution, and Chapter 313, Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and this article to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has
16 filed its recommendations relating to this article with the
17 governor, the lieutenant governor, and the speaker of the house
18 of representatives within the required time.

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with
21 respect to the notice, introduction, and passage of this article
22 are fulfilled and accomplished.

23 SECTION ____ .04. This article takes effect immediately if
24 this Act receives a vote of two-thirds of all the members
25 elected to each house, as provided by Section 39, Article III,
26 Texas Constitution. If this Act does not receive the vote
27 necessary for immediate effect, this article takes effect
28 September 1, 2009.

29 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
30 between "this section" and the comma, insert "or otherwise
31 provided by this Act".

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ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 14

BY: 
Secretary of the Senate

1 Amend House Bill 3335 (Senate Committee Report) by
2 inserting the following SECTIONS to the bill and renumbering the
3 subsequent SECTIONS accordingly:

4 SECTION __. Sections 8801.204(a) and (c), Special District
5 Local Laws Code, are amended to read as follows:

6 (a) If it appears that a person has violated or is
7 violating or threatening to violate this chapter or a rule,
8 permit, or other order of the district issued or adopted under
9 this chapter, the district may institute an action in a district
10 court in the district for:

11 (1) injunctive relief to restrain the person from
12 continuing the violation or threat of violation;

13 (2) the assessment and recovery of a civil penalty
14 of:

15 (A) not less than \$50 and not more than \$5,000
16 for each violation and for each day of a continuing violation,
17 if the person is not a political subdivision or an agency of a
18 political subdivision; or

19 (B) if the person is a political subdivision or
20 an agency of a political subdivision, an amount equal to the
21 greater of:

22 (i) 120 percent of the sum of the fees
23 assessed against the person and the amount the person would have
24 paid to an alternative water supplier; or

25 (ii) \$5,000 for each violation and for each
26 day of a continuing violation; or

27 (3) both injunctive relief and civil penalties.

28 (c) At the request of the board, or the general manager if
29 authorized by the board, the attorney general shall institute

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1 and conduct an action against any person in the name of the
2 district for injunctive relief or to recover a civil penalty, or
3 both.

4 SECTION _____. Sections 43(a) and (b), Chapter 1045, Acts of
5 the 71st Legislature, Regular Session, 1989, are amended to read
6 as follows:

7 (a) If a person has violated, is violating, or is
8 threatening to violate a provision of this Act or a rule,
9 regulation, permit, or other order of the district, the district
10 may bring a civil action in a district court within the district
11 for:

12 (1) an injunction to restrain the person from
13 continuing the violation or the threat of violation;

14 (2) the assessment and recovery of~~[, for]~~ a civil
15 penalty of:

16 (A) not less than \$50 nor more than \$5,000 for
17 each violation and for each day of violation, if the person is
18 not a political subdivision or an agency of a political
19 subdivision; or

20 (B) if the person is a political subdivision or
21 an agency of a political subdivision, an amount equal to the
22 greater of:

23 (i) 120 percent of the sum of the fees
24 assessed against the person and the amount the person would have
25 paid to an alternative water supplier; or

26 (ii) \$5,000 for each violation and for each
27 day of a continuing violation; or

28 (3) ~~[for]~~ both injunctive relief and civil penalty.

29 (b) At the request of the board, or the general manager if
30 authorized by the board, the attorney general shall institute
31 and conduct an ~~[the]~~ action against any person in the name of

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1 the district for injunctive relief or to recover a civil
2 penalty, or both. However, the district in its sole discretion
3 may employ attorneys of its choice to institute the action.

ADOPTED

MAY 27 2009


Secretary of the Senate

FLOOR AMENDMENT NO. 15

BY: 

1 Amend C.S.H.B. No. 3335 (senate committee printing) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill and renumber subsequent ARTICLES accordingly:

5 ARTICLE ____ . CALHOUN COUNTY GROUNDWATER CONSERVATION DISTRICT

6 SECTION __.01. Subtitle H, Title 6, Special District Local
7 Laws Code, is amended by adding Chapter 8860 to read as follows:

8 CHAPTER 8860. CALHOUN COUNTY GROUNDWATER

9 CONSERVATION DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8860.001. DEFINITIONS. In this chapter:

12 (1) "Board" means the board of directors of the
13 district.

14 (2) "Director" means a member of the board.

15 (3) "District" means the Calhoun County Groundwater
16 Conservation District.

17 Sec. 8860.002. NATURE OF DISTRICT. The district is a
18 groundwater conservation district in Calhoun County created under
19 and essential to accomplish the purposes of Section 59, Article
20 XVI, Texas Constitution.

21 Sec. 8860.003. CONFIRMATION ELECTION REQUIRED. If the
22 creation of the district is not confirmed at a confirmation
23 election held under Section 8860.022 before December 31, 2014:

24 (1) the district is dissolved December 31, 2014,
25 except that:

26 (A) any debts incurred shall be paid;

27 (B) any assets that remain after the payment of
28 debts shall be transferred to Calhoun County; and

29 (C) the organization of the district shall be

1 maintained until all debts are paid and remaining assets are
2 transferred; and

3 (2) this chapter expires September 1, 2016.

4 Sec. 8860.004. LEGISLATIVE FINDINGS. (a) The organization
5 of the district is feasible and practicable.

6 (b) All land in and residents of the district will benefit
7 from the creation of the district.

8 (c) The creation of the district is a public necessity and
9 will provide a public benefit.

10 Sec. 8860.005. INITIAL DISTRICT TERRITORY. The initial
11 boundaries of the district are coextensive with the boundaries of
12 Calhoun County.

13 Sec. 8860.006. DISTRICT TERRITORY REQUIREMENTS;
14 DISSOLUTION OF DISTRICT. (a) On September 1, 2015, the district
15 boundaries must include at least one county adjacent to Calhoun
16 County.

17 (b) As soon as practicable after September 1, 2015, the
18 Texas Commission on Environmental Quality shall determine whether
19 the district complies with Subsection (a).

20 (c) If the commission determines that the district does not
21 comply with Subsection (a), the commission shall dissolve the
22 district in accordance with Sections 36.304, 36.305, 36.307,
23 36.308, 36.309, and 36.310, Water Code, regardless of whether the
24 district meets the criteria for dissolution under Section
25 36.304(a), Water Code.

26 (d) This section expires September 1, 2016.

27 Sec. 8860.007. CONFLICTS OF LAW. This chapter prevails
28 over any provision of general law, including a provision of Chapter
29 36, Water Code, that is in conflict or is inconsistent with this
30 chapter.

31 [Sections 8860.008-8860.020 reserved for expansion]

1 SUBCHAPTER A-1. TEMPORARY PROVISIONS

2 Sec. 8860.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Not
3 later than September 11, 2009, the Calhoun County Commissioners
4 Court shall appoint five temporary directors as follows:

5 (1) one temporary director from each of the four
6 commissioners precincts in the county to represent the precincts in
7 which the temporary directors reside; and

8 (2) one temporary director who resides in the district
9 to represent the district at large.

10 (b) To be qualified to serve as a temporary director, a
11 person must be a resident of Calhoun County who is at least 18 years
12 of age.

13 (c) If a temporary director fails to qualify for office or a
14 vacancy occurs on the temporary board, the remaining temporary
15 directors shall appoint a qualified person to fill the vacancy. If
16 at any time there are fewer than three qualified temporary
17 directors, the Calhoun County Commissioners Court shall appoint the
18 necessary number of persons to fill all vacancies on the board.

19 (d) The temporary directors shall select from among
20 themselves a president, a vice president, and a secretary.

21 (e) Temporary directors serve until the earlier of:

22 (1) the date the creation of the district is confirmed
23 at an election held under Section 8860.022; or

24 (2) September 1, 2013.

25 (f) If the creation of the district has not been confirmed
26 under Section 8860.022 and the terms of the temporary directors
27 have expired, successor temporary directors shall be appointed in
28 the manner provided by Subsection (a) to serve terms that expire on
29 the earliest of:

30 (1) the date the district's creation is confirmed at an
31 election held under Section 8860.022;

1 (2) the date the requirements of Section 8860.003(1)
2 are fulfilled; or

3 (3) September 1, 2016.

4 Sec. 8860.022. CONFIRMATION ELECTION. (a) Not later than
5 October 1, 2009, the temporary directors shall meet and shall order
6 an election to be held in the district not later than September 1,
7 2010, to confirm the creation of the district.

8 (b) The ballot for the election shall be printed to provide
9 for voting for or against the proposition: "The creation of the
10 Calhoun County Groundwater Conservation District and the
11 imposition of a fee to pay the maintenance and operating costs of
12 the district."

13 (c) The temporary board may include other propositions on
14 the ballot that the board considers necessary.

15 (d) Section 41.001(a), Election Code, does not apply to an
16 election held under this section.

17 (e) If a majority of the votes cast at the election are in
18 favor of confirming the district's creation, the temporary
19 directors shall declare the district created. If a majority of the
20 votes cast are not in favor of confirming the district's creation,
21 the district's creation is not confirmed. The temporary directors
22 shall file a copy of the election results with the Texas Commission
23 on Environmental Quality.

24 (f) If the district's creation is not confirmed at an
25 election held under this section, the temporary directors may order
26 one or more subsequent elections to be held to confirm the creation
27 of the district not earlier than the first anniversary of the
28 preceding confirmation election. If the district's creation is not
29 confirmed at an election held under this section on or before
30 December 31, 2014, the district is dissolved in accordance with
31 Section 8860.003.

1 Sec. 8860.023. INITIAL DIRECTORS. (a) If the creation of
2 the district is confirmed at an election held under Section
3 8860.022, the temporary directors take office as initial directors
4 of the district, and:

5 (1) the directors for precincts 1 and 3 serve terms
6 that expire on the date of the first regular meeting of the board
7 after the first regularly scheduled directors' election held under
8 Section 8860.024; and

9 (2) the directors for precincts 2 and 4 and the
10 director serving at large serve terms that expire on the date of the
11 first regular meeting of the board after the second regularly
12 scheduled directors' election.

13 (b) If for any reason a director elected at the first or
14 second regularly scheduled election of directors is not qualified
15 to take office at the first regular meeting of the board following
16 the elected director's election, the initial director for that
17 position shall continue to serve until a successor qualifies.

18 Sec. 8860.024. FIRST ELECTION OF PERMANENT DIRECTORS. On
19 the uniform election date prescribed by Section 41.001, Election
20 Code, in November of the first even-numbered year after the year in
21 which the district is authorized to be created at a confirmation
22 election, an election shall be held in the district for the election
23 of two directors for precincts 1 and 3.

24 Sec. 8860.025. EXPIRATION OF SUBCHAPTER. This subchapter
25 expires December 1, 2016.

26 [Sections 8860.026-8860.050 reserved for expansion]

27 SUBCHAPTER B. BOARD OF DIRECTORS

28 Sec. 8860.051. DIRECTORS; TERMS. (a) The district is
29 governed by a board of five elected directors.

30 (b) Except for the temporary and initial directors,
31 directors serve staggered terms of four years, with two or three

1 directors' terms expiring on the date of the first regular meeting
2 of the board after an election of directors under Section 8860.053.

3 (c) If a vacancy occurs in the office of director, the board
4 shall appoint a person to fill the vacancy until the next regularly
5 scheduled election of directors. If the position is not scheduled
6 to be filled at the election, the person elected shall serve only
7 for the remainder of the unexpired term.

8 (d) Notwithstanding Section 36.060, Water Code, a director
9 is not entitled to receive compensation for performing the duties
10 of a director.

11 (e) The board may authorize a director to receive
12 reimbursement for the director's reasonable expenses incurred
13 while engaging in activities on behalf of the district.

14 Sec. 8860.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
15 PRECINCTS. (a) The directors of the district shall be elected
16 according to the commissioners precinct method as provided by this
17 section.

18 (b) One director shall be elected by the voters of the
19 entire district, and one director shall be elected from each county
20 commissioners precinct by the voters of that precinct.

21 (c) Except as provided by Subsection (e), to be eligible to
22 be a candidate for or to serve as director at large, a person must be
23 a registered voter in the district. To be a candidate for or to
24 serve as director from a county commissioners precinct, a person
25 must be a registered voter of that precinct.

26 (d) A person shall indicate on the application for a place
27 on the ballot:

28 (1) the precinct that the person seeks to represent;
29 or

30 (2) that the person seeks to represent the district at
31 large.

1 (e) When the boundaries of the county commissioners
2 precincts are redrawn after each federal decennial census to
3 reflect population changes, a director in office on the effective
4 date of the change, or a director elected or appointed before the
5 effective date of the change whose term of office begins on or after
6 the effective date of the change, shall serve in the precinct to
7 which elected or appointed even though the change in boundaries
8 places the person's residence outside the precinct for which the
9 person was elected or appointed.

10 Sec. 8860.053. ELECTION DATE. The district shall hold an
11 election to elect the appropriate number of directors on the
12 uniform election date prescribed by Section 41.001, Election Code,
13 in November of each even-numbered year.

14 [Sections 8860.054-8860.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8860.101. GENERAL POWERS AND DUTIES. Except as
17 otherwise provided by this chapter, the district has all of the
18 rights, powers, privileges, functions, and duties provided by the
19 general law of this state, including Chapter 36, Water Code,
20 applicable to groundwater conservation districts created under
21 Section 59, Article XVI, Texas Constitution.

22 Sec. 8860.102. CERTAIN PERMIT DENIALS PROHIBITED. The
23 district may not deny the owner of a tract of land, or the owner's
24 lessee, who does not have a well equipped to produce more than
25 25,000 gallons each day on the tract, either a permit to drill a
26 well on the tract or the privilege to produce groundwater from the
27 tract, subject to district rules.

28 Sec. 8860.103. MITIGATION ASSISTANCE. In addition to the
29 authority granted by Chapter 36, Water Code, the district may
30 assist in the mediation between landowners regarding the loss of
31 existing groundwater supply of exempt domestic and livestock users

1 due to the groundwater pumping of others.

2 Sec. 8860.104. PROHIBITION ON DISTRICT USE OF EMINENT
3 DOMAIN POWER. The district may not exercise the power of eminent
4 domain.

5 [Sections 8860.105-8860.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8860.151. FEES. (a) The board by rule may impose a
8 reasonable fee on each well for which a permit is issued by the
9 district and that is not exempt from regulation by the district.

10 The fee may be based on:

11 (1) the size of column pipe used by the well; or

12 (2) the actual, authorized, or anticipated amount of
13 water to be withdrawn from the well.

14 (b) In addition to a fee imposed under Subsection (a), the
15 district may impose a reasonable fee or surcharge for an export fee
16 using one of the following methods:

17 (1) a fee negotiated between the district and the
18 transporter; or

19 (2) a combined production and export fee.

20 (c) Fees authorized by this section may be assessed annually
21 and may be used to fund the cost of district operations.

22 Sec. 8860.152. TAXES PROHIBITED. The district may not
23 impose a tax and does not have the authority granted by Sections
24 36.020 and 36.201-36.204, Water Code, relating to taxes.

25 SECTION __.02. (a) The legal notice of the intention to
26 introduce this article, setting forth the general substance of this
27 article, has been published as provided by law, and the notice and a
28 copy of this article have been furnished to all persons, agencies,
29 officials, or entities to which they are required to be furnished
30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
31 Government Code.

1 (b) The governor has submitted the notice and this article
2 to the Texas Commission on Environmental Quality.

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

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

11 SECTION __.03. This article takes effect September 1, 2009.

12 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
13 between "this section" and the comma, insert "or otherwise provided
14 by this Act".

ADOPTED

MAY 27 2009

Lacey Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 16

BY: *Wade Martin*

1 Amend H.B. No. 3335 (committee report) as follows:

2 (1) Add the following ARTICLES to the bill:

3 ARTICLE 1. DISTRICT TERRITORY; RATIFICATION ELECTION

4 SECTION 1.01. Section 8802.003, Special District Local Laws
5 Code, is amended to read as follows:

6 Sec. 8802.003. DISTRICT TERRITORY. (a) The district is
7 composed of the territory described by the Texas Water Commission's
8 August 15, 1986, order, as that territory may have been modified
9 under:

10 (1) Subchapter J, Chapter 36, Water Code; or

11 (2) other law.

12 (b) In addition, the district includes the territory
13 described by Section 2.01 of the Act enacting this subsection.

14 SECTION 1.02. Subchapter A, Chapter 8802, Special District
15 Local Laws Code, is amended by adding Section 8802.005 to read as
16 follows:

17 Sec. 8802.005. RATIFICATION ELECTION. (a) Before August 31,
18 2011, the board of directors shall hold an election to ratify the
19 annexation of the territory described by Section 2.02 of the Act
20 enacting this subsection. If a majority of the voters voting at the
21 election do not vote in favor of ratifying the annexation, the board
22 may hold another election for the same purpose.

23 (b) Except as provided by this section, a ratification
24 election must be conducted as provided by Section 36.328, Water
25 Code, and the Election Code.

26 (c) This section expires September 1, 2011.

27 SECTION 1.03. Section 8802.053, Special District Local Laws
28 Code, is amended by amending Subsection (c) and adding Subsection
29 (c-1) to read as follows:

1 (c) As soon as practicable after the publication of each
2 federal decennial census, the board shall revise the single-member
3 districts as the board considers appropriate to reflect population
4 changes.

5 (c-1) When the board revises the single-member districts
6 ~~[under this subsection]~~, the board shall place two of the districts
7 wholly within the territory described by Section 2.04 of the Act
8 amending Subsection (c) and adding this subsection[+

9 ~~[(1) entirely within the boundaries of the city of~~
10 ~~Austin, as those boundaries exist at that time, or~~

11 ~~[(2) within the boundaries of the city of Austin, as~~
12 ~~those boundaries exist at that time, but also including~~
13 ~~unincorporated areas or other municipalities that are surrounded~~
14 ~~wholly or partly by the boundaries of the city of Austin if the~~
15 ~~areas or municipalities are noncontiguous to the territory of any~~
16 ~~other single-member district].~~

17 SECTION 1.04. Subchapter B, Chapter 8802, Special District
18 Local Laws Code, is amended by adding Section 8802.054 to read as
19 follows:

20 Sec. 8802.054. APPLICABILITY OF OTHER LAW. Section 36.059,
21 Water Code, does not apply to the district.

22 SECTION 1.05. Sections 8802.051(b) and 8802.053(d),
23 Special District Local Laws Code, are repealed.

24 SECTION 1.06. This article takes effect September 1, 2009.

25 ARTICLE 1A. FEES; DIRECTORS AND TERRITORY CONTINGENT ON ANNEXATION

26 SECTION 1A.01. This article takes effect only if the
27 annexation of the territory described by Section 2.02 of this Act is
28 ratified at an election held under Section 8802.005, Special
29 District Local Laws Code, as added by Article 1 of this Act. If the
30 annexation of the territory described by Section 2.02 of this Act is
31 not ratified, this article has no effect.

1 SECTION 1A.02. Section 8802.003, Special District Local
2 Laws Code, is amended by adding Subsection (c) to read as follows:

3 (c) In addition, the district includes the territory
4 described by Section 2.02 of the Act enacting this subsection.

5 SECTION 1A.03. Subchapter B, Chapter 8802, Special District
6 Local Laws Code, is amended by adding Sections 8802.0511, 8802.054,
7 and 8802.055 to read as follows:

8 Sec. 8802.0511. DIRECTORS; TERMS. (a) The district is
9 governed by a board of seven directors who serve staggered
10 four-year terms.

11 (b) Three directors must be elected by voters residing in
12 the territory described by Section 2.03 of the Act enacting this
13 subsection.

14 (c) Four directors must be elected by voters of the district
15 who reside outside the territory described by Section 2.03 of the
16 Act enacting this subsection.

17 Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) The district
18 is divided into seven numbered, single-member districts for
19 electing directors.

20 (b) The board may revise the single-member districts as
21 necessary or appropriate.

22 (c) When the board revises the single-member districts, the
23 board shall place three of the districts entirely inside and four of
24 the districts entirely outside the territory described by Section
25 2.03 of the Act enacting this subsection.

26 (d) When the boundaries of the single-member districts are
27 changed, a director in office on the effective date of the change,
28 or elected or appointed before the effective date of the change to a
29 term of office beginning on or after the effective date of the
30 change, is entitled to serve the term or the remainder of the term
31 in the numbered single-member district to which elected or

1 appointed even though the change in boundaries places the person's
2 residence outside the numbered single-member district for which the
3 person was elected or appointed.

4 (e) At the first regularly scheduled election of directors
5 after the board of the district is expanded from five to seven
6 directors, directors elected to fill any vacant director positions
7 shall draw lots to determine which of those directors shall serve a
8 two-year term and which shall serve a four-year term. Lots must be
9 determined so that not more than four directors' terms expire in any
10 even-numbered year.

11 Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
12 Not later than three months after the date of the election under
13 Section 8802.005, the board shall appoint two temporary directors
14 to the board to represent the territory the annexation of which was
15 ratified at the election.

16 (b) The temporary directors shall serve at large until the
17 next general election of directors of the district under Section
18 8802.052.

19 SECTION 1A.04. Section 8802.105(a), Special District Local
20 Laws Code, is amended to read as follows:

21 (a) Each year the board may assess against the City of
22 Austin a water use fee in an amount not to exceed the lesser of
23 \$900,000 or 60 percent of the total funding the district expects to
24 receive for the next fiscal year from water use fees assessed
25 against Austin and other nonexempt users in that year as computed [~~7~~
26 ~~subject to the computation~~] under Subsection (b).

27 SECTION 1A.05. Sections 8802.051 and 8802.053, Special
28 District Local Laws Code, are repealed.

29 SECTION 1A.06. (a) Except as provided by Section 1A.01 of
30 this Act, this article takes effect on the date the annexation of
31 the territory described by Section 2.02 of this Act is ratified at

1 an election held under Section 8802.005, Special District Local
2 Laws Code, as added by Article 1 of this Act.

3 (b) If the annexation of territory is ratified at an
4 election described by Subsection (a) of this section, the board of
5 directors of the Barton Springs-Edwards Aquifer Conservation
6 District shall notify the Texas Commission on Environmental Quality
7 of the changes in territory and board members.

8 ARTICLE 2. DESCRIPTION OF TERRITORIES

9 SECTION 2.01. The territory annexed to the Barton
10 Springs-Edwards Aquifer Conservation District under Section
11 8802.003(b), Special District Local Laws Code, as added by Section
12 1.01 of this Act, is described as follows:

13 (1) 1.8750 acres described as Lot 1, Block 1 of Vanisha
14 Development Subdivision, as recorded in Book No. 14, Pages 98-99,
15 Hays County, Texas;

16 (2) 21.003 acres of land situated in the Thomas G. Allen
17 Survey, Hays County, Texas, being a portion of that certain tract of
18 land in a deed to South Corridor Park, Ltd., recorded in Document
19 No. 00025896, Hays County, Texas; and

20 (3) 24.628 acres of land situated in the Elisha Pruett
21 Survey, Abstract 23, described in a deed to Hays Consolidated
22 Independent School District, recorded in Document No. 05001881,
23 Hays County, Texas.

24 SECTION 2.02. The territory annexed to the Barton
25 Springs-Edwards Aquifer Conservation District if ratified at an
26 election under Section 8802.005, Special District Local Laws Code,
27 as added by Article 1 of this Act, is described as follows:

28 (1) Beginning at the current eastern district boundary and
29 the Colorado River, running east along the Colorado River to a point
30 where the district boundary intersects Interstate Highway 35, then
31 south along Interstate Highway 35 to William Cannon Drive, then

1 west along Old Lockhart Road, then north on Congress Avenue, then
2 west on Ben White Boulevard, then north on South First Street, then
3 east on Elizabeth Street, then north on Congress Avenue following
4 along the district boundary to the place of beginning; and

5 (2) Beginning at the current western district boundary and
6 the Colorado River, then following westerly along the southern
7 border of the Colorado River to a point due north of the
8 intersection of Weston Lane and Brightman Lane, then south on that
9 line to said intersection, then south on Weston Lane to its
10 intersection with FM 2244, then west on FM 2244 to its intersection
11 with State Highway 71, then west on State Highway 71 until the
12 intersection with the extraterritorial jurisdiction limits of the
13 City of Bee Cave as of the date of the ratification election under
14 Section 8802.005, Special District Local Laws Code, then generally
15 south and west following the extraterritorial jurisdiction limits
16 of the City of Bee Cave, to exclude the City of Bee Cave and its
17 extraterritorial jurisdiction as of the date of the ratification
18 election under Section 8802.005, Special District Local Laws Code,
19 until it intersects with State Highway 71, then west on Highway 71
20 until it intersects with Bee Creek Road, then north on Bee Creek
21 Road until it intersects with Siesta Shores Drive, then due east
22 from that intersection to the southern boundary of Lake Travis,
23 then following the southern boundary of Lake Travis until it
24 intersects the Blanco County line, then following the Blanco County
25 line until it intersects the Hays County line, then east along the
26 Hays County line until its intersection of the district boundary
27 existing before the effective date of this Act, then north
28 following the western district boundary to the Colorado River, the
29 point of beginning.

30 (3) Any boundary reference to a highway, street, road,
31 avenue, boulevard, or lane shall mean the center line of the

1 boundary.

2 SECTION 2.03. If the annexation of territory is ratified by
3 an election held under Section 8802.005, Special District Local
4 Laws Code, as added by Article 1 of this Act, the territory for
5 certain voting districts under Sections 8802.0511(a) and (b) and
6 Section 8802.054(c), Special District Local Laws Code, as added by
7 Article 1A of this Act, is described as follows:

8 (1) Beginning at a point where Interstate Highway 35 crosses
9 the Colorado River in Travis County, then south along Interstate
10 Highway 35 to Slaughter Lane, then west along Slaughter Lane to FM
11 1826, then north along FM 1826 to U.S. Highway 290, then east along
12 U.S. Highway 290 to Old Bee Cave Road, then northwest along Old Bee
13 Cave Road to Travis Cook Road, then north along Travis Cook Road to
14 Barton Creek Boulevard, then north along Barton Creek Boulevard to
15 FM 2244, then west along FM 2244 to Weston Lane, then north along
16 Weston Lane to Brightman Lane, then due north from that
17 intersection to the Colorado River, then east along the Colorado
18 River to the place of the beginning.

19 (2) Any boundary reference to a highway, street, road,
20 avenue, boulevard, or lane shall mean the center line of the
21 boundary.

22 SECTION 2.04. The territory for voting districts under
23 Section 8802.053(c-1), Special District Local Laws Code, as added
24 by Section 1.03 of this Act, is described as follows:

25 (1) Beginning at the eastern district boundary and the
26 Colorado River, then south along the eastern district boundary to
27 the intersection of Interstate Highway 35 and Slaughter Lane; then
28 west along Slaughter Lane to the district boundary, then north
29 along the district boundary to the Colorado River, then east along
30 the Colorado River following the district boundary to the point of
31 the beginning.

1 (2) Any boundary reference to a highway, street, road,
2 avenue, boulevard, or lane shall mean the center line of the
3 boundary.

4 ARTICLE 3. JURISDICTIONAL CONFLICT

5 SECTION 3.01. The Edwards Aquifer Authority maintains sole
6 authority to regulate and manage the San Antonio segment of the
7 Edwards Aquifer.

8 ARTICLE 4. INTENT, NOTICE, AND EFFECTIVE DATE

9 SECTION 4.01. (a) The legal notice of the intention to
10 introduce this Act, setting forth the general substance of this
11 Act, has been published as provided by law, and the notice and a
12 copy of this Act have been furnished to all persons, agencies,
13 officials, or entities to which they are required to be furnished
14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15 Government Code.

16 (b) The governor has submitted the notice and Act to the
17 Texas Commission on Environmental Quality.

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

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

26 SECTION 4.02. Except as provided by Section 1.06, 1A.01, or
27 1A.06 of this Act, Articles 1, 1A, 2, 3, and 4 of this Act take
28 effect immediately if this Act receives a vote of two-thirds of all
29 the members elected to each house, as provided by Section 39,
30 Article III, Texas Constitution. If this Act does not receive the
31 vote necessary for immediate effect, Articles 1, 1A, 2, 3, and 4 of

1 this Act take effect September 1, 2009, except as provided by
2 Section 1A.01 or 1A.06 of this Act.

3 (2) As appropriate, renumber the added ARTICLES and
4 sections of the added ARTICLES appropriately and make necessary
5 conforming cross-reference changes.

6 (3) Renumber any subsequent ARTICLES and sections of the
7 bill accordingly.

ADOPTED

MAY 27 2009

Atty. Gen. Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 17

BY: *E. Bluffs*

1 Amend C.S.H.B. No. 3335 (senate committee report) as follows:

2 (1) Add the following appropriately numbered ARTICLES to
3 the bill and renumber subsequent ARTICLES accordingly:

4 ARTICLE ____ . HARRISON COUNTY GROUNDWATER CONSERVATION DISTRICT
5 SECTION ____ .01. Subtitle H, Title 6, Special District Local
6 Laws Code, is amended by adding Chapter 8850 to read as follows:

7 CHAPTER 8850. HARRISON COUNTY GROUNDWATER

8 CONSERVATION DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8850.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of directors of the
12 district.

13 (2) "Director" means a member of the board.

14 (3) "District" means the Harrison County Groundwater
15 Conservation District.

16 Sec. 8850.002. NATURE OF DISTRICT. The district is a
17 groundwater conservation district in Harrison County created under
18 and essential to accomplish the purposes of Section 59, Article
19 XVI, Texas Constitution.

20 Sec. 8850.003. CONFIRMATION ELECTION REQUIRED. If the
21 creation of the district is not confirmed at a confirmation
22 election held under Section 8850.023 before December 31, 2010:

23 (1) the district is dissolved December 31, 2010,
24 except that:

25 (A) any debts incurred shall be paid;

26 (B) any assets that remain after the payment of
27 debts shall be transferred to Harrison County; and

28 (C) the organization of the district shall be
29 maintained until all debts are paid and remaining assets are

1 transferred; and

2 (2) this chapter expires September 1, 2014.

3 Sec. 8850.004. INITIAL DISTRICT TERRITORY. The initial
4 boundaries of the district are coextensive with the boundaries of
5 Harrison County, Texas.

6 Sec. 8850.005. DISTRICT TERRITORY REQUIREMENTS;
7 DISSOLUTION OF DISTRICT. (a) On September 1, 2013, the district
8 boundaries must include at least one county adjacent to Harrison
9 County.

10 (b) As soon as practicable after September 1, 2013, the
11 Texas Commission on Environmental Quality shall determine whether
12 the district complies with Subsection (a).

13 (c) If the commission determines that the district does not
14 comply with Subsection (a), the commission shall dissolve the
15 district in accordance with Sections 36.304, 36.305, 36.307,
16 36.308, 36.309, and 36.310, Water Code, regardless of whether the
17 district meets the criteria for dissolution under Section
18 36.304(a), Water Code.

19 (d) This section expires September 1, 2015.

20 Sec. 8850.006. APPLICABILITY OF OTHER GROUNDWATER
21 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
22 chapter, Chapter 36, Water Code, applies to the district.

23 [Sections 8850.007-8850.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 8850.021. APPOINTMENT OF TEMPORARY DIRECTORS.

26 (a) Not later than the 45th day after the effective date of the Act
27 enacting this chapter, five temporary directors shall be appointed
28 as follows:

29 (1) the Harrison County Commissioners Court shall
30 appoint four temporary directors, with one of the temporary
31 directors appointed from each of the four commissioners precincts

1 in the county to represent the precincts in which the temporary
2 directors reside; and

3 (2) the county judge of Harrison County shall appoint
4 one temporary director who resides in the district to represent the
5 district at large.

6 (b) Of the temporary directors, at least one director must
7 represent rural water suppliers in the district, one must represent
8 agricultural interests in the district, and one must represent
9 industrial interests in the district.

10 (c) If there is a vacancy on the temporary board of
11 directors of the district, the Harrison County Commissioners Court
12 shall appoint a person to fill the vacancy in a manner that meets
13 the representational requirements of this section.

14 (d) Temporary directors serve until the earlier of:

15 (1) the date initial directors are elected under
16 Section 8850.023; or

17 (2) the fourth anniversary of the effective date of
18 the Act creating this chapter.

19 (e) If initial directors have not been elected under Section
20 8850.023 and the terms of the temporary directors have expired,
21 successor temporary directors shall be appointed in the manner
22 provided by Subsections (a) and (b) to serve terms that expire on
23 the date this subchapter expires under Section 8850.026.

24 Sec. 8850.022. ORGANIZATIONAL MEETING OF TEMPORARY
25 DIRECTORS. As soon as practicable after all the temporary
26 directors have qualified under Section 36.055, Water Code, a
27 majority of the temporary directors shall convene the
28 organizational meeting of the district at a location within the
29 district agreeable to a majority of the directors. If an agreement
30 on location cannot be reached, the organizational meeting shall be
31 at the Harrison County Courthouse.

1 Sec. 8850.023. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. (a) The temporary directors shall hold an election to
3 confirm the creation of the district and to elect the initial
4 directors of the district.

5 (b) The temporary directors shall have placed on the ballot
6 the names of all candidates for an initial director's position who
7 have filed an application for a place on the ballot as provided by
8 Section 52.003, Election Code.

9 (c) The ballot must be printed to provide for voting for or
10 against the proposition: "The creation of the Harrison County
11 Groundwater Conservation District."

12 (d) If the district levies a maintenance tax for payment of
13 expenses, the ballot must be printed to provide for voting for or
14 against the proposition: "The levy of a maintenance tax at a rate
15 not to exceed 1.5 cents for each \$100 of assessed valuation."

16 (e) Section 41.001(a), Election Code, does not apply to an
17 election held under this section.

18 (f) Except as provided by this section, an election under
19 this section must be conducted as provided by Sections
20 36.017(b)-(i), Water Code, and the Election Code. The provision of
21 Section 36.017(d), Water Code, relating to the election of
22 permanent directors does not apply to an election under this
23 section.

24 Sec. 8850.024. INITIAL DIRECTORS. (a) If creation of the
25 district is confirmed at an election held under Section 8850.023,
26 the directors elected shall take office as initial directors of the
27 district and serve on the board of directors until permanent
28 directors are elected under Section 8850.025 or 8850.053.

29 (b) The four initial directors representing the
30 commissioners precincts shall draw lots to determine which two
31 shall serve a term expiring June 1 following the first regularly

1 scheduled election of directors under Section 8850.025, and which
2 two shall serve a term expiring June 1 following the second
3 regularly scheduled election of directors. The at-large director
4 shall serve a term expiring June 1 following the second regularly
5 scheduled election of directors.

6 Sec. 8850.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
7 the uniform election date prescribed by Section 41.001, Election
8 Code, in May of the first even-numbered year after the year in which
9 the district is authorized to be created at a confirmation
10 election, an election shall be held in the district for the election
11 of two directors to replace the initial directors who, under
12 Section 8850.024(b), serve a term expiring June 1 following that
13 election.

14 Sec. 8850.026. EXPIRATION OF SUBCHAPTER. This subchapter
15 expires September 1, 2014.

16 [Sections 8850.027-8850.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 8850.051. DIRECTORS; TERMS. (a) The district is
19 governed by a board of five directors.

20 (b) Directors serve staggered four-year terms, with two or
21 three directors' terms expiring June 1 of each even-numbered year.

22 (c) A director may serve consecutive terms.

23 Sec. 8850.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
24 PRECINCTS. (a) The directors of the district shall be elected
25 according to the commissioners precinct method as provided by this
26 section.

27 (b) One director shall be elected by the voters of the
28 entire district, and one director shall be elected from each county
29 commissioners precinct by the voters of that precinct.

30 (c) Except as provided by Subsection (e), to be eligible to
31 be a candidate for or to serve as director at large, a person must be

1 a registered voter in the district. To be a candidate for or to
2 serve as director from a county commissioners precinct, a person
3 must be a registered voter of that precinct.

4 (d) A person shall indicate on the application for a place
5 on the ballot:

6 (1) the precinct that the person seeks to represent;

7 or

8 (2) that the person seeks to represent the district at
9 large.

10 (e) When the boundaries of the county commissioners
11 precincts are redrawn after each federal decennial census to
12 reflect population changes, a director in office on the effective
13 date of the change, or a director elected or appointed before the
14 effective date of the change whose term of office begins on or after
15 the effective date of the change, shall serve in the precinct to
16 which elected or appointed even though the change in boundaries
17 places the person's residence outside the precinct for which the
18 person was elected or appointed.

19 Sec. 8850.053. ELECTION DATE. The district shall hold an
20 election to elect the appropriate number of directors on the
21 uniform election date prescribed by Section 41.001, Election Code,
22 in May of each even-numbered year.

23 Sec. 8850.054. COMPENSATION. (a) Sections 36.060(a),
24 (b), and (d), Water Code, do not apply to the district.

25 (b) A director is entitled to receive compensation of not
26 more than \$50 a day for each day the director actually spends
27 performing the duties of a director. The compensation may not
28 exceed \$3,000 a year.

29 (c) The board may authorize a director to receive
30 reimbursement for the director's reasonable expenses incurred
31 while engaging in activities on behalf of the board.

1 Sec. 8850.055. BOARD ACTION. A majority vote of a quorum is
2 required for board action. If there is a tie vote, the proposed
3 action fails.

4 [Sections 8850.056-8850.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 8850.101. GENERAL POWERS. Except as otherwise
7 provided by this chapter, the district has all of the rights,
8 powers, privileges, functions, and duties provided by the general
9 law of this state applicable to groundwater conservation districts
10 created under Section 59, Article XVI, Texas Constitution.

11 Sec. 8850.102. PROHIBITION ON DISTRICT PURCHASE, SALE,
12 TRANSPORT, OR DISTRIBUTION OF WATER. The district may not
13 purchase, sell, transport, or distribute surface water or
14 groundwater for any purpose.

15 Sec. 8850.103. PROHIBITION ON DISTRICT USE OF EMINENT
16 DOMAIN POWER. The district may not exercise the power of eminent
17 domain.

18 [Sections 8850.104-8850.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8850.151. LIMITATION ON TAXES. The district may not
21 impose ad valorem taxes at a rate that exceeds 1.5 cents on each
22 \$100 valuation of taxable property in the district.

23 Sec. 8850.152. FEES. (a) The board by rule may impose
24 reasonable fees on each well:

25 (1) for which a permit is issued by the district; and

26 (2) that is not exempt from district regulation.

27 (b) A production fee may be based on:

28 (1) the size of column pipe used by the well; or

29 (2) the amount of water actually withdrawn from the
30 well, or the amount authorized or anticipated to be withdrawn.

31 (c) The board shall base the initial production fee on the

1 criteria listed in Subsection (b)(2). The initial production fee:

2 (1) may not exceed:

3 (A) 25 cents per acre-foot for water used for
4 agricultural irrigation; or

5 (B) 4.25 cents per thousand gallons for water
6 used for any other purpose; and

7 (2) may be increased at a cumulative rate not to exceed
8 three percent per year.

9 (d) In addition to the production fee authorized under this
10 section, the district may assess an export fee on groundwater from a
11 well that is produced for transport outside the district.

12 (e) Fees authorized by this section may be:

13 (1) assessed annually;

14 (2) used to pay the cost of district operations; and

15 (3) used for any other purpose allowed under Chapter
16 36, Water Code.

17 Sec. 8850.153. LIMITATION ON INDEBTEDNESS. The district
18 may issue bonds and notes under Subchapter F, Chapter 36, Water
19 Code, except that the total indebtedness created by that issuance
20 may not exceed \$500,000 at any time.

21 SECTION __.02. (a) The legal notice of the intention to
22 introduce this article, setting forth the general substance of this
23 article, has been published as provided by law, and the notice and a
24 copy of this article have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

28 (b) The governor has submitted the notice and this article
29 to the Texas Commission on Environmental Quality.

30 (c) The Texas Commission on Environmental Quality has filed
31 its recommendations relating to this article with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time.

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

7 ARTICLE ____ . RIVERBEND WATER RESOURCES DISTRICT

8 SECTION ____ .01. Title 6, Special District Local Laws Code,
9 is amended by adding Subtitle L to read as follows:

10 SUBTITLE L. MUNICIPAL WATER DISTRICTS

11 CHAPTER 9601. RIVERBEND WATER RESOURCES DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 9601.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the board of directors of the
15 district.

16 (2) "Bond" has the meaning assigned to the term
17 "public security" by Section 1202.001, Government Code.

18 (3) "Director" means a person appointed to the board.

19 (4) "District" means the Riverbend Water Resources
20 District.

21 (5) "Member" means a municipality, county, or other
22 political subdivision that is a member of the district as provided
23 by Section 9601.005.

24 Sec. 9601.002. NATURE OF DISTRICT. The district is a
25 conservation and reclamation district created under and essential
26 to accomplish the purposes of Section 59, Article XVI, Texas
27 Constitution.

28 Sec. 9601.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

30 (b) All land and other property included in the boundaries
31 of the district will benefit from the works and projects

1 accomplished by the district under the powers conferred by Section
2 59, Article XVI, Texas Constitution.

3 (c) The accomplishment of the purposes stated in this
4 chapter is for the benefit of the people of this state and the
5 improvement of their property and industries and will foster and
6 encourage economic development in this state.

7 (d) The district, in carrying out the purposes of this
8 chapter, will be performing an essential public function under the
9 constitution.

10 Sec. 9601.004. LIBERAL CONSTRUCTION OF CHAPTER. This
11 chapter shall be liberally construed to effect the purposes,
12 powers, rights, and functions stated in this chapter.

13 Sec. 9601.005. DISTRICT MEMBERS. (a) The district is
14 composed of the following members:

15 (1) the City of Annona;

16 (2) the City of Avery;

17 (3) the City of DeKalb;

18 (4) the City of Hooks;

19 (5) the City of Maud;

20 (6) the City of New Boston;

21 (7) the City of Texarkana, Texas;

22 (8) the City of Wake Village; and

23 (9) the Red River Redevelopment Authority.

24 (b) After receipt of a petition from the governing body of a
25 municipality, county, or other political subdivision that desires
26 to join the district, the board may add a member to the district on
27 terms determined by the board to be in the best interests of the
28 district.

29 (c) A member's withdrawal from the district or the cessation
30 of existence of a member does not affect the validity of the
31 district or any of the district's powers or duties.

1 Sec. 9601.006. DISTRICT TERRITORY. (a) The territory of
2 the district is composed of all the territory contained in:

3 (1) the cities of Annona, Avery, DeKalb, Hooks, Maud,
4 New Boston, Texarkana, Texas, and Wake Village; and

5 (2) the Red River Redevelopment Authority, the
6 boundaries of which are described by Section 3503.004, including
7 territory that may be added under Section 3503.005.

8 (b) The territory of the district also includes all of the
9 territory:

10 (1) of any municipality, county, or other political
11 subdivision that joins the district as a member; and

12 (2) added to the territory of a member by annexation or
13 other means.

14 (c) A defect in the description of the boundaries of a
15 member or in any past or future proceedings for the annexation of
16 territory by a member does not affect the validity, powers, or
17 duties of the district.

18 Sec. 9601.007. CONFIRMATION ELECTION NOT REQUIRED.

19 (a) The board is not required to hold an election to confirm the
20 district's creation.

21 (b) Sections 49.101-49.105, Water Code, do not apply to the
22 district.

23 [Sections 9601.008-9601.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 9601.051. COMPOSITION OF BOARD; TERMS. (a) The
26 district is governed by its board.

27 (b) The governing body of each member shall appoint a
28 director to represent the member on the board and shall promptly
29 fill a vacancy in that board position in accordance with the
30 member's policies, resolutions, and procedures.

31 (c) Except as provided by Subsection (d), directors serve

1 staggered terms of four years.

2 (d) A director who is also an elected official of a
3 political subdivision serves for a term coinciding with the term of
4 the elected office.

5 (e) The board shall determine the method of staggering the
6 terms of the directors.

7 (f) A director may serve consecutive terms.

8 Sec. 9601.052. QUALIFICATIONS FOR OFFICE. To be eligible
9 to be appointed or to serve as a director, a person must be a
10 resident, qualified voter of the district.

11 Sec. 9601.053. BOARD RESOLUTIONS; VOTING REQUIREMENTS.

12 (a) The district shall act through orders or resolutions adopted
13 by the board.

14 (b) All directors are entitled to vote.

15 Sec. 9601.054. OFFICERS AND ASSISTANTS. (a) The board
16 shall elect a president, vice president, secretary, and treasurer.

17 (b) The board shall elect the president and vice president
18 from among the directors.

19 (c) The president and vice president serve for a one-year
20 term.

21 (d) The offices of secretary and treasurer:

22 (1) may be held by one person; and

23 (2) are not required to be held by a director.

24 (e) The board may appoint one or more assistant officers who
25 are not required to be directors.

26 (f) A person may not concurrently hold the offices of board
27 president and secretary.

28 Sec. 9601.055. MEETINGS. The board shall have regular
29 meetings at times specified by board resolution or bylaws and shall
30 have special meetings when called by the board president or by a
31 number of directors that is equal to or greater than the number of

1 directors that is one less than a majority of the board.

2 Sec. 9601.056. TELEPHONE CONFERENCE CALL MEETINGS.

3 (a) The board may hold an open or closed meeting by telephone
4 conference call only if:

5 (1) the meeting is a special called meeting;

6 (2) immediate action is required; and

7 (3) convening a quorum of the board at one location is
8 difficult or impossible.

9 (b) A telephone conference call meeting is subject to the
10 notice requirements applicable to other meetings of the board.

11 (c) Each part of a telephone conference call meeting that is
12 required to be open to the public shall be made audible to the
13 public at the location specified in the notice of the meeting as the
14 location of the meeting.

15 (d) The location designated in the notice as the location of
16 the meeting shall provide two-way communication during the entire
17 telephone conference call meeting, and the identification of each
18 party to the telephone conference shall be clearly stated prior to
19 speaking.

20 (e) Section 551.125, Government Code, does not apply to a
21 meeting held under this section.

22 Sec. 9601.057. RECALL. A director may be recalled at any
23 time by the governing body of the member that appointed the
24 director.

25 Sec. 9601.058. COMPENSATION; REIMBURSEMENT. A director is
26 not entitled to compensation for service on the board but is
27 entitled to be reimbursed for necessary expenses incurred in the
28 performance of official duties.

29 Sec. 9601.059. BOARD POSITION NOT A CIVIL OFFICE OF
30 EMOLUMENT. (a) A position on the board may not be construed to be
31 a civil office of emolument for any purpose, including a purpose

1 described in Section 40, Article XVI, Texas Constitution.

2 (b) An elected official of any county, municipality, or
3 other political subdivision in the territory of the district may be
4 appointed to and serve on the board as a director without penalty or
5 forfeiture of office.

6 [Sections 9601.060-9601.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 9601.101. GENERAL POWERS. Except as provided by this
9 chapter, the district may exercise the powers applicable to a
10 district under Chapter 49, Water Code.

11 Sec. 9601.102. SPECIFIC POWERS. The district may exercise
12 any power necessary or appropriate to achieve the purposes of this
13 chapter, including the power to:

14 (1) adopt and enforce:

15 (A) a trade name or trademark;

16 (B) bylaws and rules for the conduct of the
17 affairs of the district;

18 (C) any rule that a water control and improvement
19 district may adopt and enforce in accordance with Sections
20 51.127-51.130, Water Code; and

21 (D) specific rates, charges, fees, or rentals,
22 and reasonable rules and regulations, for providing any district
23 commodity, facility, or service;

24 (2) in the manner and to the extent permitted by this
25 chapter:

26 (A) borrow money for a district purpose;

27 (B) enter into an agreement in connection with
28 the borrowing;

29 (C) issue bonds for money borrowed;

30 (D) provide for and secure the payment of the
31 bonds; and

1 (E) provide for the rights of the holders of the
2 bonds;

3 (3) acquire any and all storage rights and storage
4 capacity in a reservoir or other water source inside or outside the
5 boundaries of the district, and acquire the right to take water from
6 that reservoir or source, subject to the rights or permits held by
7 municipalities or other persons, and in accordance with any
8 contract or contracts that the district may make with the United
9 States, any state of the United States, or any political
10 subdivision of any state of the United States, in reference to those
11 rights;

12 (4) construct, acquire, own, finance, operate,
13 maintain, sell, lease as lessor or lessee, dispose of, or otherwise
14 use any work, plant, or other district facility as defined by
15 Section 49.001, Water Code, inside or outside the boundaries of the
16 district, that the board determines is necessary or useful for the
17 exercise of a district power; and

18 (5) pledge all or part of district revenue to the
19 payment of district obligations under a contract or agreement to
20 the same extent and on the same conditions as the district may
21 pledge revenue to secure district bonds.

22 Sec. 9601.103. GENERAL POWERS REGARDING WATER. The
23 district has all rights, powers, and privileges necessary or useful
24 to enable it to acquire, provide, supply, deliver, and sell water,
25 whether processed or unprocessed, raw or potable, inside or outside
26 its boundaries to any person for any beneficial purpose.

27 Sec. 9601.104. AUTHORITY OF PUBLIC AGENCIES AND POLITICAL
28 SUBDIVISIONS TO CONTRACT WITH DISTRICT. (a) A public agency or a
29 county, municipality, or other political subdivision of this state
30 or another state may enter into a contract or agreement with the
31 district, on terms agreed to by the parties, for:

1 (1) the purchase or sale of water;

2 (2) waste collection, transportation, processing, or
3 disposal; or

4 (3) any purpose relating to the district's powers or
5 functions.

6 (b) A contract or agreement under this section must comply
7 with Chapter 791, Government Code.

8 (c) A provision of district services or facilities to a
9 member or an exercise of district power regarding a member's retail
10 services may only be made through a contract between the district
11 and the member under this section.

12 Sec. 9601.105. CONVEYANCE OF PROPERTY TO DISTRICT. A
13 public agency or a county, municipality, or other political
14 subdivision of this state may lease, sell, or otherwise convey to
15 the district, for any consideration that the parties agree is
16 adequate, any of its land, improvements, property, plants, lines,
17 or other facilities related to:

18 (1) the supply, delivery, or sale of water;

19 (2) waste collection, transportation, processing, or
20 disposal; or

21 (3) garbage collection or disposal.

22 Sec. 9601.106. ACQUISITION OF EXISTING FACILITIES. If the
23 district acquires existing works, improvements, facilities,
24 plants, equipment, or appliances that are completed, partially
25 created, or under construction, the district may:

26 (1) assume the contracts and obligations of the
27 previous owner; and

28 (2) perform the obligations of the previous owner in
29 the same manner and to the same extent that any other purchaser or
30 assignee would be bound.

31 [Sections 9601.107-9601.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 9601.151. PROHIBITION ON ASSESSMENTS OR TAXES.

3 (a) The district may not under this chapter or any other law impose
4 an assessment on real property or an ad valorem tax or create a debt
5 payable from an assessment on real property or an ad valorem tax.

6 (b) Sections 49.106-49.108, Water Code, do not apply to the
7 district.

8 Sec. 9601.152. DEPOSITORY. District money shall be
9 deposited in the depository or depositories designated by the
10 board, except that:

11 (1) bond proceeds and money pledged to pay bonds, to
12 the extent provided in the proceedings authorizing the issuance of
13 bonds, or the trust indenture securing the bonds, may be deposited
14 with another depository or trustee named in the proceedings or
15 trust indenture; and

16 (2) money shall be remitted to each paying agent for
17 the payment of principal of and interest on the bonds.

18 Sec. 9601.153. INVESTMENT OF DISTRICT MONEY. (a) Chapter
19 2256, Government Code, applies to the district and the investment
20 of district funds and funds under district control.

21 (b) The board may invest bond proceeds in a manner
22 determined by the board or in the manner permitted or required in
23 the proceedings authorizing the issuance of bonds or in the trust
24 indenture securing the bonds.

25 Sec. 9601.154. DISTRICT FACILITIES EXEMPT FROM TAXATION AND
26 ASSESSMENT. The district is not required to pay a tax or assessment
27 on its facilities or any part of its facilities.

28 [Sections 9601.155-9601.200 reserved for expansion]

29 SUBCHAPTER E. BONDS

30 Sec. 9601.201. AUTHORITY TO ISSUE BONDS. (a) The district
31 by resolution may authorize the issuance of bonds payable from and

1 secured by revenue or any other available source of district money
2 to carry out a power conferred by this chapter. Bonds issued by the
3 district are not a direct obligation of any member.

4 (b) The bonds must be issued in the manner and under the
5 terms of the proceedings authorizing the issuance of the bonds.

6 (c) Bonds may be issued by the district without an election.

7 (d) Sections 49.181-49.186, Water Code, do not apply to the
8 district.

9 Sec. 9601.202. FORM OF BONDS. District bonds must be:

10 (1) issued in the district's name; and

11 (2) signed by the officers of the district in
12 accordance with the proceedings authorizing the issuance of the
13 bonds.

14 Sec. 9601.203. MATURITY. District bonds must mature not
15 later than 50 years after the date of their issuance.

16 Sec. 9601.204. BONDS SECURED BY REVENUE; ADDITIONAL BONDS.

17 (a) Bonds may be secured by a pledge of all or part of the
18 district's revenue, or by all or part of the payments or rentals
19 under one or more contracts or leases specified by the proceedings
20 authorizing the issuance of the bonds.

21 (b) The proceedings authorizing the issuance of bonds
22 secured by a pledge of revenue of all or part of the district's
23 facilities may provide that the district shall first pay the
24 expenses of operating and maintaining all or part of the facilities
25 as the board considers appropriate before paying the principal of
26 and interest on the bonds.

27 (c) In the proceedings authorizing the issuance of bonds
28 secured by revenue, contract payments, or lease rentals, the
29 district may reserve the right, under conditions specified by the
30 proceedings, to issue additional bonds that will be on a parity
31 with, superior to, or subordinate to the bonds then being issued.

1 Sec. 9601.205. ADDITIONAL SECURITY. (a) At the discretion
2 of the board, bonds may be additionally secured by a deed of trust
3 or mortgage lien on all or part of the district's physical property,
4 facilities, easements, water rights and appropriation permits,
5 leases, contracts, and all rights appurtenant to the property,
6 vesting in the trustee power to:

7 (1) sell the property for the payment of the bonds;

8 (2) operate the property; and

9 (3) take other action to further secure the bonds.

10 (b) A purchaser under a sale under the deed of trust lien, if
11 one is given, is:

12 (1) the absolute owner of the property, facilities,
13 and rights purchased; and

14 (2) entitled to maintain and operate the property,
15 facilities, and rights.

16 Sec. 9601.206. DELEGATION OF AUTHORITY. (a) In connection
17 with the issuance of bonds, the board may:

18 (1) prescribe the maximum principal amount of bonds to
19 be issued and the maximum rate of interest the bonds may bear;

20 (2) recite the public purpose for which the bonds are
21 to be issued;

22 (3) delegate to any officer or employee of the
23 district the authority to effect the sale of the bonds; and

24 (4) determine the period during which the delegation
25 authority under Subdivision (3) may be exercised.

26 (b) In exercising the authority delegated by the board to an
27 officer or employee, the officer or employee may establish the
28 terms and details related to the issuance and sale of the bonds,
29 including:

30 (1) the form and designation of the bonds;

31 (2) the principal amount of the bonds and the amount of

1 the bonds to mature in each year;

2 (3) the dates, price, interest rates, interest payment
3 dates, principal payment dates, and redemption features of the
4 bonds;

5 (4) the execution of agreements determined by the
6 officer or employee to be necessary in connection with the issuance
7 of the bonds; and

8 (5) any other details relating to the issuance and
9 sale of the bonds as specified by the board in the proceedings
10 authorizing the issuance of the bonds.

11 (c) A finding or determination made by an officer or
12 employee acting under the authority delegated to the officer or
13 employee has the same force and effect as a finding or determination
14 made by the board.

15 Sec. 9601.207. TRUST INDENTURE. District bonds authorized
16 by this chapter, including refunding bonds, may be additionally
17 secured by a trust indenture. The trustee may be a bank with trust
18 powers that is located inside or outside the state.

19 Sec. 9601.208. CREDIT AGREEMENT. In connection with the
20 issuance of bonds under this chapter, the board may exercise the
21 authority granted to the governing body of an issuer with regard to
22 the execution and delivery of a credit agreement under Chapter
23 1371, Government Code.

24 Sec. 9601.209. CHARGES FOR DISTRICT SERVICES. If bonds
25 payable wholly from revenue are issued, the board shall set and
26 revise the rates, fees, and charges assessed for water sold, waste
27 collection and treatment services provided, and garbage collection
28 services provided by the district. The rates, fees, and charges
29 must be sufficient to:

30 (1) pay the expense of operating and maintaining the
31 district facilities that generate the revenue from which the bonds

1 may or will be paid;

2 (2) pay the principal of and interest on the bonds when
3 due; and

4 (3) maintain the reserve fund and other funds as
5 provided in the proceedings authorizing the issuance of bonds or
6 the trust indenture securing the bonds.

7 Sec. 9601.210. STATE PLEDGE REGARDING RIGHTS AND REMEDIES
8 OF BONDHOLDERS. Without depriving this state of its power to
9 regulate and control the rates, fees, and charges assessed for
10 water sold and waste collection and treatment services provided by
11 the district, the state pledges to and agrees with the holders of
12 district bonds that the state will not exercise its power to
13 regulate and control the rates, fees, and charges in any way that
14 would impair the rights or remedies of the holders of the bonds.

15 Sec. 9601.211. USE OF BOND PROCEEDS. In addition to the
16 permitted use of bond proceeds provided by general law, the
17 district may use proceeds from the sale of bonds:

18 (1) for the payment of interest on the bonds while the
19 project or facility is being acquired or constructed and for the
20 year after it is acquired or constructed;

21 (2) for the operation and maintenance of the project
22 or facility during the estimated period of acquisition or
23 construction of the project or facility and for one year after it is
24 acquired or constructed;

25 (3) for a debt service reserve fund;

26 (4) for other funds as may be provided in the
27 proceedings authorizing the issuance of bonds or in the trust
28 indenture securing the bonds;

29 (5) to pay any expense necessarily incurred in
30 accomplishing the purpose of the district, including any expense of
31 issuing and selling the bonds; and

1 (6) to pay any costs incurred under the terms of a
2 credit agreement.

3 Sec. 9601.212. ADDITIONAL AUTHORITY TO PROVIDE DEBT SERVICE
4 RESERVE. (a) The board may provide that in lieu of or in addition
5 to providing for the funding of a debt service reserve fund with
6 cash, a line or letter of credit or an insurance policy may be used
7 for the debt service reserve fund.

8 (b) Any agreement under which a line or letter of credit or
9 insurance policy is provided must be submitted to the attorney
10 general for examination and approval. After approval, the
11 agreement is incontestable in any court or other forum for any
12 reason and is a valid and binding obligation of the district in
13 accordance with its terms for all purposes.

14 Sec. 9601.213. REFUNDING BONDS. (a) The district may
15 issue refunding bonds to refund all or part of its outstanding bonds
16 issued under this chapter, including matured but unpaid interest
17 and obligations incurred under a credit agreement.

18 (b) Refunding bonds may be issued in the manner provided by
19 Chapter 1207, Government Code.

20 Sec. 9601.214. REMEDIES AND COVENANTS. The proceedings
21 authorizing the issuance of any bonds authorized under this
22 chapter, including refunding bonds, the execution of a trust
23 indenture securing the bonds, and the execution of a credit
24 agreement, may provide other remedies and covenants the board
25 considers necessary to issue the bonds on terms the board
26 determines to be most favorable to the district.

27 Sec. 9601.215. LIMITATION ON RIGHTS OF BONDHOLDERS. The
28 proceedings authorizing the issuance of bonds or the trust
29 indenture securing the bonds may limit or qualify the rights of the
30 holders of less than all of the outstanding bonds payable from the
31 same source to institute or prosecute litigation affecting the

1 district's property or income.

2 Sec. 9601.216. BONDS EXEMPT FROM TAXATION. Payments made
3 by the district in connection with the issuance of bonds, the
4 transfer of any bond, and the income from any bond, including
5 profits made on the sale of any bond, are exempt from taxation in
6 this state.

7 Sec. 9601.217. APPOINTMENT OF RECEIVER. (a) On default or
8 threatened default in the payment of the principal of or interest on
9 obligations incurred by the district in connection with the
10 issuance of bonds that are payable wholly or partly from revenue, a
11 court may, on petition of the holders of at least 25 percent of the
12 district's outstanding revenue bonds, or the party to a credit
13 agreement, appoint a receiver for the district.

14 (b) The receiver may collect and receive all district
15 revenue, employ and discharge district agents and employees, take
16 charge of money on hand, and manage the district's proprietary
17 affairs without the consent of or hindrance by the board.

18 (c) The receiver may be authorized to sell or contract for
19 the sale of water, the collection or treatment of waste, or the
20 provision of garbage collection or disposal services, or to renew
21 contracts with the approval of the court that appointed the
22 receiver.

23 (d) The court may vest the receiver with any other power or
24 duty the court finds necessary to protect the holders of the bonds
25 or the party to a credit agreement.

26 SECTION ____ .02. (a) The legal notice of the intention to
27 introduce this article, setting forth the general substance of this
28 article, has been published as provided by law, and the notice and a
29 copy of this article have been furnished to all persons, agencies,
30 officials, or entities to which they are required to be furnished
31 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

2 (b) The governor has submitted the notice and this article
3 to the Texas Commission on Environmental Quality.

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

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

12 (2) In SECTION 3.01(a) of the bill (page 13, line 15),
13 strike "Subsection (b)" and substitute "Subsections (b) and (c)".

14 (3) In SECTION 3.01 of the bill, following Subsection (b) of
15 the section (page 13, following line 22) add the following:

16 (c) The articles creating the Harrison County Groundwater
17 Conservation District and the Riverbend Water Resources District
18 take effect immediately if this Act receives a vote of two-thirds of
19 all the members elected to each house, as provided by Section 39,
20 Article III, Texas Constitution. If this Act does not receive the
21 vote necessary for immediate effect, the articles creating the
22 Harrison County Groundwater Conservation District and the
23 Riverbend Water Resources District take effect September 1, 2009.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO. 18

Atalay Spauld
Secretary of the Senate

BY: *Robert Duncan*

1 Amend __.B. No. ____ by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering subsequent
3 SECTIONS of the bill accordingly:

4 SECTION ____ . Section 36.1072, Water Code, is amended by
5 amending Subsections (a) and (e) and adding Subsection (e-1) to
6 read as follows:

7 (a) Except as provided by Subsection (e-1), a [A] district
8 shall, not later than three years after the creation of the
9 district or, if the district required confirmation, after the
10 election confirming the district's creation, submit the
11 management plan required under Section 36.1071 to the executive
12 administrator for review and approval.

13 (e) The district may review the plan annually and must
14 review and readopt the plan with or without revisions at least
15 once every five years. Except as provided by Subsection (e-1),
16 the [The] district shall provide the readopted plan to the
17 executive administrator not later than the 60th day after the
18 date on which the plan was readopted. Approval of the preceding
19 management plan remains in effect until:

20 (1) the district fails to timely readopt a management
21 plan;

22 (2) the district fails to timely submit the
23 district's readopted management plan to the executive
24 administrator; or

5 (3) the executive administrator determines that the
6 readopted management plan does not meet the requirements for
7 approval, and the district has exhausted all appeals to the
8 Texas Water Development Board or appropriate court.

9 (e-1) If a district is required to submit a management

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1 plan under Subsection (a) or a readopted management plan under
2 Subsection (e) on a date that is before the first anniversary of
3 the date the executive administrator provides to the district
4 under Section 36.108(o) an amount of managed available
5 groundwater, the district may adopt and submit to the executive
6 administrator a resolution delaying the due date for a new or
7 readopted plan to a date not later than the first anniversary of
8 the last date the district receives an amount of managed
9 available groundwater from the executive administrator in lieu
10 of the applicable deadline under Subsection (a) or (e). A
11 district that elects to delay submission of a new or readopted
12 plan under this subsection may not adopt a new rule or amend an
13 existing rule limiting production from wells or allocating
14 groundwater until the district submits to the executive
15 administrator the management plan or readopted plan as provided
16 by this subsection. This subsection expires September 1, 2013.

17 SECTION _____. Section 36.1072, Water Code, as amended by
18 this Act, applies only to a groundwater management plan that is
19 submitted to the executive administrator of the Texas Water
20 Development Board on or after the effective date of this Act. A
21 groundwater management plan that is submitted to the executive
22 administrator before the effective date of this Act is governed
23 by the law in effect when the management plan was submitted, and
24 the former law is continued in effect for that purpose.

ADOPTED

FLOOR AMENDMENT NO. 19

MAY 27 2009

BY:

Atay Spaul
Secretary of the Senate

Seliger

1 Amend C.S.H.B. No. 3335 (senate committee printing) by
2 adding the following appropriately numbered SECTIONS to the bill
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION __. Subsection (a), Section 35.007, Water Code, is
5 amended to read as follows:

6 (a) The executive director and the executive administrator
7 shall meet periodically to identify, based on information
8 gathered by the commission and the Texas Water Development
9 Board, those areas of the state that are experiencing or that
10 are expected to experience, within the immediately following 50-
11 year [~~25-year~~] period, critical groundwater problems, including
12 shortages of surface water or groundwater, land subsidence
13 resulting from groundwater withdrawal, and contamination of
14 groundwater supplies. Not later than September 1, 2005, the
15 commission, with assistance and cooperation from the Texas Water
16 Development Board, shall complete the initial designation of
17 priority groundwater management areas across all major and minor
18 aquifers of the state for all areas that meet the criteria for
19 that designation. The studies may be prioritized considering
20 information from the regional planning process, information from
21 the Texas Water Development Board groundwater management areas
22 and from groundwater conservation districts, and any other
23 information available. After the initial designation of
24 priority groundwater management areas, the commission and the
25 Texas Water Development Board shall annually review the need for
26 additional designations as provided by this subsection.

27 SECTION __. Section 35.008, Water Code, is amended by
28 adding Subsection (j) to read as follows:

29 (j) The commission may adopt rules regarding:

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1 (1) the creation of a district over all or part of a
2 priority groundwater management area that was designated as a
3 critical area under Chapter 35, Water Code, as that chapter
4 existed before September 1, 1997, or under other prior law; and

5 (2) the addition of all or part of the land in a
6 priority groundwater management area described by Subdivision
7 (1) to an existing district.

8 SECTION __. All governmental acts and proceedings,
9 including the adoption of rules, of the Texas Commission on
10 Environmental Quality relating to the creation of a groundwater
11 conservation district over all or part of a priority groundwater
12 management area that was designated as a critical area under
13 Chapter 35, Water Code, as that chapter existed before September
14 1, 1997, or under other prior law, are validated in all respects
15 as of the dates on which they occurred.

16 SECTION __. Subsection (a), Section 35.007, Water Code, as
17 amended by this Act, applies only to a designation of a priority
18 groundwater management area made by the Texas Commission on
19 Environmental Quality on or after the effective date of this
20 Act. A designation made before the effective date of this Act
21 is governed by the law in effect when the designation was made,
22 and that law is continued in effect for that purpose.

7 3916

ADOPTED

MAY 27 2009

Amy Spaul
Secretary of the Senate

P. H. S. H.

FLOOR AMENDMENT NO. 20

BY: _____

1 Amend __.B. No. ____ by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

4 SECTION __. (a) The legislature finds that:

5 (1) according to audits and evaluations of the Bexar
6 Metropolitan Water District performed by state agencies under H.B.
7 No. 1565, Acts of the 80th Legislature, Regular Session, 2007:

8 (A) certain officials of the district have
9 engaged in a pattern of unethical conduct and unprofessional
10 management practices;

11 (B) disagreements regarding jurisdiction within
12 the district and between the district and other entities and
13 distrust among key management personnel and members of the board
14 have hampered efforts by the district to improve services for
15 existing customers and to meet water supply needs of growing
16 populations within its service areas;

17 (C) there has been a history of noncompliance on
18 the part of the district; and

19 (D) the district has demonstrated weak
20 management, engaged in financial improprieties, and provided
21 unreliable service, which threatens to impair the quality of life
22 of its customers and diminish the prospects for economic growth
23 within the district;

24 (2) after 18 months of intense scrutiny by state
25 agencies and the Bexar Metropolitan Water District Oversight
26 Committee, which is composed of gubernatorial appointees,
27 legislators, and a local representative of Bexar County, it is
28 evident that further legislative action is necessary; and

29 (3) to ensure the reliability, sustainability,

1 quality, and affordability of water supply services to the
2 customers of the district, it is necessary to appoint a
3 conservator, who shall manage the district until the district has
4 achieved sufficient rehabilitation to serve its customers in a
5 professional, ethical, and reliable manner.

6 (b) Chapter 306, Acts of the 49th Legislature, Regular
7 Session, 1945, is amended by adding Sections 33B, 33C, 33D, 33E, and
8 33F to read as follows:

9 Sec. 33B. ELECTION ON DISSOLUTION AND CONSERVATORSHIP. An
10 election on the appointment of a conservator for the purpose of
11 dissolving the District shall be held on the uniform election date
12 in November 2009.

13 Sec. 33C. BALLOT. The ballot for the election shall be
14 printed to permit voting for or against the proposition: "The
15 appointment of a conservator for the Bexar Metropolitan Water
16 District for the purpose of dissolving the District."

17 Sec. 33D. APPOINTMENT OF CONSERVATOR; ADMINISTRATION OF
18 ASSETS. (a) If a majority of the votes in the election held under
19 Section 33B of this Act favor dissolution, a conservator shall be
20 appointed by the Texas Commission on Environmental Quality not
21 later than the 60th day after the date of the election.

22 (b) The Conservator shall administer the property, assets,
23 and debts until all funds have been disposed of and all District
24 debts have been paid or settled.

25 Sec. 33E. SALE OR TRANSFER OF ASSETS AND LIABILITIES.
26 (a) Notwithstanding any other provision of this Act, the District
27 may not be dissolved unless the Conservator provides for the sale or
28 transfer of the District's assets and liabilities to another person
29 or entity or until all of the District's outstanding indebtedness
30 or contractual obligations have otherwise been repaid or discharged
31 in a manner consistent with Subsection (d) of this section.

1 (b) The dissolution of the District and the sale or transfer
2 of the District's assets or liabilities may not contravene a trust
3 indenture or bond resolution relating to the outstanding bonds of
4 the District. The dissolution and sale or transfer does not
5 diminish or impair the rights of a holder of an outstanding bond,
6 warrant, commercial paper note, or other obligation of the
7 District.

8 (c) The sale or transfer of the District's assets and
9 liabilities must satisfy the debt, bond obligations, commercial
10 paper notes, or any other financial obligation of the District in a
11 manner that protects the interests of the residents of the
12 District, including the residents' collective property rights in
13 the District's assets. The District may not transfer or dispose of
14 the District's assets except for due compensation unless the
15 transfer is made to another governmental agency that serves the
16 District and the transferred assets are to be used for the benefit
17 of the residents of the District.

18 (d) The sale or transfer of the District's assets and
19 liabilities does not impair, affect the validity of, or modify the
20 terms of any contract to which the District is a party, and the
21 acquiring entity of a District asset, or any assignee-in-interest
22 to the asset, assumes the terms, benefits, and obligations of a
23 contract related to that asset, as if the entity or assignee were
24 the District.

25 Sec. 33F. REPORT; DISSOLUTION ORDER. (a) After the
26 District has paid all its debts and has disposed of all its assets
27 and funds as prescribed by this Act, the Conservator shall file a
28 written report with the Texas Commission on Environmental Quality
29 summarizing the Conservator's actions in dissolving the District.

30 (b) Not later than the 10th day after the date the Texas
31 Commission on Environmental Quality receives the report and

1 determines that the requirements of this Act as they relate to
2 dissolution have been fulfilled, the Commission shall enter an
3 order confirming the dissolution of the District and ordering the
4 termination of conservatorship established under Section 33E of
5 this Act, as applicable.

6 (c) Chapter 306, Acts of the 49th Legislature, Regular
7 Session, 1945, is amended by adding Sections 34, 34A, and 34B to
8 read as follows:

9 Sec. 34. CONSERVATOR. If a majority of the votes in the
10 election held under Section 33B of this Act do not favor
11 dissolution, not later than the 60th day after the date of this
12 election, the Texas Commission on Environmental Quality shall
13 appoint a conservator for the purpose of rehabilitating the
14 District. The individual appointed must have demonstrated a high
15 level of expertise in water utility management.

16 Sec. 34A. POWERS AND DUTIES OF CONSERVATOR. (a) If a
17 conservator is appointed under Section 34 or 34B of this Act, the
18 Board shall work cooperatively with the Conservator in
19 rehabilitating the Board in its ability to manage and operate the
20 District in a professional manner.

21 (b) The Conservator shall:

22 (1) collectively coordinate the daily management of
23 the District;

24 (2) work with the Board to ensure that the assets of
25 the District are protected and that the quality of service provided
26 to District customers is improved to the highest level reasonably
27 practicable under the circumstances;

28 (3) develop and work to implement a comprehensive
29 rehabilitation plan for the District; and

30 (4) report monthly to the Texas Commission on
31 Environmental Quality and to any committee with direct oversight

1 authority over the District regarding:

2 (A) the financial, managerial, technical, and
3 operational status of the District under the conservatorship;

4 (B) the actions the Conservator has taken to
5 ensure that the District complies with the plan developed under
6 Subdivision (3) of this Subsection; and

7 (C) the progress the Conservator has made towards
8 completion of the plan developed under Subdivision (3) of this
9 Subsection.

0 (c) The comprehensive rehabilitation plan must:

1 (1) identify strategies for restoring the District's
2 financial integrity and for developing a system of sound financial
3 management;

4 (2) describe a standard of ethics, professionalism,
5 and openness expected of each member of the Board and employees of
6 the District and a mechanism for enforcing compliance with District
7 policies, including procurement policies;

8 (3) address ways to enhance the District's operational
9 efficiency;

0 (4) as an integral part of rehabilitating the
1 District, devise a program for:

2 (A) educating the Board of Directors and key
3 management personnel on improving management practices, on
4 complying with Board policy and applicable laws and regulations,
5 and on implementing needed reforms for the District; and

6 (B) developing greater technical expertise on
7 the part of District employees;

8 (5) identify District assets that, if sold, would
9 likely improve the District's ability to serve its remaining
0 customers;

1 (6) ensure that any assets identified in Subdivision

1 (5) of this Subsection that are sold are sold at fair market value;
2 (7) ensure that any entity that acquires a District
3 asset is responsible for all transaction costs related to the
4 acquisition, including the cost of defending the State against
5 legal challenges to the disposition of the asset; and
6 (8) inventory and evaluate the discrete water systems
7 that the District comprises and determine:
8 (A) the District's basis in or the intrinsic
9 value of the infrastructure associated with each water system;
10 (B) the District's bonded debt and commercial
11 paper reasonably associated with or allocable to the infrastructure
12 of each water system;
13 (C) the adequacy of the source of the water
14 supply, such as wells, located in each water system's service area
15 to supply the current and projected demands generated in that
16 service area;
17 (D) the adequacy of the water storage facilities
18 located in each water system's service area to supply the current
19 and projected demands generated in that service area; and
20 (E) the adequacy of the distribution system
21 located in each water system's service area to supply the current
22 and projected demands generated in that service area.
23 (d) The term of the Conservator continues until the earlier
24 of:
25 (1) the end of a period of 18 months; or
26 (2) the Conservator reports that the District has been
27 sufficiently rehabilitated to provide reliable, cost-effective,
28 quality service to its customers, and the Texas Commission on
29 Environmental Quality, after performing a confirmation review,
30 concurs with the Conservator's report that the District has been
31 sufficiently rehabilitated to ensure that it can serve its

customers in a professional manner and that conservatorship is no longer necessary.

(e) Funding for the conservatorship shall be provided by the District and approved by the Commission.

(f) The Conservator may not take any action that:

(1) will impair the District's ability to collect revenues, fees, or charges:

(A) for operating District systems; or

(B) necessary for the payment of any bonds, commercial paper notes, or any other financial obligation; or

(2) would cause an event of default under any provision of any indenture, contract, order, or other financial instrument creating any such obligation.

(g) The appointment of the Conservator is not conditioned on or a result of an insolvency or bankruptcy proceeding or an inability of the District to pay its debts.

(h) The Conservator may not be a receiver, trustee, custodian, or liquidator of the District's system or other property.

Sec. 34B. APPOINTMENT OF NEW CONSERVATOR. (a) If the Texas Commission on Environmental Quality determines that, after a reasonable period, the Conservator has not made satisfactory progress in developing and working to implement the comprehensive rehabilitation plan, the Commission shall appoint a new Conservator.

(b) The Texas Commission on Environmental Quality shall adopt rules providing for filling a vacancy in the position of Conservator.

(d) Effective June 1, 2011, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 34C to read as follows:

1 Sec. 34C. SUBSEQUENT CONSERVATOR. (a) The Texas
2 Commission on Environmental Quality shall appoint a subsequent
3 Conservator for the District if the Commission determines that
4 after the termination of an earlier conservatorship under Section
5 34A of this Act, the District has:

6 (1) obstructed the Commission's authority to supervise
7 the District;

8 (2) violated a final order of the Commission;

9 (3) caused a potential health hazard by failing to
10 provide appropriate water or wastewater treatment to District
11 customers;

12 (4) caused a potential health hazard, extended
13 outages, or repeated service interruptions by failing to adequately
14 maintain District facilities;

15 (5) displayed a pattern of hostility towards the
16 Commission or repeatedly failed to respond to the Commission or to
17 District customers;

18 (6) engaged in a pattern of:

19 (A) noncompliance with laws or regulations; or

20 (B) unethical conduct and unprofessional
21 management practices;

22 (7) abandoned the operation of its facilities;

23 (8) had a majority of its Board of Directors resign;

24 (9) engaged in financial improprieties; or

25 (10) provided unreliable service that impairs the
26 quality of life of its customers or diminishes the prospects for
27 economic growth within the District.

28 (b) An individual appointed Conservator under this Section
29 must have demonstrated a high level of expertise in water utility
30 management and shall have all the powers and duties assigned to a
31 Conservator under Section 34A of this Act.

1 (e) Section 33A, Chapter 306, Acts of the 49th Legislature,
2 Regular Session, 1945, is amended by amending Subsection (c) and
3 adding Subsection (g) to read as follows:

4 (c) The oversight committee is comprised of five [5] members
5 appointed as follows [~~to represent the following members~~]:

6 (1) a [the] Senator who represents a Senate district
7 that includes territory within the District, [~~sponsor of this Act,~~
8 ~~or, in the event this Senator cannot serve, a Senator~~] appointed by
9 the Lieutenant Governor;

0 (2) a Representative who represents a [the] House
1 district that includes territory within the District, [~~author of~~
2 ~~this Act, or, in the event this Representative cannot serve, a~~
3 ~~Representative~~] appointed by the Speaker of the Texas House of
4 Representatives;

5 (3) one member of the Senate Committee on Natural
6 Resources [~~with special expertise in the operation of public water~~
7 ~~utilities~~] appointed by the Lieutenant Governor;

8 (4) one member of the House Committee on Natural
9 Resources appointed by the Speaker of the Texas House of
0 Representatives; and

1 (5) one member appointed by the Governor to represent
2 the public [~~and~~

3 [~~5) a member of the Bexar County Commissioners Court~~
4 ~~who represents a precinct in which customers of the District~~
5 ~~reside~~].

6 (g) On or before December 31, 2010, the oversight committee
7 shall provide a report under Subsection (e) of this Section to the
8 82nd Legislature. The committee is abolished and this Section
9 expires on January 1, 2011.

0 (f) The legal notice of the intention to introduce this
1 section, setting forth the general substance of this section, has

1 been published as provided by law, and the notice and a copy of this
2 section have been furnished to all persons, agencies, officials, or
3 entities to which they are required to be furnished under Section
4 59, Article XVI, Texas Constitution, and Chapter 313, Government
5 Code.

6 (g) The governor, one of the required recipients, has
7 submitted the notice and section to the Texas Commission on
8 Environmental Quality.

9 (h) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this section with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (i) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this section are
16 fulfilled and accomplished.

ADOPTED

MAY 27 2009

FLOOR AMENDMENT NO.

21 *Leta Spaw*
Secretary of the Senate

BY:

C. Hest

1 Amend C.S.H.B. No. 3335 (senate committee printing) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to
4 the bill and renumber subsequent ARTICLES of the bill
5 accordingly:

6 ARTICLE ____ . LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY
7 SECTION ____ .01. Subtitle X, Title 6, Special District
8 Local Laws Code, is amended by adding Chapter 11002 to read as
9 follows:

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

11 COUNTY

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 11002.001. DEFINITIONS. In this chapter:

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

15 (2) "Director" means a board member.

16 (3) "District" means the Lajitas Utility District No.

17 1 of Brewster County.

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

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

25 Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

28 (b) All land and other property included in the district
29 will benefit from the improvements and services to be provided

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1 by the district under powers conferred by Sections 52 and 52-a,
2 Article III, and Section 59, Article XVI, Texas Constitution,
3 and other powers granted under this chapter.

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

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

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

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

1 (e) The district will:

2 (1) promote the health, safety, and general welfare
3 of residents, employers, potential employees, employees,
4 visitors, and consumers in the district, and of the public;

5 (2) provide needed funding for the district to
6 preserve, maintain, and enhance the economic health and vitality
7 of the district territory as a community and business center;
8 and

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

14 (f) Pedestrian ways along or across a street, whether at
15 grade or above or below the surface, and street lighting, street
16 landscaping, parking, and street art objects are parts of and
17 necessary components of a street and are considered to be a
18 street or road improvement.

19 (g) The district is not an agent or instrumentality of a
20 private interest even though the district will benefit private

1 interests as well as the public.

2 Sec. 11002.005. INITIAL DISTRICT TERRITORY. (a) The
3 district is initially composed of the territory described by the
4 article creating this chapter.

5 (b) The boundaries and field notes contained in the
6 article creating this chapter form a closure. A mistake made in
7 the field notes or in copying the field notes in the legislative
8 process does not affect the district's:

9 (1) organization, existence, or validity;

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

13 (3) right to impose a tax; or

14 (4) legality or operation.

15 [Sections 11002.006-11002.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

1 Sec. 11002.052. TEMPORARY DIRECTORS. (a) The temporary
2 board consists of:

3 (1) Brent Ratliff;

4 (2) George Kutch;

5 (3) John Nolan;

6 (4) Renee Lorenz; and

7 (5) H. C. Ross.

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

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

12 (1) the date permanent directors are elected under
13 Section 11002.003; or

14 (2) the fourth anniversary of the effective date of
15 the article creating this chapter.

16 (d) If permanent directors have not been elected under
17 Section 11002.003 and the terms of the temporary directors have
18 expired, successor temporary directors shall be appointed or
19 reappointed as provided by Subsection (e) to serve terms that
20 expire on the earlier of:

1 (1) the date permanent directors are elected under
2 Section 11002.003; or

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

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

12 [Sections 11002.053-11002.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

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

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

1 Section 59, Article XVI, Texas Constitution.

2 Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. The
3 district may provide improvement projects and services in the
4 same manner as a municipal management district under Section
5 375.112, Local Government Code.

6 Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under
7 Section 52, Article III, Texas Constitution, the district may
8 design, acquire, construct, finance, issue bonds for, improve,
9 and convey to this state, a county, or a municipality for
10 operation and maintenance macadamized, graveled, or paved roads
11 described by Section 54.234, Water Code, or improvements,
12 including storm drainage, in aid of those roads.

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

17 Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The
18 district may not undertake a road project authorized by Section
19 11002.104 unless:

20 (1) each county that will operate and maintain the

1 road has approved the plans and specifications of the road
2 project, if a county will operate and maintain the road; or

3 (2) the Texas Transportation Commission has approved
4 the plans and specifications of the road project, if the state
5 will operate and maintain the road.

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

10 Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of
15 land in the district.

16 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. The
17 district may not exercise the power of eminent domain outside
18 the district to acquire a site or easement for:

19 (1) a road project authorized by Section 11002.104;
20 or

1 (2) a recreational facility as defined by Section
2 49.462, Water Code.

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

7 Sec. 11002.109. AIRPORT. The district may construct,
8 acquire, improve, maintain, and operate an airport and
9 improvements in aid of the airport.

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

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

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

19 (b) This chapter applies to any new district created by
20 the division of the district, and a new district has all the

1 powers and duties of the district.

2 (c) Any new district created by the division of the
3 district may not, at the time the new district is created,
4 contain any land outside the area described by the article
5 creating this chapter.

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

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

13 (f) An order dividing the district shall:

14 (1) name each new district;

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

17 (3) appoint temporary directors for each new
18 district; and

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

1 (g) On or before the 30th day after the date of adoption
2 of an order dividing the district, the district shall file the
3 order with the Texas Commission on Environmental Quality and
4 record the order in the real property records of each county in
5 which the district is located.

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

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

14 (j) If the voters of a new district do not confirm the
15 creation of the new district, the assets, obligations,
16 territory, and governance of the new district revert to that of
17 the original district.

18 [Sections 11002.112-11002.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 11002.151. ELECTIONS REGARDING TAXES OR BONDS. (a)

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

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

4 (2) contract payments described by Section 11002.153.

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

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

13 Sec. 11002.152. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized at an election held under Section 11002.151, the
15 district may impose an operation and maintenance tax on taxable
16 property in the district in accordance with Section 49.107,
17 Water Code.

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

20 Sec. 11002.153. CONTRACT TAXES. (a) In accordance with

1 Section 49.108, Water Code, the district may impose a tax other
2 than an operation and maintenance tax and use the revenue
3 derived from the tax to make payments under a contract after the
4 provisions of the contract have been approved by a majority of
5 the district voters voting at an election held for that purpose.

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

9 Sec. 11002.154. SALES AND USE TAX. (a) The district may
10 impose a sales and use tax if authorized by a majority of the
11 voters of the district voting at an election called for that
12 purpose. Revenue from the tax may be used for any purpose for
13 which ad valorem tax revenue of the district may be used.

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

19 (c) If the voters of the district approve the adoption of
20 the tax at an election held on the same election date on which

1 another political subdivision adopts a sales and use tax or
2 approves an increase in the rate of its sales and use tax and as
3 a result the combined rate of all sales and use taxes imposed by
4 the district and other political subdivisions of this state
5 having territory in the district would exceed two percent at any
6 location in the district, the election to adopt a sales and use
7 tax under this chapter has no effect.

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

12 Sec. 11002.155. ASSESSMENTS. The district may levy and
13 collect special assessments in the same manner and for the same
14 purposes as a municipal management district as provided in
15 Subchapter F, Chapter 375, Local Government Code.

16 [Sections 11002.157-11002.200 reserved for expansion]

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 11002.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,

1 revenue, contract payments, grants, sales and use taxes, other
2 district money, or any combination of those sources to pay for
3 any authorized district purpose.

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

9 (b) The board shall annually impose the tax while all or
10 part of the bonds are outstanding. Sections 54.601 and 54.602,
11 Water Code, govern the amount and rate of the tax.

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

17 SECTION __.02. The Lajitas Utility District No. 1 of
18 Brewster County initially includes all the territory contained
19 in the following area:

20 Tract 1

1 Being parts of the following Surveys:

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

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

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

5 Beginning at a rock mound found for the northeast corner of
6 Section 73 and the northwest corner of Section 72, Block 341, T.
7 C. Ry. Co. Surveys common with the northeast corner of Section
8 59, the northwest corner of Section 60, Block G-12, G. C. & SF
9 Ry. Co. Surveys in Brewster County, Texas this being the Place
10 of Beginning of this survey description of property located
11 north of the center line of FM Highway 170;

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

16 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the
17 north section line of said Section 84 a rock mound located at
18 the northwest corner of said Section 84, common to the northeast
19 corner of Section 85, Block 341;

20 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the

1 north section line of said Section 85 to a rock mound located at
2 the northeast corner of Section 96, common with the southeast
3 corner of Section 56 Block 341;
4 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the
5 east section line of said Section 56 to a rock mound located at
6 the northeast corner of said Section 56, common with the
7 northwest corner of Section 57, and the southwest corner of
8 Section 44, Block 12;
9 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the
10 north section line of said Section 56 to a rock mound located at
11 the northwest corner of said Section 56, common the northeast
12 corner of Section 55, Block 341;
13 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the
14 east section line of said Section 48 to a rock mound located at
15 the southeast corner of said Section 47; common with the
16 southeast corner of Section 47, and the southwest corner of
17 Section 46, Block 341;
18 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the
19 east section line of said Section 47 to a rock mound located at
20 the northeast corner of said Section 47; common with the

1 southeast corner of Section 103, and the northwest corner of
2 Section 46, Block 341

3 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the
4 east section line of said Section 103 to a rock mound located at
5 the northeast corner of said Section 103; common with the
6 southeast corner of Section 102, Block G-5;

7 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the
8 north section line of said Section 103 to a rock mound located
9 at the northeast corner of Section 105;

10 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the
11 east section line of said Section 105 to a rock mound located at
12 the northeast corner of Section 92; common with the northwest
13 corner of Section 102 , Block G-5;

14 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the
15 north section line of said Section 105 and the east line of
16 Section 106 to a rock mound located at the northwest corner of
17 said Section 105;

18 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
19 west section line of said Section 105 and the east line of
20 Section 106 to a rock mound located at the southwest corner of

1 said Section 105;
2 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the
3 south section line of said Section 105 to a rock mound located
4 at the southeast corner of said Section 105, common with the
5 northwest corner of Section 103, Block G-5;
6 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
7 west section line of said Section 103 to a rock mound located at
8 the northwest corner of said Section 47, common with the
9 southwest corner of Section 103, Block G-5;
10 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
11 west section line of said Section 47 to a rock mound located at
12 the northwest corner of said Section 48;
13 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
14 west section line of said Section 48 to a rock mound located at
15 the northwest corner of said Section 55, common with the
16 southeast corner of Section 49, Block G-12,
17 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
18 west section line of said Section 55 from a rock mound located
19 at the northwest corner of said Section 55, common with the
20 southwest corner of Section 48, Block G-12, from which face of

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

1 the southwest corner of said Section 98;
2 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet (called 1,900
3 vares) along the east section line of Section 101 to a rock
4 mound located at the northwest corner of said Section 98;
5 THENCE S 89° 38' 51" W, a distance of 4,333.4 feet along the
6 north section line of said Section 101 to a rock mound located
7 on the east line Section 36;
8 THENCE N 00° 21' 09" W, a distance of 1,466.7 feet along the
9 east section line of said Section 36 to a rock mound common with
10 the northwest corner with Section 101, Block 341;
11 THENCE S 89° 38' 51" W (called East), a distance of 2,638.9 feet
12 along the north section line of said Section 36 to a rock mound
13 located at the northwest corner of said Section 36;
14 THENCE S 00° 21' 09" E (called North), a distance of 50.6 feet,
15 more or less, along the west section line of said Section 36 to
16 a rock mound located at the northeast corner of said Section 35,
17 continuing 7,389.7 feet, to the north right-of-way line of FM
18 Highway 170;
19 THENCE S 00° 21' 09" E (called North), a distance of 60.0 feet,
20 more or less, along the west section line of said Section 36 to

1 the center line of said of FM Highway 170;
2 THENCE along the established center line as follows;
3 THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the
4 center line of the right-of-way line of F. M. Highway 170 to
5 point located at the beginning of a curve to the left having a
6 center line central angle of 10° 10' 58.5" Left, a Radius of
7 1,909.86 feet;
8 THENCE around the said curve to the left, a distance of 339.43
9 feet, to a point of tangent;
10 THENCE N 76° 11' 13.08" E, a distance of 203.77 feet along the
11 center line of the right-of-way line of F. M. Highway 170 to
12 point located at the beginning of a curve to the right having a
13 center line central angle of 62° 55' 02.1" Right, a Radius of
14 818.51 feet;
15 THENCE around the said curve to the right, a distance of 898.82
16 feet, to a point of tangent;
17 THENCE S 40° 53' 44.8"E, a distance of 1,564.13 feet along the
18 center line of the right-of-way line of F. M. Highway 170 to a
19 point located on the Section line between Sections 36 and 37,
20 and continuing on a distance of 72.2 feet to the beginning of a

1 curve to the left, having a center line central angle of $50^{\circ} 46'$
2 $37.1''$ left, a $R = 954.93$ feet;
3 THENCE around the said curve to the left, a distance of 846.28
4 feet, to a point of tangent;
5 THENCE N $88^{\circ} 19' 38''$ E, a distance of 747.91 feet along the
6 center line of the right-of-way line of F. M. Highway 170 to
7 point located at the beginning of a curve to the left having a
8 center line central angle of $33^{\circ} 39' 17''$ left , a $R = 1,909.86$
9 feet;
10 THENCE around the said curve to the left, a distance of 670.43
11 feet, to a point located on the Section line between Sections 37
12 and 100, and continuing on a distance of 451.4 feet to a point
13 of tangent;
14 THENCE N $54^{\circ} 40' 21''$ E, a distance of $2,677.46$ feet along the
15 center line of the right-of-way line of F. M. Highway 170 to a
16 point located on the Section line between Sections 100 and 99,
17 and continuing on a distance of $3,073.0$ feet to the beginning of
18 a curve to the right, having a center line central angle of 44°
19 $08' 21''$ right, a $R = 1,273.24$ feet; and this Easement is
20 described an recorded in Volume 133 Page 435 of the Brewster

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

1 feet, to a point of tangent;
2 THENCE N 81° 21' 05.4" E, a distance of 267.0 feet along the
3 center line of the right-of-way line of F. M. Highway 170 to a
4 point located on the Section line between Sections 95 and 86,
5 and continuing on a distance of 995.5 feet to the beginning of a
6 curve to the right, having a center line central angle of 61°
7 36' 29.6" right, a R = 881.47 feet ;
8 THENCE around the said curve to the right, a distance of 947.82
9 feet, to a point of tangent;
10 THENCE S 37° 02' 25" E, a distance of 1,119.4 feet along the
11 center line of the right-of-way line of F. M. Highway 170 to
12 point located at the beginning of a curve to the left having a
13 center line central angle of 56° 48' 15.5" left , a R = 1,145.92
14 feet;
15 THENCE around the said curve to the left, a distance of 1,136.09
16 feet, to a point of tangent;
17 THENCE N 86° 09'19.5" E, a distance of 1,899.44 feet along the
18 center line of the right-of-way line of F. M. Highway 170 to the
19 beginning of a curve to the left, having a center line central
20 angle of 11° 33' 03.2" left, a R = 5,729.58 feet and this

1 Easement is described as recorded in Volume 133 Page 437 of the
2 Brewster County Deed Records;
3 THENCE around the said curve to the left, a distance of 1,155.09
4 feet, to a point of tangent;
5 THENCE N 74° 36' 16.3" E, a distance of 1,512.63 feet along the
6 center line of the right-of-way line of F. M. Highway 170 to
7 point located at the beginning of a curve to the left having a
8 center line central angle of 16° 44' 06.5" left , a R = 2,864.79
9 feet;
10 THENCE around the said curve to the left, a distance of 836.76
11 feet, to a point of tangent;
12 THENCE N 57° 52' 09.7 " E, a distance of 807.2 feet along the
13 center line of the right-of-way line of F. M. Highway 170 to
14 point located at the beginning of a curve to the left having a
15 center line central angle of 04° 00' 03" left , a R = 11,459.16
16 feet;
17 THENCE around the said curve to the left, a distance of 800.19
18 feet, to a point of tangent;
19 THENCE N 61° 52' 13.1" E, a distance of 807.2 feet along the
20 center line of the right-of-way line of F. M. Highway 170 to a

1 point located on the Section line between Sections 83 and 74, ,
2 and this Easement is described an recorded in Volume 4 Page 166
3 of the Brewster County Deed Records, and continuing on a
4 distance of 2,714.68 feet a point located on the Section line
5 between Sections 74 and 73, and continuing on a distance of 20.1
6 feet for a total distance of 3,541.98 feet to the beginning of a
7 curve to the left, having a center line central angle of $26^{\circ} 39'$
8 $56.7''$ left, a $R = 1,637.02$ feet; and this Easement is described
9 an recorded in Volume 133 Page 438 of the Brewster County Deed
10 Records;
11 THENCE around the said curve to the left, a distance of 761.88
12 feet, to a point of tangent;
13 THENCE $N 35^{\circ} 12' 16.4'' E$, a distance of 538.0 feet along the
14 center line of the right-of-way line of F. M. Highway 170 to
15 point located at the beginning of a curve to the right having a
16 center line central angle of $27^{\circ} 06' 51''$ right, a $R = 1,909.86$
17 feet ;
18 THENCE around the said curve to the right, a distance of 903.81
19 feet, to a point of tangent;
20 THENCE $N 62^{\circ} 19' 08.1'' E$, a distance of 264.68 feet along the

1 center line of the right-of-way line of F. M. Highway 170 to
2 point located at the beginning of a curve to the left having a
3 center line central angle of $13^{\circ} 50' 09.2''$ Left, a $R = 2,864.79$;
4 THENCE around the said curve to the left, a distance of 691.79
5 feet, to a point of tangent;
6 THENCE $N 48^{\circ} 28' 59'' E$, a distance of 46.84 feet along the
7 center line of the right-of-way line of F. M. Highway 170 to a
8 point located on the Section line between Sections 73 and 72;
9 THENCE $N 02^{\circ} 35' 58'' W$ (called North), a distance of 1,799.22
10 feet, more or less, along the east line of said Section 73 to a
11 rock mound, this being the Place of Beginning of this survey
12 description of property located north of the centerline of FM
13 Highway 170; The land area contained within this description is
14 7,949.704 acres, more or less, including a sixty (60.0) foot
15 wide (one half of a 120.0 foot wide right-of-way) strip of land
16 along the north half of FM Highway 170.

17 Tract 2

18 Being parts of the following Surveys:

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

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

1 Commencing at a rock mound found for the northeast corner of
2 Section 73 and the northwest corner of Section 72, Block 341, T.
3 C. Ry. Co. Surveys common with the southeast corner of Section
4 59, the northwest corner of Section 60, Block G-12, G. C. & SF
5 Ry. Co. Surveys in Brewster County, Texas;
6 THENCE S 02° 35' 58" E (called South), a distance of 1,799.22
7 feet along the east section line of said Section 73 to iron rod
8 located on the south right-of-way line of F M Highway 170 on the
9 section line between Section 72 and Section 73 Block 341, T. C.
10 Ry. Co. Surveys in Brewster County, Texas, this being the Place
11 of Beginning;
12 THENCE S 00° 48' 31" W, a distance of 3,480.68 feet along the
13 said east line of said Section 73 and the west line of Section
14 72 to a rock mound located at the southeast corner of said
15 Section 73 common to the southwest corner of said Section 72 and
16 the northwest corner of Section 64 Block 341;
17 THENCE N 89° 38' 51" E , a distance of 5,277.8 feet along the
18 north section line of said Section 64 a rock mound located at
19 the northeast corner of said Section 64 common to the northwest
20 corner of said Section 65 and the southwest corner of Section 71

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

1 set by Walker;
2 THENCE S 08° 07' 25" E, a distance of 679.25 feet to an iron rod
3 set by Walker;
4 THENCE N 89° 38' 51" E, a distance of 2,980.6 feet along the
5 north section line of said Section 71 a rock mound located at
6 the northeast corner of said Section 71, common to the northwest
7 corner of said Section 68 Block 341;
8 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the
9 east section line of said Section 71 to a rock mound located at
10 the northeast corner of said Section 71 common to the northwest
11 corner of said Section 67 Block 341;
12 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet, more or
13 less, along the north section line of said Section 67 to a rock
14 mound located at the northeast corner of said Section 67 on the
15 west section line of Section 299 Block G-12;
16 THENCE S 00° 21' 09" E, a distance of 3,997.3 feet, more or
17 less, along the east section line of said Section 67 to a rock
18 mound located at the southeast corner of said Section 67 common
19 to the west section line of Section 299 Block G-12 and the north
20 section line of Section 34 Block 17;

1 THENCE N 40° 00' E, a distance of 3,777.8 feet, more or less,
2 along the north section line of said Section 34 Block 17 to a
3 rock mound located at the northeast corner of Section 34 and the
4 southwest corner of Section 35 Block 17;
5 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less,
6 along the east section line of said Section 34 Block 17 to a
7 rock mound located at the northern most corner of Section 33 and
8 the western most corner of Section 36 Block 17;
9 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less,
10 along the east section line of said Section 33 Block 17 to a
11 rock mound located at the northern most corner of Section 32 and
12 the western most corner of Section 37 Block 17;
13 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less,
14 along the east section line of said Section 32 Block 17 to a
15 rock mound located at the northern most corner of Section 31 and
16 the western most corner of Section 38 Block 17;
17 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less,
18 along the east section line of said Section 31 Block 17 to a
19 rock mound located at the eastern most corner of Section 31 and
20 the western most corner of Section 39 Block 17;

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

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

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

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

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

1 rock mound located at the southern most corner of Section 7 and
2 the eastern most corner of Section 6 Block 17 , being a point on
3 the boundary line of the Big Bend National Park;
4 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less,
5 along the west section line of said Section 7 Block 17 along the
6 boundary line of the Big Bend National Park to a rock mound
7 located at the western most corner of Section 7 and the eastern
8 most corner of Section 6 Block 17, being a point on the
9 southeast line of Section 61 Block 341;
10 THENCE N 40° 00' E, a distance of 2,065.8 feet, more or less,
11 along the north section line of said Section 7 Block 17 and the
12 southeast section line of Section 62 Block 341 to a rock mound
13 located at the northeasterly most corner of Section 61 Block 341
14 being a point on the boundary line of the Big Bend National
15 Park;
16 THENCE N 88° 51' 19" W, a distance of 6,375.1 feet along the
17 section line between said Section 61 and Section 62 being the
18 boundary line of the Big Bend National Park to a rock mound
19 located at the southwest most corner of Section 62 on the east
20 line of Section 76 Block 341;

1 THENCE S 01° 11' 14" W, a distance of 675.0 feet along the east
2 line of said Section 76 being the boundary line of the Big Bend
3 National Park to a rock mound located at the southeast most
4 corner of Section 76 on the north line of Section 61 Block 341;
5 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the
6 south section line of Section 76 between said Section 61 and 78
7 being the boundary line of the Big Bend National Park to a rock
8 mound located at the southwest most corner of Section 76 on the
9 east line of Section 81 Block 341;
10 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the
11 south section line of Section 81 between said Section 60 being
12 the boundary line of the Big Bend National Park to a rock mound
13 located at the southwest most corner of Section 81 on the east
14 line of Section 88 Block 341;
15 THENCE N 88° 46' 10" W, a distance of 5,277.8 feet along the
16 south section line of Section 88 between said Section 89 being
17 the boundary line of the Big Bend National
18 Park to a rock mound located at the southwest most corner of
19 Section 88 on the east line of Section 93 Block 341;
20 THENCE N 88° 46' 10" W, a distance of 4,874.2 feet along the

1 south section line of Section 93 between said Section 41 being
2 the boundary line of the Big Bend National Park to a rock mound
3 located at the southwest most corner of Section 93 on the east
4 line of Section 41 Block 341;
5 THENCE N 00° 49' 07" E, a distance of 2080.0 feet, more or less,
6 along the west section line of Section 93 located between said
7 Section 41 being the boundary line of the Big Bend National Park
8 to a rock mound located at the southeast most corner of Section
9 92 on the east line of Section 41 Block 341;
10 THENCE N 88° 43' 49" W, a distance of 2,001.5 feet, more or
11 less, along the south section line of Section 92 Block 341 and
12 the north line of Section 41, being the boundary line of the Big
13 Bend National Park, to a rock mound located at the northwest
14 most corner of Section 41;
15 THENCE S 01° 16' 11" W, a distance of 316.1 feet, more or less,
16 along the west section line of Section 41 and the offset east
17 line of Section 92, being the boundary line of the Big Bend
18 National Park, to a rock mound located on the south line of
19 Section 92;
20 THENCE N 88° 43' 49" W, a distance of 2,334.6 feet, more or

1 less, along the south section line of Section 92 Block 341 and
2 the north line of Section 48, being the boundary line of the Big
3 Bend National Park, to a rock mound and concrete marker located
4 at the southwest most corner of Section 92;
5 THENCE N 01° 16' 11" E, a distance of 1,908.1 feet along the
6 section line between said Section 92 and Section 49, being the
7 boundary line of the Big Bend National Park, to a rock mound and
8 concrete marker located at the southeast most corner of Section
9 100 Block 341 at the northeast corner of Section 49;
10 THENCE N 88° 43' 49" W, a distance of 2,632.6 feet, more or
11 less, along the south section line of Section 100 Block 341 and
12 the north line of Section 49, being the boundary line of the Big
13 Bend National Park, to a rock mound and concrete marker located
14 at the northwest most corner of Section 49 and the southwest
15 corner of Section 100;
16 THENCE S 01° 16' 12" W, a distance of 4,599.4 feet, more or
17 less, along the west section line of Section 49 , being the
18 boundary line of the Big Bend National Park, to a rock mound
19 located on the south line of Section 37 and being the northeast
20 corner of Section 38 Block 341;

1 THENCE N 88° 43' 49" W, a distance of 3,330.3 feet, more or
2 less, along the south section line of Section 37 Block 341 and
3 the north line of Section 38, being the boundary
4 line of the Big Bend National Park, to a rock mound and located
5 at the meanders of the Rio Grande at the southwest most corner
6 of said Section 37 and the northwest most corner of Section 38;
7 THENCE along the east meandering line of the bank of the Rio
8 Grande, as identified in the year of April 2007, described as
9 follows:

10 N 20° 07' 30" E, a distance of 335.53 feet
11 S 87° 27' 30" E, a distance of 877.59 feet
12 N 25° 19' 25" E, a distance of 219.65 feet
13 N 11° 41' 28" E, a distance of 511.26 feet
14 N 23° 23' 39" E, a distance of 510.57 feet
15 N 19° 19' 32" E, a distance of 645.17 feet
16 N 02° 03' 28" E, a distance of 270.32 feet
17 N 20° 01' 04" E, a distance of 337.82 feet
18 N 38° 01' 14" E, a distance of 827.59 feet
19 N 38° 19' 39" W, a distance of 754 08 feet
20 N 07° 15' 04" W, a distance of 1,333.57 feet

1 N 23° 27' 17" W, a distance of 926.79 feet
2 N 23° 27' 17" W, a distance of 115.86 feet
3 N 17° 48' 38" W, a distance of 580.31 feet
4 N 11° 49' 17" W, a distance of 461.28 feet
5 N 23° 38' 37" W, a distance of 802.90 feet
6 N 05° 44' 52" W, a distance of 99.91 feet to the beginning
7 of a curve to the left with a central angle of 77° 38' 50"
8 having a cord bearing of N 44° 34' 17" W with a cord length of
9 681.47 feet a radius of 543.50 feet and continuing along the
10 bank of the Rio Grande
11 N 83° 23' 43" W, a distance of 222.82 feet
12 S 84° 41' 58" W, a distance of 732.79 feet to a point on
13 the west section line of Section 36 Block 341;
14 THENCE N 00° 21' 09" W, a distance of 94.84 feet , more or less,
15 to a point on the center line of the right-of-way line of F M
16 Highway 170, and this Easement is described an recorded in
17 Volume 133 Page 460 - 461 of the Brewster County Deed Records;
18 THENCE along the said center line of the right-of-way line of F
19 M Highway 170 described as follows:
20 THENCE N 86° 22' 11.64" E, a distance of 669.91 feet along the

1 center line of the right-of-way line of F. M. Highway 170 to
2 point located at the beginning of a curve to the left having a
3 center line central angle of $10^{\circ} 10' 58.5''$ Left, a Radius of
4 1,909.86 feet;
5 THENCE around the said curve to the left, a distance of 339.43
6 feet, to a point of tangent;
7 THENCE N $76^{\circ} 11' 13.08''$ E, a distance of 203.77 feet along the
8 center line of the right-of-way line of F. M. Highway 170 to
9 point located at the beginning of a curve to the right having a
10 center line central angle of $62^{\circ} 55' 02.1''$ Right , a Radius of
11 818.51 feet;
12 THENCE around the said curve to the right, a distance of 898.82
13 feet, to a point of tangent;
14 THENCE S $40^{\circ} 53' 44.8''$ E, a distance of 1,564.13 feet along the
15 center line of the right-of-way line of F. M. Highway 170 to a
16 point located on the Section line between Sections 36 and 37,
17 and continuing on a distance of 72.2 feet to the beginning of a
18 curve to the left, having a center line central angle of $50^{\circ} 46'$
19 $37.1''$ left, a R = 954.93 feet;
20 THENCE around the said curve to the left, a distance of 846.28

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

1 THENCE S 81° 11' 18" E, a distance of 672.9 feet along the
2 center line of the right-of-way line of F. M. Highway 170 to
3 point located at the beginning of a curve to the left having a
4 center line central angle of 43° 21' 04" left , a R = 818.51
5 feet;

6 THENCE around the said curve to the left, a distance of 419.60
7 feet, to a point located on the Section line between Sections 99
8 and 94, and continuing on a distance of 199.7 feet to a point of
9 tangent, and this Easement is described an recorded in Volume
10 133 Page 436 of the Brewster County Deed Records;

11 THENCE N 55° 27' 37.7" E, a distance of 82.6 feet along the
12 center line of the right-of-way line of F. M. Highway 170 to a
13 point located on the Section line between Sections 94 and 95,
14 and continuing on a distance of 5,266.18 feet to the beginning
15 of a curve to the right, having a center line central angle of
16 25° 53' 27.6" right, a R = 1,432.39 feet;

17 THENCE around the said curve to the right, a distance of 647.28
18 feet, to a point of tangent;

19 THENCE N 81° 21' 05.4" E, a distance of 267.0 feet along the
20 center line of the right-of-way line of F. M. Highway 170 to a

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

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

1 distance of 2,714.68 feet a point located on the Section line
2 between Sections 74 and 73, and continuing on a distance of 20.1
3 feet for a total distance of 3,541.98 feet to the beginning of a
4 curve to the left, having a center line central angle of $26^{\circ} 39'$
5 $56.7''$ left, a $R = 1,637.02$ feet; and this Easement is described
6 an recorded in Volume 133 Page 438 of the Brewster County Deed
7 Records;

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

10 THENCE $N 35^{\circ} 12' 16.4'' E$, a distance of 538.0 feet along the
11 center line of the right-of-way line of F. M. Highway 170 to
12 point located at the beginning of a curve to the right having a
13 center line central angle of $27^{\circ} 06' 51''$ right, a $R = 1,909.86$
14 feet ;

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

17 THENCE $N 62^{\circ} 19' 08.1'' E$, a distance of 264.68 feet along the
18 center line of the right-of-way line of F. M. Highway 170 to
19 point located at the beginning of a curve to the left having a
20 center line central angle of $13^{\circ} 50' 09.2''$ Left, a $R = 2,864.79$;

1 THENCE around the said curve to the left, a distance of 691.79
2 feet, to a point of tangent;
3 THENCE N 48° 28' 59" E, a distance of 46.84 feet along the
4 center line of the right-of-way line of F. M. Highway 170 to a
5 point located on the Section line between Sections 73 and 72,
6 this being the Place of Beginning of this survey description of
7 property located south of the centerline of FM Highway 170. The
8 land area contained within this description is 19,908.976 acres,
9 more or less, including a sixty (60.0) foot wide (one half of a
10 120.0 foot wide right-of-way) strip of land along the south half
11 of FM Highway 170.

12 Save and Except:

13 Comanche Hills, a subdivision in Lajitas, Brewster County,
14 Texas, as same appears in Plat Envelope No. 186 in the Plat
15 Records of Brewster County, Texas.

16 Comanche Mesa, a subdivision in Lajitas, Brewster County, Texas,
17 as same appears in Plat Envelope No. 171 in the Plat Records of
18 Brewster County, Texas.

19 Mesa Vista, a subdivision in Lajitas, Brewster County, Texas, as
20 same appears in Plat Envelope No. 193 in the Plat Records of

1 Brewster County, Texas.

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

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

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

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

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

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

3 23.13 acres conveyed in Volume 249, Page 555 of the
4 Deed Records of Brewster County, Texas;
5 NW/4, being 160 acres;
6 NE/4, being 160 acres;
7 NW/4 of the SW/4, being 40 acres; and
8 NW/4 of the SE/4, being 40 acres.

9 A 76.06 acre tract of land south of FM Highway 170 in Section
10 73, Block 341, T.C. Ry. Co., Brewster County, Texas, conveyed in
11 Volume 123, Page 367 of the Deed Records of Brewster County,
12 Texas.

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

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

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

19 A 14.07 acre tract of land conveyed in Volume 16, Page
20 4 of the Official Public Records of Brewster County, Texas.

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

3 N/2 of the SE/4, being 80 acres;
4 NW/4, being 160 acres;
5 S/2 of the SW/4, being 80 acres; and
6 NE/4, being 160 acres.

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

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

11 A 89.6 acre tract of land conveyed in Volume 6, Page
12 432 of the Official Public Records of Brewster County,
13 Texas; and

14 A 99.2 acre tract of land conveyed in Volume 226, Page
15 329 of the Official Public Records of Brewster County,
16 Texas.

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

19 A 1.233 acre tract of land conveyed in Volume 226,
20 Page 223 of the Deed Records of Brewster County, Texas,

1 described therein as a 0.965 acre tract of land.

2 A 1.40 acre tract of land conveyed in Volume 68, Page
3 36 of the Official Public Records of Brewster County,
4 Texas, as more particularly described below:

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

13 BEGINNING at a 1/2" iron rod and
14 cap marked "WALKER 4425" set for the
15 Northwest corner of this tract, from which a
16 National Park monument in a fence corner
17 found in the East line of Survey 37 for the
18 Northwest corner of Survey 39 and the
19 Southwest corner of Survey 100, said Block
20 341, bears South 26 deg. 08'49" West 1605.64

1 feet;

2 THENCE North 31 deg. 35'00" East
3 294.86 feet to a 1/2" iron rod and cap
4 marked "WALKER 4425" set for the Northeast
5 corner of this tract;

6 THENCE South 31 deg 36'10" East
7 53.20 feet to a 1/2" iron rod and cap marked
8 "WALKER 4425" set;

9 THENCE South 8 deg. 50'02" West,
10 57.00 feet to a 1/2" iron rod and cap marked
11 "WALKER 4425" set;

12 THENCE South 18 deg. 35'24" East
13 122.12 feet to a 1/2" iron rod and cap
14 marked "WALKER 4425" set;

15 THENCE South 78 deg. 42'12" East
16 246.26 feet to a 1/2" iron rod and cap
17 marked "WALKER 4425" set for the Southeast
18 corner of this tract;

19 THENCE South 38 deg. 29'05" West
20 206.20 feet to a 1/2" iron rod and cap

1 marked "WALKER 4425" set for the Southwest
2 corner of this tract;

3 THENCE North 32 deg. 25'55" West
4 69.47 feet to a 1/2" iron rod and cap marked
5 "WALKER 4425" set;

6 THENCE North 59 deg. 34'57" West
7 159.83 feet to a 1/2" iron rod and cap
8 marked "WALKER 4425" set;

9 THENCE North 76 deg. 26'32" West
10 154.83 feet to the point of beginning.

11 Bearings and distances are based
12 on the Texas Coordinate System, South
13 Central Zone NAD 1927.

14 All of the Rio Vista Subdivision, as shown in Volume 114, Page
15 317 of the Official Public Records of Brewster County and as
16 more particularly described below:

17 Metes and bounds description of a
18 1.06 Acre tract of land, out of Survey 36,
19 Block 341, T.C. Ry.Co. Surveys, Brewster
20 County, Texas, said 1.06 acre tract being

1 more particularly described as follows:

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

6 THENCE South 2 deg. 30'27" West
7 122.32 feet with the East line of said 1.06
8 acre tract to a 60d nail previously set by
9 me for a corner of said 1.06 acre tract;

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

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

19 THENCE North 9 deg. 18'52" West
20 192.05 feet to a point for corner;

1 THENCE North 3 deg. 35' West
2 141.13 feet to a point for corner and the
3 northwest corner of said 1.06 acre tract;

4 THENCE South 86 deg. 40'17" East
5 159.12 feet to the POINT OF BEGINNING and
6 containing more or less, 46,130.04 square
7 feet or 1.06 acres.

8 Bearings and distances are based
9 on the Texas Coordinate System, South
10 Central Zone NAD 1927.

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

14 Metes and bounds description of a
15 102.1 acre tract of land out of Section 36,
16 Block 341, T.C. Ry.Co. Surveys, Brewster
17 County, Texas and being more particularly
18 described as follows:

19 BEGINNING at a point in Section 36
20 on the center line of FM Highway 170, 120

1 foot right-of-way and this Easement is
2 described and recorded in Volume 133 Page
3 460 - 461 of the Brewster County Deed
4 Records;

5 THENCE N 86° 22' 11.64" E, a
6 distance of 669.91 feet along the center
7 line of the right-of-way line of F. M.
8 Highway 170 to point located at the
9 beginning of a curve to the left having a
10 center line central angle of 10° 10' 58.5"
11 Left, a Radius of 1,909.86 feet;

12 THENCE around the said curve to
13 the left, a distance of 339.43 feet, to a
14 point of tangent;

15 THENCE N 76° 11' 13.08" E, a
16 distance of 203.77 feet along the center
17 line of the right-of-way line of F. M.
18 Highway 170 to point located at the
19 beginning of a curve to the right having a
20 center line central angle of 62 55' 02.1"

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

1 of 1,333.57 feet
2 N 23° 27' 17" W, a distance
3 of 926.79 feet
4 N 23° 27' 17" W, a distance
5 of 115.86 feet
6 N 17° 48' 38" W, a distance
7 of 580.31 feet
8 N 11° 49' 17" W, a distance
9 of 461.28 feet
10 N 23° 38' 37" W, a distance
11 of 802.90 feet
12 N 05° 44' 52" W, a distance
13 of 99.91 feet to the beginning of a curve to
14 the left with a central angle of 77° 38' 50"
15 and having a cord bearing of N 44° 34' 17" W
16 with a cord length of 681.47 feet and a
17 radius of 543.50 feet and continuing along
18 the bank of the Rio Grande;
19 N 83° 23' 43" W, a distance
20 of 222.82 feet

1 S 84° 41' 58" W, a distance
2 of 732.798 feet to a point on the west
3 section line of Section 36 Block 341:

4 THENCE N 00° 21' 09" W, a distance
5 of 94.84 feet , more or less, to the center
6 line of the right-of-way line of F M Highway
7 170 and to THE POINT OF BEGINNING
8 containing, 4,447,180 square feet or 102.1
9 acres, more or less.

10 Bearings and distances are based
11 on the Texas Coordinate System, South
12 Central Zone NAD 1927.

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

16 Being a 82.8 acre tract of land
17 located in and a part of Block 341, T.C. Ry.
18 Co. Surveys and being the southeastern
19 corner of Section 98 south of the center
20 line of FM Highway 170 more particularly

1 described as follows:
2 BEGINNING at a rock mound located
3 at the southeast corner of Section 98;
4 THENCE S 89° 38' 51" W a distance
5 of 3622.72 feet to a point for corner in the
6 centerline of Highway FM 170;
7 THENCE N 54° 40' 21"E, a distance
8 of 2,085.95 feet along the center line of
9 the right-of-way line of F. M. Highway 170
10 to point located at the beginning of a curve
11 to the right having a center line central
12 angle of 44° 08' 21" Right, a Radius of
13 1273.24 feet; and this Easement is described
14 and recorded in Volume 133 Page 435 of the
15 Brewster County Deed Records;
16 THENCE around said curve to the
17 right, a distance of 980.87 feet, to a point
18 of tangent;
19 THENCE S 81° 11' 18" E, a distance
20 of 672.9 feet along the center line of the

1 right-of-way line of F. M. Highway 170 to
2 point located at the beginning of a curve to
3 the left having a center line central angle
4 of 22° 18' 48" left , a Radius of 818.51
5 feet;

6 THENCE around said curve to the
7 left, a distance of 318.76 to a point for
8 corner in the centerline of Highway FM 170;

9 THENCE S 00° 21' 09" E, a distance
10 of 1313.24 to the POINT OF BEGINNING and
11 containing more or less, 3,608,000 square
12 feet or 82.8 acres of land.

13 SECTION ____ .03. (a) The legal notice of the intention to
14 introduce this article of this Act, setting forth the general
15 substance of this article, has been published as provided by
16 law, and the notice and a copy of this article have been
17 furnished to all persons, agencies, officials, or entities to
18 which they are required to be furnished under Section 59,
19 Article XVI, Texas Constitution, and Chapter 313, Government
20 Code.

1 (b) The governor, one of the required recipients, has
2 submitted the notice and this article to the Texas Commission on
3 Environmental Quality.

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

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

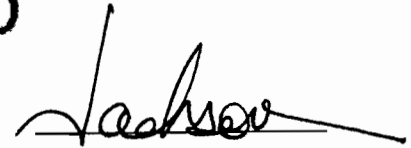
12 SECTION __.04. This article takes effect immediately if
13 this Act receives a vote of two-thirds of all the members
14 elected to each house, as provided by Section 39, Article III,
15 Texas Constitution. If this Act does not receive the vote
16 necessary for immediate effect, this article takes effect
17 September 1, 2009.

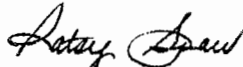
18 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
19 between "this section" and the comma, insert "or otherwise
20 provided by this Act".

ADOPTED

FLOOR AMENDMENT NO. 22

MAY 27 2009

BY: 


Secretary of the Senate

1 Amend C.S.H.B. No. 3335 (senate committee report) as
2 follows:

3 (1) Add the following appropriately numbered ARTICLE to the
4 bill and renumber subsequent ARTICLES accordingly:

5 ARTICLE ____ . COASTAL WATER AUTHORITY

6 SECTION __.01. Section 3A, Chapter 601, Acts of the 60th
7 Legislature, Regular Session, 1967, is amended to read as
8 follows:

9 Sec. 3A. The Authority may develop and generate electric
10 energy by any means, including [~~for use by the Authority or the~~
11 ~~City of Houston by~~] wind turbines and [~~or~~] hydroelectric
12 facilities. Any energy generated by the Authority must first be
13 made available to the Authority and to the City of Houston.

14 SECTION __.02. Chapter 601, Acts of the 60th Legislature,
15 Regular Session, 1967, is amended by adding Section 3E to read
16 as follows:

17 Sec. 3E. The Authority may participate in a wetland
18 mitigation program under Chapter 221, Natural Resources Code.

19 SECTION __.03. Section 4, Chapter 601, Acts of the 60th
20 Legislature, Regular Session, 1967, is amended by amending
21 Subsection (b) and adding Subsection (b-1) to read as follows:

22 (b) The Authority shall have and is hereby authorized,
23 subject to the provisions contained herein, to exercise the
24 powers, rights, privileges, and functions of establishing,
25 acquiring, and extending a park or park system and the Authority
26 shall be authorized to improve and equip its park or park system
27 in any manner considered by its board to be appropriate
28 including the construction, purchase, lease, and other
29 acquisition of such park facilities as shall be desirable in the

1 full and adequate development of the park or park system and
2 once established and improved the Authority shall be authorized
3 from time to time to improve, repair, extend, operate, and
4 maintain such park or park system and the park facilities and
5 other improvements situated thereon and relating thereto. 'Park
6 facilities,' as used herein, means any and all improvements to,
7 or equipment to be placed in, a park, which in the judgment of
8 the board is or will be appropriate, necessary, or useful in the
9 establishment and operation of a park or park system and which
10 will be used or useful by the public in its enjoyment and use
11 thereof, including without limitation, roads, paths, ornaments,
12 public utilities and all types and all lines, systems, and
13 facilities incident thereto, buildings of every type (including
14 but not limited to those related to or useful in the
15 accommodation, lodging, housing, and feeding of the members of
16 the public who may frequent the park) and amusement equipment
17 and facilities of all types. 'Park,' as used herein, means any
18 area of land or interest therein which is now owned or may
19 hereafter be acquired by the Authority and which is adjacent to
20 the main or lateral canals of the Authority and which in the
21 judgment of the board is or will be appropriate, necessary or
22 useful as and which is or will be dedicated, used, and devoted
23 by the board to use by the public as a playground or place of
24 rest, resort, recreation, exercise, sport, pleasure, amusement,
25 or enjoyment, or any area of land or interest in an area of land
26 to be used as open space or wetlands or for reforestation or
27 other uses that reduce, offset, or capture greenhouse gases or
28 other emissions, or provide mitigation of other environmental
29 impacts, provided that the use of the area of land or interest
30 in the area of land is in connection with or useful for an
31 existing or planned Authority project or facility or other

1 authorized use [~~in connection with the beneficial use of the~~
2 ~~main or lateral canals to which it is adjacent~~]. 'Park system,'
3 as used herein, means more than one park whether or not
4 contiguous.

5 The Authority shall be authorized to acquire property of
6 any kind, or any interest therein, necessary or convenient to
7 the exercise of the powers, rights, privileges, and functions
8 conferred pursuant to this Section 4(b); provided, however, that
9 the authority shall not acquire such parks and/or park system by
10 the exercise of eminent domain.

11 Each park and park system acquired or established under the
12 provisions hereof shall be under and subject to the control and
13 management of the board, and the board shall have the continuous
14 general power to manage and operate the affairs of the same as
15 it may consider appropriate, including without limitation the
16 power to employ such personnel for management or policing
17 purposes, or otherwise, to enter into such contracts and
18 agreements extending over such periods of time, to provide for
19 the sale, rental, or use of such products in the park or park
20 system as shall be considered necessary to the full, complete,
21 proper, and efficient development, administration, and operation
22 of the park or park system.

23 The Authority shall have the express general power and
24 authority to make, grant, accept, and enter into all leases, and
25 all concession, rental, operating, or other contracts and
26 agreements covering or relating to any part or all of the land
27 comprising any park, park system, or park facilities, which the
28 board shall deem necessary or convenient to carry out any of the
29 purposes and powers granted hereby, upon such terms and
30 conditions and for such length or period of time as may be
31 prescribed herein. Any such contract, lease, or agreement may

1 be entered into with any person, real or artificial, any
2 corporation, municipal or private, any governmental agency or
3 bureau, including the United States government and the State of
4 Texas, agencies and political subdivisions thereof, and the
5 board may make contracts, leases, and agreements with any such
6 persons, corporation, or entities for the acquisition,
7 financing, construction, or operation of any park, park system,
8 or park facilities or other improvements in or connected with or
9 incident to any park or park system.

10 Any and all such contracts, leases, and agreements, to be
11 effective, shall be authorized by order or resolution of the
12 board, shall be executed by its president and attested by its
13 secretary, or it may be executed by such other person or persons
14 as the board may direct, and the same shall be binding upon the
15 Authority without reference to any other statute or statutes.

16 The board shall be expressly authorized to adopt and
17 enforce such rules and regulations relating to the use,
18 operation, management, administration, and policing of its park
19 or park system and related waters controlled by it as it may
20 consider appropriate, including, without limitation, the zoning
21 or dividing of each park or park system into such zones or
22 divisions as it may consider appropriate and in the interest of
23 such park or park system as a whole, and it may restrict and
24 prescribe the activities that may be conducted in each such zone
25 or division.

26 The board shall be authorized to fix, impose, and collect
27 such fees, tolls, rents, rates, and charges for entry to, or use
28 of, the park or park system and park facilities controlled by it
29 as it may deem necessary, with other sources of funds available
30 to it, to support the acquisition, maintenance, upkeep, repair,
31 improvement, and operation of such park or park system.

1 The board is hereby authorized to accept grants,
2 gratuities, advances, and loans in any form from any source
3 approved by the board including the United States Government or
4 any agency thereof, the State of Texas or any agency thereof,
5 any private or public corporation, and any other person, for the
6 purpose of promoting, establishing, and accomplishing the
7 objectives and purposes and powers herein set forth, and to make
8 and enter into such concessions, agreements, and covenants as
9 the board considers appropriate in connection therewith.

10 (b-1) The Authority may exercise any of its existing
11 powers, including its parks powers, to carry out a project or
12 activity that reduces, offsets, or captures and sequesters
13 greenhouse gases or other emissions as provided by law. The
14 Authority may contract with a private or public entity to sell
15 or trade credits, offsets, tax credits, or other similar
16 marketable instruments authorized by law and available to the
17 Authority attributable to any such project or activity. The
18 Authority may pledge any stream of revenue from any such
19 transaction to the issuance of bonds or notes to fund any
20 authorized purpose of the Authority. The Authority may contract
21 with any other governmental entity to issue bonds or notes
22 secured by a stream of revenue from the entity attributable to
23 any such project or activity. The proceeds of the bonds may be
24 used to fund any authorized purpose of the Authority or any
25 joint project with the participating governmental entity.

26 SECTION __.04. (a) The legal notice of the intention to
27 introduce this article, setting forth the general substance of
28 this article, has been published as provided by law, and the
29 notice and a copy of this article have been furnished to all
30 persons, agencies, officials, or entities to which they are
31 required to be furnished under Section 59, Article XVI, Texas

1 Constitution, and Chapter 313, Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and this article to the Texas Commission on
4 Environmental Quality.

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

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with
11 respect to the notice, introduction, and passage of this article
12 are fulfilled and accomplished.

13 SECTION __.05. This article takes effect immediately if
14 this Act receives a vote of two-thirds of all the members
15 elected to each house, as provided by Section 39, Article III,
16 Texas Constitution. If this Act does not receive the vote
17 necessary for immediate effect, this article takes effect
18 September 1, 2009.

19 (2) In SECTION 3.01(a) of the bill (page 13, line 16),
20 between "this section" and the comma, insert "or otherwise
21 provided by this Act".

ADOPTED

MAY 27 2009

Patricia Spauld
Secretary of the Senate

Amend HB 3335

FA
#23

By *C. J. [Signature]*

Amend House Bill 3335 by adding the following:

SECTION __. DEFINITION. In this Act, "commission" means the Texas Commission on Environmental Quality.

SECTION __. STUDY. (a) The commission shall conduct a study regarding the impact on the entire Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts in whose boundaries the aquifer is located and of determinations made by groundwater conservation districts in connection with the joint planning process relating to groundwater management areas in whose boundaries the aquifer is located. In conducting the study, the commission shall examine:

(1) whether the rules and plans adopted by each groundwater conservation district:

(A) are based on sound scientific principles;

(B) adequately conserve and protect the aquifer and ensure the achievement of the applicable desired future condition for each part of the district; and

(C) are likely to affect other groundwater conservation districts or groundwater management areas;

(2) whether each district is enforcing substantial compliance with its rules;

(3) whether the desired future conditions established under Section 36.108, Water Code, in each groundwater management

By: _____

S.B. No. 1238
area are reasonable and based on sound scientific principles, and whether the rules adopted by each district are designed to achieve the applicable desired future condition;

(4) other long-term impacts of the applicable rules and plans on the aquifer, taking into consideration:

(A) projected population and agricultural, municipal, and industrial demands for water from the aquifer within the groundwater conservation districts; and

(B) other appropriate factors as determined by commission rule; and

(5) whether the presence of contaminants in the recharge area of the aquifer and the potential pollution of the aquifer are issues that should be addressed and, if so, by whom.

(b) The Texas Water Development Board and the Bureau of Economic Geology of The University of Texas at Austin shall assist the commission in conducting the study under this section.

(c) The commission may contract with any appropriate person to assist the commission in conducting the study under this section.

SECTION __. REPORT. Not later than December 31, 2012, the commission shall report the results of the study conducted under this Act to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have primary jurisdiction over natural resources. The report may include the commission's recommendations for legislation to address any areas

of concern.

juw SECTION __. NO APPROPRIATION. This ^{*Amendment*} ~~Act~~ does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION __. EXPIRATION. The provisions contained in this amendment expire August 31, 2013.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the creation and powers of certain groundwater and surface water districts.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3335, As Passed 2nd House: a negative impact of (\$300,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$50,000)
2011	(\$250,000)
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2010	(\$50,000)
2011	(\$250,000)
2012	\$0
2013	\$0
2014	\$0

Fiscal Analysis

The bill would require the Texas Commission on Environmental Quality (TCEQ) to conduct a study regarding the impact on the Carrizo-Wilcox aquifer of rules and plans adopted by groundwater conservation districts (GCDs) and of joint planning determinations made by GCDs in the groundwater management area planning process. The bill provides that the Water Development Board and University of Texas Bureau of Economic Geology would assist the TCEQ in conducting the study, and that the TCEQ would be authorized to contract with any appropriate person for assistance to conduct the study. The bill requires the TCEQ to report the results of the study to the Legislature no later than December 31, 2012, and authorizes the TCEQ to include recommendations for legislation in the report to address any areas of concern.

The bill would also amend various sections of the Water Code and the Special District Local Laws Code regarding powers and duties of certain water districts, water control and improvement districts, river authorities, municipal utility districts, and groundwater conservation districts.

Methodology

The required study will involve detailed evaluation of: 20 Carrizo-Wilcox GCDs and a similar number of adjacent GCDs plans, rules, implementation of desired future conditions, and enforcement efforts; three Carrizo-Wilcox groundwater management areas and six adjacent groundwater management area desired future condition determinations; data and projections from ten regional water plans; data and projections from the state water plan; and any other appropriate factors determined by the TCEQ. This estimate assumes that the TCEQ would contract for the study, and that the study would cost \$300,000, that the costs would be paid out of the General Revenue Fund over two years, and that a contract for the study would be executed in 2011.

This estimate assumes that any costs to the Water Development Board and the University of Texas assisting with the study could be absorbed using existing agency resources.

Local Government Impact

The proposed changes to statute would have varying fiscal impacts on each applicable district.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board, 720 The University of Texas System Administration

LBB Staff: JOB, DB, SD, ZS, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 23, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the powers of certain water districts.), **Committee Report**
2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of the Water Code regarding the powers of certain water districts.

Local Government Impact

The proposed changes to statute would have varying fiscal impacts on each applicable water district and municipality.

Source Agencies:

LBB Staff: JOB, SD, DB, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the powers of certain water districts.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of Chapter 49 of the Water Code regarding the powers of certain water districts. Included would be changes to election procedures; applicability of certain sections of the Local Government Code to an impact fee, tax, or other requirement for payment for water, sewer, drainage, reclamation, flood control, road, or park and recreational services or improvements of a district that provides, or proposes to provide, those services or improvements; contracts and authorization of contracts; audit reports of a special water authority, including filing a copy of an audit report with the Texas Commission on Environmental Quality; waiver of sovereign immunity under certain circumstances; and employment of a peace officer by a district. In addition, proposed changes to the Water Code would authorize a district providing potable water or sewer service to household users to finance with ad valorem taxes, mandatory fees, or voluntary contributions, and issue bonds for a fire department to perform all fire-fighting services within the district.

The bill would amend various sections of Chapter 51 of the Water Code regarding water control and improvement districts, Chapter 54 regarding municipal utility districts, and Chapter 59 regarding regional districts.

The bill would amend the Health and Safety Code to exempt a district as defined by Section 36.001 or 49.001 of the Water Code from requirements regarding electricity consumption of a district that relates to the operation and maintenance of wastewater collection and treatment, water supply and distribution, or storm water diversion, detention, or pumping facilities or improvements.

The bill would amend the Local Government Code regarding areas that may be annexed for limited purposes.

The bill would take effect September 1, 2009.

Local Government Impact

The proposed changes to statute would have varying fiscal impacts on each applicable water district and municipality.

Source Agencies:

LBB Staff: JOB, SD, DB, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 7, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3335** by Callegari (Relating to the powers of certain water districts.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of Chapter 49 of the Water Code regarding the powers of certain water districts. Included would be changes to election procedures; applicability of certain sections of the Local Government Code to an impact fee, tax, or other requirement for payment for water, sewer, drainage, reclamation, flood control, road, or park and recreational services or improvements of a district that provides, or proposes to provide, those services or improvements; contracts and authorization of contracts; audit reports of a special water authority, including filing a copy of an audit report with the Texas Commission on Environmental Quality; waiver of sovereign immunity under certain circumstances; and employment of a peace officer by a district. In addition, proposed changes to the Water Code would authorize a district providing potable water or sewer service to household users to finance with ad valorem taxes, mandatory fees, or voluntary contributions, and issue bonds for a fire department to perform all fire-fighting services within the district.

The bill would amend various sections of Chapter 51 of the Water Code regarding water control and improvement districts, Chapter 54 regarding municipal utility districts, and Chapter 59 regarding regional districts.

The bill would amend the Health and Safety Code to exempt a district as defined by Section 36.001 or 49.001 of the Water Code from requirements regarding electricity consumption of a district that relates to the operation and maintenance of wastewater collection and treatment, water supply and distribution, or storm water diversion, detention, or pumping facilities or improvements.

The bill would amend the Local Government Code regarding areas that may be annexed for limited purposes.

Effective January 1, 2010, Section 54.016(f), Water Code, would be repealed. Subsection (f) relates to a city providing written consent for the inclusion of land in a district as included in an allocation agreement between the district and the city entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The repeal of subsection (f) would not affect a lawsuit filed concerning an allocation agreement entered into under that subsection if the lawsuit was filed prior to the effective date of the bill, which would be September 1, 2009.

Local Government Impact

The proposed changes to statute would have varying fiscal impacts on each applicable water district and municipality.

The provision that the Austin Water Utility indicates has the most potential for a negative fiscal impact would be the repeal of Section 54.016(f) because the utility is seeking a supreme court review of a case involving an allocation agreement; however, the Legislative Budget Board assumes the

provision that the repeal would not affect a lawsuit filed prior to September 1, 2009, would prevent the repeal from affecting Austin Water Utility's case. Based on the information provided by the utility, though, it is assumed the repeal could still have a significant negative fiscal impact on a district, particularly if a problem was to arise after the effective date of the bill.

Source Agencies:

LBB Staff: JOB, SZ, SD, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the powers and authority of water districts.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code to exempt certain conservation and reclamation districts from certain requirements related to elections.

The bill would amend the Local Government Code to specify that for purposes of Subchapter D of Chapter 43 (Annexation Provisions in Special Districts), "district" means a conservation and reclamation district operating under Chapter 49 of the Water Code. The bill would also specify criteria that must be met for an area to be annexed for limited purposes under Section 43.0751.

The bill would amend the Water Code to authorize certain general law districts to file suit against any person to enforce the payment of fees or charges the person owes the district under district rules.

The bill would amend the Water Code relating to joint elections held by counties with certain districts.

The bill would amend the Water Code to exempt from certain requirements a district that funds firefighting services with revenue instead of ad valorem taxes. Such a district would also be required to apply any voluntary contribution for firefighting services made with a partial payment by a customer for potable water or sewer service to apply the contribution first to the bill and any remaining amount for firefighting services.

The bill would amend the Water Code to prohibit a municipality from exercising the power of eminent domain inside a municipal utility district's boundaries if a reasonable alternative is available to the municipality outside the district's boundaries.

The bill would amend the Water Code to authorize a municipal utility district to contract to receive water or sewer service as a wholesale customer if the cost to the district for services under the wholesale contract does not exceed the cost to provide the services.

The bill would repeal Sections 54.016(f) and (h) of the Water Code regarding written consent from certain cities regarding inclusion of land in a Municipal Utility District.

Local Government Impact

The proposed changes to statute would have varying fiscal impacts on the different applicable districts and municipalities.

According to information provided by the Austin Water Utility, the proposed repeal of Sections 54.016(f) and (h) would have a significant negative fiscal impact. The City of Austin has petitioned the Texas Supreme Court requesting a review of a case related to subsection (f). According to the city, if because the subsection is repealed the supreme court would not review the case and therefore not overturn a court of appeals' decision, the city would incur costs of \$19.5 million or more for repaying

a Municipal Utility District's (MUD) debt for drainage, and water and wastewater infrastructure costs that were incurred for the MUD development.

The City of Austin also estimates a cost to the city of \$41.6 million if subsection (h) is repealed. The city reports that the loss of ability to levy annexation surcharges for a MUD in the city's extraterritorial jurisdiction would create a significant debt burden. The city cited the current \$41.6 million in outstanding debt service from MUDs the city has annexed.

Source Agencies:

LBB Staff: JOB, SD, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 6, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the powers of certain water districts.), **Committee Report**
1st House, Substituted

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TPWD) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

"No Water Development Policy Impact Statement will be prepared for this bill under the provisions of *Texas Constitution*, Article 16, Section 59(d) as this bill does not create a conservation and reclamation district."

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3335 by Callegari (Relating to the powers and authority of water districts.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TPWD) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

"No Water Development Policy Impact Statement will be prepared for this bill under the provisions of *Texas Constitution*, Article 16, Section 59(d) as this bill does not create a conservation and reclamation district."

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, KK