

By: Gallego

H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11002.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

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

Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

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

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

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

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

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

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (e) The district will:

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

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

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

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

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

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

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 11002.006-11002.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

8 (1) Brent Ratliff;

9 (2) George Kutch;

10 (3) John Nolan;

11 (4) Renee Lorenz; and

12 (5) H. C. Ross.

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

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

17 (1) the date permanent directors are elected under
18 Section 11002.003; or

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

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

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

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

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

10 [Sections 11002.053-11002.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

8 (c) The district, at the district's expense, shall repair
9 and maintain any internal streets and roads in the district.
10 Brewster County has no obligation to repair or maintain the
11 internal streets and roads in the district, even on dissolution of
12 the district.

13 Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The district
14 may not undertake a road project authorized by Section 11002.104
15 unless:

16 (1) each county that will operate and maintain the
17 road has approved the plans and specifications of the road project,
18 if a county will operate and maintain the road; or

19 (2) the Texas Transportation Commission has approved
20 the plans and specifications of the road project, if the state will
21 operate and maintain the road.

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

26 Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT
27 ORDINANCE OR RESOLUTION. The district shall comply with all

1 applicable requirements of any ordinance or resolution that is
2 adopted under Section 54.016 or 54.0165, Water Code, and that
3 consents to the creation of the district or to the inclusion of land
4 in the district.

5 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. The
6 district may not exercise the power of eminent domain outside the
7 district to acquire a site or easement for:

- 8 (1) a road project authorized by Section 11002.104; or
9 (2) a recreational facility as defined by Section
10 49.462, Water Code.

11 Sec. 11002.108. ELECTRIC POWER FACILITIES. The district
12 may construct, acquire, improve, maintain, and operate electric
13 power generating, transmission, and distribution facilities and
14 improvements in aid of these facilities.

15 Sec. 11002.109. AIRPORT. The district may construct,
16 acquire, improve, maintain, and operate an airport and improvements
17 in aid of the airport.

18 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT
19 CORPORATION. The district may exercise the powers of a corporation
20 created under the Development Corporation Act (Subtitle C1, Title
21 12, Local Government Code).

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

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

26 (b) This chapter applies to any new district created by the
27 division of the district, and a new district has all the powers and

1 duties of the district.

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

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

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 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 district;
16 (3) appoint temporary directors for each new district;

17 and

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

20 (g) On or before the 30th day after the date of adoption of
21 an order dividing the district, the district shall file the order
22 with the Texas Commission on Environmental Quality and record the
23 order in the real property records of each county in which the
24 district is located.

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

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

5 Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121,
6 Water Code, does not apply to a groundwater well owned or used by
7 the district within the boundaries of the Brewster County
8 Groundwater Conservation District. The rules of the Brewster
9 County Groundwater Conservation District govern a groundwater well
10 owned or used by the district within the Brewster County
11 Groundwater Conservation District.

12 [Sections 11002.113-11002.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

18 (2) contract payments described by Section 11002.153.

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

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

27 Sec. 11002.152. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 11002.151, the
2 district may impose an operation and maintenance tax on taxable
3 property in the district in accordance with Section 49.107, Water
4 Code.

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

7 Sec. 11002.153. CONTRACT TAXES. (a) In accordance with
8 Section 49.108, Water Code, the district may impose a tax other than
9 an operation and maintenance tax and use the revenue derived from
10 the tax to make payments under a contract after the provisions of
11 the contract have been approved by a majority of the district voters
12 voting at an election held for that purpose.

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

16 Sec. 11002.154. HOTEL OCCUPANCY TAX. The district may
17 impose a hotel occupancy tax in the same manner as a municipality
18 and for the same purposes as provided by Chapter 351, Tax Code. A
19 tax imposed under this section may not exceed the maximum rate
20 provided in Section 351.003(a), Tax Code. Nothing in this chapter
21 may be construed to impair the ability of a political subdivision to
22 impose or collect a hotel occupancy tax in the district. Sections
23 352.002(d) and (m), Tax Code, do not apply to a hotel tax created
24 under this section.

25 Sec. 11002.155. SALES AND USE TAX. (a) The district may
26 impose a sales and use tax if authorized by a majority of the voters
27 of the district voting at an election called for that purpose.

1 Revenue from the tax may be used for any purpose for which ad
2 valorem tax revenue of the district may be used.

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

8 (c) If the voters of the district approve the adoption of
9 the tax at an election held on the same election date on which
10 another political subdivision adopts a sales and use tax or
11 approves an increase in the rate of its sales and use tax and as a
12 result the combined rate of all sales and use taxes imposed by the
13 district and other political subdivisions of this state having
14 territory in the district would exceed two percent at any location
15 in the district, the election to adopt a sales and use tax under
16 this chapter has no effect.

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

21 (e) The district may not impose or collect a sales and use
22 tax at a rate that would cause the rate of the total sales and use
23 taxes collected by all municipalities and other political
24 subdivisions at a location in the district to exceed the maximum
25 rate allowed by law. If a political subdivision's increase to a
26 sales and use tax rate causes the total sales and use tax rate
27 imposed at a location in the district to exceed the maximum rate

1 allowed by law, the district's sales and use tax rate is
2 automatically reduced to bring the total rate imposed at that
3 location down to a rate allowed by law.

4 Sec. 11002.156. ASSESSMENTS. The district may levy and
5 collect special assessments in the same manner and for the same
6 purposes as a municipal management district as provided in
7 Subchapter F, Chapter 375, Local Government Code.

8 [Sections 11002.157-11002.200 reserved for expansion]

9 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

21 (b) The board shall annually impose the tax while all or
22 part of the bonds are outstanding. Sections 54.601 and 54.602,
23 Water Code, govern the amount and rate of the tax.

24 Sec. 11002.203. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other obligations
26 issued or incurred to finance road projects and payable from ad
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

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

5 FIELD NOTE DESCRIPTION

6 Being a 29,662.453 acre tract of land located in and a part of Block
7 341, T.C. Ry. Co. Surveys, Block G-12, G.C. & S.F. Ry. Co. Surveys,
8 Block G-5, M.K. & Te. Ry. Co. Surveys, and Block 17, G.H. & S.A. Ry.
9 Co. Surveys in Brewster County, Texas and being described as the
10 portion of land north and south of the center line of FM Highway 170
11 less Save and Except portions described. The property description
12 is as follows:

13 Property described as being located north of FM Highway 170

14 Tract 1

15 Being parts of the following Surveys:

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

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

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

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

26 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
27 section line of said Section 73 to a rock mound located at the

1 northwest corner of said Section 73 common to the northeast corner
2 of Section 84, Block 341;

3 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
4 section line of said Section 84 a rock mound located at the
5 northwest corner of said Section 84, common to the northeast corner
6 of Section 85, Block 341;

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

11 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
12 section line of said Section 56 to a rock mound located at the
13 northeast corner of said Section 56, common with the northwest
14 corner of Section 57, and the southwest corner of Section 44, Block
15 12;

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

20 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
21 section line of said Section 48 to a rock mound located at the
22 southeast corner of said Section 47; common with the northeast
23 corner of Section 48, and the southwest corner of Section 46, Block
24 341;

25 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
26 section line of said Section 47 to a rock mound located at the
27 northeast corner of said Section 47; common with the southeast

1 corner of Section 103, and the northwest corner of Section 46, Block
2 341
3 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
4 section line of said Section 103 to a rock mound located at the
5 northeast corner of said Section 103; common with the southeast
6 corner of Section 102, Block G-5;
7 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
8 section line of said Section 103 to a rock mound located at the
9 southeast corner of Section 105;
10 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
11 section line of said Section 105 to a rock mound located at the
12 northeast corner of Section 105; common with the northwest corner
13 of Section 102 , Block G-5;
14 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
15 section line of said Section 105 to a rock mound located at the
16 northwest corner of said Section 105, common with the northeast
17 corner of Section 106;
18 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
19 section line of said Section 105 and the east line of Section 106 to
20 a rock mound located at the southwest corner of said Section 105;
21 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south
22 section line of said Section 105 to a rock mound located at the
23 southeast corner of said Section 105, common with the northwest
24 corner of Section 103, Block G-5;
25 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
26 section line of said Section 103 to a rock mound located at the
27 northwest corner of said Section 47, common with the southwest

1 corner of Section 103, Block G-5;
2 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
3 section line of said Section 47 to a rock mound located at the
4 northwest corner of said Section 48;
5 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
6 section line of said Section 48 to a rock mound located at the
7 northwest corner of said Section 55, common with the southeast
8 corner of Section 49, Block G-12,
9 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
10 section line of said Section 55 from a rock mound located at the
11 northwest corner of said Section 55, common with the southwest
12 corner of Section 48, Block G-12, from which face of bluff bears S
13 70° W and the south point of rim bears N 84° 30' W;
14 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south
15 section line of said Section 55 to a rock mound located at the
16 southwest corner of said Section 56, common with the northwest
17 corner of Section 96, Block 341;
18 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
19 section line of said Section 96 to a rock mound located at the
20 northeast corner of said Section 98, common with the northwest
21 corner of Section 95, Block 341, common with the southwest corner of
22 Section 96, Block 341, from which Emory Peak bears S 80° 45' E;
23 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
24 section line of said Section 95 to a rock mound located at the
25 southeast corner of Section 98;
26 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the south
27 section line of said Section 98 to a rock mound located at the

1 southwest corner of said Section 98;
2 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet (called 1,900
3 varas) along the east section lines of Section 100 and Section 101
4 to a rock 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 north
6 section line of said Section 101 to a rock mound located on the east
7 line Section 36;
8 THENCE N 00° 21' 09" W, a distance of 1,466.7 feet along the east
9 section line of said Section 36 to a rock mound found at the
10 northeast corner of said Section 36;
11 THENCE S 89° 38' 51" W (called East), a distance of 2,852.75 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, more
15 or less, along the west section line of said Section 36 to a rock
16 mound located at the northeast corner of said Section 35,
17 continuing 9304.42 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, more
20 or less, along the west section line of said Section 36 to the
21 center line of said of FM Highway 170;
22 THENCE along the established center line as follows;
23 THENCE N 86° 22' 12" E, a distance of 669.91 feet along the center
24 line of the right-of-way line of F. M. Highway 170 to point located
25 at the beginning of a curve to the left having a center line central
26 angle of 10° 10' 58" Left, a Radius of 1,909.86 feet;
27 THENCE around the said curve to the left, a distance of 339.43 feet,

1 to a point of tangent;
2 THENCE N 76° 11' 14" E, a distance of 203.77 feet along the center
3 line of the right-of-way line of F. M. Highway 170 to point located
4 at the beginning of a curve to the right having a center line
5 central angle of 62° 55' 00" Right, a Radius of 818.51 feet;
6 THENCE around the said curve to the right, a distance of 898.81
7 feet, to a point of tangent;
8 THENCE S 40° 53' 46"E, a distance of 1,564.13 feet along the center
9 line of the right-of-way line of F. M. Highway 170 to a point
10 located on the Section line between Sections 36 and 37, and
11 continuing on a distance of 72.2 feet to the beginning of a curve to
12 the left, having a center line central angle of 50° 46' 37.1" left,
13 a R = 954.93 feet;
14 THENCE around the said curve to the left, a distance of 846.28 feet,
15 to a point of tangent;
16 THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center
17 line of the right-of-way line of F. M. Highway 170 to point located
18 at the beginning of a curve to the left having a center line central
19 angle of 33° 39 ' 17" left , a R = 1,909.86 feet;
20 THENCE around the said curve to the left, a distance of 670.43 feet,
21 to a point located on the Section line between Sections 37 and 100,
22 and continuing on a distance of 451.4 feet to a point of tangent for
23 a total distance of 1,121.82 feet;
24 THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center
25 line of the right-of-way line of F. M. Highway 170 to a point
26 located on the Section line between Sections 100 and 99, and
27 continuing on a distance of 3,073.0 feet to the beginning of a curve

1 to the right, having a center line central angle of $44^{\circ} 08'$
2 $21''$ right, a $R = 1,273.24$ feet; and this Easement is described an
3 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
4 THENCE around the said curve to the right, a distance of 980.87
5 feet, to a point of tangent;
6 THENCE $S 81^{\circ} 11' 18'' E$, a distance of 672.9 feet along the center
7 line of the right-of-way line of F. M. Highway 170 to point located
8 at the beginning of a curve to the left having a center line central
9 angle of $43^{\circ} 21' 04''$ left , a $R = 818.51$ feet;
10 THENCE around the said curve to the left, a distance of 419.60 feet,
11 to a point located on the Section line between Sections 99 and 94,
12 and continuing on a distance of 199.7 feet to a point of tangent,
13 for a total distance of 619.30 feet and this Easement is described
14 an recorded in Volume 133 Page 436 of the Brewster County Deed
15 Records;
16 THENCE $N 55^{\circ} 27' 38'' E$, a distance of 82.6 feet along the center line
17 of the right-of-way line of F. M. Highway 170 to a point located on
18 the Section line between Sections 94 and 95, and continuing on a
19 distance of 5,266.18 feet for a total distance of 5,348.78 feet to
20 the beginning of a curve to the right, having a center line central
21 angle of $25^{\circ} 53' 28''$ right, a $R = 1,432.39$ feet;
22 THENCE around the said curve to the right, a distance of 647.28
23 feet, to a point of tangent;
24 THENCE $N 81^{\circ} 21' 07'' E$, a distance of 267.0 feet along the center
25 line of the right-of-way line of F. M. Highway 170 to a point
26 located on the Section line between Sections 95 and 86, and
27 continuing on a distance of 995.5 feet for a total distance of

1 1,262.50 feet to the beginning of a curve to the right, having a
2 center line central angle of $61^{\circ} 36' 30''$ right, a $R = 881.47$ feet;
3 THENCE around the said curve to the right, a distance of 947.81
4 feet, to a point of tangent;
5 THENCE $S 37^{\circ} 02' 23'' E$, a distance of 1,119.4 feet along the center
6 line of the right-of-way line of F. M. Highway 170 to point located
7 at the beginning of a curve to the left having a center line central
8 angle of $56^{\circ} 48' 15.5''$ left, a $R = 1,145.92$ feet;
9 THENCE around the said curve to the left, a distance of 1,136.09
10 feet, to a point of tangent;
11 THENCE $N 86^{\circ} 09' 20'' E$, a distance of 1,899.44 feet along the center
12 line of the right-of-way line of F. M. Highway 170 to the beginning
13 of a curve to the left, having a center line central angle of $11^{\circ} 33'$
14 $03''$ left, a $R = 5,729.58$ feet and this Easement is described an
15 recorded in Volume 133 Page 437 of the Brewster County Deed Records;
16 THENCE around the said curve to the left, a distance of 1,155.09
17 feet, to a point of tangent;
18 THENCE $N 74^{\circ} 36' 16'' E$, a distance of 1,512.63 feet along the center
19 line of the right-of-way line of F. M. Highway 170 to point located
20 at the beginning of a curve to the left having a center line central
21 angle of $16^{\circ} 44' 07''$ left, a $R = 2,864.79$ feet;
22 THENCE around the said curve to the left, a distance of 836.76 feet,
23 to a point of tangent;
24 THENCE $N 57^{\circ} 52' 10'' E$, a distance of 807.2 feet along the center
25 line of the right-of-way line of F. M. Highway 170 to point located
26 at the beginning of a curve to the left having a center line central
27 angle of $04^{\circ} 00' 03''$ left, a $R = 11,459.16$ feet;

1 THENCE around the said curve to the left, a distance of 800.17 feet,
2 to a point of tangent;
3 THENCE N 61° 52' 13" E, a distance of 807.2 feet along the center
4 line of the right-of-way line of F. M. Highway 170 to a point
5 located on the Section line between Sections 83 and 74, , and this
6 Easement is described an recorded in Volume 4 Page 166 of the
7 Brewster County Deed Records, and continuing on a distance of
8 2,714.68 feet a point located on the Section line between Sections
9 74 and 73, and continuing on a distance of 20.1 feet for a total
10 distance of 3,541.98 feet to the beginning of a curve to the left,
11 having a center line central angle of 26° 39' 57" left, a R =
12 1,637.02 feet; and this Easement is described an recorded in Volume
13 133 Page 438 of the Brewster County Deed Records;
14 THENCE around the said curve to the left, a distance of 761.88 feet,
15 to a point of tangent;
16 THENCE N 35° 12' 16" E, a distance of 538.0 feet along the center
17 line of the right-of-way line of F. M. Highway 170 to point located
18 at the beginning of a curve to the right having a center line
19 central angle of 27° 06' 51" right, a R = 1,909.86 feet ;
20 THENCE around the said curve to the right, a distance of 903.81
21 feet, to a point of tangent;
22 THENCE N 62° 19' 07" E, a distance of 264.68 feet along the center
23 line of the right-of-way line of F. M. Highway 170 to point located
24 at the beginning of a curve to the left having a center line central
25 angle of 13° 50' 09" Left, a R = 2,864.79;
26 THENCE around the said curve to the left, a distance of 691.79 feet,
27 to a point of tangent;

1 THENCE N 48° 28' 59" E, a distance of 417.93 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to a point
3 located on the Section line between Sections 73 and 72;
4 THENCE N 02° 35' 58" W (called North), a distance of 3471.04 feet,
5 more or less, along the east line of said Section 73 to a rock mound,
6 this being the Place of Beginning of this survey description of
7 property located north of the centerline of FM Highway 170; The land
8 area contained within this description is 9,419.589 acres, more or
9 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
10 wide right-of-way) strip of land along the north half of FM Highway
11 170.

12 End of description

13 Save and Except:

14 Mesa Vista, a subdivision in Lajitas, being 31.89 acres out of
15 Survey 37, Block 341, T.C. Ry. Co. Survey, Brewster County, Texas,
16 as same appears in Plat Envelope No. 193 in the Plat Records of
17 Brewster County, Texas.

18 Riverview, a subdivision in Lajitas, being 13.564 acres of land out
19 of Sections 36 and 37, Block 341, T.C. Ry. Co. Survey, Brewster
20 County, Texas, as same appears in Plat Envelope No. 170 in the Plat
21 Records of Brewster County, Texas.

22 From Survey 84, Block 341, T.C. Ry. Co., Brewster County, Texas:

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

24 NW/4, being 160 acres;

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

26 NE/4, being 160 acres.

27 From Survey 99, Block 341, T.C. Ry. Co., Brewster County, Texas:

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

3 A 3.98 acre tract of land conveyed in Volume 220, Page 705 of
4 the Official Public Records of Brewster County, Texas.

5 Property described as being located south of FM Highway 170

6 Tract 2

7 Being parts of the following Surveys:

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

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

10 Commencing at a rock mound found for the northeast corner of Section
11 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co.
12 Surveys common with the southeast corner of Section 59, the
13 northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co.
14 Surveys in Brewster County, Texas;

15 THENCE S 02° 35' 58" E (called South), a distance of 3471.04 feet
16 along the east section line of said Section 73 to iron rod located
17 on the south right-of-way line of F M Highway 170 on the section
18 line between Section 72 and Section 73 Block 341, T. C. Ry. Co.
19 Surveys in Brewster County, Texas, this being the Place of
20 Beginning;

21 THENCE S 00° 48' 31" W, a distance of 2,452.63 feet along the said
22 east line of said Section 73 and the west line of Section 72 to a
23 rock mound located at the southeast corner of said Section 73 common
24 to the southwest corner of said Section 72 and the northwest corner
25 of Section 64 Block 341;

26 THENCE N 89° 38' 51" E , a distance of 5,277.8 feet along the north
27 section line of said Section 64 to a rock mound located at the

1 northeast corner of said Section 64 common to the northwest corner
2 of said Section 65 and the southwest corner of Section 71 Block 341;
3 THENCE N 00° 21' 00" W, a distance of 5,277.8 feet along the west
4 section line of said Section 71 to a rock mound located at the
5 northeast corner of said Section 72 common to the northwest corner
6 of said Section 71 and the southwest corner of Section 70 Block 341
7 and the southeast corner of Section 60 Block G-12;
8 THENCE N 00° 21' 09" W, a distance of 2,370.18 feet along the west
9 section line of said Section 70 and the east section line of Section
10 60 to a iron rod located on the south right-of-way line of F M
11 Highway 170, described being 120 feet in total width with the south
12 right-of-way line located 60 feet from the center line of the road,
13 and this Easement is described and recorded in Volume 133 Page 438
14 of the Brewster County Deed 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 Walker;
17 THENCE S 16° 33' 44" E, a distance of 444.09 feet to an iron rod set
18 by Walker;
19 THENCE S 36° 44' 19" E, a distance of 348.44 feet to an iron rod set
20 by Walker;
21 THENCE S 08° 07' 25" E, a distance of 679.25 feet to an iron rod set
22 by Walker;
23 THENCE S 14°33'44" E, a distance of 450.31 feet to an iron rod set by
24 Walker;
25 THENCE S 37°45'10" E, a distance of 1062.05 feet to an iron rod set
26 by Walker;
27 THENCE S 33°32'06" E, a distance of 411.20 feet, more or less, to an

1 iron rod set by Walker;
2 THENCE N 89° 38' 51" E, a distance of 3,102.64 feet along the north
3 section line of said Section 71 a rock mound located at the
4 northeast corner of said Section 71, common to the northwest corner
5 of said Section 68 Block 341;
6 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the east
7 section line of said Section 71 to a rock mound located at the
8 southeast corner of said Section 71 common to the northwest corner
9 of said Section 67 Block 341;
10 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet, more or less,
11 along the north section line of said Section 67 to a rock mound
12 located at the northeast corner of said Section 67 on the west
13 section line of Section 299 Block G-12;
14 THENCE S 00° 21' 09" E, a distance of 2030.12 feet, more or less,
15 along the east section line of said Section 67 to a rock mound
16 located at the southeast corner of said Section 67 common to the
17 west section line of Section 299 Block G-12 and the north section
18 line of Section 34 Block 17;
19 THENCE N 40° 00' E, a distance of 949.86 feet, more or less, along
20 the north section line of said Section 34 Block 17 to a rock mound
21 located at the northeast corner of Section 34 and the southwest
22 corner of Section 35 Block 17;
23 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
24 the east section line of said Section 34 Block 17 to a rock mound
25 located at the northern most corner of Section 33 and the western
26 most corner of Section 36 Block 17;
27 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along

1 the east section line of said Section 33 Block 17 to a rock mound
2 located at the northern most corner of Section 32 and the western
3 most corner of Section 37 Block 17;
4 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
5 the east section line of said Section 32 Block 17 to a rock mound
6 located at the northern most corner of Section 31 and the western
7 most corner of Section 38 Block 17;
8 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
9 the east section line of said Section 31 Block 17 to a rock mound
10 located at the eastern most corner of Section 31 and the western
11 most corner of Section 39 Block 17;
12 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
13 the south section line of said Section 31 Block 17 to a rock mound
14 located at the northern most corner of
15 Section 25 and the western most corner of Section 30 Block 17;
16 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
17 the east section line of said Section 25 Block 17 to a rock mound
18 located at the eastern most corner of Section 25 and the western
19 most corner of Section 29 Block 17, being a point on the boundary
20 line of the Big Bend National Park;
21 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
22 the south section line of said Section 25 Block 17 to a rock mound
23 located at the southern most corner of Section 25 and the western
24 most corner of Section 26 Block 17, being a point on the boundary
25 line of the Big Bend National Park;
26 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
27 the west section line of said Section 25 Block 17 along the boundary

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

1 line of the Big Bend National Park to a rock mound located at the
2 western most corner of Section 17 and the eastern most corner of
3 Section 9 Block 17;

4 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
5 the north section line of said Section 17 Block 17 to a rock mound
6 located at the northern most corner of Section 17 and the southern
7 most corner of Section 23 Block 17;

8 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
9 the west section line of said Section 23 Block 17 to a rock mound
10 located at the western most corner of Section 23 and the southern
11 most corner of Section 22 Block 17;

12 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
13 the south section line of said Section 19 Block 17 to a rock mound
14 located at the southern most corner of Section 19 and the northern
15 most corner of Section 9 Block 17;

16 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
17 the east section line of said Section 9 Block 17 to a rock mound
18 located at the eastern most corner of Section 9 and the northern
19 most corner of Section 10 Block 17, being a point on the boundary
20 line of the Big Bend National Park;

21 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
22 the south section line of said Section 9 Block 17 along the boundary
23 line of the Big Bend National Park to a rock mound located at the
24 southern most corner of Section 9 and the western most corner of
25 Section 9 Block 17;

26 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
27 the west section line of said Section 9 Block 17 along the boundary

1 line of the Big Bend National Park to a rock mound located at the
2 western most corner of Section 9 and the eastern most corner of
3 Section 5 Block 17;

4 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
5 the north section line of said Section 9 Block 17 to a rock mound
6 located at the northern most corner of Section 9 and the southern
7 most corner of Section 19 Block 17;

8 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
9 the west section line of said Section 19 Block 17 to a rock mound
10 located at the western most corner of Section 19 and the eastern
11 most corner of Section 8 Block 17;

12 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
13 the north section line of said Section 19 Block 17 to a rock mound
14 located at the northern most corner of Section 19 and the southern
15 most corner of Section 21 Block 17;

16 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
17 the west section line of said Section 21 Block 17 to a rock mound
18 located at the western most corner of Section 21 and the northern
19 most corner of Section 20 Block 17, this point being on the common
20 line with Section 66 Block 341;

21 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
22 the north section line of said Section 20 Block 17 and the
23 southeasterly line of said Section 66 to a rock mound at the
24 northern most corner of Section 7 Block 17;

25 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
26 the east section line of said Section 7 Block 17 to a rock mound
27 located at the eastern most corner of Section 7 and the northern

1 most corner of Section 8 Block 17
2 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
3 the south section line of said Section 7 Block 17 to a rock mound
4 located at the southern most corner of Section 7 and the eastern
5 most corner of Section 6 Block 17 , being a point on the boundary
6 line of the Big Bend National Park;
7 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
8 the west section line of said Section 7 Block 17 along the boundary
9 line of the Big Bend National Park to a rock mound located at the
10 western most corner of Section 7 and the eastern most corner of
11 Section 6 Block 17, being a point on the southeast line of Section
12 61 Block 341;
13 THENCE N 40° 00' E, a distance of 3220.54 feet, more or less, along
14 the north section line of said Section 7 Block 17 and the southeast
15 section line of Section 62 Block 341 to a rock mound located at the
16 northeasterly most corner of Section 61 Block 341 being a point on
17 the boundary line of the Big Bend National Park;
18 THENCE N 88° 51' 19" W, a distance of 5241.31 feet along the section
19 line between said Section 61 and Section 62 being the boundary line
20 of the Big Bend National Park to a rock mound located at the
21 southwest most corner of Section 62 on the east line of Section 76
22 Block 341;
23 THENCE S 01° 11' 14" W, a distance of 675.0 feet along the east line
24 of said Section 76 being the boundary line of the Big Bend National
25 Park to a rock mound located at the southeast most corner of Section
26 76 on the north line of Section 61 Block 341;
27 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south

1 section line of Section 76 between said Section 61 and 78 being the
2 boundary line of the Big Bend National Park to a rock mound located
3 at the southwest most corner of Section 76 on the east line of
4 Section 81 Block 341;

5 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south
6 section line of Section 81 between said Section 60 being the
7 boundary line of the Big Bend National Park to a rock mound located
8 at the southwest most corner of Section 81 on the east line of
9 Section 88 Block 341;

10 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south
11 section line of Section 88 between said Section 89 being the
12 boundary line of the Big Bend National
13 Park to a rock mound located at the southwest most corner of Section
14 88 on the east line of Section 93 Block 341;

15 THENCE N 88° 46' 26" W, a distance of 4,922.13 feet along the south
16 section line of Section 93 between said Section 41 being the
17 boundary line of the Big Bend National Park to a rock mound located
18 at the southwest most corner of Section 93 on the east line of
19 Section 41 Block 341;

20 THENCE N 00° 49' 07" E, a distance of 2169.02 feet, more or less,
21 along the west section line of Section 93 located between said
22 Section 41 being the boundary line of the Big Bend National Park to
23 a rock mound located at the southeast most corner of Section 92 on
24 the east line of Section 41 Block 341;

25 THENCE N 88° 46' 26" W, a distance of 2,333.43 feet, more or less,
26 along the south section line of Section 92 Block 341 and the north
27 line of Section 41, being the boundary line of the Big Bend National

1 Park, to a rock mound located at the northwest most corner of
2 Section 41;
3 THENCE S 01° 03' 46" W, a distance of 350.0 feet, more or less, along
4 the west section line of Section 41 and the offset east line of
5 Section 92, being the boundary line of the Big Bend National Park,
6 to a rock mound located on the south line of Section 92;
7 THENCE N 88° 46' 09" W, a distance of 2,334.41 feet, more or less,
8 along the south section line of Section 92 Block 341 and the north
9 line of Section 48, being the boundary line of the Big Bend National
10 Park, to a rock mound and concrete marker located at the southwest
11 most corner of Section 92;
12 THENCE N 00° 32' 00" E, a distance of 1,911.67 feet along the
13 section line between said Section 92 and Section 49, being the
14 boundary line of the Big Bend National Park, to a rock mound and
15 concrete marker located at the southeast most corner of Section 100
16 Block 341 at the northeast corner of Section 49;
17 THENCE N 89° 27' 27" W, a distance of 2,634.23 feet, more or less,
18 along the south section line of Section 100 Block 341 and the north
19 line of Section 39, being the boundary line of the Big Bend National
20 Park, to a rock mound and concrete marker located at the northwest
21 most corner of Section 39 and the southwest corner of Section 100;
22 THENCE S 01° 16' 12" W, a distance of 4660.88 feet, more or less,
23 along the west section line of Section 39 , being the boundary line
24 of the Big Bend National Park, to a rock mound located on the south
25 line of Section 37 and being the northeast corner of Section 38
26 Block 341;
27 THENCE N 88° 43' 49" W, a distance of 4359.52 feet, more or less,

1 along the south section line of Section 37 Block 341 and the north
2 line of Section 38, being the boundary
3 line of the Big Bend National Park, to a rock mound and located at
4 the meanders of the Rio Grande at the southwest most corner of said
5 Section 37 and the northwest most corner of Section 38;

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

8 N 20° 07' 30" E, a distance of 284.06 feet
9 S 87° 27' 30" E, a distance of 877.59 feet
10 N 25° 19' 25" E, a distance of 219.65 feet
11 N 11° 41' 28" E, a distance of 511.26 feet
12 N 23° 23' 39" E, a distance of 510.57 feet
13 N 19° 19' 32" E, a distance of 645.17 feet
14 N 02° 03' 28" E, a distance of 270.32 feet
15 N 20° 01' 04" E, a distance of 337.82 feet
16 N 38° 01' 14" E, a distance of 827.59 feet
17 N 38° 19' 39" W, a distance of 754.08 feet
18 N 07° 15' 04" W, a distance of 1,333.57 feet
19 N 23° 27' 17" W, a distance of 926.79 feet
20 N 23° 27' 17" W, a distance of 115.86 feet
21 N 17° 48' 38" W, a distance of 580.31 feet
22 N 11° 49' 17" W, a distance of 461.28 feet
23 N 23° 38' 37" W, a distance of 802.90 feet
24 N 05° 44' 52" W, a distance of 99.91 feet to the beginning of a
25 curve to the left with a central angle of 77° 38' 50" having a cord
26 bearing of N 44° 34' 17" W with a cord length of 681.47 feet a radius
27 of 543.50 feet and continuing along the bank of the Rio Grande

1 N 83° 23' 43" W, a distance of 222.82 feet
2 S 84° 41' 58" W, a distance of 732.79 feet to a point on the
3 west section line of Section 36 Block 341;
4 THENCE N 00° 21' 09" W, a distance of 94.84 feet , more or less, to a
5 point on the center line of the right-of-way line of F M Highway
6 170, and this Easement is described an recorded in Volume 133 Page
7 460 - 461 of the Brewster County Deed Records;
8 THENCE along the said center line of the right-of-way line of F M
9 Highway 170 described as follows:
10 THENCE N 86° 22' 12" E, a distance of 669.91 feet along the center
11 line of the right-of-way line of F. M. Highway 170 to point located
12 at the beginning of a curve to the left having a center line central
13 angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;
14 THENCE around the said curve to the left, a distance of 339.43 feet,
15 to a point of tangent;
16 THENCE N 76° 11' 14" E, a distance of 203.77 feet along the center
17 line of the right-of-way line of F. M. Highway 170 to point located
18 at the beginning of a curve to the right having a center line
19 central angle of 62° 55' 00" Right , a Radius of 818.51 feet;
20 THENCE around the said curve to the right, a distance of 898.81
21 feet, to a point of tangent;
22 THENCE S 40° 53' 46"E, a distance of 1,564.13 feet along the center
23 line of the right-of-way line of F. M. Highway 170 to a point
24 located on the Section line between Sections 36 and 37, and
25 continuing on a distance of 72.2 feet to the beginning of a curve to
26 the left, having a center line central angle of 50° 46' 37" left, a R
27 = 954.93 feet;

1 THENCE around the said curve to the left, a distance of 846.28 feet,
2 to a point of tangent;
3 THENCE N 88° 19' 38" E, a distance of 747.91 feet along the center
4 line of the right-of-way line of F. M. Highway 170 to point located
5 at the beginning of a curve to the left having a center line central
6 angle of 33° 39' 17" left, a R = 1,909.86 feet;
7 THENCE around the said curve to the left, a distance of 670.43 feet,
8 to a point located on the Section line between Sections 37 and 100,
9 and continuing on a distance of 451.4 feet to a point of tangent for
10 a total distance of 1,121.82 feet;
11 THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center
12 line of the right-of-way line of F. M. Highway 170 to a point
13 located on the Section line between Sections 100 and 99, and
14 continuing on a distance of 3,073.0 feet to the beginning of a curve
15 to the right, having a center line central angle of 44° 08'
16 21"right, a R = 1,273.24 feet; and this Easement is described and
17 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
18 THENCE around the said curve to the right, a distance of 980.87
19 feet, to a point of tangent;
20 THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center
21 line of the right-of-way line of F. M. Highway 170 to point located
22 at the beginning of a curve to the left having a center line central
23 angle of 43° 21' 04" left, a R = 818.51 feet;
24 THENCE around the said curve to the left, a distance of 419.60 feet,
25 to a point located on the Section line between Sections 99 and 94,
26 and continuing on a distance of 199.7 feet to a point of tangent,
27 for a total distance of 619.30 feet and this Easement is described

1 an recorded in Volume 133 Page 436 of the Brewster County Deed
2 Records;
3 THENCE N 55° 27' 38" E, a distance of 82.6 feet along the center line
4 of the right-of-way line of F. M. Highway 170 to a point located on
5 the Section line between Sections 94 and 95, and continuing on a
6 distance of 5,266.18 feet for a total distance of 5348.78 feet to
7 the beginning of a curve to the right, having a center line central
8 angle of 25° 53' 28" right, a R = 1,432.39 feet;
9 THENCE around the said curve to the right, a distance of 647.28
10 feet, to a point of tangent;
11 THENCE N 81° 21' 06" E, a distance of 267.0 feet along the center
12 line of the right-of-way line of F. M. Highway 170 to a point
13 located on the Section line between Sections 95 and 86, and
14 continuing on a distance of 995.5 feet for a total distance of
15 1,262.50 feet to the beginning of a curve to the right, having a
16 center line central angle of 61° 36' 30" right, a R = 881.47 feet;
17 THENCE around the said curve to the right, a distance of 947.82
18 feet, to a point of tangent;
19 THENCE S 37° 02' 24" E, a distance of 1,119.4 feet along the center
20 line of the right-of-way line of F. M. Highway 170 to point located
21 at the beginning of a curve to the left having a center line central
22 angle of 56° 48' 16" left , a R = 1,145.92 feet;
23 THENCE around the said curve to the left, a distance of 1,136.09
24 feet, to a point of tangent;
25 THENCE N 86° 09'20" E, a distance of 1899.44 feet along the center
26 line of the right-of-way line of F. M. Highway 170 to the beginning
27 of a curve to the left, having a center line central angle of 11° 33'

1 03" left, a R = 5,729.58 feet and this Easement is described an
2 recorded in Volume 133 Page 437 of the Brewster County Deed Records;
3 THENCE around the said curve to the left, a distance of 1,155.08
4 feet, to a point of tangent;
5 THENCE N 74° 36' 17" E, a distance of 1,512.63 feet along the center
6 line of the right-of-way line of F. M. Highway 170 to point located
7 at the beginning of a curve to the left having a center line central
8 angle of 16° 44' 07" left , a R = 2,864.79 feet;
9 THENCE around the said curve to the left, a distance of 836.76 feet,
10 to a point of tangent;
11 THENCE N 57° 52' 10 " E, a distance of 807.2 feet along the center
12 line of the right-of-way line of F. M. Highway 170 to point located
13 at the beginning of a curve to the left having a center line central
14 angle of 04° 00' 03" left , a R = 11,459.16 feet;
15 THENCE around the said curve to the left, a distance of 800.17 feet,
16 to a point of tangent;
17 THENCE N 61° 52' 13" E, a distance of 807.2 feet along the center
18 line of the right-of-way line of F. M. Highway 170 to a point
19 located on the Section line between Sections 83 and 74, , and this
20 Easement is described an recorded in Volume 4 Page 166 of the
21 Brewster County Deed Records, and continuing on a distance of
22 2,714.68 feet a point located on the Section line between Sections
23 74 and 73, and continuing on a distance of 20.1 feet for a total
24 distance of 3,541.98 feet to the beginning of a curve to the left,
25 having a center line central angle of 26° 39' 56.7" left, a R =
26 1,637.02 feet; and this Easement is described an recorded in Volume
27 133 Page 438 of the Brewster County Deed Records;

1 THENCE around the said curve to the left, a distance of 761.88 feet,
2 to a point of tangent;
3 THENCE N 35° 12' 16" E, a distance of 538.0 feet along the center
4 line of the right-of-way line of F. M. Highway 170 to point located
5 at the beginning of a curve to the right having a center line
6 central angle of 27° 06' 51" right, a R = 1,909.86 feet ;
7 THENCE around the said curve to the right, a distance of 903.81
8 feet, to a point of tangent;
9 THENCE N 62° 19' 08" E, a distance of 264.68 feet along the center
10 line of the right-of-way line of F. M. Highway 170 to point located
11 at the beginning of a curve to the left having a center line central
12 angle of 13° 50' 09.2" Left, a R = 2,864.79;
13 THENCE around the said curve to the left, a distance of 691.79 feet,
14 to a point of tangent;
15 THENCE N 48° 28' 59" E, a distance of 417.93 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to a point
17 located on the Section line between Sections 73 and 72, this being
18 the Place of Beginning of this survey description of property
19 located south of the centerline of FM Highway 170. The land area
20 contained within this description is 20,242.864 acres, more or
21 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
22 wide right-of-way) strip of land along the south half of FM Highway
23 170.

24 End of description

25 Save and Except:

26 Comanche Hills, a subdivision of 30.505 acres of land out of Survey
27 37 and Tract 2, Survey 100, Block 341, T.C. Ry. Co. Surveys, in

1 Lajitas, Brewster County, Texas, as same appears in Plat Envelope
2 No. 186 in the Plat Records of Brewster County, Texas.

3 Comanche Mesa, a subdivision of 71.092 acres of land out of Sections
4 99,100, & MC-1, Block 341 of the T.C. Ry. Co. Survey, in Lajitas,
5 Brewster County, Texas, as same appears in Plat Envelope No. 171 in
6 the Plat Records of Brewster County, Texas.

7 All of the San Carlos Condominiums, a Condominium Regime, being
8 called a 0.8743 acre tract of land and a 0.1296 acre tract of land
9 recorded in Volume 1, Page 1 and amended in Volume 1, Page 71 et seq.
10 and Volume 1, Page 83 et seq., of the Condominium Records of
11 Brewster County, Texas.

12 All of the Lajitas-Boardwalk Condominiums, a Condominium Regime,
13 being a 1.018 acre tract of land out Block 341, T.C. Ry. Co. Survey
14 37, in Brewster County, Texas, as same appears in Plat Envelope No.
15 288B in the Plat Records of Brewster County, Texas.

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

19 From Section 62, Block 341, Abstract 7717, T.C. Ry. Co., Brewster
20 County, Texas:

21 S/2, being 414.35 acres.

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

23 SE/4 of the SW/4, being 40 acres;

24 NE/4 of the SE/4, being 40 acres;

25 N/2 of the NE/4, being 80 acres; and

26 NW/4, being 160 acres.

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

1 23.13 acres conveyed in Volume 249, Page 555 of the Deed
2 Records of Brewster County, Texas;
3 NW/4, being 160 acres;
4 NE/4, being 160 acres;
5 NW/4 of the SW/4, being 40 acres; and
6 NW/4 of the SE/4, being 40 acres.

7 A 76.06 acre tract of land south of FM Highway 170 in Section 73,
8 Block 341, T.C. Ry. Co., Brewster County, Texas, conveyed in Volume
9 123, Page 367 of the Deed Records of Brewster County, Texas.

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

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

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

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

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

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

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

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

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

26 A 1.40 acre tract of land conveyed in Volume 68, Page 36 of
27 the Official Public Records of Brewster County, Texas, as

1 more particularly described below:

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

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

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

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

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

1 "WALKER 4425" set;

2 THENCE South 18 deg. 35'24" East
3 122.12 feet to a 1/2" iron rod and cap
4 marked "WALKER 4425" set;

5 THENCE South 78 deg. 42'12" East
6 246.26 feet to a 1/2" iron rod and cap
7 marked "WALKER 4425" set for the Southeast
8 corner of this tract;

9 THENCE South 38 deg. 29'05" West
10 206.20 feet to a 1/2" iron rod and cap
11 marked "WALKER 4425" set for the Southwest
12 corner of this tract;

13 THENCE North 32 deg. 25'55" West
14 69.47 feet to a 1/2" iron rod and cap marked
15 "WALKER 4425" set;

16 THENCE North 59 deg. 34'57" West
17 159.83 feet to a 1/2" iron rod and cap
18 marked "WALKER 4425" set;

19 THENCE North 76 deg. 26'32" West
20 154.83 feet to the point of beginning.

21 Bearings and distances are based
22 on the Texas Coordinate System, South
23 Central Zone NAD 1927.

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

27 Metes and bounds description of a

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

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

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

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

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

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

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

27 THENCE South 86 deg. 40'17" East

1 159.12 feet to the POINT OF BEGINNING and
2 containing more or less, 46,130.04 square
3 feet or 1.06 acres.

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

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

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

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

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

1 THENCE around the said curve to
2 the left, a distance of 339.43 feet, to a
3 point of tangent;

4 THENCE N 76° 11' 13.08" E, a
5 distance of 203.77 feet along the center
6 line of the right-of-way line of F. M.
7 Highway 170 to point located at the
8 beginning of a curve to the right having a
9 center line central angle of 62 55' 02.1"
10 Right , a Radius of 818.51 feet;

11 THENCE around the said curve to
12 the right, a distance of 898.82 feet, to a
13 point of tangent;

14 THENCE S 40° 53' 44.8"E, a
15 distance of 1,564.13 feet along the center
16 line of the right-of-way line of F. M.
17 Highway 170 to a point located on the
18 Section line between Sections 36 and 37;

19 THENCE S 00° 21' 09"E, a distance
20 of 3922.76 feet along the Section line
21 between the east line of Section 36 and the
22 west line of Section 37;

23 THENCE along the east meandering
24 line of the bank of the Rio Grande, as
25 identified in the year of April 2007,
26 described as follows:

27 N 38° 19' 39" W, a distance

1 of 720.19 feet
2 N 07° 15' 04" W, a distance
3 of 1,333.57 feet
4 N 23° 27' 17" W, a distance
5 of 926.79 feet
6 N 23° 27' 17" W, a distance
7 of 115.86 feet
8 N 17° 48' 38" W, a distance
9 of 580.31 feet
10 N 11° 49' 17" W, a distance
11 of 461.28 feet
12 N 23° 38' 37" W, a distance
13 of 802.90 feet
14 N 05° 44' 52" W, a distance
15 of 99.91 feet to the beginning of a curve to
16 the left with a central angle of 77° 38' 50"
17 and having a cord bearing of N 44° 34' 17" W
18 with a cord length of 681.47 feet and a
19 radius of 543.50 feet and continuing along
20 the bank of the Rio Grande;
21 N 83° 23' 43" W, a distance
22 of 222.82 feet
23 S 84° 41' 58" W, a distance
24 of 732.798 feet to a point on the west
25 section line of Section 36 Block 341:
26 THENCE N 00° 21' 09" W, a distance
27 of 94.84 feet , more or less, to the center

1 line of the right-of-way line of F M Highway
2 170 and to THE POINT OF BEGINNING
3 containing, 4,447,180 square feet or 102.1
4 acres, more or less.

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

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

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

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

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

26 SECTION 4. (a) Section 11002.107, Special District Local
27 Laws Code, as added by this Act, takes effect only if this Act

1 receives a two-thirds vote of all the members elected to each house.

2 (b) If this Act does not receive a two-thirds vote of all the
3 members elected to each house, Subchapter C, Chapter 11002, Special
4 District Local Laws Code, as added by this Act, is amended by adding
5 Section 11002.107 to read as follows:

6 Sec. 11002.107. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

8 (c) This section is not intended to be an expression of a
9 legislative interpretation of the requirements of Section 17(c),
10 Article I, Texas Constitution.

11 SECTION 5. Except as otherwise provided by this Act:

12 (1) this Act takes effect immediately if it receives a
13 vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution; and

15 (2) if this Act does not receive the vote necessary for
16 immediate effect, this Act takes effect September 1, 2011.