

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 3804
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 April 28, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2011, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 3,
1-6 Nays 0; May 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3804 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Lajitas Utility District No. 1 of
1-11 Brewster County; providing authority to impose taxes and issue
1-12 bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle X, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 11002 to read as follows:

1-16 CHAPTER 11002. LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 11002.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Lajitas Utility District No.
1-22 1 of Brewster County.

1-23 Sec. 11002.002. NATURE OF DISTRICT. The district is a
1-24 utility district with combined powers created under Section 59,
1-25 Article XVI, Texas Constitution.

1-26 Sec. 11002.003. CONFIRMATION AND DIRECTORS' ELECTION
1-27 REQUIRED. The temporary directors shall hold an election to
1-28 confirm the creation of the district and to elect five permanent
1-29 directors as provided by Section 49.102, Water Code.

1-30 Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-31 (a) The district is created to serve a public purpose and benefit.

1-32 (b) All land and other property included in the district
1-33 will benefit from the improvements and services to be provided by
1-34 the district under powers conferred by Sections 52 and 52-a,
1-35 Article III, and Section 59, Article XVI, Texas Constitution, and
1-36 other powers granted under this chapter.

1-37 (c) The district is created to accomplish the purposes of:

1-38 (1) a municipal utility district as provided by
1-39 general law and Section 59, Article XVI, Texas Constitution;

1-40 (2) Section 52, Article III, Texas Constitution, that
1-41 relate to the construction, acquisition, improvement, operation,
1-42 or maintenance of macadamized, graveled, or paved roads, or
1-43 improvements, including storm drainage, in aid of those roads; and

1-44 (3) Section 52-a, Article III, Texas Constitution,
1-45 that relate to the development and diversification of the economy
1-46 of this state and other purposes of that section.

1-47 (d) The creation of the district is in the public interest
1-48 and essential to:

1-49 (1) further the public purposes of developing and
1-50 diversifying the economy of the state;

1-51 (2) eliminate unemployment and underemployment; and

1-52 (3) develop or expand transportation and commerce.

1-53 (e) The district will:

1-54 (1) promote the health, safety, and general welfare of
1-55 residents, employers, potential employees, employees, visitors,
1-56 and consumers in the district, and of the public;

1-57 (2) provide needed funding for the district to
1-58 preserve, maintain, and enhance the economic health and vitality of
1-59 the district territory as a community and business center; and

1-60 (3) promote the health, safety, welfare, and enjoyment
1-61 of the public by providing pedestrian ways and by landscaping and
1-62 developing certain areas in the district, which are necessary for
1-63 the restoration, preservation, and enhancement of scenic beauty.

2-1 (f) Pedestrian ways along or across a street, whether at
2-2 grade or above or below the surface, and street lighting, street
2-3 landscaping, parking, and street art objects are parts of and
2-4 necessary components of a street and are considered to be a street
2-5 or road improvement.

2-6 (g) The district is not an agent or instrumentality of a
2-7 private interest even though the district will benefit private
2-8 interests as well as the public.

2-9 Sec. 11002.005. INITIAL DISTRICT TERRITORY. (a) The
2-10 district is initially composed of the territory described by
2-11 Section 2 of the Act creating this chapter.

2-12 (b) The boundaries and field notes contained in Section 2 of
2-13 the Act creating this chapter form a closure. A mistake made in the
2-14 field notes or in copying the field notes in the legislative process
2-15 does not affect the district's:

2-16 (1) organization, existence, or validity;

2-17 (2) right to issue any type of bond for the purposes
2-18 for which the district is created or to pay the principal of and
2-19 interest on a bond;

2-20 (3) right to impose a tax; or

2-21 (4) legality or operation.

2-22 [Sections 11002.006-11002.050 reserved for expansion]

2-23 SUBCHAPTER B. BOARD OF DIRECTORS

2-24 Sec. 11002.051. GOVERNING BODY; TERMS. (a) The district is
2-25 governed by a board of five elected directors.

2-26 (b) Except as provided by Section 11002.052, directors
2-27 serve staggered four-year terms.

2-28 Sec. 11002.052. TEMPORARY DIRECTORS. (a) The temporary
2-29 board consists of:

2-30 (1) Brent Ratliff;

2-31 (2) George Kutch;

2-32 (3) John Nolan;

2-33 (4) Renee Lorenz; and

2-34 (5) H. C. Ross.

2-35 (b) If a temporary director fails to qualify for office, the
2-36 temporary directors who have qualified shall appoint a person to
2-37 fill the vacancy.

2-38 (c) Temporary directors serve until the earlier of:

2-39 (1) the date permanent directors are elected under
2-40 Section 11002.003; or

2-41 (2) the fourth anniversary of the effective date of
2-42 the Act creating this chapter.

2-43 (d) If permanent directors have not been elected under
2-44 Section 11002.003 and the terms of the temporary directors have
2-45 expired, successor temporary directors shall be appointed or
2-46 reappointed as provided by Subsection (e) to serve terms that
2-47 expire on the earlier of:

2-48 (1) the date permanent directors are elected under
2-49 Section 11002.003; or

2-50 (2) the fourth anniversary of the date of the
2-51 appointment or reappointment.

2-52 (e) If Subsection (d) applies, the owner or owners of a
2-53 majority of the assessed value of the real property in the district
2-54 may submit a petition to the Texas Commission on Environmental
2-55 Quality requesting that the commission appoint as successor
2-56 temporary directors the five persons named in the petition. The
2-57 commission shall appoint as successor temporary directors the five
2-58 persons named in the petition.

2-59 [Sections 11002.053-11002.100 reserved for expansion]

2-60 SUBCHAPTER C. POWERS AND DUTIES

2-61 Sec. 11002.101. GENERAL POWERS AND DUTIES. The district
2-62 has the powers and duties necessary to accomplish the purposes for
2-63 which the district is created.

2-64 Sec. 11002.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-65 DUTIES. The district has the powers and duties provided by the
2-66 general law of this state, including Chapters 49 and 54, Water Code,
2-67 applicable to municipal utility districts created under Section 59,
2-68 Article XVI, Texas Constitution.

2-69 Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. Except

3-1 as provided by Section 11002.113, the district may provide
3-2 improvement projects and services in the same manner as a municipal
3-3 management district under Section 375.112, Local Government Code.

3-4 Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under
3-5 Section 52, Article III, Texas Constitution, the district may
3-6 design, acquire, construct, finance, issue bonds for, improve, and
3-7 convey to this state, a county, or a municipality for operation and
3-8 maintenance macadamized, graveled, or paved roads described by
3-9 Section 54.234, Water Code, or improvements, including storm
3-10 drainage, in aid of those roads.

3-11 (b) The district may exercise the powers provided by this
3-12 section without submitting a petition to or obtaining approval from
3-13 the Texas Commission on Environmental Quality as required by
3-14 Section 54.234, Water Code.

3-15 (c) The district, at the district's expense, shall repair
3-16 and maintain any internal streets and roads in the district.
3-17 Brewster County has no obligation to repair or maintain the
3-18 internal streets and roads in the district, even on dissolution of
3-19 the district.

3-20 Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The district
3-21 may not undertake a road project authorized by Section 11002.104
3-22 unless:

3-23 (1) each county that will operate and maintain the
3-24 road has approved the plans and specifications of the road project,
3-25 if a county will operate and maintain the road; or

3-26 (2) the Texas Transportation Commission has approved
3-27 the plans and specifications of the road project, if the state will
3-28 operate and maintain the road.

3-29 (b) Except as provided by Subsection (a), the district is
3-30 not required to obtain approval from the Texas Transportation
3-31 Commission to design, acquire, construct, finance, issue bonds for,
3-32 improve, or convey a road project.

3-33 Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT
3-34 ORDINANCE OR RESOLUTION. The district shall comply with all
3-35 applicable requirements of any ordinance or resolution that is
3-36 adopted under Section 54.016 or 54.0165, Water Code, and that
3-37 consents to the creation of the district or to the inclusion of land
3-38 in the district.

3-39 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. (a)
3-40 The district may not exercise the power of eminent domain outside
3-41 the district to acquire a site or easement for:

3-42 (1) a road project authorized by Section 11002.104; or

3-43 (2) a recreational facility as defined by Section
3-44 49.462, Water Code.

3-45 (b) If the district's exercise of its eminent domain power
3-46 requires relocating, raising, lowering, rerouting, or altering the
3-47 construction of any electric transmission or electric distribution
3-48 line, conduit, pole, or facility, the district must bear the actual
3-49 cost of relocating, raising, lowering, rerouting, or altering the
3-50 construction of any electric transmission or electric distribution
3-51 line to provide a comparable replacement without enhancing the
3-52 facility, after deducting from the cost the net salvage value
3-53 derived from the old facility.

3-54 Sec. 11002.108. ELECTRIC POWER FACILITIES. The district
3-55 may construct or acquire electric power generating, transmission,
3-56 and distribution facilities and improvements in aid of these
3-57 facilities.

3-58 Sec. 11002.109. AIRPORT. The district may construct,
3-59 acquire, improve, maintain, and operate an airport and improvements
3-60 in aid of the airport.

3-61 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT
3-62 CORPORATION. The district may exercise the powers of a corporation
3-63 created under the Development Corporation Act (Subtitle C1, Title
3-64 12, Local Government Code).

3-65 Sec. 11002.111. DIVISION OF DISTRICT. (a) The district may
3-66 be divided into two or more new districts only if the district:

3-67 (1) has no outstanding bonded debt; and

3-68 (2) is not imposing ad valorem taxes.

3-69 (b) This chapter applies to any new district created by the

4-1 division of the district, and a new district has all the powers and
 4-2 duties of the district.
 4-3 (c) Any new district created by the division of the district
 4-4 may not, at the time the new district is created, contain any land
 4-5 outside the area described by Section 2 of the Act creating this
 4-6 chapter.
 4-7 (d) The board, on its own motion or on receipt of a petition
 4-8 signed by the owner or owners of a majority of the assessed value of
 4-9 the real property in the district, may adopt an order dividing the
 4-10 district.
 4-11 (e) The board may adopt an order dividing the district
 4-12 before or after the date the board holds an election under Section
 4-13 11002.003 to confirm the district's creation.
 4-14 (f) An order dividing the district shall:
 4-15 (1) name each new district;
 4-16 (2) include the metes and bounds of each new district;
 4-17 (3) appoint temporary directors for each new district;
 4-18 and
 4-19 (4) provide for the division of assets and liabilities
 4-20 between or among the new districts.
 4-21 (g) On or before the 30th day after the date of adoption of
 4-22 an order dividing the district, the district shall file the order
 4-23 with the Texas Commission on Environmental Quality and record the
 4-24 order in the real property records of each county in which the
 4-25 district is located.
 4-26 (h) Any new district created by the division of the district
 4-27 shall hold a confirmation and directors' election as required by
 4-28 Section 11002.003.
 4-29 (i) Any new district created by the division of the district
 4-30 must hold an election as required by this chapter to obtain voter
 4-31 approval before the district may impose a maintenance tax or issue
 4-32 bonds payable wholly or partly from ad valorem taxes.
 4-33 Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121,
 4-34 Water Code, does not apply to a groundwater well owned or used by
 4-35 the district within the boundaries of the Brewster County
 4-36 Groundwater Conservation District. The rules of the Brewster
 4-37 County Groundwater Conservation District govern a groundwater well
 4-38 owned or used by the district within the Brewster County
 4-39 Groundwater Conservation District.
 4-40 Sec. 11002.113. RETAIL ELECTRIC UTILITY SERVICES
 4-41 PROHIBITED. The district may not provide retail electric utility
 4-42 services, including transmission and distribution services, to
 4-43 residential, retail, commercial, industrial, or other customers
 4-44 inside or outside the district.
 4-45 [Sections 11002.114-11002.150 reserved for expansion]
 4-46 SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS
 4-47 Sec. 11002.151. DEFINITION. In this subchapter, "receiving
 4-48 entity" means the entity that holds a certificate of convenience
 4-49 and necessity issued by the Public Utility Commission of Texas for
 4-50 the territory included in the district.
 4-51 Sec. 11002.152. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED.
 4-52 Subject to Section 11002.155, the district shall transfer
 4-53 improvements described by Section 11002.108 in accordance with this
 4-54 section on the later of:
 4-55 (1) the date that the district acquires or completes
 4-56 the improvement; or
 4-57 (2) the date the receiving entity approves the
 4-58 transfer.
 4-59 Sec. 11002.153. CONSTRUCTION STANDARDS. A public
 4-60 improvement transferred under this subchapter must be constructed
 4-61 in compliance with:
 4-62 (1) the requirements and specifications established
 4-63 by the receiving entity on or before the date that construction of
 4-64 the improvement begins; and
 4-65 (2) any tariffs for the electric utility or
 4-66 cooperative that is the receiving entity.
 4-67 Sec. 11002.154. PARTIAL TRANSFER IN STAGES. The district
 4-68 may transfer part of an improvement under this subchapter if the
 4-69 district completes construction of the improvement in stages.

5-1 Sec. 11002.155. TRANSFER WITHOUT DEBT REQUIRED. The
5-2 district shall convey all improvements that it is required to
5-3 transfer under this subchapter without debt or other encumbrance.

5-4 Sec. 11002.156. OWNERSHIP AND RESPONSIBILITY AFTER
5-5 TRANSFER. (a) After a transfer under this subchapter, the
5-6 receiving entity owns the improvement and has sole jurisdiction and
5-7 control over the improvement. On acceptance of the transfer, the
5-8 receiving entity is responsible for all maintenance of the
5-9 improvement, and the district is not responsible for the
5-10 improvement or its maintenance.

5-11 (b) This section does not affect any authority of the
5-12 receiving entity to alter, relocate, close, or discontinue
5-13 maintenance of an improvement.

5-14 Sec. 11002.157. EFFECT OF CONVEYANCE ON DISTRICT DEBT.
5-15 Conveyance of a public improvement to a receiving entity under this
5-16 subchapter does not affect:

5-17 (1) the sole responsibility of the district to pay in
5-18 full the principal of and interest and any premium on any
5-19 outstanding district bonds or other debt; or

5-20 (2) the district's responsibility to perform the
5-21 obligations provided by an order or resolution authorizing bonds or
5-22 other debt.

5-23 [Sections 11002.158-11002.200 reserved for expansion]

5-24 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

5-25 Sec. 11002.201. ELECTIONS REGARDING TAXES OR BONDS. (a)
5-26 The district may issue, without an election, bonds and other
5-27 obligations secured by:

5-28 (1) revenue other than ad valorem taxes; or

5-29 (2) contract payments described by Section 11002.203.

5-30 (b) The district must hold an election in the manner
5-31 provided by Chapters 49 and 54, Water Code, to obtain voter approval
5-32 before the district may impose an ad valorem tax or issue bonds
5-33 payable from ad valorem taxes.

5-34 (c) The district may not issue bonds payable from ad valorem
5-35 taxes to finance a road project unless the issuance is approved by a
5-36 vote of a two-thirds majority of the district voters voting at an
5-37 election held for that purpose.

5-38 Sec. 11002.202. OPERATION AND MAINTENANCE TAX. (a) If
5-39 authorized at an election held under Section 11002.201, the
5-40 district may impose an operation and maintenance tax on taxable
5-41 property in the district in accordance with Section 49.107, Water
5-42 Code.

5-43 (b) The board shall determine the tax rate. The rate may not
5-44 exceed the rate approved at the election.

5-45 Sec. 11002.203. CONTRACT TAXES. (a) In accordance with
5-46 Section 49.108, Water Code, the district may impose a tax other than
5-47 an operation and maintenance tax and use the revenue derived from
5-48 the tax to make payments under a contract after the provisions of
5-49 the contract have been approved by a majority of the district voters
5-50 voting at an election held for that purpose.

5-51 (b) A contract approved by the district voters may contain a
5-52 provision stating that the contract may be modified or amended by
5-53 the board without further voter approval.

5-54 Sec. 11002.204. SALES AND USE TAX. (a) The district may
5-55 impose a sales and use tax if authorized by a majority of the voters
5-56 of the district voting at an election called for that purpose.
5-57 Revenue from the tax may be used for any purpose for which ad
5-58 valorem tax revenue of the district may be used.

5-59 (b) The district may not adopt a sales and use tax if as a
5-60 result of the adoption of the tax the combined rate of all sales and
5-61 use taxes imposed by the district and other political subdivisions
5-62 of this state having territory in the district would exceed two
5-63 percent at any location in the district.

5-64 (c) If the voters of the district approve the adoption of a
5-65 sales and use tax at an election held on the same election date on
5-66 which another political subdivision adopts a sales and use tax or
5-67 approves an increase in the rate of its sales and use tax and as a
5-68 result the combined rate of all sales and use taxes imposed by the
5-69 district and other political subdivisions of this state having

6-1 territory in the district would exceed two percent at any location
6-2 in the district, the election to adopt a sales and use tax under
6-3 this chapter has no effect.

6-4 (d) Chapter 321, Tax Code, applies to the imposition,
6-5 computation, administration, enforcement, and collection of the
6-6 sales and use tax imposed by this section except to the extent it is
6-7 inconsistent with this chapter.

6-8 (e) The district may not impose a sales and use tax at a rate
6-9 that would cause the rate of the total sales and use taxes collected
6-10 by all municipalities and other political subdivisions at a
6-11 location in the district to exceed the maximum rate allowed by law.
6-12 If a political subdivision's increase to a sales and use tax rate
6-13 causes the total sales and use tax rate imposed at a location in the
6-14 district to exceed the maximum rate allowed by law, the district's
6-15 sales and use tax rate is automatically reduced to bring the total
6-16 rate imposed at that location down to a rate allowed by law.

6-17 Sec. 11002.205. ASSESSMENTS; MUNICIPAL MANAGEMENT DISTRICT
6-18 POWERS. Except as provided by Section 11002.206, the district may
6-19 levy and collect special assessments in the same manner and for the
6-20 same purposes as a municipal management district as provided in
6-21 Subchapter F, Chapter 375, Local Government Code.

6-22 Sec. 11002.206. ELECTRIC UTILITY PROPERTY EXEMPT FROM
6-23 IMPACT FEES AND ASSESSMENTS. The district may not impose an impact
6-24 fee or assessment on the property, including the equipment,
6-25 rights-of-way, facilities, or improvements, of an electric
6-26 cooperative as defined by Section 161.002, Utilities Code.

6-27 [Sections 11002.207-11002.250 reserved for expansion]

6-28 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

6-29 Sec. 11002.251. AUTHORITY TO ISSUE BONDS AND OTHER
6-30 OBLIGATIONS. The district may issue bonds or other obligations
6-31 payable wholly or partly from ad valorem taxes, impact fees,
6-32 revenue, contract payments, grants, sales and use taxes, other
6-33 district money, or any combination of those sources to pay for any
6-34 authorized district purpose.

6-35 Sec. 11002.252. TAXES FOR BONDS. (a) At the time the
6-36 district issues bonds payable wholly or partly from ad valorem
6-37 taxes, the board shall provide for the annual imposition of an ad
6-38 valorem tax, without limit as to rate or amount, as required by
6-39 Section 54.601, Water Code.

6-40 (b) The board shall annually impose the tax while all or
6-41 part of the bonds are outstanding. Sections 54.601 and 54.602,
6-42 Water Code, govern the amount and rate of the tax.

6-43 Sec. 11002.253. BONDS FOR ROAD PROJECTS. At the time of
6-44 issuance, the total principal amount of bonds or other obligations
6-45 issued or incurred to finance road projects and payable from ad
6-46 valorem taxes may not exceed one-fourth of the assessed value of the
6-47 real property in the district.

6-48 SECTION 2. The Lajitas Utility District No. 1 of Brewster
6-49 County initially includes all the territory contained in the
6-50 following area:

6-51 FIELD NOTE DESCRIPTION

6-52 BEING A 2,763 ACRE TRACT OF LAND LOCATED IN PART OF THE M.K. &
6-53 T.E. RY. CO. SURVEY, BLOCK G-5, PART OF THE G.C. & S. F. RY. CO.
6-54 SURVEY, BLOCK G-12, AND PART OF THE T.C. RY. CO. SURVEY, BLOCK 341,
6-55 IN BREWSTER COUNTY, TEXAS AS CONVEYED BY SPECIAL WARRANTY DEED TO
6-56 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458 AND
6-57 VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS AND
6-58 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6-59 BEGINNING AT AN IRON BAR IN A ROCK MOUND FOUND TO MARK THE
6-60 COMMON CORNER OF SECTIONS 99 AND 98, BLOCK 341, PART OF A 3,248.2
6-61 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS
6-62 AND WILDLIFE DEPARTMENT AS RECORDED IN VOLUME 6, PAGE 432, DEED
6-63 RECORDS, BREWSTER COUNTY, TEXAS, SECTION 94, BLOCK 341, T.C. RY.
6-64 CO. SURVEY, BREWSTER COUNTY, TEXAS, AND SECTION 95, BLOCK 341, T.C.
6-65 RY. CO. SURVEY, A 640 ACRE TRACT OF LAND CONVEYED BY SPECIAL
6-66 WARRANTY DEED TO LAJITAS CAPITAL PARTNERS, LLC, RECORDED IN VOLUME
6-67 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;
6-68 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 98, BLOCK 341
6-69 AND THE WEST LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE OF

7-1 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
7-2 SAID SECTION 98, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
7-3 SECTION 95, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 96,
7-4 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
7-5 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
7-6 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST
7-7 CORNER OF SECTION 97, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF
7-8 LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE
7-9 DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER
7-10 COUNTY, TEXAS;
7-11 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 97, BLOCK 341
7-12 AND THE WEST LINE OF SAID SECTION 96, BLOCK 341 A DISTANCE OF
7-13 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
7-14 SAID SECTION 97, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
7-15 SECTION 96, BLOCK 341, BEING THE SOUTHEAST CORNER OF SECTION 55,
7-16 BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A
7-17 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY
7-18 SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED
7-19 RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF
7-20 SECTION 56, BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS
7-21 CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
7-22 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;
7-23 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 55, BLOCK
7-24 G-12 AND THE NORTH LINE OF SAID SECTION 97, BLOCK 341 A DISTANCE OF
7-25 5,277.78 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF
7-26 SAID SECTION 55, BLOCK G-12, BEING THE NORTHWEST CORNER OF SAID
7-27 SECTION 97, BLOCK 341, BEING THE NORTHEAST CORNER OF SECTION 102,
7-28 BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
7-29 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
7-30 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
7-31 THE SOUTHEAST CORNER OF SECTION 54, BLOCK G-12, G.C. & S.F. RY. CO.
7-32 SURVEY, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
7-33 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
7-34 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS;
7-35 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 54, BLOCK
7-36 G-12 AND THE WEST LINE OF SAID SECTION 55, BLOCK G-12, A DISTANCE OF
7-37 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
7-38 SAID SECTION 55, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
7-39 SECTION 54, BLOCK G-12, BEING THE SOUTHEAST CORNER OF SECTION 49,
7-40 BLOCK G-12, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
7-41 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
7-42 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
7-43 THE SOUTHWEST CORNER OF SECTION 48, BLOCK G-12, A 640 ACRE TRACT OF
7-44 LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY
7-45 DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
7-46 COUNTY, TEXAS;
7-47 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 49, BLOCK
7-48 G-12 AND THE WEST LINE OF SAID SECTION 48, BLOCK G-12, A DISTANCE OF
7-49 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
7-50 SAID SECTION 48, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
7-51 SECTION 49, BLOCK G-12, BEING THE SOUTHWEST CORNER OF SECTION 47,
7-52 BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
7-53 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
7-54 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST
7-55 CORNER OF A TRACT OF LAND IN SECTION 50, BLOCK G-12 CONVEYED TO JANE
7-56 STAVINOHA AND SUZANNE STAVINOHA RECORDED IN VOLUME 243, PAGES
7-57 188,192,192,194,196, AND 198, DEED RECORDS, BREWSTER COUNTY,
7-58 TEXAS;
7-59 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID STAVINOHA TRACT,
7-60 SECTION 50 BLOCK G-12 AND THE WEST LINE OF SAID SECTION 47, BLOCK
7-61 G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE
7-62 NORTHEAST CORNER OF SAID STAVINOAH TRACT, SECTION 50, BLOCK G-12,
7-63 BEING THE NORTHWEST CORNER OF SAID SECTION 47, BLOCK G-12, BEING THE
7-64 SOUTHEAST CORNER OF SECTION 104, BLOCK G-5, M.K. & T.E. RY. CO.
7-65 SURVEY, BREWSTER COUNTY, TEXAS, A 640 ACRE TRACT OF LAND CONVEYED TO
7-66 THOMAS R. VESTER RECORDED IN VOLUME 192, PAGE 263, DEED RECORDS,
7-67 BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION
7-68 103, BLOCK G-5, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
7-69 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,

8-1 BREWSTER COUNTY, TEXAS;
 8-2 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID VESTER TRACT, SECTION
 8-3 104, BLOCK G-5 AND THE WEST LINE OF SAID SECTION 103, BLOCK G-5, A
 8-4 DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST
 8-5 CORNER OF SAID VESTER TRACT, SECTION 104, BLOCK G-5, BEING THE
 8-6 NORTHWEST CORNER OF SAID SECTION 103, BLOCK G-5, BEING THE
 8-7 SOUTHEAST CORNER OF SECTION 105, BLOCK G-5, A 640 ACRE TRACT OF LAND
 8-8 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
 8-9 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
 8-10 SOUTHWEST CORNER OF A TRACT OF LAND IN SECTION 102, BLOCK G-5
 8-11 CONVEYED TO MARK FUSCA RECORDED IN VOLUME 198, PAGE 470, DEED
 8-12 RECORDS, BREWSTER COUNTY, TEXAS;
 8-13 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 103, BLOCK
 8-14 G-5 AND THE SOUTH LINE OF SAID FUSCA TRACT, SECTION 102, BLOCK G-5 A
 8-15 DISTANCE OF 659.72 FEET TO A POINT FOR CORNER;
 8-16 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
 8-17 SECTION 103, BLOCK G-5 BEING THE NORTH LINE OF SAID SECTION 47,
 8-18 BLOCK G-12, PASSING AT 10,555.56 FEET THE SOUTH LINE OF SAID SECTION
 8-19 47, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 48, BLOCK G-12,
 8-20 PASSING AT 15,833.33 FEET THE SOUTH LINE OF SAID SECTION 48, BLOCK
 8-21 G-12 BEING THE NORTH LINE OF SAID SECTION 55, BLOCK G-12, AND
 8-22 CONTINUING A TOTAL DISTANCE OF 20,451.45 FEET TO A POINT FOR CORNER;
 8-23 THENCE S88°52'12"E PASSING AT 4,618.06 FEET THE EAST LINE OF SAID
 8-24 SECTION 55, BLOCK G-12 BEING THE WEST LINE OF SAID SECTION 56, BLOCK
 8-25 G-12, AND CONTINUING A TOTAL DISTANCE OF 5,277.78 FEET TO A POINT
 8-26 FOR CORNER;
 8-27 THENCE S01°07'48"W PASSING AT 659.72 FEET, THE SOUTH LINE OF SAID
 8-28 SECTION 56, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 96,
 8-29 BLOCK 341, PASSING AT 5,937.45 FEET THE SOUTH LINE OF SAID SECTION
 8-30 96, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 95, BLOCK 341 AND
 8-31 CONTINUING A TOTAL DISTANCE OF 9,895.84 FEET TO A POINT FOR CORNER;
 8-32 THENCE S88°52'12"E PASSING AT 4,618.06 FEET, THE EAST LINE OF SAID
 8-33 SECTION 95, BLOCK 341 BEING THE WEST LINE OF SECTION 86, BLOCK 341,
 8-34 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
 8-35 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
 8-36 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 8,576.40 FEET TO A POINT
 8-37 FOR CORNER;
 8-38 THENCE N01°07'48"E PASSING AT 3,958.33 FEET, THE NORTH LINE OF SAID
 8-39 SECTION 86, BLOCK 341 BEING THE SOUTH LINE OF SECTION 85, BLOCK 341,
 8-40 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
 8-41 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
 8-42 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 9,236.12 FEET TO A POINT
 8-43 FOR CORNER IN THE NORTH LINE OF SAID SECTION 85, BLOCK 341 BEING THE
 8-44 SOUTH LINE OF SECTION 57, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY,
 8-45 BREWSTER COUNTY, TEXAS;
 8-46 THENCE S88°52'12"E ALONG THE NORTH LINE SAID SECTION 85, BLOCK 341
 8-47 BEING THE SOUTH LINE OF SAID SECTION 57, BLOCK G-12, A DISTANCE OF
 8-48 1,319.44 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
 8-49 SAID SECTION 85, BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 57,
 8-50 BLOCK G-12, THE SOUTHWEST CORNER OF SECTION 58, BLOCK G-12, G.C. &
 8-51 S.F. RY. CO. SURVEY BREWSTER COUNTY, TEXAS, AND THE NORTHWEST
 8-52 CORNER OF SECTION 84, BLOCK 341, T..C. RY. CO. SURVEY, BREWSTER
 8-53 COUNTY, TEXAS;
 8-54 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 85, BLOCK 341
 8-55 BEING THE WEST LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE OF
 8-56 5,277.78 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID
 8-57 SECTION 85, BLOCK 341 BEING THE SOUTHWEST CORNER OF SAID SECTION 84,
 8-58 BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 86, BLOCK 341,
 8-59 AND BEING THE NORTHWEST CORNER OF SECTION 83, BLOCK 341, A 640 ACRE
 8-60 TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC AS RECORDED
 8-61 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;
 8-62 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 83, BLOCK
 8-63 341 BEING THE SOUTH LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE
 8-64 OF 1,319.44 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID
 8-65 SECTION 83, BLOCK 341;
 8-66 THENCE S01°07'48"W A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER
 8-67 IN THE SOUTH LINE OF SAID SECTION 83, BLOCK 341 BEING IN THE NORTH
 8-68 LINE OF A 612 ACRE MORE OR LESS TRACT OF LAND IN SECTION 82, BLOCK
 8-69 341, T.C. RY. CO. SURVEY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC

9-1 AS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
9-2 TEXAS;
9-3 THENCE S88°52'12"E, PASSING AT 3,958.34 FEET, THE SOUTHEAST CORNER
9-4 OF SAID SECTION 83, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
9-5 SECTION 82, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 74,
9-6 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
9-7 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
9-8 BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION
9-9 75, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
9-10 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
9-11 BREWSTER COUNTY, TEXAS, PASSING AT 9,236.11, THE SOUTHEAST CORNER
9-12 OF SAID SECTION 74, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
9-13 SECTION 75, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 64,
9-14 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
9-15 PARTNERS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
9-16 COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION 63, BLOCK
9-17 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS,
9-18 LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
9-19 COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 13,194.46 FEET TO
9-20 A POINT FOR CORNER;
9-21 THENCE N01°07'48"E, A DISTANCE OF 5,277.78 FEET TO A POINT FOR
9-22 CORNER IN THE NORTH LINE OF SAID SECTION 64, BLOCK 341;
9-23 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 64, BLOCK
9-24 341 BEING THE SOUTH LINE OF SECTION 72, BLOCK 341, T.C. RY. CO.
9-25 SURVEY, BREWSTER COUNTY, TEXAS, A DISTANCE OF 1,319.44 FEET TO A
9-26 POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 64,
9-27 BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 72, BLOCK 341, THE
9-28 SOUTHWEST CORNER OF SECTION 71, BLOCK 341, A 640 ACRE TRACT OF LAND
9-29 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
9-30 PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
9-31 NORTHWEST CORNER OF A TRACT OF LAND IN SECTION 65, BLOCK 341
9-32 CONVEYED TO RAYMOND WAYNE PAULY RECORDED IN VOLUME 96, PAGE 308,
9-33 DEED RECORDS, BREWSTER COUNTY, TEXAS;
9-34 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 64, BLOCK
9-35 341, PASSING AT A DISTANCE OF 5,277.78 FEET THE SOUTH LINE OF SAID
9-36 SECTION 64, BLOCK 341, BEING THE NORTH LINE OF SAID SECTION 63,
9-37 BLOCK 341, AND CONTINUING A TOTAL DISTANCE OF 6,277.78 FEET TO A
9-38 POINT FOR CORNER;
9-39 THENCE N88°52'12"W PASSING AT 5,277.78 FEET, THE WEST LINE OF SAID
9-40 SECTION 63, BLOCK 341, BEING THE EAST LINE OF SAID SECTION 75, BLOCK
9-41 341, PASSING AT 10,555.56 FEET THE WEST LINE OF SAID SECTION 75,
9-42 BLOCK 341, BEING THE EAST LINE OF SAID SECTION 82, BLOCK 341, AND
9-43 CONTINUING A TOTAL DISTANCE OF 14,513.90 FEET TO A POINT FOR CORNER;
9-44 THENCE S01°07'48"W PASSING AT 4,277.78 FEET, THE SOUTH LINE OF SAID
9-45 SECTION 82, BLOCK 341, BEING THE NORTH LINE OF SECTION 81, BLOCK
9-46 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO. SURVEY,
9-47 BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED
9-48 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND
9-49 CONTINUING A TOTAL DISTANCE OF 9,555.53 FEET TO A POINT FOR CORNER
9-50 IN THE SOUTH LINE OF SAID SECTION 81, BLOCK 341;
9-51 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 81, BLOCK
9-52 341, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE
9-53 SOUTHWEST CORNER OF SAID SECTION 81, BLOCK 341, AND BEING THE
9-54 SOUTHEAST CORNER OF PART OF A 440 ACRE TRACT OF LAND IN SECTION 88,
9-55 BLOCK 341 IN THE T.C. RY. CO. SURVEY, BREWSTER COUNTY CONVEYED TO
9-56 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502,
9-57 DEED RECORDS, BREWSTER COUNTY, TEXAS;
9-58 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 88, BLOCK 341
9-59 BEING THE WEST LINE OF SAID SECTION 81, BLOCK 341 PASSING AT
9-60 5,277.78 FEET THE NORTH LINE OF SAID SECTIONS 81 AND 88 BLOCK 341,
9-61 BEING THE SOUTH LINE OF SAID SECTION 82, BLOCK 341, AND SECTION 87,
9-62 BLOCK 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO.
9-63 SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
9-64 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
9-65 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 10,555.56 FEET TO A POINT
9-66 FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 82, BLOCK 341,
9-67 BEING THE NORTHEAST CORNER OF SAID SECTION 87, BLOCK 341, BEING THE
9-68 SOUTHWEST CORNER OF SAID SECTION 83, BLOCK, AND BEING THE SOUTHEAST
9-69 CORNER OF SAID SECTION 86, BLOCK 341;

10-1 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 87, BLOCK
 10-2 341 BEING THE SOUTH LINE OF SAID SECTION 86, BLOCK 341, A DISTANCE
 10-3 OF 4,618.06 FEET TO A POINT FOR CORNER;
 10-4 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
 10-5 SECTION 87, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 88, BLOCK
 10-6 341 CONTINUING A TOTAL DISTANCE OF 5,607.64 FEET TO A POINT FOR
 10-7 CORNER IN SAID 440 ACRE TRACT OF LAND IN SAID SECTION 88, BLOCK 341;
 10-8 THENCE N88°52'12"W, A DISTANCE OF 659.72 FEET TO A POINT FOR CORNER
 10-9 IN THE WEST LINE OF SAID SECTION 88, BLOCK 341, BEING IN THE EAST
 10-10 LINE OF SECTION 93, BLOCK 341, T.C RY. CO. SURVEY BREWSTER COUNTY,
 10-11 TEXAS, A 618.88 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
 10-12 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
 10-13 BREWSTER COUNTY, TEXAS;
 10-14 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 93, BLOCK
 10-15 341, BEING THE WEST LINE OF SAID SECTION 88, BLOCK 341, A DISTANCE
 10-16 OF 1,051.38 FEET TO A POINT FOR CORNER;
 10-17 THENCE N89°27'31"W PASSING AT 5,272.25 FEET, THE WEST LINE OF SAID
 10-18 SECTION 93, BLOCK 341 BEING THE EAST LINE OF SECTION 92, BLOCK 341
 10-19 T.C. RY. CO. SURVEY, BREWSTER COUNTY, A 419.6 ACRE TRACT OF LAND
 10-20 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
 10-21 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS AND CONTINUING A
 10-22 TOTAL DISTANCE OF 9,614.91 FEET TO A UNITED STATES DEPARTMENT OF THE
 10-23 INTERIOR MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 39, BLOCK
 10-24 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;
 10-25 THENCE N89°27'27"W ALONG THE NORTH LINE OF SAID SECTION 39, A
 10-26 DISTANCE OF 2,634.23 FEET TO A POINT FOR CORNER BEING THE NORTHWEST
 10-27 CORNER OF SECTION 39, BLOCK 341 AND BEING IN THE EAST LINE OF
 10-28 SECTION 37, BLOCK 341, PART OF A 201.84 ACRE TRACT OF LAND IN
 10-29 SECTIONS 36, 37, AND 100 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
 10-30 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
 10-31 TEXAS;
 10-32 THENCE N71°35'00"W, DEPARTING THE EAST LINE OF SAID SECTION 37,
 10-33 BLOCK 341 AND CONTINUING ACROSS SAID SECTION 37, BLOCK 341, A
 10-34 DISTANCE OF 2,618.38 FEET TO A POINT FOR CORNER;
 10-35 THENCE N27°10'25"W PASSING AT APPROXIMATELY 263 FEET, THE EAST LINE
 10-36 OF SAID SECTION 36, BLOCK 341 AND CONTINUING A TOTAL DISTANCE OF
 10-37 2,314.62 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF A
 10-38 52.918 ACRE TRACT OF LAND IN SECTION 36, BLOCK 341 CONVEYED TO
 10-39 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458,
 10-40 DEED RECORDS, BREWSTER COUNTY, TEXAS;
 10-41 THENCE N26°12'29"W ALONG THE SOUTHWESTERLY LINE OF SAID 52.918 ACRE
 10-42 TRACT, A DISTANCE OF 876.56 FEET TO A POINT FOR CORNER;
 10-43 THENCE N01°07'48"E, PASSING AT APPROXIMATELY 1,273 FEET, THE NORTH
 10-44 LINE OF SAID 52.918 ACRE LAND AND THE SOUTH LINE OF A CALLED 359.313
 10-45 ACRE TRACT OF LAND IN SECTIONS 36, 37, AND 100, BLOCK 341 AS
 10-46 DESCRIBED IN DEED CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
 10-47 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
 10-48 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 5,035.59 FEET TO A POINT
 10-49 FOR CORNER;
 10-50 THENCE S88°52'12"E, A DISTANCE OF 1,375.22 FEET TO A POINT FOR
 10-51 CORNER IN THE EAST LINE OF SAID SECTION 36, BLOCK 341 BEING IN THE
 10-52 WEST LINE OF SAID SECTION 100, BLOCK 341;
 10-53 THENCE S01°07'48"W, A DISTANCE OF 3,759.90 FEET TO A POINT FOR
 10-54 CORNER IN THE WEST LINE OF SAID SECTION 37, BLOCK 341;
 10-55 THENCE N88°52'12"W, A DISTANCE OF 779.27 FEET TO A POINT FOR CORNER,
 10-56 SAID CORNER BEING THE NORTHEAST CORNER OF SAID 52.918 ACRE TRACT OF
 10-57 LAND;
 10-58 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID 52.918 ACRE TRACT OF
 10-59 LAND, A DISTANCE OF 1,172.25 FEET TO A POINT FOR CORNER;
 10-60 THENCE S19°23'42"W CONTINUING ALONG THE EAST LINE OF SAID 52.918
 10-61 ACRE TRACT, A DISTANCE OF 222.85 FEET TO A POINT FOR CORNER;
 10-62 THENCE S11°23'22"W CONTINUING ALONG THE EASTERLY LINE OF SAID 52.918
 10-63 ACRE TRACT, A DISTANCE OF 523.85 FEET TO A POINT FOR CORNER IN THE
 10-64 EAST LINE OF SAID 52.918 ACRE TRACT;
 10-65 THENCE S27°10'25"E, DEPARTING THE EASTERLY LINE OF SAID 52.918 ACRE
 10-66 TRACT OF LAND, ACROSS SAID SECTION 36, BLOCK 341, A DISTANCE OF
 10-67 2,394.95 FEET TO A POINT FOR CORNER;
 10-68 THENCE S71°35'00"E ACROSS SAID SECTION 37, BLOCK 341, A DISTANCE OF
 10-69 2,561.61 FEET TO A POINT FOR CORNER;

11-1 THENCE S89°27'27"E, A DISTANCE OF 2,619.75 FEET TO A POINT FOR
 11-2 CORNER;
 11-3 THENCE N01°07'48"E A DISTANCE OF 2,303.36 FEET TO A POINT IN THE
 11-4 NORTH LINE OF SAID SECTION 92, BLOCK 341 BEING THE SOUTH LINE OF
 11-5 SECTION MC-1, PART OF A 84.62 ACRE TRACT OF LAND CONVEYED TO LAJITAS
 11-6 CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED
 11-7 RECORDS, BREWSTER COUNTY, TEXAS;
 11-8 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 92, BLOCK
 11-9 341, BEING THE SOUTH LINE OF SECTION MC-1, BLOCK 341, A DISTANCE OF
 11-10 4,336.93 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
 11-11 SAID SECTION 92, BLOCK 341 AND THE SOUTHEAST CORNER OF SAID SECTION
 11-12 MC-1, BLOCK 341;
 11-13 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 92, BLOCK
 11-14 341, A DISTANCE OF 924.38 FEET TO A POINT FOR CORNER BEING THE
 11-15 SOUTHWEST CORNER OF SAID SECTION 94, BLOCK 341 AND THE NORTHWEST
 11-16 CORNER OF SAID SECTION 93, BLOCK 341;
 11-17 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 93, BLOCK
 11-18 341 BEING THE SOUTH LINE OF SAID SECTION 94, BLOCK 341, A DISTANCE
 11-19 OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
 11-20 SAID SECTION 93, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID
 11-21 SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION
 11-22 88, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 87,
 11-23 BLOCK 341;
 11-24 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 94, BLOCK 341
 11-25 BEING THE WEST LINE OF SAID SECTION 87, BLOCK 341, A DISTANCE OF
 11-26 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
 11-27 SAID SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
 11-28 SECTION 87, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID SECTION
 11-29 95, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 86,
 11-30 BLOCK 341;
 11-31 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 94, BLOCK
 11-32 341 BEING THE SOUTH LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE
 11-33 OF 5,277.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,763
 11-34 ACRES, MORE OR LESS.

11-35 THE BASIS OF BEARINGS IS THE NORTH AMERICAN DATUM (NAD) OF 1983
 11-36 (1993), GRID BEARINGS, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH
 11-37 CENTRAL ZONE 4204, CORS96, EPOCH 2002.00.

11-38 SECTION 3. (a) The legal notice of the intention to
 11-39 introduce this Act, setting forth the general substance of this
 11-40 Act, has been published as provided by law, and the notice and a
 11-41 copy of this Act have been furnished to all persons, agencies,
 11-42 officials, or entities to which they are required to be furnished
 11-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 11-44 Government Code.

11-45 (b) The governor, one of the required recipients, has
 11-46 submitted the notice and Act to the Texas Commission on
 11-47 Environmental Quality.

11-48 (c) The Texas Commission on Environmental Quality has filed
 11-49 its recommendations relating to this Act with the governor, the
 11-50 lieutenant governor, and the speaker of the house of
 11-51 representatives within the required time.

11-52 (d) All requirements of the constitution and laws of this
 11-53 state and the rules and procedures of the legislature with respect
 11-54 to the notice, introduction, and passage of this Act are fulfilled
 11-55 and accomplished.

11-56 SECTION 4. (a) Section 11002.107, Special District Local
 11-57 Laws Code, as added by this Act, takes effect only if this Act
 11-58 receives a two-thirds vote of all the members elected to each house.

11-59 (b) If this Act does not receive a two-thirds vote of all the
 11-60 members elected to each house, Subchapter C, Chapter 11002, Special
 11-61 District Local Laws Code, as added by this Act, is amended by adding
 11-62 Section 11002.107 to read as follows:

11-63 Sec. 11002.107. NO EMINENT DOMAIN POWER. The district may
 11-64 not exercise the power of eminent domain.

11-65 (c) This section is not intended to be an expression of a
 11-66 legislative interpretation of the requirements of Section 17(c),
 11-67 Article I, Texas Constitution.

11-68 SECTION 5. Except as otherwise provided by this Act:

11-69 (1) this Act takes effect immediately if it receives a

12-1 vote of two-thirds of all the members elected to each house, as
12-2 provided by Section 39, Article III, Texas Constitution; and
12-3 (2) if this Act does not receive the vote necessary for
12-4 immediate effect, this Act takes effect September 1, 2011.

12-5

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