

By: Watson

S.B. No. 768

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8379 to read as follows:

CHAPTER 8379. RIO DE VIDA MUNICIPAL UTILITY

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8379.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Austin, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "County" means Travis County.

(5) "Director" means a board member.

(6) "District" means the Rio de Vida Municipal Utility District No. 1.

Sec. 8379.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8379.003. CONFIRMATION ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district.

1 Sec. 8379.004. CONSENT OF CITY REQUIRED; ENFORCEABILITY OF
2 CONSENT AGREEMENT. (a) The temporary directors may not hold an
3 election under Section 8379.003 until the city has consented by
4 ordinance or resolution to the creation of the district and to the
5 inclusion of land in the district.

6 (b) If the city does not consent to the creation of the
7 district under this section before September 1, 2012, the district
8 is dissolved September 1, 2012, except that:

9 (1) any debts incurred shall be paid;

10 (2) any assets that remain after the payment of debts
11 shall be transferred to the city or another local governmental
12 entity to be used for a public purpose; and

13 (3) the organization of the district shall be
14 maintained until all debts are paid and remaining assets are
15 transferred.

16 Sec. 8379.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

25 (3) Section 52-a, Article III, Texas Constitution.

26 (c) By creating the district and in authorizing the city,
27 the county, and other political subdivisions to contract with the

1 district, the legislature has established a program to accomplish
2 the public purposes set out in Section 52-a, Article III, Texas
3 Constitution.

4 Sec. 8379.006. INITIAL DISTRICT TERRITORY. (a) The
5 district is initially composed of the territory described by
6 Section 2 of the Act enacting this chapter.

7 (b) The boundaries and field notes contained in Section 2 of
8 the Act enacting this chapter form a closure. A mistake made in the
9 field notes or in copying the field notes in the legislative process
10 does not affect the district's:

11 (1) organization, existence, or validity;

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

15 (3) right to impose a tax; or

16 (4) legality or operation.

17 Sec. 8379.007. ELIGIBILITY FOR INCLUSION IN TAX ABATEMENT
18 REINVESTMENT ZONE. All or any part of the area of the district is
19 eligible to be included in a tax abatement reinvestment zone
20 created by a municipality in which the district is located under
21 Chapter 312, Tax Code.

22 [Sections 8379.008-8379.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 8379.051. GOVERNING BODY; TERMS. (a) The district is
25 governed by a board of five directors who serve staggered terms of
26 four years, with two or three directors' terms expiring June 1 of
27 each odd-numbered year.

1 (b) A director may not serve more than two full terms of four
2 years.

3 Sec. 8379.052. APPOINTMENT OF DIRECTORS. (a) Except as
4 provided by Subsection (c), the members of the governing body of the
5 city shall appoint the directors. Four of the five directors must
6 be appointed from persons recommended by the board.

7 (b) A person is appointed if a majority of the members of the
8 governing body vote to appoint the person.

9 (c) Beginning on January 1, 2041, the members of the
10 governing body of the city may appoint all of the directors without
11 the recommendation of the board. This subsection applies only to a
12 director whose term expires on or after January 1, 2041.

13 Sec. 8379.053. QUALIFICATIONS. (a) A person recommended
14 by the board must:

15 (1) reside in the district; or

16 (2) own real property in the district.

17 (b) A person appointed without the recommendation of the
18 board must meet the qualifications prescribed by Section
19 375.064(f), Local Government Code.

20 Sec. 8379.054. TEMPORARY DIRECTORS. (a) The temporary
21 board consists of:

22 (1) _____;

23 (2) _____;

24 (3) _____;

25 (4) _____; and

26 (5) _____.

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

1 (1) the date permanent directors are appointed under
2 Section 8379.052; or

3 (2) September 1, 2015.

4 (c) Section 8379.053 does not apply to this section.

5 [Sections 8379.055-8379.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8379.101. GENERAL POWERS AND DUTIES. The district has
8 the powers and duties necessary to accomplish the purposes for
9 which the district is created.

10 Sec. 8379.102. MUNICIPAL UTILITY DISTRICT POWERS AND
11 DUTIES. The district has the powers and duties provided by the
12 general law of this state, including Chapters 49 and 54, Water Code,
13 applicable to municipal utility districts created under Section 59,
14 Article XVI, Texas Constitution.

15 Sec. 8379.103. AUTHORITY FOR ROAD PROJECTS. Under Section
16 52, Article III, Texas Constitution, the district may design,
17 acquire, construct, finance, issue bonds for, improve, operate,
18 maintain, and convey to this state, a county, or a municipality for
19 operation and maintenance macadamized, graveled, or paved roads, or
20 improvements, including storm drainage, in aid of those roads.

21 Sec. 8379.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
22 road project must meet all applicable construction standards,
23 zoning and subdivision requirements, and regulations of each
24 municipality in whose corporate limits or extraterritorial
25 jurisdiction the road project is located.

26 (b) If a road project is not located in the corporate limits
27 or extraterritorial jurisdiction of a municipality, the road

1 project must meet all applicable construction standards,
2 subdivision requirements, and regulations of each county in which
3 the road project is located.

4 (c) If the state will maintain and operate the road, the
5 Texas Transportation Commission must approve the plans and
6 specifications of the road project.

7 Sec. 8379.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
8 OR RESOLUTION. The district shall comply with all applicable
9 requirements of any ordinance or resolution that is adopted under
10 Section 54.016 or 54.0165, Water Code, and that consents to the
11 creation of the district or to the inclusion of land in the
12 district.

13 Sec. 8379.106. CONTRACT TO FURTHER REGIONAL COOPERATION.
14 The district and city may contract on terms that the board and
15 governing body of the city agree will further regional cooperation
16 between the district and city.

17 Sec. 8379.107. ECONOMIC DEVELOPMENT. (a) Before
18 exercising a power under this section, the district must obtain the
19 city's consent.

20 (b) The district may engage in activities that accomplish
21 the economic development purposes of the district.

22 (c) The district may establish and provide for the
23 administration of one or more programs to promote state or local
24 economic development and to stimulate business and commercial
25 activity in the district, including programs to:

- 26 (1) make loans and grants of public money; and
27 (2) provide district personnel and services.

1 (d) The district may create economic development programs
2 and exercise the economic development powers that Chapter 380,
3 Local Government Code, provides to a municipality.

4 Sec. 8379.108. RECLAMATION AND GRADING POWERS. The
5 district may construct, acquire, improve, maintain, finance, or
6 operate a facility or improvement related to reclaiming or grading
7 land in the district.

8 Sec. 8379.109. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 [Sections 8379.110-8379.150 reserved for expansion]

11 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

12 Sec. 8379.151. DIVISION OF DISTRICT; PREREQUISITES. The
13 district may be divided into two or more new districts only if the
14 district:

15 (1) has no outstanding bonded debt; and

16 (2) is not imposing ad valorem taxes.

17 Sec. 8379.152. LAW APPLICABLE TO NEW DISTRICT. This
18 chapter applies to any new district created by division of the
19 district, and a new district has all the powers and duties of the
20 district.

21 Sec. 8379.153. LIMITATION ON AREA OF NEW DISTRICT. A new
22 district created by the division of the district may not, at the
23 time the new district is created, contain any land outside the area
24 described by Section 2 of the Act enacting this chapter.

25 Sec. 8379.154. CONSENT OF MUNICIPALITY OR COUNTY. (a) If
26 the district is located wholly or partly in the corporate limits or
27 the extraterritorial jurisdiction of a municipality, the district

1 may not divide under this subchapter unless the municipality by
2 resolution or ordinance first consents to the division of the
3 district.

4 (b) If the district is not located wholly or partly in the
5 corporate limits or the extraterritorial jurisdiction of a
6 municipality, the district may not divide under this subchapter
7 unless the commissioners court of each county in which the district
8 is wholly or partly located first adopts a resolution or order in
9 support of the division of the district.

10 Sec. 8379.155. DIVISION PROCEDURES. (a) The board, on its
11 own motion or on receipt of a petition signed by the owner or owners
12 of a majority of the assessed value of the real property in the
13 district, may adopt an order dividing the district.

14 (b) The board may adopt an order dividing the district
15 before or after the date the board holds an election under Section
16 8379.003 to confirm the district's creation.

17 (c) An order dividing the district must:

18 (1) name each new district;

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

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

22 and

23 (4) provide for the division of assets and liabilities
24 between the new districts.

25 (d) On or before the 30th day after the date of adoption of
26 an order dividing the district, the district shall file the order
27 with the commission and record the order in the real property

1 records of each county in which the district is located.

2 Sec. 8379.156. TAX OR BOND ELECTION. Before a new district
3 created by the division of the district may impose a sales and use
4 tax or an operation and maintenance tax or issue bonds payable
5 wholly or partly from ad valorem taxes, the new district must hold
6 an election as required by this chapter.

7 [Sections 8379.157-8379.200 reserved for expansion]

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

9 Sec. 8379.201. ELECTIONS REGARDING TAXES OR BONDS.

10 (a) The district may issue, without an election, bonds and other
11 obligations secured by:

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

13 (2) contract payments described by Section 8379.203.

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

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

22 Sec. 8379.202. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 8379.201, the district
24 may impose an operation and maintenance tax on taxable property in
25 the district in accordance with Section 49.107, Water Code.

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

1 (c) If required by an agreement between the district and
2 city under Section 8379.106, the total ad valorem tax rate of the
3 district may not be less than the total ad valorem tax rate of the
4 city.

5 Sec. 8379.203. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 Sec. 8379.204. APPROVAL BY CITY OF CAPITAL IMPROVEMENTS
15 BUDGET. If the district obtains approval from the city's governing
16 body of a capital improvements budget for a period not to exceed 10
17 years, the district may finance the capital improvements and issue
18 bonds specified in the budget without further approval from the
19 city.

20 [Sections 8379.205-8379.250 reserved for expansion]

21 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

22 Sec. 8379.251. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, sales and use taxes, hotel occupancy taxes, contract
26 payments, grants, or other district money, or any combination of
27 those sources, to pay for any authorized district purpose.

1 Sec. 8379.252. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 8379.253. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 Sec. 8379.254. BONDS FOR RECREATIONAL FACILITIES. The
13 limitation on the outstanding principal amount of bonds, notes, and
14 other obligations provided by Section 49.4645, Water Code, does not
15 apply to the district.

16 [Sections 8379.255-8379.300 reserved for expansion]

17 SUBCHAPTER G. SALES AND USE TAX

18 Sec. 8379.301. APPLICABILITY OF CERTAIN TAX CODE
19 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
20 computation, administration, enforcement, and collection of the
21 sales and use tax authorized by this subchapter except to the extent
22 Chapter 321, Tax Code, is inconsistent with this chapter.

23 (b) A reference in Chapter 321, Tax Code, to a municipality
24 or the governing body of a municipality is a reference to the
25 district or the board, respectively.

26 Sec. 8379.302. ELECTION; ADOPTION OF TAX. (a) The
27 district may adopt a sales and use tax if:

1 (1) the city consents to the adoption of the tax; and

2 (2) the tax is authorized by a majority of the voters
3 of the district voting at an election held for that purpose.

4 (b) Subject to city consent under Subsection (a), the board
5 by order may call an election to authorize the adoption of the sales
6 and use tax. The election may be held on any uniform election date
7 and in conjunction with any other district election.

8 (c) The district shall provide notice of the election and
9 shall hold the election in the manner prescribed by Section
10 8379.201.

11 (d) The ballot shall be printed to provide for voting for or
12 against the proposition: "Authorization of a sales and use tax in
13 the Rio de Vida Municipal Utility District No. 1 at a rate not to
14 exceed ____ percent" (insert rate of one or more increments of
15 one-eighth of one percent).

16 Sec. 8379.303. SALES AND USE TAX RATE. (a) Not later than
17 the 10th day after the date the results are declared of an election
18 held under Section 8379.302, at which the voters approved
19 imposition of the tax authorized by this subchapter, the board
20 shall determine the initial rate of the tax, which must be in one or
21 more increments of one-eighth of one percent.

22 (b) After the election held under Section 8379.302, the
23 board may decrease the rate of the tax by one or more increments of
24 one-eighth of one percent. The board may not decrease the rate of
25 the tax if the decrease would impair the repayment of any
26 outstanding debt or obligation payable from the tax.

27 (c) The rate of the tax may not exceed the lesser of:

1 (1) the maximum rate authorized by the district voters
2 at the election held under Section 8379.302; or

3 (2) a rate that, when added to the rates of all sales
4 and use taxes imposed by other political subdivisions with
5 territory in the district, would result in the maximum combined
6 rate prescribed by Section 321.101(f), Tax Code, at any location in
7 the district.

8 (d) The board shall notify the comptroller of any changes
9 made to the tax rate in the same manner the municipal secretary
10 provides notice to the comptroller under Section 321.405(b), Tax
11 Code.

12 Sec. 8379.304. USE OF REVENUE. Revenue from the sales and
13 use tax imposed under this subchapter is for the use and benefit of
14 the district and may be used for any district purpose. The district
15 may pledge all or part of the revenue to the payment of bonds,
16 notes, or other obligations, and that pledge of revenue may be in
17 combination with other revenue, including tax revenue, available to
18 the district.

19 Sec. 8379.305. ABOLITION OF TAX. (a) The board may
20 abolish the tax imposed under this subchapter without an election.

21 (b) If the board abolishes the tax, the board shall notify
22 the comptroller of that action in the same manner the municipal
23 secretary provides notice to the comptroller under Section
24 321.405(b), Tax Code.

25 (c) If the board abolishes the tax or decreases the tax rate
26 to zero, a new election to authorize a sales and use tax must be held
27 under Section 8379.302 before the district may subsequently impose

1 the tax.

2 [Sections 8379.306-8379.350 reserved for expansion]

3 SUBCHAPTER H. HOTEL OCCUPANCY TAX

4 Sec. 8379.351. DEFINITION. In this subchapter, "hotel" has
5 the meaning assigned by Section 156.001, Tax Code.

6 Sec. 8379.352. APPLICABILITY OF CERTAIN TAX CODE
7 PROVISIONS. (a) In this subchapter:

8 (1) a reference in Subchapter A, Chapter 352, Tax
9 Code, to a county is a reference to the district; and

10 (2) a reference in Subchapter A, Chapter 352, Tax
11 Code, to the commissioners court is a reference to the board.

12 (b) Except as inconsistent with this subchapter, Subchapter
13 A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized
14 by this subchapter, including the collection of the tax, subject to
15 the limitations prescribed by Sections 352.002(b) and (c), Tax
16 Code.

17 Sec. 8379.353. TAX AUTHORIZED; USE OF REVENUE. (a) The
18 district may not impose a hotel occupancy tax unless the city
19 consents to the imposition.

20 (b) The district may impose the hotel occupancy tax for:

21 (1) any purpose authorized under Chapter 351, Tax
22 Code; or

23 (2) the construction, operation, or maintenance of a
24 sports-related facility of the district that:

25 (A) has a notable impact on tourism and hotel
26 activity; and

27 (B) is available to the public.

1 Sec. 8379.354. TAX RATE. The amount of the hotel occupancy
2 tax may not exceed seven percent of the price paid for a room in a
3 hotel.

4 Sec. 8379.355. INFORMATION. The district may examine and
5 receive information related to the imposition of hotel occupancy
6 taxes to the same extent as if the district were a county.

7 [Sections 8379.356-8379.400 reserved for expansion]

8 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

9 Sec. 8379.401. APPLICABILITY OF LAW ON ANNEXATION OF WATER
10 OR SEWER DISTRICT. The district is a "water or sewer district" for
11 the purposes of Section 43.071, Local Government Code.

12 Sec. 8379.402. APPLICABILITY OF LAW ON WATER-RELATED
13 SPECIAL DISTRICT THAT BECOMES PART OF NOT MORE THAN ONE
14 MUNICIPALITY. Section 43.075, Local Government Code, applies to
15 the district.

16 Sec. 8379.403. STRATEGIC PARTNERSHIP; CONTINUATION OF
17 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may
18 continue to exist as a limited district after full-purpose
19 annexation by a municipality if the district and the annexing
20 municipality state the terms of the limited district's existence in
21 a strategic partnership agreement under Section 43.0751, Local
22 Government Code.

23 (b) The strategic partnership agreement may provide for an
24 original or renewed term of any number of years. The limitation in
25 Section 43.0751(g)(2), Local Government Code, on the length of the
26 term does not apply to a limited district created under this
27 section.

1 Sec. 8379.404. HEARING AND NEGOTIATION AFTER HEARING NOT
2 REQUIRED. Sections 43.0561 and 43.0562, Local Government Code, do
3 not apply to the annexation of the district.

4 Sec. 8379.405. NOTICE OF FUTURE CITY ANNEXATION REQUIRED.

5 (a) Not later than the 30th day after the date the city consents to
6 the creation of the district and to the inclusion of land in the
7 district under Section 8379.004(a), the city shall file, in the
8 real property records of the county, a notice to a purchaser of real
9 property in the district that describes:

10 (1) the city's authority and intention to annex the
11 district; and

12 (2) the anticipated date of the annexation.

13 (b) After the notice is filed, a person who proposes to sell
14 or otherwise convey real property in the district must provide a
15 copy of the notice to a purchaser of the property before selling or
16 conveying the property to the purchaser.

17 SECTION 2. The Rio de Vida Municipal Utility District No. 1
18 initially includes all the territory contained in the following
19 area:

20 ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE REUBEN
21 HORNSBY SURVEY NO. 17, JOSEPH DUTY SURVEY NO. 20 AND THE JOHN
22 BURLESON SURVEY NO. 33, TRAVIS COUNTY, TEXAS; BEING ALL OF THE
23 FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY
24 DEEDS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY,
25 TEXAS: A 353.08-ACRE TRACT (TO BE KNOWN AS PARCEL 01-1) AND A
26 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 12448, PAGE
27 737 AND VOLUME 13170, PAGE 656; A 65.12-ACRE TRACT (TO BE KNOWN AS

1 PARCEL 01-2) IN VOLUME 13170, PAGE 656; A 102.188-ACRE TRACT
2 (PARCEL NO. 1) (TO BE KNOWN AS PARCEL 02-1), A 29.008-ACRE TRACT
3 (PARCEL NO. 2) (TO BE KNOWN AS PARCEL 02-2) AND A 10.743-ACRE TRACT
4 (PARCEL NO. 3) (TO BE KNOWN AS PARCEL 02-3) IN VOLUME 12593, PAGE
5 2001; A 22.911-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 04-1) IN
6 VOLUME 11985, PAGE 1238 AND VOLUME 13170, PAGE 656; A 19.253-ACRE
7 TRACT (PARCEL 3) (TO BE KNOWN AS PARCEL 05-1), A 4.591-ACRE TRACT
8 (PARCEL 1) (TO BE KNOWN AS PARCEL 06-1) AND A 16.931-ACRE TRACT
9 (PARCEL 2) (TO BE KNOWN AS PARCEL 06-2) IN VOLUME 13304, PAGE 3306;
10 A 52.487-ACRE TRACT (TO BE KNOWN AS PARCEL 08-1) IN VOLUME 13088,
11 PAGE 429; A PORTION OF A 6.605-ACRE TRACT (TRACT 1) (TO BE KNOWN AS
12 PARCEL 08-2) AND A 5.411-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL
13 12-1) IN VOLUME 13088, PAGE 421; A 51.32-ACRE TRACT (TO BE KNOWN AS
14 PARCEL 10-1) IN VOLUME 12703, PAGE 411 AND VOLUME 13170, PAGE 656; A
15 6.262-ACRE TRACT (TO BE KNOWN AS PARCEL 11-1) IN VOLUME 12835, PAGE
16 1489; A 22.967-ACRE TRACT (TO BE KNOWN AS PARCEL 13-1) IN VOLUME
17 9872, PAGE 77 AND VOLUME 13170, PAGE 656; A 14.272-ACRE TRACT (TRACT
18 8) (TO BE KNOWN AS PARCEL 14-1), A 21.100-ACRE TRACT (TRACT 9) (TO
19 BE KNOWN AS PARCEL 15-1), A 32.738-ACRE TRACT (TRACT 17) (TO BE
20 KNOWN AS PARCEL 17-1), A 8.051-ACRE TRACT (TRACT 12) (TO BE KNOWN AS
21 PARCEL 18-1), A 9.744-ACRE TRACT (TRACT 13) (TO BE KNOWN AS PARCEL
22 18-2), A 9.752-ACRE TRACT (TRACT 14) (TO BE KNOWN AS PARCEL 18-3), A
23 15.981-ACRE TRACT (TRACT 15) (TO BE KNOWN AS PARCEL 18-4), A
24 19.127-ACRE TRACT (TRACT 16) (TO BE KNOWN AS PARCEL 18-5), A
25 10.274-ACRE TRACT (TRACT 10) (TO BE KNOWN AS PARCEL 21-1), A
26 9.825-ACRE TRACT (TRACT 11) (TO BE KNOWN AS PARCEL 21-2), A PORTION
27 OF A 44.586-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 23-1), A

1 PORTION OF A 15.959-ACRE TRACT (TRACT 7) (TO BE KNOWN AS PARCEL
2 23-2), A PORTION OF A 15.946-ACRE TRACT (TRACT 6) (TO BE KNOWN AS
3 PARCEL 23-3) AND A PORTION OF A 14.135-ACRE TRACT (TRACT 3) (TO BE
4 KNOWN AS PARCEL 28-1) IN VOLUME 12326, PAGE 1154 AND VOLUME 13170,
5 PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME
6 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO
7 BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME
8 13170, PAGE 656; A 45.874-ACRE TRACT (TO BE KNOWN AS PARCEL 19-1) IN
9 VOLUME 12270, PAGE 1633 AND VOLUME 13170, PAGE 656; A 13.853-ACRE
10 TRACT (TO BE KNOWN AS PARCEL 20-1) IN VOLUME 12326, PAGE 1149 AND
11 VOLUME 13170, PAGE 656; A PORTION OF A 32.403-ACRE TRACT (TRACT 4)
12 (TO BE KNOWN AS PARCEL 22-1) AND A PORTION OF A 50.388-ACRE TRACT
13 (TRACT 1) (TO BE KNOWN AS PARCEL 28-2) IN VOLUME 12326, PAGE 1109
14 AND VOLUME 13170, PAGE 656; AND A 83.838-ACRE TRACT (TO BE KNOWN AS
15 PARCEL 27-1) IN VOLUME 11955, PAGE 972 AND VOLUME 13170, PAGE 656;
16 AND ALSO BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO
17 TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE OFFICIAL PUBLIC
18 RECORDS OF TRAVIS COUNTY, TEXAS: A 49.994-ACRE TRACT (TRACT 1) (TO
19 BE KNOWN AS PARCEL 03-1), A PORTION OF A 85.957-ACRE TRACT (TRACT 2)
20 (TO BE KNOWN AS PARCEL 03-2), A PORTION OF A 41.043-ACRE TRACT
21 (TRACT 3) (TO BE KNOWN AS PARCEL 03-3), A 69.542-ACRE TRACT (TRACT
22 4) (TO BE KNOWN AS PARCEL 03-4), A 55.299-ACRE TRACT (TRACT 5) (TO
23 BE KNOWN AS PARCEL 03-5), A PORTION OF A 33.214-ACRE TRACT (TO BE
24 KNOWN AS PARCEL 03-6) AND A 39.355-ACRE TRACT (TRACT 6) (TO BE KNOWN
25 AS PARCEL 03-7) IN DOCUMENT NO. 1999152526; A 223.497-ACRE TRACT
26 (TO BE KNOWN AS PARCEL 07-1) IN DOCUMENT NO. 2005002939; A
27 194.824-ACRE TRACT (TRACT A) (TO BE KNOWN AS PARCEL 09-1) AND A

1 67.418-ACRE TRACT (TRACT B) (TO BE KNOWN AS PARCEL 09-2) IN DOCUMENT
2 NO. 2005007841; PORTIONS OF A 101.697-ACRE TRACT (TRACT 1) AND A
3 14.054-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 24-1) IN DOCUMENT
4 NO. 1999148757; A 39.462-ACRE TRACT (TO BE KNOWN AS PARCEL 25-1) IN
5 DOCUMENT NO. 2006133198; AND A 33.35-ACRE TRACT (TO BE KNOWN AS
6 PARCEL 26-1) IN DOCUMENT NO. 2005007845; AND BEING MORE
7 PARTICULARLY DESCRIBED IN FIVE (5) TRACTS BY METES AND BOUNDS AS
8 FOLLOWS:

9 TRACT 1

10 BEGINNING at a calculated point at the intersection of the
11 north bank of the Colorado River and the east right-of-way line of
12 State Highway No. 130, at the southwest corner of the
13 above-described Parcel 09-1, for the southwest corner and POINT OF
14 BEGINNING of the herein described tract;

15 THENCE, with the east right-of-way line of said State Highway
16 No. 130, the following seven (7) courses:

17 1) N08°37'24"W a distance of 537.28 feet to a calculated
18 angle point;

19 2) N01°34'38"W a distance of 3,468.10 feet to a calculated
20 angle point;

21 3) N59°15'05"E a distance of 166.15 feet to a calculated
22 angle point;

23 4) N08°13'09"E a distance of 547.29 feet to a calculated
24 angle point;

25 5) N52°30'09"W a distance of 138.99 feet to a calculated
26 non-tangent point of curvature of a curve to the right;

27 6) Along said curve to the right an arc distance of 1,274.92

1 feet, having a radius of 3,458.72 feet, and a chord which bears
2 N19°25'33"E a distance of 1,267.71 feet to a calculated point of
3 tangency; and

4 7) N29°59'08"E a distance of 421.69 feet to a calculated
5 point at the northwest corner of said Parcel 09-1;

6 THENCE, with the north line of said Parcel 09-1, the
7 following three (3) courses:

8 1) S60°37'51"E a distance of 116.20 feet to a to a calculated
9 point;

10 2) N29°22'09"E a distance of 83.70 feet to a calculated
11 point; and

12 3) S60°41'35"E a distance of 416.71 feet to a calculated
13 point on the west line of the above-described Parcel 01-1 at the
14 most northerly northeast corner of said Parcel 09-1;

15 THENCE, with the west line of said Parcel 01-1, the following
16 five (5) courses:

17 1) N27°20'56"E a distance of 39.85 feet to a calculated angle
18 point;

19 2) N49°43'26"E a distance of 65.85 feet to a calculated angle
20 point;

21 3) N27°21'16"E a distance of 619.40 feet to a calculated
22 point at an inside corner of said Parcel 01-1;

23 4) N62°38'24"W a distance of 5.00 feet to a calculated point
24 at an outside corner of said Parcel 01-1; and

25 5) N27°21'36"E a distance of 617.35 feet to a calculated
26 point on the south line of the above-described Parcel 16-1 at the
27 northwest corner of said Parcel 01-1;

1 THENCE N62°22'51"W a distance of 40.60 feet to a calculated
2 point on the east line of the above-described Parcel 23-1;

3 THENCE, with the east line of said Parcel 23-1, the following
4 four (4) courses:

5 1) S27°22'35"W a distance of 618.29 feet to a calculated
6 point for an outside corner of said Parcel 23-1;

7 2) N62°37'49"W a distance of 5.00 feet to a calculated point
8 for an inside corner of said Parcel 23-1;

9 3) S27°22'11"W a distance of 618.51 feet to a calculated
10 angle point; and

11 4) S73°40'29"W a distance of 69.55 feet to a calculated point
12 at the southeast corner of said Parcel 23-1;

13 THENCE, with the south line of said Parcel 23-1, N60°41'02"W a
14 distance of 339.91 feet to a calculated point on the east
15 right-of-way line of State Highway No. 130 at the southwest corner
16 of said Parcel 23-1;

17 THENCE, with the east right-of-way line of said State Highway
18 No. 130, the following three (3) courses:

19 1) N30°02'29"E a distance of 1,101.68 feet to a calculated
20 angle point;

21 2) N20°27'12"E a distance of 2,012.40 feet to a calculated
22 angle point; and

23 3) N27°27'12"E a distance of 432.97 feet to a calculated
24 point at the northwest corner of the above-described Parcel 23-3;

25 THENCE, with the north line of said Parcel 23-3, S62°04'21"E a
26 distance of 608.26 feet to a calculated point on the west line of
27 the above-described Parcel 14-1 at the northeast corner of said

1 Parcel 23-3;

2 THENCE, with the west line of said Parcel 14-1, N27°45'52"E a
3 distance of 393.68 feet to a calculated point at the northwest
4 corner of said Parcel 14-1, also being the most westerly southwest
5 corner of the above-described Parcel 01-2;

6 THENCE, with the west line of said Parcel 01-2, N28°07'17"E a
7 distance of 224.92 feet to a calculated point at the southeast
8 corner of the above-described Parcel 24-1;

9 THENCE, with the south line of said Parcel 24-1, N62°34'20"W a
10 distance of 613.00 feet to a calculated point on the east
11 right-of-way line of said State Highway No. 130 at the southwest
12 corner of said Parcel 24-1;

13 THENCE, with the east right-of-way line of said State Highway
14 No. 130, the following nine (9) courses:

15 1) N27°27'12"E a distance of 1,672.04 feet to a calculated
16 angle point;

17 2) N32°27'12"E a distance of 1,894.71 feet to a calculated
18 angle point;

19 3) N29°36'58"E a distance of 516.40 feet to a calculated
20 point;

21 4) S61°16'47"E a distance of 91.29 feet to a calculated
22 point;

23 5) N33°24'29"E a distance of 576.93 feet to a calculated
24 point;

25 6) N61°16'47"W a distance of 126.37 feet to a calculated
26 point;

27 7) N26°30'22"E a distance of 430.28 feet to a calculated

1 point;

2 8) N61°16'47"W a distance of 56.58 feet to a calculated
3 point; and

4 9) N27°27'30"E a distance of 956.84 feet to a calculated
5 point at the intersection with the south right-of-way line of FM
6 Highway No. 969, also being the northwest corner of said Parcel
7 24-1;

8 THENCE, with the south right-of-way line of said FM Highway
9 No. 969, the following six (6) courses:

10 1) S64°07'08"E a distance of 395.49 feet to a calculated
11 point;

12 2) S22°48'20"W a distance of 61.04 feet to a calculated
13 point;

14 3) S67°11'40"E a distance of 110.00 feet to a calculated
15 point;

16 4) N22°48'20"E a distance of 60.54 feet to a calculated
17 point;

18 5) S77°33'00"E a distance of 201.73 feet to a calculated
19 angle point; and

20 6) S65°03'31"E a distance of 381.97 feet to a calculated
21 point at the northeast corner of the above-described Parcel 08-2;

22 THENCE, with the east line of said Parcel 08-2, S12°49'01"W a
23 distance of 1,365.75 feet to a calculated point at an inside corner
24 of the above-described Parcel 02-1;

25 THENCE, with the north line of said Parcel 02-1, S62°34'57"E a
26 distance of 947.19 feet to a calculated point at the most easterly
27 northeast corner of said Parcel 02-1;

1 THENCE, with the east line of said Parcel 02-1, S27°12'42"W a
2 distance of 1,350.79 feet to a calculated angle point;

3 THENCE, continuing with the east line of said Parcel 02-1,
4 S27°42'57"W a distance of 1,658.43 feet to a calculated point at the
5 northeast corner of said Parcel 01-2;

6 THENCE, with the east line of said Parcel 01-2, S27°36'56"W a
7 distance of 1,486.26 feet to a calculated point at an outside corner
8 of said Parcel 01-2 on the north line of the above-described Parcel
9 04-1;

10 THENCE, with the north line of said Parcel 04-1, S62°13'13"E a
11 distance of 697.01 feet to a calculated point at the northeast
12 corner of said Parcel 04-1, also being the northwest corner of the
13 above-described Parcel 19-1;

14 THENCE, with the north line of said Parcel 19-1, S62°14'53"E a
15 distance of 461.49 feet to a calculated point at the southwest
16 corner of the above-described Parcel 10-1;

17 THENCE, with the west line of said Parcel 10-1, N27°49'54"E a
18 distance of 3,150.15 feet to a calculated point at the northwest
19 corner of said Parcel 10-1;

20 THENCE, with the north line of said Parcel 10-1, S62°43'06"E a
21 distance of 710.22 feet to a calculated point at the northeast
22 corner of said Parcel 10-1;

23 THENCE, with the east line of said Parcel 10-1, S27°52'34"W a
24 distance of 3,156.02 feet to a calculated point at the southeast
25 corner of said Parcel 10-1, also being the northwest corner of the
26 above-described Parcel 06-1;

27 THENCE, with the north line of said Parcel 06-1, S61°04'03"E a

1 distance of 289.04 feet to a calculated point at the northwest
2 corner of the above-described Parcel 12-1;

3 THENCE, with the north line of said Parcel 12-1, S63°22'55"E a
4 distance of 457.28 feet to a calculated point at the northwest
5 corner of the above-described Parcel 06-2;

6 THENCE, with the north line of said Parcel 06-2, S64°42'36"E a
7 distance of 378.00 feet to a calculated point at the northwest
8 corner of the above-described Parcel 20-1;

9 THENCE, with the north line of said Parcel 20-1, S70°09'59"E a
10 distance of 400.67 feet to a calculated point at the northwest
11 corner of the above-described Parcel 02-3;

12 THENCE, with the north line of said Parcel 02-3, the
13 following three (3) courses:

14 1) S67°05'07"E a distance of 104.58 feet to a calculated
15 angle point;

16 2) S53°35'54"E a distance of 105.83 feet to a calculated
17 angle point; and

18 3) S55°41'48"E a distance of 206.91 feet to a calculated
19 point at the northeast corner of said Parcel 02-3;

20 THENCE, with the east line of said Parcel 02-3, S28°01'49"W a
21 distance of 899.00 feet to a calculated point on the north bank of
22 the Colorado River at the southeast corner of said Parcel 02-3;

23 THENCE, with the meanders of the north bank of the Colorado
24 River, the following fifty-nine (59) courses:

25 1) S78°57'26"W a distance of 265.40 feet to a calculated
26 point;

27 2) S58°33'04"W a distance of 403.36 feet to a calculated

- 1 point;
- 2 3) S27°53'07"W a distance of 24.17 feet to a calculated
- 3 point;
- 4 4) S73°19'34"W a distance of 179.78 feet to a calculated
- 5 point;
- 6 5) S80°40'33"W a distance of 284.45 feet to a calculated
- 7 point;
- 8 6) N26°28'28"E a distance of 20.96 feet to a calculated
- 9 point;
- 10 7) S75°36'26"W a distance of 293.31 feet to a calculated
- 11 point;
- 12 8) S86°20'34"W a distance of 84.16 feet to a calculated
- 13 point;
- 14 9) S79°42'18"W a distance of 141.79 feet to a calculated
- 15 point;
- 16 10) S27°00'43"W a distance of 26.90 feet to a calculated
- 17 point;
- 18 11) S78°05'41"W a distance of 99.68 feet to a calculated
- 19 point;
- 20 12) S71°38'12"W a distance of 426.53 feet to a calculated
- 21 point;
- 22 13) S58°35'29"W a distance of 276.51 feet to a calculated
- 23 point;
- 24 14) S24°20'35"W a distance of 359.58 feet to a calculated
- 25 point;
- 26 15) S08°24'01"W a distance of 300.61 feet to a calculated
- 27 point;

- 1 16) S07°37'34"E a distance of 185.37 feet to a calculated
2 point;
- 3 17) S02°25'49"E a distance of 59.41 feet to a calculated
4 point;
- 5 18) S01°21'36"W a distance of 38.60 feet to a calculated
6 point;
- 7 19) S08°00'24"E a distance of 41.40 feet to a calculated
8 point;
- 9 20) S09°09'36"W a distance of 373.90 feet to a calculated
10 point;
- 11 21) S31°59'36"W a distance of 107.30 feet to a calculated
12 point;
- 13 22) S18°00'36"W a distance of 293.50 feet to a calculated
14 point;
- 15 23) S30°25'36"W a distance of 112.00 feet to a calculated
16 point;
- 17 24) S10°51'36"W a distance of 634.90 feet to a calculated
18 point;
- 19 25) S02°34'36"W a distance of 30.70 feet to a calculated
20 point;
- 21 26) S59°28'24"E a distance of 57.10 feet to a calculated
22 point;
- 23 27) S03°40'24"E a distance of 310.40 feet to a calculated
24 point;
- 25 28) S16°21'36"W a distance of 278.50 feet to a calculated
26 point;
- 27 29) S17°53'36"W a distance of 322.40 feet to a calculated

- 1 point;
- 2 30) S32°29'36"W a distance of 792.30 feet to a calculated
- 3 point;
- 4 31) S18°11'36"W a distance of 184.90 feet to a calculated
- 5 point;
- 6 32) N63°10'34"W a distance of 44.96 feet to a calculated
- 7 point;
- 8 33) S19°04'38"W a distance of 21.49 feet to a calculated
- 9 point;
- 10 34) S27°17'38"W a distance of 190.50 feet to a calculated
- 11 point;
- 12 35) S23°12'38"W a distance of 266.20 feet to a calculated
- 13 point;
- 14 36) S33°52'38"W a distance of 191.10 feet to a calculated
- 15 point;
- 16 37) S61°12'38"W a distance of 280.40 feet to a calculated
- 17 point;
- 18 38) S63°15'38"W a distance of 345.10 feet to a calculated
- 19 point;
- 20 39) S72°35'38"W a distance of 285.20 feet to a calculated
- 21 point;
- 22 40) N85°31'22"W a distance of 165.00 feet to a calculated
- 23 point;
- 24 41) N72°50'22"W a distance of 150.00 feet to a calculated
- 25 point;
- 26 42) N10°15'22"W a distance of 135.80 feet to a calculated
- 27 point;

- 1 43) N04°17'22"W a distance of 37.00 feet to a calculated
2 point;
- 3 44) N38°51'22"W a distance of 391.50 feet to a calculated
4 point;
- 5 45) N12°14'22"W a distance of 40.00 feet to a calculated
6 point;
- 7 46) N07°15'38"E a distance of 183.00 feet to a calculated
8 point;
- 9 47) S47°45'38"W a distance of 386.10 feet to a calculated
10 point;
- 11 48) S75°54'39"W a distance of 102.43 feet to a calculated
12 point;
- 13 49) S71°46'05"W a distance of 154.03 feet to a calculated
14 point;
- 15 50) S65°38'42"W a distance of 430.32 feet to a calculated
16 point;
- 17 51) S49°58'20"W a distance of 207.45 feet to a calculated
18 point;
- 19 52) S47°30'01"W a distance of 581.94 feet to a calculated
20 point;
- 21 53) S58°05'16"W a distance of 199.26 feet to a calculated
22 point;
- 23 54) S55°02'26"W a distance of 168.25 feet to a calculated
24 point;
- 25 55) S66°49'36"W a distance of 424.33 feet to a calculated
26 point;
- 27 56) S70°27'05"W a distance of 178.44 feet to a calculated

1 point;

2 57) S73°49'29"W a distance of 103.82 feet to a calculated

3 point;

4 58) S85°43'30"W a distance of 78.52 feet to a calculated

5 point; and

6 59) S78°29'14"W a distance of 59.80 feet to the POINT OF

7 BEGINNING, and containing 1,370 acres of land, more or less.

8 TRACT 2

9 BEGINNING at a calculated point at the intersection of the
10 north bank of the Colorado River and the west right-of-way line of
11 State Highway No. 130, at the southeast corner of the
12 above-described Parcel 03-2, for the southeast corner and POINT OF
13 BEGINNING of the herein described tract;

14 THENCE, with the meanders of the north bank of the Colorado
15 River, the following twenty-two (22) courses:

16 1) S76°37'38"W a distance of 1.87 feet to a calculated point;

17 2) S72°53'53"W a distance of 518.11 feet to a calculated
18 point;

19 3) S75°14'11"W a distance of 517.88 feet to a calculated
20 point;

21 4) S70°55'05"W a distance of 289.38 feet to a calculated
22 point;

23 5) S81°58'40"W a distance of 118.79 feet to a calculated
24 point;

25 6) S63°21'33"W a distance of 277.07 feet to a calculated
26 point;

27 7) S49°47'25"W a distance of 47.81 feet to a calculated

- 1 point;
- 2 8) S64°43'53"W a distance of 353.97 feet to a calculated
- 3 point;
- 4 9) S62°39'35"W a distance of 626.81 feet to a calculated
- 5 point;
- 6 10) S72°28'38"W a distance of 203.07 feet to a calculated
- 7 point;
- 8 11) S85°12'41"W a distance of 191.20 feet to a calculated
- 9 point;
- 10 12) N89°48'48"W a distance of 82.77 feet to a calculated
- 11 point;
- 12 13) N83°17'50"W a distance of 141.54 feet to a calculated
- 13 point;
- 14 14) N83°16'30"W a distance of 332.35 feet to a calculated
- 15 point;
- 16 15) N72°21'14"W a distance of 159.08 feet to a calculated
- 17 point;
- 18 16) N80°26'48"W a distance of 189.39 feet to a calculated
- 19 point;
- 20 17) N79°57'59"W a distance of 91.38 feet to a calculated
- 21 point;
- 22 18) S85°50'53"W a distance of 69.91 feet to a calculated
- 23 point;
- 24 19) N78°28'45"W a distance of 123.84 feet to a calculated
- 25 point;
- 26 20) N68°18'10"W a distance of 159.21 feet to a calculated
- 27 point;

1 21) N80°39'08"W a distance of 135.80 feet to a calculated
2 point; and

3 22) S78°59'06"W a distance of 43.91 feet to a calculated
4 point at the intersection with the east right-of-way line of FM
5 Highway No. 973, also being the most southerly southwest corner of
6 the above-described Parcel 03-5;

7 THENCE, with the east right-of-way line of said FM Highway
8 No. 973, N10°21'00"E a distance of 147.12 feet to a calculated point
9 of curvature of a curve to the left;

10 THENCE, continuing with the east right-of-way line, along
11 said curve to the left an arc distance of 623.12 feet, having a
12 radius of 622.94 feet, and a chord which bears N18°18'22"W a
13 distance of 597.46 feet to a calculated point at the most westerly
14 southwest corner of said Parcel 03-5;

15 THENCE, with the west line of said Parcel 03-5, N27°38'58"E a
16 distance of 2,173.14 feet to a calculated point at the northwest
17 corner of said Parcel 03-5;

18 THENCE, with the north line of said Parcel 03-5, S62°35'52"E a
19 distance of 953.15 feet to a calculated point in the west line of
20 the above-described Parcel 03-7 at the northeast corner of said
21 Parcel 03-5;

22 THENCE, with the west line of said Parcel 03-7, N27°51'48"E a
23 distance of 830.67 feet to a calculated angle point;

24 THENCE, continuing with the west line of said Parcel 03-7,
25 N27°04'22"E a distance of 660.77 feet to a calculated angle point;

26 THENCE, with the west line of the above-described Parcel
27 03-01, N27°16'45"E a distance of 2,498.68 feet to a calculated point

1 at the northwest corner of said Parcel 03-1, also being the
2 southwest corner of the above-described Parcel 28-2;

3 THENCE, with the west line of said Parcel 28-2, the following
4 five (5) courses:

5 1) N23°25'44"E a distance of 14.81 feet to a calculated angle
6 point;

7 2) N27°12'18"E a distance of 110.07 feet to a calculated
8 angle point;

9 3) N27°08'13"E a distance of 109.97 feet to a calculated
10 angle point;

11 4) N27°14'30"E a distance of 114.81 feet to a calculated
12 angle point; and

13 5) N27°12'49"E a distance of 7.53 feet to a calculated point
14 at the southeast corner of the above-described Parcel 27-1;

15 THENCE, with the south line of said Parcel 27-1, N62°40'24"W a
16 distance of 1,722.95 feet to a calculated point on the east
17 right-of-way line of FM Highway No. 973 at the southwest corner of
18 said Parcel 27-1;

19 THENCE, with the east right-of-way line of said FM Highway
20 No. 973, N27°14'18"E a distance of 2,115.67 feet to a calculated
21 point at the intersection with the south right-of-way line of
22 Harold Green Road at the northwest corner of said Parcel 27-1;

23 THENCE, with the south right-of-way line of said Harold Green
24 Road, S62°58'47"E a distance of 1,685.22 feet to a calculated angle
25 point;

26 THENCE, continuing with the south right-of-way line of said
27 Harold Green Road, S49°54'08"E a distance of 37.29 feet to a

1 calculated point at the intersection with the west right-of-way
2 line of State Highway No. 130 at the northeast corner of said Parcel
3 27-1;

4 THENCE, with the west right-of-way line of said State Highway
5 No. 130, the following six (6) courses:

6 1) S27°10'40"W a distance of 207.10 feet to a calculated
7 point at the northwest corner of said Parcel 28-2;

8 2) S60°00'52"E a distance of 291.88 feet to a calculated
9 point at the northeast corner of said Parcel 28-2;

10 3) S29°59'08"W a distance of 908.52 feet to a calculated
11 angle point;

12 4) S12°44'41"W a distance of 849.11 feet to a calculated
13 angle point;

14 5) S18°15'23"E a distance of 401.53 feet to a calculated
15 angle point; and

16 6) S01°34'38"E a distance of 4,793.91 feet to the POINT OF
17 BEGINNING, and containing 446 acres of land, more or less.

18 TRACT 3

19 BEGINNING at a calculated point on the west right-of-way line
20 of FM Highway No. 973 at the northeast corner of the above-described
21 Parcel 03-4, for the northeast corner and POINT OF BEGINNING of the
22 herein described tract;

23 THENCE, with the west right-of-way line of said FM Highway
24 No. 973, S27°14'18"W a distance of 3,646.01 feet to a calculated
25 point at the southeast corner of said Parcel 03-4;

26 THENCE, with the south line of said Parcel 03-4, N62°56'53"W a
27 distance of 837.14 feet to a calculated point at the southwest

1 corner of said Parcel 03-4;

2 THENCE, with the west line of said Parcel 03-4, the following
3 three (3) courses:

4 1) N27°31'25"E a distance of 340.08 feet to a calculated
5 angle point;

6 2) N27°26'49"E a distance of 1,634.23 feet to a calculated
7 angle point; and

8 3) N27°36'28"E a distance of 1,688.35 feet to a calculated
9 point at the northwest corner of said Parcel 03-4;

10 THENCE, with the north line of said Parcel 03-4, S61°47'25"E a
11 distance of 818.72 feet to the POINT OF BEGINNING, and containing 69
12 acres of land, more or less.

13 TRACT 4

14 BEGINNING at a calculated point on the east right-of-way line
15 of FM Highway No. 973 at the northwest corner of the above-described
16 Parcel 11-1, for the most westerly northwest corner and POINT OF
17 BEGINNING of the herein described tract;

18 THENCE, with the north line of said Parcel 11-1, S62°59'56"E a
19 distance of 1,705.04 feet to a calculated point on the west line of
20 the above-described Parcel 22-1 at the northeast corner of said
21 Parcel 11-1;

22 THENCE, with the west line of said Parcel 22-1, N27°24'34"E a
23 distance of 854.85 feet to a calculated point on the west
24 right-of-way line of State Highway No. 130 at the northwest corner
25 of said Parcel 22-1;

26 THENCE, with the west right-of-way line of said State Highway
27 No. 130, the following six (6) courses:

1 1) S62°02'37"E a distance of 70.21 feet to a calculated point
2 at the northeast corner of said Parcel 22-1;

3 2) S12°37'58"W a distance of 1,453.45 feet to a calculated
4 point of curvature of a curve to the right;

5 3) Along said curve to the right an arc distance of 557.08
6 feet, having a radius of 1813.67 feet, and a chord which bears
7 S22°23'39"W a distance of 554.89 feet to a calculated point of
8 tangency;

9 4) S31°31'30"W a distance of 319.97 feet to a calculated
10 point at the southeast corner of the above-described Parcel 23-1;

11 5) N87°37'11"W a distance of 71.61 feet to a calculated angle
12 point; and

13 6) N62°35'47"W a distance of 400.24 feet to a calculated
14 point at the southwest corner of said Parcel 23-1;

15 THENCE, with the west lines of Parcels 23-1, 28-1 and 22-1,
16 N27°24'44"E a distance of 1,293.45 feet to a calculated point at the
17 southeast corner of said Parcel 11-1;

18 THENCE, with the south line of said Parcel 11-1, N62°59'56"W a
19 distance of 1,705.16 feet to a calculated point on the east
20 right-of-way line of said FM Highway No. 973 at the southwest corner
21 of said Parcel 11-1;

22 THENCE, with the east right-of-way line of said FM Highway
23 No. 973, N26°57'04"E a distance of 160.00 feet to the POINT OF
24 BEGINNING, and containing 24 acres of land, more or less.

25 TRACT 5

26 BEGINNING at a 1/2" iron rod found on the east right-of-way
27 line of FM Highway No. 973 at the northwest corner of the

1 above-described Parcel 07-1, for the northwest corner and POINT OF
2 BEGINNING of the herein described tract;

3 THENCE, with the north line of said Parcel 07-1, S63°23'23"E a
4 distance of 1,720.22 feet to a calculated point at the northeast
5 corner of said Parcel 07-1;

6 THENCE, with the east line of said Parcel 07-1, a portion of
7 said line also being the west right-of-way line of said State
8 Highway No. 130, S27°27'34"W a distance of 5,047.34 feet to a
9 calculated angle point;

10 THENCE, continuing with the west right-of-way line of said
11 State Highway No. 130, S27°52'12"W a distance of 588.10 feet to a
12 calculated point at the southeast corner of said Parcel 07-1;

13 THENCE, with the south line of said Parcel 07-1, N63°23'09"W a
14 distance of 1,723.19 feet to a 1/2" iron rod found with cap marked
15 "Brooks-Baker" on the east right-of-way line of said FM Highway No.
16 973 at the southwest corner of said Parcel 07-1;

17 THENCE, with the east right-of-way line of said FM Highway
18 No. 973, the following three (3) courses:

19 1) N27°00'51"E a distance of 790.98 feet to a calculated
20 angle point;

21 2) N27°35'51"E a distance of 4,186.86 feet to a calculated
22 angle point; and

23 3) N27°44'31"E a distance of 657.55 feet to the POINT OF
24 BEGINNING, and containing 223 acres of land, more or less.

25 The gross area contained within Tracts 1, 2, 3, 4 and 5 totals
26 2,132 acres of land, more or less.

27 SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6 Government Code.

7 (b) The governor, one of the required recipients, has
8 submitted the notice and Act to the Texas Commission on
9 Environmental Quality.

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

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act have been
17 fulfilled and accomplished.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.