

1-1 By: Watson S.B. No. 768
1-2 (In the Senate - Filed February 18, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 12, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 768 By: Nichols

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

1-10 relating to the creation of the Rio de Vida Municipal Utility
1-11 District No. 1; providing authority to impose a tax and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8379 to read as follows:

1-15 CHAPTER 8379. RIO DE VIDA MUNICIPAL UTILITY

1-16 DISTRICT NO. 1

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8379.001. DEFINITIONS. In this chapter:

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

1-20 (2) "City" means the City of Austin, Texas.

1-21 (3) "Commission" means the Texas Commission on
1-22 Environmental Quality.

1-23 (4) "County" means Travis County.

1-24 (5) "Director" means a board member.

1-25 (6) "District" means the Rio de Vida Municipal Utility
1-26 District No. 1.

1-27 Sec. 8379.002. NATURE OF DISTRICT. The district is a
1-28 municipal utility district created under Section 59, Article XVI,
1-29 Texas Constitution.

1-30 Sec. 8379.003. CONFIRMATION ELECTION REQUIRED. The
1-31 temporary directors shall hold an election to confirm the creation
1-32 of the district.

1-33 Sec. 8379.004. CONSENT OF CITY REQUIRED; ENFORCEABILITY OF
1-34 CONSENT AGREEMENT. (a) The temporary directors may not hold an
1-35 election under Section 8379.003 until the city has consented by
1-36 ordinance or resolution to the creation of the district and to the
1-37 inclusion of land in the district.

1-38 (b) If the city does not consent to the creation of the
1-39 district under this section before September 1, 2012, the district
1-40 is dissolved September 1, 2012, except that:

1-41 (1) any debts incurred shall be paid;

1-42 (2) any assets that remain after the payment of debts
1-43 shall be transferred to the city or another local governmental
1-44 entity to be used for a public purpose; and

1-45 (3) the organization of the district shall be
1-46 maintained until all debts are paid and remaining assets are
1-47 transferred.

1-48 Sec. 8379.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution;

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, improvement, operation,
1-55 or maintenance of macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads; and

1-57 (3) Section 52-a, Article III, Texas Constitution.

1-58 (c) By creating the district and in authorizing the city,
1-59 the county, and other political subdivisions to contract with the
1-60 district, the legislature has established a program to accomplish
1-61 the public purposes set out in Section 52-a, Article III, Texas
1-62 Constitution.

1-63 Sec. 8379.006. INITIAL DISTRICT TERRITORY. (a) The

2-1 district is initially composed of the territory described by
2-2 Section 2 of the Act enacting this chapter.

2-3 (b) The boundaries and field notes contained in Section 2 of
2-4 the Act enacting this chapter form a closure. A mistake made in the
2-5 field notes or in copying the field notes in the legislative process
2-6 does not affect the district's:

- 2-7 (1) organization, existence, or validity;
- 2-8 (2) right to issue any type of bond for the purposes
- 2-9 for which the district is created or to pay the principal of and
- 2-10 interest on a bond;
- 2-11 (3) right to impose a tax; or
- 2-12 (4) legality or operation.

2-13 Sec. 8379.007. ELIGIBILITY FOR INCLUSION IN TAX ABATEMENT
2-14 REINVESTMENT ZONE. All or any part of the area of the district is
2-15 eligible to be included in a tax abatement reinvestment zone
2-16 created by a municipality in which the district is located under
2-17 Chapter 312, Tax Code.

2-18 [Sections 8379.008-8379.050 reserved for expansion]

2-19 SUBCHAPTER B. BOARD OF DIRECTORS

2-20 Sec. 8379.051. GOVERNING BODY; TERMS. (a) The district is
2-21 governed by a board of five directors who serve staggered terms of
2-22 four years, with two or three directors' terms expiring June 1 of
2-23 each odd-numbered year.

2-24 (b) A director may not serve more than two full terms of four
2-25 years.

2-26 Sec. 8379.052. APPOINTMENT OF DIRECTORS. (a) Except as
2-27 provided by Subsection (c), the members of the governing body of the
2-28 city shall appoint the directors. Four of the five directors must
2-29 be appointed from persons recommended by the board.

2-30 (b) A person is appointed if a majority of the members of the
2-31 governing body vote to appoint the person.

2-32 (c) Beginning on January 1, 2041, the members of the
2-33 governing body of the city may appoint all of the directors without
2-34 the recommendation of the board. This subsection applies only to a
2-35 director whose term expires on or after January 1, 2041.

2-36 Sec. 8379.053. QUALIFICATIONS. (a) A person recommended
2-37 by the board must:

- 2-38 (1) reside in the district; or
- 2-39 (2) own real property in the district.

2-40 (b) A person appointed without the recommendation of the
2-41 board must meet the qualifications prescribed by Section
2-42 375.064(f), Local Government Code.

2-43 Sec. 8379.054. TEMPORARY DIRECTORS. (a) The temporary
2-44 board consists of:

- 2-45 (1) _____;
- 2-46 (2) _____;
- 2-47 (3) _____;
- 2-48 (4) _____; and
- 2-49 (5) _____.

2-50 (b) Temporary directors serve until the earlier of:

- 2-51 (1) the date permanent directors are appointed under
- 2-52 Section 8379.052; or
- 2-53 (2) September 1, 2015.

2-54 (c) Section 8379.053 does not apply to this section.

2-55 [Sections 8379.055-8379.100 reserved for expansion]

2-56 SUBCHAPTER C. POWERS AND DUTIES

2-57 Sec. 8379.101. GENERAL POWERS AND DUTIES. The district has
2-58 the powers and duties necessary to accomplish the purposes for
2-59 which the district is created.

2-60 Sec. 8379.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-61 DUTIES. The district has the powers and duties provided by the
2-62 general law of this state, including Chapters 49 and 54, Water Code,
2-63 applicable to municipal utility districts created under Section 59,
2-64 Article XVI, Texas Constitution.

2-65 Sec. 8379.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-66 52, Article III, Texas Constitution, the district may design,
2-67 acquire, construct, finance, issue bonds for, improve, operate,
2-68 maintain, and convey to this state, a county, or a municipality for
2-69 operation and maintenance macadamized, graveled, or paved roads, or

3-1 improvements, including storm drainage, in aid of those roads.
 3-2 Sec. 8379.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 3-3 road project must meet all applicable construction standards,
 3-4 zoning and subdivision requirements, and regulations of each
 3-5 municipality in whose corporate limits or extraterritorial
 3-6 jurisdiction the road project is located.
 3-7 (b) If a road project is not located in the corporate limits
 3-8 or extraterritorial jurisdiction of a municipality, the road
 3-9 project must meet all applicable construction standards,
 3-10 subdivision requirements, and regulations of each county in which
 3-11 the road project is located.
 3-12 (c) If the state will maintain and operate the road, the
 3-13 Texas Transportation Commission must approve the plans and
 3-14 specifications of the road project.
 3-15 Sec. 8379.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 3-16 OR RESOLUTION. The district shall comply with all applicable
 3-17 requirements of any ordinance or resolution that is adopted under
 3-18 Section 54.016 or 54.0165, Water Code, and that consents to the
 3-19 creation of the district or to the inclusion of land in the
 3-20 district.
 3-21 Sec. 8379.106. CONTRACT TO FURTHER REGIONAL COOPERATION.
 3-22 The district and city may contract on terms that the board and
 3-23 governing body of the city agree will further regional cooperation
 3-24 between the district and city.
 3-25 Sec. 8379.107. ECONOMIC DEVELOPMENT. (a) Before
 3-26 exercising a power under this section, the district must obtain the
 3-27 city's consent.
 3-28 (b) The district may engage in activities that accomplish
 3-29 the economic development purposes of the district.
 3-30 (c) The district may establish and provide for the
 3-31 administration of one or more programs to promote state or local
 3-32 economic development and to stimulate business and commercial
 3-33 activity in the district, including programs to:
 3-34 (1) make loans and grants of public money; and
 3-35 (2) provide district personnel and services.
 3-36 (d) The district may create economic development programs
 3-37 and exercise the economic development powers that Chapter 380,
 3-38 Local Government Code, provides to a municipality.
 3-39 Sec. 8379.108. RECLAMATION AND GRADING POWERS. The
 3-40 district may construct, acquire, improve, maintain, finance, or
 3-41 operate a facility or improvement related to reclaiming or grading
 3-42 land in the district.
 3-43 Sec. 8379.109. NO EMINENT DOMAIN POWER. The district may
 3-44 not exercise the power of eminent domain.
 3-45 [Sections 8379.110-8379.150 reserved for expansion]
 3-46 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS
 3-47 Sec. 8379.151. DIVISION OF DISTRICT; PREREQUISITES. The
 3-48 district may be divided into two or more new districts only if the
 3-49 district:
 3-50 (1) has no outstanding bonded debt; and
 3-51 (2) is not imposing ad valorem taxes.
 3-52 Sec. 8379.152. LAW APPLICABLE TO NEW DISTRICT. This
 3-53 chapter applies to any new district created by division of the
 3-54 district, and a new district has all the powers and duties of the
 3-55 district.
 3-56 Sec. 8379.153. LIMITATION ON AREA OF NEW DISTRICT. A new
 3-57 district created by the division of the district may not, at the
 3-58 time the new district is created, contain any land outside the area
 3-59 described by Section 2 of the Act enacting this chapter.
 3-60 Sec. 8379.154. CONSENT OF MUNICIPALITY OR COUNTY. (a) If
 3-61 the district is located wholly or partly in the corporate limits or
 3-62 the extraterritorial jurisdiction of a municipality, the district
 3-63 may not divide under this subchapter unless the municipality by
 3-64 resolution or ordinance first consents to the division of the
 3-65 district.
 3-66 (b) If the district is not located wholly or partly in the
 3-67 corporate limits or the extraterritorial jurisdiction of a
 3-68 municipality, the district may not divide under this subchapter
 3-69 unless the commissioners court of each county in which the district

4-1 is wholly or partly located first adopts a resolution or order in
 4-2 support of the division of the district.

4-3 Sec. 8379.155. DIVISION PROCEDURES. (a) The board, on its
 4-4 own motion or on receipt of a petition signed by the owner or owners
 4-5 of a majority of the assessed value of the real property in the
 4-6 district, may adopt an order dividing the district.

4-7 (b) The board may adopt an order dividing the district
 4-8 before or after the date the board holds an election under Section
 4-9 8379.003 to confirm the district's creation.

4-10 (c) An order dividing the district must:

4-11 (1) name each new district;

4-12 (2) include the metes and bounds description of the
 4-13 territory of each new district;

4-14 (3) appoint temporary directors for each new district;

4-15 and

4-16 (4) provide for the division of assets and liabilities
 4-17 between the new districts.

4-18 (d) On or before the 30th day after the date of adoption of
 4-19 an order dividing the district, the district shall file the order
 4-20 with the commission and record the order in the real property
 4-21 records of each county in which the district is located.

4-22 Sec. 8379.156. TAX OR BOND ELECTION. Before a new district
 4-23 created by the division of the district may impose a sales and use
 4-24 tax or an operation and maintenance tax or issue bonds payable
 4-25 wholly or partly from ad valorem taxes, the new district must hold
 4-26 an election as required by this chapter.

4-27 [Sections 8379.157-8379.200 reserved for expansion]

4-28 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

4-29 Sec. 8379.201. ELECTIONS REGARDING TAXES OR BONDS.

4-30 (a) The district may issue, without an election, bonds and other
 4-31 obligations secured by:

4-32 (1) revenue other than ad valorem taxes; or

4-33 (2) contract payments described by Section 8379.203.

4-34 (b) The district must hold an election in the manner
 4-35 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 4-36 before the district may impose an ad valorem tax or issue bonds
 4-37 payable from ad valorem taxes.

4-38 (c) The district may not issue bonds payable from ad valorem
 4-39 taxes to finance a road project unless the issuance is approved by a
 4-40 vote of a two-thirds majority of the district voters voting at an
 4-41 election held for that purpose.

4-42 Sec. 8379.202. OPERATION AND MAINTENANCE TAX. (a) If
 4-43 authorized at an election held under Section 8379.201, the district
 4-44 may impose an operation and maintenance tax on taxable property in
 4-45 the district in accordance with Section 49.107, Water Code.

4-46 (b) The board shall determine the tax rate. The rate may not
 4-47 exceed the rate approved at the election.

4-48 (c) If required by an agreement between the district and
 4-49 city under Section 8379.106, the total ad valorem tax rate of the
 4-50 district may not be less than the total ad valorem tax rate of the
 4-51 city.

4-52 Sec. 8379.203. CONTRACT TAXES. (a) In accordance with
 4-53 Section 49.108, Water Code, the district may impose a tax other than
 4-54 an operation and maintenance tax and use the revenue derived from
 4-55 the tax to make payments under a contract after the provisions of
 4-56 the contract have been approved by a majority of the district voters
 4-57 voting at an election held for that purpose.

4-58 (b) A contract approved by the district voters may contain a
 4-59 provision stating that the contract may be modified or amended by
 4-60 the board without further voter approval.

4-61 Sec. 8379.204. APPROVAL BY CITY OF CAPITAL IMPROVEMENTS
 4-62 BUDGET. If the district obtains approval from the city's governing
 4-63 body of a capital improvements budget for a period not to exceed 10
 4-64 years, the district may finance the capital improvements and issue
 4-65 bonds specified in the budget without further approval from the
 4-66 city.

4-67 [Sections 8379.205-8379.250 reserved for expansion]

4-68 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

4-69 Sec. 8379.251. AUTHORITY TO ISSUE BONDS AND OTHER

5-1 OBLIGATIONS. The district may issue bonds or other obligations
 5-2 payable wholly or partly from ad valorem taxes, impact fees,
 5-3 revenue, sales and use taxes, hotel occupancy taxes, contract
 5-4 payments, grants, or other district money, or any combination of
 5-5 those sources, to pay for any authorized district purpose.

5-6 Sec. 8379.252. TAXES FOR BONDS. At the time the district
 5-7 issues bonds payable wholly or partly from ad valorem taxes, the
 5-8 board shall provide for the annual imposition of a continuing
 5-9 direct ad valorem tax, without limit as to rate or amount, while all
 5-10 or part of the bonds are outstanding as required and in the manner
 5-11 provided by Sections 54.601 and 54.602, Water Code.

5-12 Sec. 8379.253. BONDS FOR ROAD PROJECTS. At the time of
 5-13 issuance, the total principal amount of bonds or other obligations
 5-14 issued or incurred to finance road projects and payable from ad
 5-15 valorem taxes may not exceed one-fourth of the assessed value of the
 5-16 real property in the district.

5-17 Sec. 8379.254. BONDS FOR RECREATIONAL FACILITIES. The
 5-18 limitation on the outstanding principal amount of bonds, notes, and
 5-19 other obligations provided by Section 49.4645, Water Code, does not
 5-20 apply to the district.

5-21 [Sections 8379.255-8379.300 reserved for expansion]

5-22 SUBCHAPTER G. SALES AND USE TAX

5-23 Sec. 8379.301. APPLICABILITY OF CERTAIN TAX CODE
 5-24 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
 5-25 computation, administration, enforcement, and collection of the
 5-26 sales and use tax authorized by this subchapter except to the extent
 5-27 Chapter 321, Tax Code, is inconsistent with this chapter.

5-28 (b) A reference in Chapter 321, Tax Code, to a municipality
 5-29 or the governing body of a municipality is a reference to the
 5-30 district or the board, respectively.

5-31 Sec. 8379.302. ELECTION; ADOPTION OF TAX. (a) The
 5-32 district may adopt a sales and use tax if:

5-33 (1) the city consents to the adoption of the tax; and
 5-34 (2) the tax is authorized by a majority of the voters
 5-35 of the district voting at an election held for that purpose.

5-36 (b) Subject to city consent under Subsection (a), the board
 5-37 by order may call an election to authorize the adoption of the sales
 5-38 and use tax. The election may be held on any uniform election date
 5-39 and in conjunction with any other district election.

5-40 (c) The district shall provide notice of the election and
 5-41 shall hold the election in the manner prescribed by Section
 5-42 8379.201.

5-43 (d) The ballot shall be printed to provide for voting for or
 5-44 against the proposition: "Authorization of a sales and use tax in
 5-45 the Rio de Vida Municipal Utility District No. 1 at a rate not to
 5-46 exceed _____ percent" (insert rate of one or more increments of
 5-47 one-eighth of one percent).

5-48 Sec. 8379.303. SALES AND USE TAX RATE. (a) Not later than
 5-49 the 10th day after the date the results are declared of an election
 5-50 held under Section 8379.302, at which the voters approved
 5-51 imposition of the tax authorized by this subchapter, the board
 5-52 shall determine the initial rate of the tax, which must be in one or
 5-53 more increments of one-eighth of one percent.

5-54 (b) After the election held under Section 8379.302, the
 5-55 board may decrease the rate of the tax by one or more increments of
 5-56 one-eighth of one percent. The board may not decrease the rate of
 5-57 the tax if the decrease would impair the repayment of any
 5-58 outstanding debt or obligation payable from the tax.

5-59 (c) The rate of the tax may not exceed the lesser of:

5-60 (1) the maximum rate authorized by the district voters
 5-61 at the election held under Section 8379.302; or

5-62 (2) a rate that, when added to the rates of all sales
 5-63 and use taxes imposed by other political subdivisions with
 5-64 territory in the district, would result in the maximum combined
 5-65 rate prescribed by Section 321.101(f), Tax Code, at any location in
 5-66 the district.

5-67 (d) The board shall notify the comptroller of any changes
 5-68 made to the tax rate in the same manner the municipal secretary
 5-69 provides notice to the comptroller under Section 321.405(b), Tax

6-1 Code.

6-2 Sec. 8379.304. USE OF REVENUE. Revenue from the sales and
6-3 use tax imposed under this subchapter is for the use and benefit of
6-4 the district and may be used for any district purpose. The district
6-5 may pledge all or part of the revenue to the payment of bonds,
6-6 notes, or other obligations, and that pledge of revenue may be in
6-7 combination with other revenue, including tax revenue, available to
6-8 the district.

6-9 Sec. 8379.305. ABOLITION OF TAX. (a) The board may
6-10 abolish the tax imposed under this subchapter without an election.
6-11 (b) If the board abolishes the tax, the board shall notify
6-12 the comptroller of that action in the same manner the municipal
6-13 secretary provides notice to the comptroller under Section
6-14 321.405(b), Tax Code.

6-15 (c) If the board abolishes the tax or decreases the tax rate
6-16 to zero, a new election to authorize a sales and use tax must be held
6-17 under Section 8379.302 before the district may subsequently impose
6-18 the tax.

6-19 [Sections 8379.306-8379.350 reserved for expansion]

6-20 SUBCHAPTER H. HOTEL OCCUPANCY TAX

6-21 Sec. 8379.351. DEFINITION. In this subchapter, "hotel" has
6-22 the meaning assigned by Section 156.001, Tax Code.

6-23 Sec. 8379.352. APPLICABILITY OF CERTAIN TAX CODE
6-24 PROVISIONS. (a) In this subchapter:

6-25 (1) a reference in Subchapter A, Chapter 352, Tax
6-26 Code, to a county is a reference to the district; and
6-27 (2) a reference in Subchapter A, Chapter 352, Tax
6-28 Code, to the commissioners court is a reference to the board.

6-29 (b) Except as inconsistent with this subchapter, Subchapter
6-30 A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized
6-31 by this subchapter, including the collection of the tax, subject to
6-32 the limitations prescribed by Sections 352.002(b) and (c), Tax
6-33 Code.

6-34 Sec. 8379.353. TAX AUTHORIZED; USE OF REVENUE. (a) The
6-35 district may not impose a hotel occupancy tax unless the city
6-36 consents to the imposition.

6-37 (b) The district may impose the hotel occupancy tax for:
6-38 (1) any purpose authorized under Chapter 351, Tax
6-39 Code; or

6-40 (2) the construction, operation, or maintenance of a
6-41 sports-related facility of the district that:

6-42 (A) has a notable impact on tourism and hotel
6-43 activity; and

6-44 (B) is available to the public.

6-45 Sec. 8379.354. TAX RATE. The amount of the hotel occupancy
6-46 tax may not exceed seven percent of the price paid for a room in a
6-47 hotel.

6-48 Sec. 8379.355. INFORMATION. The district may examine and
6-49 receive information related to the imposition of hotel occupancy
6-50 taxes to the same extent as if the district were a county.

6-51 [Sections 8379.356-8379.400 reserved for expansion]

6-52 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

6-53 Sec. 8379.401. APPLICABILITY OF LAW ON ANNEXATION OF WATER
6-54 OR SEWER DISTRICT. The district is a "water or sewer district" for
6-55 the purposes of Section 43.071, Local Government Code.

6-56 Sec. 8379.402. APPLICABILITY OF LAW ON WATER-RELATED
6-57 SPECIAL DISTRICT THAT BECOMES PART OF NOT MORE THAN ONE
6-58 MUNICIPALITY. Section 43.075, Local Government Code, applies to
6-59 the district.

6-60 Sec. 8379.403. STRATEGIC PARTNERSHIP; CONTINUATION OF
6-61 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may
6-62 continue to exist as a limited district after full-purpose
6-63 annexation by a municipality if the district and the annexing
6-64 municipality state the terms of the limited district's existence in
6-65 a strategic partnership agreement under Section 43.0751, Local
6-66 Government Code.

6-67 (b) The strategic partnership agreement may provide for an
6-68 original or renewed term of any number of years. The limitation in
6-69 Section 43.0751(g)(2), Local Government Code, on the length of the

7-1 term does not apply to a limited district created under this
7-2 section.

7-3 Sec. 8379.404. HEARING AND NEGOTIATION AFTER HEARING NOT
7-4 REQUIRED. Sections 43.0561 and 43.0562, Local Government Code, do
7-5 not apply to the annexation of the district.

7-6 Sec. 8379.405. NOTICE OF FUTURE CITY ANNEXATION REQUIRED.

7-7 (a) Not later than the 30th day after the date the city consents to
7-8 the creation of the district and to the inclusion of land in the
7-9 district under Section 8379.004(a), the city shall file, in the
7-10 real property records of the county, a notice to a purchaser of real
7-11 property in the district that describes:

7-12 (1) the city's authority and intention to annex the
7-13 district; and

7-14 (2) the anticipated date of the annexation.

7-15 (b) After the notice is filed, a person who proposes to sell
7-16 or otherwise convey real property in the district must provide a
7-17 copy of the notice to a purchaser of the property before selling or
7-18 conveying the property to the purchaser.

7-19 SECTION 2. The Rio de Vida Municipal Utility District No. 1
7-20 initially includes all the territory contained in the following
7-21 area:

7-22 ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE REUBEN
7-23 HORNSBY SURVEY NO. 17, JOSEPH DUTY SURVEY NO. 20 AND THE JOHN
7-24 BURLESON SURVEY NO. 33, TRAVIS COUNTY, TEXAS; BEING ALL OF THE
7-25 FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY
7-26 DEEDS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY,
7-27 TEXAS: A 353.08-ACRE TRACT (TO BE KNOWN AS PARCEL 01-1) AND A
7-28 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 12448, PAGE
7-29 737 AND VOLUME 13170, PAGE 656; A 65.12-ACRE TRACT (TO BE KNOWN AS
7-30 PARCEL 01-2) IN VOLUME 13170, PAGE 656; A 102.188-ACRE TRACT
7-31 (PARCEL NO. 1) (TO BE KNOWN AS PARCEL 02-1), A 29.008-ACRE TRACT
7-32 (PARCEL NO. 2) (TO BE KNOWN AS PARCEL 02-2) AND A 10.743-ACRE TRACT
7-33 (PARCEL NO. 3) (TO BE KNOWN AS PARCEL 02-3) IN VOLUME 12593, PAGE
7-34 2001; A 22.911-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 04-1) IN
7-35 VOLUME 11985, PAGE 1238 AND VOLUME 13170, PAGE 656; A 19.253-ACRE
7-36 TRACT (PARCEL 3) (TO BE KNOWN AS PARCEL 05-1), A 4.591-ACRE TRACT
7-37 (PARCEL 1) (TO BE KNOWN AS PARCEL 06-1) AND A 16.931-ACRE TRACT
7-38 (PARCEL 2) (TO BE KNOWN AS PARCEL 06-2) IN VOLUME 13304, PAGE 3306;
7-39 A 52.487-ACRE TRACT (TO BE KNOWN AS PARCEL 08-1) IN VOLUME 13088,
7-40 PAGE 429; A PORTION OF A 6.605-ACRE TRACT (TRACT 1) (TO BE KNOWN AS
7-41 PARCEL 08-2) AND A 5.411-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL
7-42 12-1) IN VOLUME 13088, PAGE 421; A 51.32-ACRE TRACT (TO BE KNOWN AS
7-43 PARCEL 10-1) IN VOLUME 12703, PAGE 411 AND VOLUME 13170, PAGE 656; A
7-44 6.262-ACRE TRACT (TO BE KNOWN AS PARCEL 11-1) IN VOLUME 12835, PAGE
7-45 1489; A 22.967-ACRE TRACT (TO BE KNOWN AS PARCEL 13-1) IN VOLUME
7-46 9872, PAGE 77 AND VOLUME 13170, PAGE 656; A 14.272-ACRE TRACT (TRACT
7-47 8) (TO BE KNOWN AS PARCEL 14-1), A 21.100-ACRE TRACT (TRACT 9) (TO
7-48 BE KNOWN AS PARCEL 15-1), A 32.738-ACRE TRACT (TRACT 17) (TO BE
7-49 KNOWN AS PARCEL 17-1), A 8.051-ACRE TRACT (TRACT 12) (TO BE KNOWN AS
7-50 PARCEL 18-1), A 9.744-ACRE TRACT (TRACT 13) (TO BE KNOWN AS PARCEL
7-51 18-2), A 9.752-ACRE TRACT (TRACT 14) (TO BE KNOWN AS PARCEL 18-3), A
7-52 15.981-ACRE TRACT (TRACT 15) (TO BE KNOWN AS PARCEL 18-4), A
7-53 19.127-ACRE TRACT (TRACT 16) (TO BE KNOWN AS PARCEL 18-5), A
7-54 10.274-ACRE TRACT (TRACT 10) (TO BE KNOWN AS PARCEL 21-1), A
7-55 9.825-ACRE TRACT (TRACT 11) (TO BE KNOWN AS PARCEL 21-2), A PORTION
7-56 OF A 44.586-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 23-1), A
7-57 PORTION OF A 15.959-ACRE TRACT (TRACT 7) (TO BE KNOWN AS PARCEL
7-58 23-2), A PORTION OF A 15.946-ACRE TRACT (TRACT 6) (TO BE KNOWN AS
7-59 PARCEL 23-3) AND A PORTION OF A 14.135-ACRE TRACT (TRACT 3) (TO BE
7-60 KNOWN AS PARCEL 28-1) IN VOLUME 12326, PAGE 1154 AND VOLUME 13170,
7-61 PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME
7-62 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO
7-63 BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME
7-64 13170, PAGE 656; A 45.874-ACRE TRACT (TO BE KNOWN AS PARCEL 19-1) IN
7-65 VOLUME 12270, PAGE 1633 AND VOLUME 13170, PAGE 656; A 13.853-ACRE
7-66 TRACT (TO BE KNOWN AS PARCEL 20-1) IN VOLUME 12326, PAGE 1149 AND
7-67 VOLUME 13170, PAGE 656; A PORTION OF A 32.403-ACRE TRACT (TRACT 4)
7-68 (TO BE KNOWN AS PARCEL 22-1) AND A PORTION OF A 50.388-ACRE TRACT
7-69 (TRACT 1) (TO BE KNOWN AS PARCEL 28-2) IN VOLUME 12326, PAGE 1109

8-1 AND VOLUME 13170, PAGE 656; AND A 83.838-ACRE TRACT (TO BE KNOWN AS
 8-2 PARCEL 27-1) IN VOLUME 11955, PAGE 972 AND VOLUME 13170, PAGE 656;
 8-3 AND ALSO BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO
 8-4 TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE OFFICIAL PUBLIC
 8-5 RECORDS OF TRAVIS COUNTY, TEXAS: A 49.994-ACRE TRACT (TRACT 1) (TO
 8-6 BE KNOWN AS PARCEL 03-1), A PORTION OF A 85.957-ACRE TRACT (TRACT 2)
 8-7 (TO BE KNOWN AS PARCEL 03-2), A PORTION OF A 41.043-ACRE TRACT
 8-8 (TRACT 3) (TO BE KNOWN AS PARCEL 03-3), A 69.542-ACRE TRACT (TRACT
 8-9 4) (TO BE KNOWN AS PARCEL 03-4), A 55.299-ACRE TRACT (TRACT 5) (TO
 8-10 BE KNOWN AS PARCEL 03-5), A PORTION OF A 33.214-ACRE TRACT (TO BE
 8-11 KNOWN AS PARCEL 03-6) AND A 39.355-ACRE TRACT (TRACT 6) (TO BE KNOWN
 8-12 AS PARCEL 03-7) IN DOCUMENT NO. 1999152526; A 223.497-ACRE TRACT
 8-13 (TO BE KNOWN AS PARCEL 07-1) IN DOCUMENT NO. 2005002939; A
 8-14 194.824-ACRE TRACT (TRACT A) (TO BE KNOWN AS PARCEL 09-1) AND A
 8-15 67.418-ACRE TRACT (TRACT B) (TO BE KNOWN AS PARCEL 09-2) IN DOCUMENT
 8-16 NO. 2005007841; PORTIONS OF A 101.697-ACRE TRACT (TRACT 1) AND A
 8-17 14.054-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 24-1) IN DOCUMENT
 8-18 NO. 1999148757; A 39.462-ACRE TRACT (TO BE KNOWN AS PARCEL 25-1) IN
 8-19 DOCUMENT NO. 2006133198; AND A 33.35-ACRE TRACT (TO BE KNOWN AS
 8-20 PARCEL 26-1) IN DOCUMENT NO. 2005007845; AND BEING MORE
 8-21 PARTICULARLY DESCRIBED IN FIVE (5) TRACTS BY METES AND BOUNDS AS
 8-22 FOLLOWS:

TRACT 1

8-24 BEGINNING at a calculated point at the intersection of the
 8-25 north bank of the Colorado River and the east right-of-way line of
 8-26 State Highway No. 130, at the southwest corner of the
 8-27 above-described Parcel 09-1, for the southwest corner and POINT OF
 8-28 BEGINNING of the herein described tract;

8-29 THENCE, with the east right-of-way line of said State Highway
 8-30 No. 130, the following seven (7) courses:

8-31 1) N08°37'24"W a distance of 537.28 feet to a calculated
 8-32 angle point;

8-33 2) N01°34'38"W a distance of 3,468.10 feet to a calculated
 8-34 angle point;

8-35 3) N59°15'05"E a distance of 166.15 feet to a calculated
 8-36 angle point;

8-37 4) N08°13'09"E a distance of 547.29 feet to a calculated
 8-38 angle point;

8-39 5) N52°30'09"W a distance of 138.99 feet to a calculated
 8-40 non-tangent point of curvature of a curve to the right;

8-41 6) Along said curve to the right an arc distance of 1,274.92
 8-42 feet, having a radius of 3,458.72 feet, and a chord which bears
 8-43 N19°25'33"E a distance of 1,267.71 feet to a calculated point of
 8-44 tangency; and

8-45 7) N29°59'08"E a distance of 421.69 feet to a calculated
 8-46 point at the northwest corner of said Parcel 09-1;

8-47 THENCE, with the north line of said Parcel 09-1, the
 8-48 following three (3) courses:

8-49 1) S60°37'51"E a distance of 116.20 feet to a to a calculated
 8-50 point;

8-51 2) N29°22'09"E a distance of 83.70 feet to a calculated
 8-52 point; and

8-53 3) S60°41'35"E a distance of 416.71 feet to a calculated
 8-54 point on the west line of the above-described Parcel 01-1 at the
 8-55 most northerly northeast corner of said Parcel 09-1;

8-56 THENCE, with the west line of said Parcel 01-1, the following
 8-57 five (5) courses:

8-58 1) N27°20'56"E a distance of 39.85 feet to a calculated angle
 8-59 point;

8-60 2) N49°43'26"E a distance of 65.85 feet to a calculated angle
 8-61 point;

8-62 3) N27°21'16"E a distance of 619.40 feet to a calculated
 8-63 point at an inside corner of said Parcel 01-1;

8-64 4) N62°38'24"W a distance of 5.00 feet to a calculated point
 8-65 at an outside corner of said Parcel 01-1; and

8-66 5) N27°21'36"E a distance of 617.35 feet to a calculated
 8-67 point on the south line of the above-described Parcel 16-1 at the
 8-68 northwest corner of said Parcel 01-1;

8-69 THENCE N62°22'51"W a distance of 40.60 feet to a calculated

9-1 point on the east line of the above-described Parcel 23-1;
9-2 THENCE, with the east line of said Parcel 23-1, the following
9-3 four (4) courses:
9-4 1) S27°22'35"W a distance of 618.29 feet to a calculated
9-5 point for an outside corner of said Parcel 23-1;
9-6 2) N62°37'49"W a distance of 5.00 feet to a calculated point
9-7 for an inside corner of said Parcel 23-1;
9-8 3) S27°22'11"W a distance of 618.51 feet to a calculated
9-9 angle point; and
9-10 4) S73°40'29"W a distance of 69.55 feet to a calculated point
9-11 at the southeast corner of said Parcel 23-1;
9-12 THENCE, with the south line of said Parcel 23-1, N60°41'02"W a
9-13 distance of 339.91 feet to a calculated point on the east
9-14 right-of-way line of State Highway No. 130 at the southwest corner
9-15 of said Parcel 23-1;
9-16 THENCE, with the east right-of-way line of said State Highway
9-17 No. 130, the following three (3) courses:
9-18 1) N30°02'29"E a distance of 1,101.68 feet to a calculated
9-19 angle point;
9-20 2) N20°27'12"E a distance of 2,012.40 feet to a calculated
9-21 angle point; and
9-22 3) N27°27'12"E a distance of 432.97 feet to a calculated
9-23 point at the northwest corner of the above-described Parcel 23-3;
9-24 THENCE, with the north line of said Parcel 23-3, S62°04'21"E a
9-25 distance of 608.26 feet to a calculated point on the west line of
9-26 the above-described Parcel 14-1 at the northeast corner of said
9-27 Parcel 23-3;
9-28 THENCE, with the west line of said Parcel 14-1, N27°45'52"E a
9-29 distance of 393.68 feet to a calculated point at the northwest
9-30 corner of said Parcel 14-1, also being the most westerly southwest
9-31 corner of the above-described Parcel 01-2;
9-32 THENCE, with the west line of said Parcel 01-2, N28°07'17"E a
9-33 distance of 224.92 feet to a calculated point at the southeast
9-34 corner of the above-described Parcel 24-1;
9-35 THENCE, with the south line of said Parcel 24-1, N62°34'20"W a
9-36 distance of 613.00 feet to a calculated point on the east
9-37 right-of-way line of said State Highway No. 130 at the southwest
9-38 corner of said Parcel 24-1;
9-39 THENCE, with the east right-of-way line of said State Highway
9-40 No. 130, the following nine (9) courses:
9-41 1) N27°27'12"E a distance of 1,672.04 feet to a calculated
9-42 angle point;
9-43 2) N32°27'12"E a distance of 1,894.71 feet to a calculated
9-44 angle point;
9-45 3) N29°36'58"E a distance of 516.40 feet to a calculated
9-46 point;
9-47 4) S61°16'47"E a distance of 91.29 feet to a calculated
9-48 point;
9-49 5) N33°24'29"E a distance of 576.93 feet to a calculated
9-50 point;
9-51 6) N61°16'47"W a distance of 126.37 feet to a calculated
9-52 point;
9-53 7) N26°30'22"E a distance of 430.28 feet to a calculated
9-54 point;
9-55 8) N61°16'47"W a distance of 56.58 feet to a calculated
9-56 point; and
9-57 9) N27°27'30"E a distance of 956.84 feet to a calculated
9-58 point at the intersection with the south right-of-way line of FM
9-59 Highway No. 969, also being the northwest corner of said Parcel
9-60 24-1;
9-61 THENCE, with the south right-of-way line of said FM Highway
9-62 No. 969, the following six (6) courses:
9-63 1) S64°07'08"E a distance of 395.49 feet to a calculated
9-64 point;
9-65 2) S22°48'20"W a distance of 61.04 feet to a calculated
9-66 point;
9-67 3) S67°11'40"E a distance of 110.00 feet to a calculated
9-68 point;
9-69 4) N22°48'20"E a distance of 60.54 feet to a calculated

10-1 point;

10-2 5) S77°33'00"E a distance of 201.73 feet to a calculated

10-3 angle point; and

10-4 6) S65°03'31"E a distance of 381.97 feet to a calculated

10-5 point at the northeast corner of the above-described Parcel 08-2;

10-6 THENCE, with the east line of said Parcel 08-2, S12°49'01"W a

10-7 distance of 1,365.75 feet to a calculated point at an inside corner

10-8 of the above-described Parcel 02-1;

10-9 THENCE, with the north line of said Parcel 02-1, S62°34'57"E a

10-10 distance of 947.19 feet to a calculated point at the most easterly

10-11 northeast corner of said Parcel 02-1;

10-12 THENCE, with the east line of said Parcel 02-1, S27°12'42"W a

10-13 distance of 1,350.79 feet to a calculated angle point;

10-14 THENCE, continuing with the east line of said Parcel 02-1,

10-15 S27°42'57"W a distance of 1,658.43 feet to a calculated point at the

10-16 northeast corner of said Parcel 01-2;

10-17 THENCE, with the east line of said Parcel 01-2, S27°36'56"W a

10-18 distance of 1,486.26 feet to a calculated point at an outside corner

10-19 of said Parcel 01-2 on the north line of the above-described Parcel

10-20 04-1;

10-21 THENCE, with the north line of said Parcel 04-1, S62°13'13"E a

10-22 distance of 697.01 feet to a calculated point at the northeast

10-23 corner of said Parcel 04-1, also being the northwest corner of the

10-24 above-described Parcel 19-1;

10-25 THENCE, with the north line of said Parcel 19-1, S62°14'53"E a

10-26 distance of 461.49 feet to a calculated point at the southwest

10-27 corner of the above-described Parcel 10-1;

10-28 THENCE, with the west line of said Parcel 10-1, N27°49'54"E a

10-29 distance of 3,150.15 feet to a calculated point at the northwest

10-30 corner of said Parcel 10-1;

10-31 THENCE, with the north line of said Parcel 10-1, S62°43'06"E a

10-32 distance of 710.22 feet to a calculated point at the northeast

10-33 corner of said Parcel 10-1;

10-34 THENCE, with the east line of said Parcel 10-1, S27°52'34"W a

10-35 distance of 3,156.02 feet to a calculated point at the southeast

10-36 corner of said Parcel 10-1, also being the northwest corner of the

10-37 above-described Parcel 06-1;

10-38 THENCE, with the north line of said Parcel 06-1, S61°04'03"E a

10-39 distance of 289.04 feet to a calculated point at the northwest

10-40 corner of the above-described Parcel 12-1;

10-41 THENCE, with the north line of said Parcel 12-1, S63°22'55"E a

10-42 distance of 457.28 feet to a calculated point at the northwest

10-43 corner of the above-described Parcel 06-2;

10-44 THENCE, with the north line of said Parcel 06-2, S64°42'36"E a

10-45 distance of 378.00 feet to a calculated point at the northwest

10-46 corner of the above-described Parcel 20-1;

10-47 THENCE, with the north line of said Parcel 20-1, S70°09'59"E a

10-48 distance of 400.67 feet to a calculated point at the northwest

10-49 corner of the above-described Parcel 02-3;

10-50 THENCE, with the north line of said Parcel 02-3, the

10-51 following three (3) courses:

10-52 1) S67°05'07"E a distance of 104.58 feet to a calculated

10-53 angle point;

10-54 2) S53°35'54"E a distance of 105.83 feet to a calculated

10-55 angle point; and

10-56 3) S55°41'48"E a distance of 206.91 feet to a calculated

10-57 point at the northeast corner of said Parcel 02-3;

10-58 THENCE, with the east line of said Parcel 02-3, S28°01'49"W a

10-59 distance of 899.00 feet to a calculated point on the north bank of

10-60 the Colorado River at the southeast corner of said Parcel 02-3;

10-61 THENCE, with the meanders of the north bank of the Colorado

10-62 River, the following fifty-nine (59) courses:

10-63 1) S78°57'26"W a distance of 265.40 feet to a calculated

10-64 point;

10-65 2) S58°33'04"W a distance of 403.36 feet to a calculated

10-66 point;

10-67 3) S27°53'07"W a distance of 24.17 feet to a calculated

10-68 point;

10-69 4) S73°19'34"W a distance of 179.78 feet to a calculated

11-1 point;
 11-2 point; 5) S80°40'33"W a distance of 284.45 feet to a calculated
 11-3 point;
 11-4 point; 6) N26°28'28"E a distance of 20.96 feet to a calculated
 11-5 point;
 11-6 point; 7) S75°36'26"W a distance of 293.31 feet to a calculated
 11-7 point;
 11-8 point; 8) S86°20'34"W a distance of 84.16 feet to a calculated
 11-9 point;
 11-10 point; 9) S79°42'18"W a distance of 141.79 feet to a calculated
 11-11 point;
 11-12 point; 10) S27°00'43"W a distance of 26.90 feet to a calculated
 11-13 point;
 11-14 point; 11) S78°05'41"W a distance of 99.68 feet to a calculated
 11-15 point;
 11-16 point; 12) S71°38'12"W a distance of 426.53 feet to a calculated
 11-17 point;
 11-18 point; 13) S58°35'29"W a distance of 276.51 feet to a calculated
 11-19 point;
 11-20 point; 14) S24°20'35"W a distance of 359.58 feet to a calculated
 11-21 point;
 11-22 point; 15) S08°24'01"W a distance of 300.61 feet to a calculated
 11-23 point;
 11-24 point; 16) S07°37'34"E a distance of 185.37 feet to a calculated
 11-25 point;
 11-26 point; 17) S02°25'49"E a distance of 59.41 feet to a calculated
 11-27 point;
 11-28 point; 18) S01°21'36"W a distance of 38.60 feet to a calculated
 11-29 point;
 11-30 point; 19) S08°00'24"E a distance of 41.40 feet to a calculated
 11-31 point;
 11-32 point; 20) S09°09'36"W a distance of 373.90 feet to a calculated
 11-33 point;
 11-34 point; 21) S31°59'36"W a distance of 107.30 feet to a calculated
 11-35 point;
 11-36 point; 22) S18°00'36"W a distance of 293.50 feet to a calculated
 11-37 point;
 11-38 point; 23) S30°25'36"W a distance of 112.00 feet to a calculated
 11-39 point;
 11-40 point; 24) S10°51'36"W a distance of 634.90 feet to a calculated
 11-41 point;
 11-42 point; 25) S02°34'36"W a distance of 30.70 feet to a calculated
 11-43 point;
 11-44 point; 26) S59°28'24"E a distance of 57.10 feet to a calculated
 11-45 point;
 11-46 point; 27) S03°40'24"E a distance of 310.40 feet to a calculated
 11-47 point;
 11-48 point; 28) S16°21'36"W a distance of 278.50 feet to a calculated
 11-49 point;
 11-50 point; 29) S17°53'36"W a distance of 322.40 feet to a calculated
 11-51 point;
 11-52 point; 30) S32°29'36"W a distance of 792.30 feet to a calculated
 11-53 point;
 11-54 point; 31) S18°11'36"W a distance of 184.90 feet to a calculated
 11-55 point;
 11-56 point; 32) N63°10'34"W a distance of 44.96 feet to a calculated
 11-57 point;
 11-58 point; 33) S19°04'38"W a distance of 21.49 feet to a calculated
 11-59 point;
 11-60 point; 34) S27°17'38"W a distance of 190.50 feet to a calculated
 11-61 point;
 11-62 point; 35) S23°12'38"W a distance of 266.20 feet to a calculated
 11-63 point;
 11-64 point; 36) S33°52'38"W a distance of 191.10 feet to a calculated
 11-65 point;
 11-66 point; 37) S61°12'38"W a distance of 280.40 feet to a calculated
 11-67 point;
 11-68 point; 38) S63°15'38"W a distance of 345.10 feet to a calculated
 11-69 point;

12-1 39) S72°35'38"W a distance of 285.20 feet to a calculated
 12-2 point;
 12-3 40) N85°31'22"W a distance of 165.00 feet to a calculated
 12-4 point;
 12-5 41) N72°50'22"W a distance of 150.00 feet to a calculated
 12-6 point;
 12-7 42) N10°15'22"W a distance of 135.80 feet to a calculated
 12-8 point;
 12-9 43) N04°17'22"W a distance of 37.00 feet to a calculated
 12-10 point;
 12-11 44) N38°51'22"W a distance of 391.50 feet to a calculated
 12-12 point;
 12-13 45) N12°14'22"W a distance of 40.00 feet to a calculated
 12-14 point;
 12-15 46) N07°15'38"E a distance of 183.00 feet to a calculated
 12-16 point;
 12-17 47) S47°45'38"W a distance of 386.10 feet to a calculated
 12-18 point;
 12-19 48) S75°54'39"W a distance of 102.43 feet to a calculated
 12-20 point;
 12-21 49) S71°46'05"W a distance of 154.03 feet to a calculated
 12-22 point;
 12-23 50) S65°38'42"W a distance of 430.32 feet to a calculated
 12-24 point;
 12-25 51) S49°58'20"W a distance of 207.45 feet to a calculated
 12-26 point;
 12-27 52) S47°30'01"W a distance of 581.94 feet to a calculated
 12-28 point;
 12-29 53) S58°05'16"W a distance of 199.26 feet to a calculated
 12-30 point;
 12-31 54) S55°02'26"W a distance of 168.25 feet to a calculated
 12-32 point;
 12-33 55) S66°49'36"W a distance of 424.33 feet to a calculated
 12-34 point;
 12-35 56) S70°27'05"W a distance of 178.44 feet to a calculated
 12-36 point;
 12-37 57) S73°49'29"W a distance of 103.82 feet to a calculated
 12-38 point;
 12-39 58) S85°43'30"W a distance of 78.52 feet to a calculated
 12-40 point; and
 12-41 59) S78°29'14"W a distance of 59.80 feet to the POINT OF
 12-42 BEGINNING, and containing 1,370 acres of land, more or less.
 12-43 TRACT 2
 12-44 BEGINNING at a calculated point at the intersection of the
 12-45 north bank of the Colorado River and the west right-of-way line of
 12-46 State Highway No. 130, at the southeast corner of the
 12-47 above-described Parcel 03-2, for the southeast corner and POINT OF
 12-48 BEGINNING of the herein described tract;
 12-49 THENCE, with the meanders of the north bank of the Colorado
 12-50 River, the following twenty-two (22) courses:
 12-51 1) S76°37'38"W a distance of 1.87 feet to a calculated point;
 12-52 2) S72°53'53"W a distance of 518.11 feet to a calculated
 12-53 point;
 12-54 3) S75°14'11"W a distance of 517.88 feet to a calculated
 12-55 point;
 12-56 4) S70°55'05"W a distance of 289.38 feet to a calculated
 12-57 point;
 12-58 5) S81°58'40"W a distance of 118.79 feet to a calculated
 12-59 point;
 12-60 6) S63°21'33"W a distance of 277.07 feet to a calculated
 12-61 point;
 12-62 7) S49°47'25"W a distance of 47.81 feet to a calculated
 12-63 point;
 12-64 8) S64°43'53"W a distance of 353.97 feet to a calculated
 12-65 point;
 12-66 9) S62°39'35"W a distance of 626.81 feet to a calculated
 12-67 point;
 12-68 10) S72°28'38"W a distance of 203.07 feet to a calculated
 12-69 point;

13-1 11) S85°12'41"W a distance of 191.20 feet to a calculated
 13-2 point;
 13-3 12) N89°48'48"W a distance of 82.77 feet to a calculated
 13-4 point;
 13-5 13) N83°17'50"W a distance of 141.54 feet to a calculated
 13-6 point;
 13-7 14) N83°16'30"W a distance of 332.35 feet to a calculated
 13-8 point;
 13-9 15) N72°21'14"W a distance of 159.08 feet to a calculated
 13-10 point;
 13-11 16) N80°26'48"W a distance of 189.39 feet to a calculated
 13-12 point;
 13-13 17) N79°57'59"W a distance of 91.38 feet to a calculated
 13-14 point;
 13-15 18) S85°50'53"W a distance of 69.91 feet to a calculated
 13-16 point;
 13-17 19) N78°28'45"W a distance of 123.84 feet to a calculated
 13-18 point;
 13-19 20) N68°18'10"W a distance of 159.21 feet to a calculated
 13-20 point;
 13-21 21) N80°39'08"W a distance of 135.80 feet to a calculated
 13-22 point; and
 13-23 22) S78°59'06"W a distance of 43.91 feet to a calculated
 13-24 point at the intersection with the east right-of-way line of FM
 13-25 Highway No. 973, also being the most southerly southwest corner of
 13-26 the above-described Parcel 03-5;
 13-27 THENCE, with the east right-of-way line of said FM Highway
 13-28 No. 973, N10°21'00"E a distance of 147.12 feet to a calculated point
 13-29 of curvature of a curve to the left;
 13-30 THENCE, continuing with the east right-of-way line, along
 13-31 said curve to the left an arc distance of 623.12 feet, having a
 13-32 radius of 622.94 feet, and a chord which bears N18°18'22"W a
 13-33 distance of 597.46 feet to a calculated point at the most westerly
 13-34 southwest corner of said Parcel 03-5;
 13-35 THENCE, with the west line of said Parcel 03-5, N27°38'58"E a
 13-36 distance of 2,173.14 feet to a calculated point at the northwest
 13-37 corner of said Parcel 03-5;
 13-38 THENCE, with the north line of said Parcel 03-5, S62°35'52"E a
 13-39 distance of 953.15 feet to a calculated point in the west line of
 13-40 the above-described Parcel 03-7 at the northeast corner of said
 13-41 Parcel 03-5;
 13-42 THENCE, with the west line of said Parcel 03-7, N27°51'48"E a
 13-43 distance of 830.67 feet to a calculated angle point;
 13-44 THENCE, continuing with the west line of said Parcel 03-7,
 13-45 N27°04'22"E a distance of 660.77 feet to a calculated angle point;
 13-46 THENCE, with the west line of the above-described Parcel
 13-47 03-01, N27°16'45"E a distance of 2,498.68 feet to a calculated point
 13-48 at the northwest corner of said Parcel 03-1, also being the
 13-49 southwest corner of the above-described Parcel 28-2;
 13-50 THENCE, with the west line of said Parcel 28-2, the following
 13-51 five (5) courses:
 13-52 1) N23°25'44"E a distance of 14.81 feet to a calculated angle
 13-53 point;
 13-54 2) N27°12'18"E a distance of 110.07 feet to a calculated
 13-55 angle point;
 13-56 3) N27°08'13"E a distance of 109.97 feet to a calculated
 13-57 angle point;
 13-58 4) N27°14'30"E a distance of 114.81 feet to a calculated
 13-59 angle point; and
 13-60 5) N27°12'49"E a distance of 7.53 feet to a calculated point
 13-61 at the southeast corner of the above-described Parcel 27-1;
 13-62 THENCE, with the south line of said Parcel 27-1, N62°40'24"W a
 13-63 distance of 1,722.95 feet to a calculated point on the east
 13-64 right-of-way line of FM Highway No. 973 at the southwest corner of
 13-65 said Parcel 27-1;
 13-66 THENCE, with the east right-of-way line of said FM Highway
 13-67 No. 973, N27°14'18"E a distance of 2,115.67 feet to a calculated
 13-68 point at the intersection with the south right-of-way line of
 13-69 Harold Green Road at the northwest corner of said Parcel 27-1;

14-1 THENCE, with the south right-of-way line of said Harold Green
14-2 Road, S62°58'47"E a distance of 1,685.22 feet to a calculated angle
14-3 point;
14-4 THENCE, continuing with the south right-of-way line of said
14-5 Harold Green Road, S49°54'08"E a distance of 37.29 feet to a
14-6 calculated point at the intersection with the west right-of-way
14-7 line of State Highway No. 130 at the northeast corner of said Parcel
14-8 27-1;
14-9 THENCE, with the west right-of-way line of said State Highway
14-10 No. 130, the following six (6) courses:
14-11 1) S27°10'40"W a distance of 207.10 feet to a calculated
14-12 point at the northwest corner of said Parcel 28-2;
14-13 2) S60°00'52"E a distance of 291.88 feet to a calculated
14-14 point at the northeast corner of said Parcel 28-2;
14-15 3) S29°59'08"W a distance of 908.52 feet to a calculated
14-16 angle point;
14-17 4) S12°44'41"W a distance of 849.11 feet to a calculated
14-18 angle point;
14-19 5) S18°15'23"E a distance of 401.53 feet to a calculated
14-20 angle point; and
14-21 6) S01°34'38"E a distance of 4,793.91 feet to the POINT OF
14-22 BEGINNING, and containing 446 acres of land, more or less.
14-23 TRACT 3
14-24 BEGINNING at a calculated point on the west right-of-way line
14-25 of FM Highway No. 973 at the northeast corner of the above-described
14-26 Parcel 03-4, for the northeast corner and POINT OF BEGINNING of the
14-27 herein described tract;
14-28 THENCE, with the west right-of-way line of said FM Highway
14-29 No. 973, S27°14'18"W a distance of 3,646.01 feet to a calculated
14-30 point at the southeast corner of said Parcel 03-4;
14-31 THENCE, with the south line of said Parcel 03-4, N62°56'53"W a
14-32 distance of 837.14 feet to a calculated point at the southwest
14-33 corner of said Parcel 03-4;
14-34 THENCE, with the west line of said Parcel 03-4, the following
14-35 three (3) courses:
14-36 1) N27°31'25"E a distance of 340.08 feet to a calculated
14-37 angle point;
14-38 2) N27°26'49"E a distance of 1,634.23 feet to a calculated
14-39 angle point; and
14-40 3) N27°36'28"E a distance of 1,688.35 feet to a calculated
14-41 point at the northwest corner of said Parcel 03-4;
14-42 THENCE, with the north line of said Parcel 03-4, S61°47'25"E a
14-43 distance of 818.72 feet to the POINT OF BEGINNING, and containing 69
14-44 acres of land, more or less.
14-45 TRACT 4
14-46 BEGINNING at a calculated point on the east right-of-way line
14-47 of FM Highway No. 973 at the northwest corner of the above-described
14-48 Parcel 11-1, for the most westerly northwest corner and POINT OF
14-49 BEGINNING of the herein described tract;
14-50 THENCE, with the north line of said Parcel 11-1, S62°59'56"E a
14-51 distance of 1,705.04 feet to a calculated point on the west line of
14-52 the above-described Parcel 22-1 at the northeast corner of said
14-53 Parcel 11-1;
14-54 THENCE, with the west line of said Parcel 22-1, N27°24'34"E a
14-55 distance of 854.85 feet to a calculated point on the west
14-56 right-of-way line of State Highway No. 130 at the northwest corner
14-57 of said Parcel 22-1;
14-58 THENCE, with the west right-of-way line of said State Highway
14-59 No. 130, the following six (6) courses:
14-60 1) S62°02'37"E a distance of 70.21 feet to a calculated point
14-61 at the northeast corner of said Parcel 22-1;
14-62 2) S12°37'58"W a distance of 1,453.45 feet to a calculated
14-63 point of curvature of a curve to the right;
14-64 3) Along said curve to the right an arc distance of 557.08
14-65 feet, having a radius of 1813.67 feet, and a chord which bears
14-66 S22°23'39"W a distance of 554.89 feet to a calculated point of
14-67 tangency;
14-68 4) S31°31'30"W a distance of 319.97 feet to a calculated
14-69 point at the southeast corner of the above-described Parcel 23-1;

15-1 5) N87°37'11"W a distance of 71.61 feet to a calculated angle
15-2 point; and

15-3 6) N62°35'47"W a distance of 400.24 feet to a calculated
15-4 point at the southwest corner of said Parcel 23-1;

15-5 THENCE, with the west lines of Parcels 23-1, 28-1 and 22-1,
15-6 N27°24'44"E a distance of 1,293.45 feet to a calculated point at the
15-7 southeast corner of said Parcel 11-1;

15-8 THENCE, with the south line of said Parcel 11-1, N62°59'56"W a
15-9 distance of 1,705.16 feet to a calculated point on the east
15-10 right-of-way line of said FM Highway No. 973 at the southwest corner
15-11 of said Parcel 11-1;

15-12 THENCE, with the east right-of-way line of said FM Highway
15-13 No. 973, N26°57'04"E a distance of 160.00 feet to the POINT OF
15-14 BEGINNING, and containing 24 acres of land, more or less.

15-15 TRACT 5

15-16 BEGINNING at a 1/2" iron rod found on the east right-of-way
15-17 line of FM Highway No. 973 at the northwest corner of the
15-18 above-described Parcel 07-1, for the northwest corner and POINT OF
15-19 BEGINNING of the herein described tract;

15-20 THENCE, with the north line of said Parcel 07-1, S63°23'23"E a
15-21 distance of 1,720.22 feet to a calculated point at the northeast
15-22 corner of said Parcel 07-1;

15-23 THENCE, with the east line of said Parcel 07-1, a portion of
15-24 said line also being the west right-of-way line of said State
15-25 Highway No. 130, S27°27'34"W a distance of 5,047.34 feet to a
15-26 calculated angle point;

15-27 THENCE, continuing with the west right-of-way line of said
15-28 State Highway No. 130, S27°52'12"W a distance of 588.10 feet to a
15-29 calculated point at the southeast corner of said Parcel 07-1;

15-30 THENCE, with the south line of said Parcel 07-1, N63°23'09"W a
15-31 distance of 1,723.19 feet to a 1/2" iron rod found with cap marked
15-32 "Brooks-Baker" on the east right-of-way line of said FM Highway No.
15-33 973 at the southwest corner of said Parcel 07-1;

15-34 THENCE, with the east right-of-way line of said FM Highway
15-35 No. 973, the following three (3) courses:

15-36 1) N27°00'51"E a distance of 790.98 feet to a calculated
15-37 angle point;

15-38 2) N27°35'51"E a distance of 4,186.86 feet to a calculated
15-39 angle point; and

15-40 3) N27°44'31"E a distance of 657.55 feet to the POINT OF
15-41 BEGINNING, and containing 223 acres of land, more or less.

15-42 The gross area contained within Tracts 1, 2, 3, 4 and 5 totals
15-43 2,132 acres of land, more or less.

15-44 SECTION 3. (a) The legal notice of the intention to
15-45 introduce this Act, setting forth the general substance of this
15-46 Act, has been published as provided by law, and the notice and a
15-47 copy of this Act have been furnished to all persons, agencies,
15-48 officials, or entities to which they are required to be furnished
15-49 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15-50 Government Code.

15-51 (b) The governor, one of the required recipients, has
15-52 submitted the notice and Act to the Texas Commission on
15-53 Environmental Quality.

15-54 (c) The Texas Commission on Environmental Quality has filed
15-55 its recommendations relating to this Act with the governor,
15-56 lieutenant governor, and speaker of the house of representatives
15-57 within the required time.

15-58 (d) All requirements of the constitution and laws of this
15-59 state and the rules and procedures of the legislature with respect
15-60 to the notice, introduction, and passage of this Act have been
15-61 fulfilled and accomplished.

15-62 SECTION 4. This Act takes effect immediately if it receives
15-63 a vote of two-thirds of all the members elected to each house, as
15-64 provided by Section 39, Article III, Texas Constitution. If this
15-65 Act does not receive the vote necessary for immediate effect, this
15-66 Act takes effect September 1, 2011.

15-67 * * * * *