

SENATE AMENDMENTS

2nd Printing

By: Gallego

H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11002.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

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

Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

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

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

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

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

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

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (e) The district will:

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

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

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

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

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

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

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 11002.006-11002.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

- (1) Brent Ratliff;
- (2) George Kutch;
- (3) John Nolan;
- (4) Renee Lorenz; and
- (5) H. C. Ross.

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

(c) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 11002.003; or
- (2) the fourth anniversary of the effective date of the Act creating this chapter.

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

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

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

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

10 [Sections 11002.053-11002.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

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

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

20 Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. Except
21 as provided by Section 11002.113, the district may provide
22 improvement projects and services in the same manner as a municipal
23 management district under Section 375.112, Local Government Code.

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

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

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

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

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

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

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

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

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

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

5 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. (a)

6 The district may not exercise the power of eminent domain outside
7 the district to acquire a site or easement for:

8 (1) a road project authorized by Section 11002.104; or

9 (2) a recreational facility as defined by Section
10 49.462, Water Code.

11 (b) If the district's exercise of its eminent domain power
12 requires relocating, raising, lowering, rerouting, or altering the
13 construction of any electric transmission or electric distribution
14 line, conduit, pole, or facility, the district must bear the actual
15 cost of relocating, raising, lowering, rerouting, or altering the
16 construction of any electric transmission or electric distribution
17 line to provide a comparable replacement without enhancing the
18 facility, after deducting from the cost the net salvage value
19 derived from the old facility.

20 Sec. 11002.108. ELECTRIC POWER FACILITIES. The district

21 may construct or acquire electric power generating, transmission,
22 and distribution facilities and improvements in aid of these
23 facilities.

24 Sec. 11002.109. AIRPORT. The district may construct,

25 acquire, improve, maintain, and operate an airport and improvements
26 in aid of the airport.

27 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT

1 CORPORATION. The district may exercise the powers of a corporation
2 created under the Development Corporation Act (Subtitle C1, Title
3 12, Local Government Code).

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

6 (1) has no outstanding bonded debt; and

7 (2) is not imposing ad valorem taxes.

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

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

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

19 (e) The board may adopt an order dividing the district
20 before or after the date the board holds an election under Section
21 11002.003 to confirm the district's creation.

22 (f) An order dividing the district shall:

23 (1) name each new district;

24 (2) include the metes and bounds of each new district;

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

26 and

27 (4) provide for the division of assets and liabilities

1 between or among the new districts.

2 (g) On or before the 30th day after the date of adoption of
3 an order dividing the district, the district shall file the order
4 with the Texas Commission on Environmental Quality and record the
5 order in the real property records of each county in which the
6 district is located.

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

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

14 Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121,
15 Water Code, does not apply to a groundwater well owned or used by
16 the district within the boundaries of the Brewster County
17 Groundwater Conservation District. The rules of the Brewster
18 County Groundwater Conservation District govern a groundwater well
19 owned or used by the district within the Brewster County
20 Groundwater Conservation District.

21 Sec. 11002.113. RETAIL ELECTRIC UTILITY SERVICES
22 PROHIBITED. The district may not provide retail electric utility
23 services, including transmission and distribution services, to
24 residential, retail, commercial, industrial, or other customers
25 inside or outside the district.

26 [Sections 11002.114-11002.150 reserved for expansion]

1 SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS

2 Sec. 11002.151. DEFINITION. In this subchapter, "receiving
3 entity" means the entity that holds a certificate of convenience
4 and necessity issued by the Public Utility Commission of Texas for
5 the territory included in the district.

6 Sec. 11002.152. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED.
7 Subject to Section 11002.155, the district shall transfer
8 improvements described by Section 11002.108 in accordance with this
9 section on the later of:

10 (1) the date that the district acquires or completes
11 the improvement; or

12 (2) the date the receiving entity approves the
13 transfer.

14 Sec. 11002.153. CONSTRUCTION STANDARDS. A public
15 improvement transferred under this subchapter must be constructed
16 in compliance with:

17 (1) the requirements and specifications established
18 by the receiving entity on or before the date that construction of
19 the improvement begins; and

20 (2) any tariffs for the electric utility or
21 cooperative that is the receiving entity.

22 Sec. 11002.154. PARTIAL TRANSFER IN STAGES. The district
23 may transfer part of an improvement under this subchapter if the
24 district completes construction of the improvement in stages.

25 Sec. 11002.155. TRANSFER WITHOUT DEBT REQUIRED. The
26 district shall convey all improvements that it is required to
27 transfer under this subchapter without debt or other encumbrance.

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

8 (b) This section does not affect any authority of the
9 receiving entity to alter, relocate, close, or discontinue
10 maintenance of an improvement.

11 Sec. 11002.157. EFFECT OF CONVEYANCE ON DISTRICT DEBT.
12 Conveyance of a public improvement to a receiving entity under this
13 subchapter does not affect:

14 (1) the sole responsibility of the district to pay in
15 full the principal of and interest and any premium on any
16 outstanding district bonds or other debt; or

17 (2) the district's responsibility to perform the
18 obligations provided by an order or resolution authorizing bonds or
19 other debt.

20 [Sections 11002.158-11002.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 11002.201. ELECTIONS REGARDING TAXES OR BONDS. (a)
23 The district may issue, without an election, bonds and other
24 obligations secured by:

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

26 (2) contract payments described by Section 11002.203.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

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

8 Sec. 11002.202. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 11002.201, the
10 district may impose an operation and maintenance tax on taxable
11 property in the district in accordance with Section 49.107, Water
12 Code.

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

15 Sec. 11002.203. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 Sec. 11002.204. SALES AND USE TAX. (a) The district may
25 impose a sales and use tax if authorized by a majority of the voters
26 of the district voting at an election called for that purpose.
27 Revenue from the tax may be used for any purpose for which ad

1 valorem tax revenue of the district may be used.

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

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

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

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

1 rate imposed at that location down to a rate allowed by law.

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

7 Sec. 11002.206. ELECTRIC UTILITY PROPERTY EXEMPT FROM
8 IMPACT FEES AND ASSESSMENTS. The district may not impose an impact
9 fee or assessment on the property, including the equipment,
10 rights-of-way, facilities, or improvements, of an electric
11 cooperative as defined by Section 161.002, Utilities Code.

12 [Sections 11002.207-11002.250 reserved for expansion]

13 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

14 Sec. 11002.251. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, sales and use taxes, other
18 district money, or any combination of those sources to pay for any
19 authorized district purpose.

20 Sec. 11002.252. TAXES FOR BONDS. (a) At the time the
21 district issues bonds payable wholly or partly from ad valorem
22 taxes, the board shall provide for the annual imposition of an ad
23 valorem tax, without limit as to rate or amount, as required by
24 Section 54.601, Water Code.

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

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

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

9 FIELD NOTE DESCRIPTION

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

17 Property described as being located north of FM Highway 170

18 Tract 1

19 Being parts of the following Surveys:

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

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

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

23 Beginning at a rock mound found for the northeast corner of Section
24 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co.
25 Surveys common with the northeast corner of Section 59, the
26 northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co.
27 Surveys in Brewster County, Texas this being the Place of Beginning

1 of this survey description of property located north of the center
2 line of FM Highway 170;
3 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
4 section line of said Section 73 to a rock mound located at the
5 northwest corner of said Section 73 common to the northeast corner
6 of Section 84, Block 341;
7 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
8 section line of said Section 84 a rock mound located at the
9 northwest corner of said Section 84, common to the northeast corner
10 of Section 85, Block 341;
11 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
12 section line of said Section 85 to a rock mound located at the
13 northeast corner of Section 96, common with the southeast corner of
14 Section 56 Block 341;
15 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
16 section line of said Section 56 to a rock mound located at the
17 northeast corner of said Section 56, common with the northwest
18 corner of Section 57, and the southwest corner of Section 44, Block
19 12;
20 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
21 section line of said Section 56 to a rock mound located at the
22 northwest corner of said Section 56, common the northeast corner of
23 Section 55, Block 341;
24 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
25 section line of said Section 48 to a rock mound located at the
26 southeast corner of said Section 47; common with the northeast
27 corner of Section 48, and the southwest corner of Section 46, Block

1 341;

2 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
3 section line of said Section 47 to a rock mound located at the
4 northeast corner of said Section 47; common with the southeast
5 corner of Section 103, and the northwest corner of Section 46, Block
6 341

7 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
8 section line of said Section 103 to a rock mound located at the
9 northeast corner of said Section 103; common with the southeast
10 corner of Section 102, Block G-5;

11 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
12 section line of said Section 103 to a rock mound located at the
13 southeast corner of Section 105;

14 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet along the east
15 section line of said Section 105 to a rock mound located at the
16 northeast corner of Section 105; common with the northwest corner
17 of Section 102 , Block G-5;

18 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the north
19 section line of said Section 105 to a rock mound located at the
20 northwest corner of said Section 105, common with the northeast
21 corner of Section 106;

22 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the west
23 section line of said Section 105 and the east line of Section 106 to
24 a rock mound located at the southwest corner of said Section 105;

25 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet along the south
26 section line of said Section 105 to a rock mound located at the
27 southeast corner of said Section 105, common with the northwest

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

1 section line of said Section 95 to a rock mound located at the
2 southeast corner of Section 98;
3 THENCE S 89° 38' 51" W, a distance of 5,277.8 feet along the south
4 section line of said Section 98 to a rock mound located at the
5 southwest corner of said Section 98;
6 THENCE N 00° 21' 09" W, a distance of 5,277.8 feet (called 1,900
7 varas) along the east section lines of Section 100 and Section 101
8 to a rock mound located at the northwest corner of said Section 98;
9 THENCE S 89° 38' 51" W, a distance of 4,333.4 feet along the north
10 section line of said Section 101 to a rock mound located on the east
11 line Section 36;
12 THENCE N 00° 21' 09" W, a distance of 1,466.7 feet along the east
13 section line of said Section 36 to a rock mound found at the
14 northeast corner of said Section 36;
15 THENCE S 89° 38' 51" W (called East), a distance of 2,852.75 feet
16 along the north section line of said Section 36 to a rock mound
17 located at the northwest corner of said Section 36;
18 THENCE S 00° 21' 09" E (called North), a distance of 50.6 feet, more
19 or less, along the west section line of said Section 36 to a rock
20 mound located at the northeast corner of said Section 35,
21 continuing 9304.42 feet, to the north right-of-way line of FM
22 Highway 170;
23 THENCE S 00° 21' 09" E (called North), a distance of 60.0 feet, more
24 or less, along the west section line of said Section 36 to the
25 center line of said of FM Highway 170;
26 THENCE along the established center line as follows;
27 THENCE N 86° 22' 12" E, a distance of 669.91 feet along the center

1 line of the right-of-way line of F. M. Highway 170 to point located
2 at the beginning of a curve to the left having a center line central
3 angle of $10^{\circ} 10' 58''$ Left, a Radius of 1,909.86 feet;
4 THENCE around the said curve to the left, a distance of 339.43 feet,
5 to a point of tangent;
6 THENCE N $76^{\circ} 11' 14''$ E, a distance of 203.77 feet along the center
7 line of the right-of-way line of F. M. Highway 170 to point located
8 at the beginning of a curve to the right having a center line
9 central angle of $62^{\circ} 55' 00''$ Right, a Radius of 818.51 feet;
10 THENCE around the said curve to the right, a distance of 898.81
11 feet, to a point of tangent;
12 THENCE S $40^{\circ} 53' 46''$ E, a distance of 1,564.13 feet along the center
13 line of the right-of-way line of F. M. Highway 170 to a point
14 located on the Section line between Sections 36 and 37, and
15 continuing on a distance of 72.2 feet to the beginning of a curve to
16 the left, having a center line central angle of $50^{\circ} 46' 37.1''$ left,
17 a R = 954.93 feet;
18 THENCE around the said curve to the left, a distance of 846.28 feet,
19 to a point of tangent;
20 THENCE N $88^{\circ} 19' 38''$ E, a distance of 747.91 feet along the center
21 line of the right-of-way line of F. M. Highway 170 to point located
22 at the beginning of a curve to the left having a center line central
23 angle of $33^{\circ} 39' 17''$ left , a R = 1,909.86 feet;
24 THENCE around the said curve to the left, a distance of 670.43 feet,
25 to a point located on the Section line between Sections 37 and 100,
26 and continuing on a distance of 451.4 feet to a point of tangent for
27 a total distance of 1,121.82 feet;

1 THENCE N 54° 40' 21"E, a distance of 2,677.46 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to a point
3 located on the Section line between Sections 100 and 99, and
4 continuing on a distance of 3,073.0 feet to the beginning of a curve
5 to the right, having a center line central angle of 44° 08'
6 21"'right, a R = 1,273.24 feet; and this Easement is described an
7 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
8 THENCE around the said curve to the right, a distance of 980.87
9 feet, to a point of tangent;

10 THENCE S 81° 11' 18" E, a distance of 672.9 feet along the center
11 line of the right-of-way line of F. M. Highway 170 to point located
12 at the beginning of a curve to the left having a center line central
13 angle of 43° 21' 04" left , a R = 818.51 feet;

14 THENCE around the said curve to the left, a distance of 419.60 feet,
15 to a point located on the Section line between Sections 99 and 94,
16 and continuing on a distance of 199.7 feet to a point of tangent,
17 for a total distance of 619.30 feet and this Easement is described
18 an recorded in Volume 133 Page 436 of the Brewster County Deed
19 Records;

20 THENCE N 55° 27' 38" E, a distance of 82.6 feet along the center line
21 of the right-of-way line of F. M. Highway 170 to a point located on
22 the Section line between Sections 94 and 95, and continuing on a
23 distance of 5,266.18 feet for a total distance of 5,348.78 feet to
24 the beginning of a curve to the right, having a center line central
25 angle of 25° 53' 28" right, a R = 1,432.39 feet;

26 THENCE around the said curve to the right, a distance of 647.28
27 feet, to a point of tangent;

1 THENCE N 81° 21' 07" E, a distance of 267.0 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to a point
3 located on the Section line between Sections 95 and 86, and
4 continuing on a distance of 995.5 feet for a total distance of
5 1,262.50 feet to the beginning of a curve to the right, having a
6 center line central angle of 61° 36' 30" right, a R = 881.47 feet;
7 THENCE around the said curve to the right, a distance of 947.81
8 feet, to a point of tangent;
9 THENCE S 37° 02' 23" E, a distance of 1,119.4 feet along the center
10 line of the right-of-way line of F. M. Highway 170 to point located
11 at the beginning of a curve to the left having a center line central
12 angle of 56° 48' 15.5" left , a R = 1,145.92 feet;
13 THENCE around the said curve to the left, a distance of 1,136.09
14 feet, to a point of tangent;
15 THENCE N 86° 09'20" E, a distance of 1,899.44 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to the beginning
17 of a curve to the left, having a center line central angle of 11° 33'
18 03" left, a R = 5,729.58 feet and this Easement is described an
19 recorded in Volume 133 Page 437 of the Brewster County Deed Records;
20 THENCE around the said curve to the left, a distance of 1,155.09
21 feet, to a point of tangent;
22 THENCE N 74° 36' 16" E, a distance of 1,512.63 feet along the center
23 line of the right-of-way line of F. M. Highway 170 to point located
24 at the beginning of a curve to the left having a center line central
25 angle of 16° 44' 07" left , a R = 2,864.79 feet;
26 THENCE around the said curve to the left, a distance of 836.76 feet,
27 to a point of tangent;

1 THENCE N 57° 52' 10 " E, a distance of 807.2 feet along the center
2 line of the right-of-way line of F. M. Highway 170 to point located
3 at the beginning of a curve to the left having a center line central
4 angle of 04° 00' 03" left , a R = 11,459.16 feet;
5 THENCE around the said curve to the left, a distance of 800.17 feet,
6 to a point of tangent;
7 THENCE N 61° 52' 13" E, a distance of 807.2 feet along the center
8 line of the right-of-way line of F. M. Highway 170 to a point
9 located on the Section line between Sections 83 and 74, , and this
10 Easement is described an recorded in Volume 4 Page 166 of the
11 Brewster County Deed Records, and continuing on a distance of
12 2,714.68 feet a point located on the Section line between Sections
13 74 and 73, and continuing on a distance of 20.1 feet for a total
14 distance of 3,541.98 feet to the beginning of a curve to the left,
15 having a center line central angle of 26° 39' 57" left, a R =
16 1,637.02 feet; and this Easement is described an recorded in Volume
17 133 Page 438 of the Brewster County Deed Records;
18 THENCE around the said curve to the left, a distance of 761.88 feet,
19 to a point of tangent;
20 THENCE N 35° 12' 16" E, a distance of 538.0 feet along the center
21 line of the right-of-way line of F. M. Highway 170 to point located
22 at the beginning of a curve to the right having a center line
23 central angle of 27° 06' 51" right, a R = 1,909.86 feet ;
24 THENCE around the said curve to the right, a distance of 903.81
25 feet, to a point of tangent;
26 THENCE N 62° 19' 07" E, a distance of 264.68 feet along the center
27 line of the right-of-way line of F. M. Highway 170 to point located

1 at the beginning of a curve to the left having a center line central
2 angle of 13° 50' 09" Left, a R = 2,864.79;
3 THENCE around the said curve to the left, a distance of 691.79 feet,
4 to a point of tangent;
5 THENCE N 48° 28' 59" E, a distance of 417.93 feet along the center
6 line of the right-of-way line of F. M. Highway 170 to a point
7 located on the Section line between Sections 73 and 72;
8 THENCE N 02° 35' 58" W (called North), a distance of 3471.04 feet,
9 more or less, along the east line of said Section 73 to a rock mound,
10 this being the Place of Beginning of this survey description of
11 property located north of the centerline of FM Highway 170; The land
12 area contained within this description is 9,419.589 acres, more or
13 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
14 wide right-of-way) strip of land along the north half of FM Highway
15 170.

16 End of description

17 Save and Except:

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

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

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

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

1 NW/4, being 160 acres;
2 S/2 of the SW/4, being 80 acres; and
3 NE/4, being 160 acres.

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

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

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

9 Property described as being located south of FM Highway 170

10 Tract 2

11 Being parts of the following Surveys:

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

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

14 Commencing at a rock mound found for the northeast corner of Section
15 73 and the northwest corner of Section 72, Block 341, T. C. Ry. Co.
16 Surveys common with the southeast corner of Section 59, the
17 northwest corner of Section 60, Block G-12, G. C. & SF Ry. Co.
18 Surveys in Brewster County, Texas;

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

25 THENCE S 00° 48' 31" W, a distance of 2,452.63 feet along the said
26 east line of said Section 73 and the west line of Section 72 to a
27 rock mound located at the southeast corner of said Section 73 common

1 to the southwest corner of said Section 72 and the northwest corner
2 of Section 64 Block 341;
3 THENCE N 89° 38' 51" E , a distance of 5,277.8 feet along the north
4 section line of said Section 64 to a rock mound located at the
5 northeast corner of said Section 64 common to the northwest corner
6 of said Section 65 and the southwest corner of Section 71 Block 341;
7 THENCE N 00° 21' 00" W, a distance of 5,277.8 feet along the west
8 section line of said Section 71 to a rock mound located at the
9 northeast corner of said Section 72 common to the northwest corner
10 of said Section 71 and the southwest corner of Section 70 Block 341
11 and the southeast corner of Section 60 Block G-12;
12 THENCE N 00° 21' 09" W, a distance of 2,370.18 feet along the west
13 section line of said Section 70 and the east section line of Section
14 60 to a iron rod located on the south right-of-way line of F M
15 Highway 170, described being 120 feet in total width with the south
16 right-of-way line located 60 feet from the center line of the road,
17 and this Easement is described and recorded in Volume 133 Page 438
18 of the Brewster County Deed Records;
19 THENCE N 64° 13' 04" E, a distance of 869.0 feet along the south
20 right-of-way line of F. M. Highway 170 to an iron rod set by Walker;
21 THENCE S 16° 33' 44" E, a distance of 444.09 feet to an iron rod set
22 by Walker;
23 THENCE S 36° 44' 19" E, a distance of 348.44 feet to an iron rod set
24 by Walker;
25 THENCE S 08° 07' 25" E, a distance of 679.25 feet to an iron rod set
26 by Walker;
27 THENCE S 14°33'44" E, a distance of 450.31 feet to an iron rod set by

1 Walker;
2 THENCE S 37°45'10" E, a distance of 1062.05 feet to an iron rod set
3 by Walker;
4 THENCE S 33°32'06" E, a distance of 411.20 feet, more or less, to an
5 iron rod set by Walker;
6 THENCE N 89° 38' 51" E, a distance of 3,102.64 feet along the north
7 section line of said Section 71 a rock mound located at the
8 northeast corner of said Section 71, common to the northwest corner
9 of said Section 68 Block 341;
10 THENCE S 00° 21' 09" E, a distance of 5,277.8 feet along the east
11 section line of said Section 71 to a rock mound located at the
12 southeast corner of said Section 71 common to the northwest corner
13 of said Section 67 Block 341;
14 THENCE N 89° 38' 51" E, a distance of 5,277.8 feet, more or less,
15 along the north section line of said Section 67 to a rock mound
16 located at the northeast corner of said Section 67 on the west
17 section line of Section 299 Block G-12;
18 THENCE S 00° 21' 09" E, a distance of 2030.12 feet, more or less,
19 along the east section line of said Section 67 to a rock mound
20 located at the southeast corner of said Section 67 common to the
21 west section line of Section 299 Block G-12 and the north section
22 line of Section 34 Block 17;
23 THENCE N 40° 00' E, a distance of 949.86 feet, more or less, along
24 the north section line of said Section 34 Block 17 to a rock mound
25 located at the northeast corner of Section 34 and the southwest
26 corner of Section 35 Block 17;
27 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along

1 the east section line of said Section 34 Block 17 to a rock mound
2 located at the northern most corner of Section 33 and the western
3 most corner of Section 36 Block 17;
4 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
5 the east section line of said Section 33 Block 17 to a rock mound
6 located at the northern most corner of Section 32 and the western
7 most corner of Section 37 Block 17;
8 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
9 the east section line of said Section 32 Block 17 to a rock mound
10 located at the northern most corner of Section 31 and the western
11 most corner of Section 38 Block 17;
12 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
13 the east section line of said Section 31 Block 17 to a rock mound
14 located at the eastern most corner of Section 31 and the western
15 most corner of Section 39 Block 17;
16 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
17 the south section line of said Section 31 Block 17 to a rock mound
18 located at the northern most corner of
19 Section 25 and the western most corner of Section 30 Block 17;
20 THENCE S 50° 00' E, a distance of 5,277.8 feet, more or less, along
21 the east section line of said Section 25 Block 17 to a rock mound
22 located at the eastern most corner of Section 25 and the western
23 most corner of Section 29 Block 17, being a point on the boundary
24 line of the Big Bend National Park;
25 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
26 the south section line of said Section 25 Block 17 to a rock mound
27 located at the southern most corner of Section 25 and the western

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

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

1 southern most corner of Section 9 and the western most corner of
2 Section 9 Block 17;
3 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
4 the west section line of said Section 9 Block 17 along the boundary
5 line of the Big Bend National Park to a rock mound located at the
6 western most corner of Section 9 and the eastern most corner of
7 Section 5 Block 17;
8 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
9 the north section line of said Section 9 Block 17 to a rock mound
10 located at the northern most corner of Section 9 and the southern
11 most corner of Section 19 Block 17;
12 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
13 the west section line of said Section 19 Block 17 to a rock mound
14 located at the western most corner of Section 19 and the eastern
15 most corner of Section 8 Block 17;
16 THENCE N 40° 00' E, a distance of 5,277.8 feet, more or less, along
17 the north section line of said Section 19 Block 17 to a rock mound
18 located at the northern most corner of Section 19 and the southern
19 most corner of Section 21 Block 17;
20 THENCE N 50° 00' W, a distance of 5,277.8 feet, more or less, along
21 the west section line of said Section 21 Block 17 to a rock mound
22 located at the western most corner of Section 21 and the northern
23 most corner of Section 20 Block 17, this point being on the common
24 line with Section 66 Block 341;
25 THENCE S 40° 00' W, a distance of 5,277.8 feet, more or less, along
26 the north section line of said Section 20 Block 17 and the
27 southeasterly line of said Section 66 to a rock mound at the

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

1 of said Section 76 being the boundary line of the Big Bend National
2 Park to a rock mound located at the southeast most corner of Section
3 76 on the north line of Section 61 Block 341;
4 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south
5 section line of Section 76 between said Section 61 and 78 being the
6 boundary line of the Big Bend National Park to a rock mound located
7 at the southwest most corner of Section 76 on the east line of
8 Section 81 Block 341;
9 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south
10 section line of Section 81 between said Section 60 being the
11 boundary line of the Big Bend National Park to a rock mound located
12 at the southwest most corner of Section 81 on the east line of
13 Section 88 Block 341;
14 THENCE N 88° 46' 26" W, a distance of 5,277.8 feet along the south
15 section line of Section 88 between said Section 89 being the
16 boundary line of the Big Bend National
17 Park to a rock mound located at the southwest most corner of Section
18 88 on the east line of Section 93 Block 341;
19 THENCE N 88° 46' 26" W, a distance of 4,922.13 feet along the south
20 section line of Section 93 between said Section 41 being the
21 boundary line of the Big Bend National Park to a rock mound located
22 at the southwest most corner of Section 93 on the east line of
23 Section 41 Block 341;
24 THENCE N 00° 49' 07" E, a distance of 2169.02 feet, more or less,
25 along the west section line of Section 93 located between said
26 Section 41 being the boundary line of the Big Bend National Park to
27 a rock mound located at the southeast most corner of Section 92 on

1 the east line of Section 41 Block 341;
2 THENCE N 88° 46' 26" W, a distance of 2,333.43 feet, more or less,
3 along the south section line of Section 92 Block 341 and the north
4 line of Section 41, being the boundary line of the Big Bend National
5 Park, to a rock mound located at the northwest most corner of
6 Section 41;
7 THENCE S 01° 03' 46" W, a distance of 350.0 feet, more or less, along
8 the west section line of Section 41 and the offset east line of
9 Section 92, being the boundary line of the Big Bend National Park,
10 to a rock mound located on the south line of Section 92;
11 THENCE N 88° 46' 09" W, a distance of 2,334.41 feet, more or less,
12 along the south section line of Section 92 Block 341 and the north
13 line of Section 48, being the boundary line of the Big Bend National
14 Park, to a rock mound and concrete marker located at the southwest
15 most corner of Section 92;
16 THENCE N 00° 32' 00" E, a distance of 1,911.67 feet along the
17 section line between said Section 92 and Section 49, being the
18 boundary line of the Big Bend National Park, to a rock mound and
19 concrete marker located at the southeast most corner of Section 100
20 Block 341 at the northeast corner of Section 49;
21 THENCE N 89° 27' 27" W, a distance of 2,634.23 feet, more or less,
22 along the south section line of Section 100 Block 341 and the north
23 line of Section 39, being the boundary line of the Big Bend National
24 Park, to a rock mound and concrete marker located at the northwest
25 most corner of Section 39 and the southwest corner of Section 100;
26 THENCE S 01° 16' 12" W, a distance of 4660.88 feet, more or less,
27 along the west section line of Section 39 , being the boundary line

1 of the Big Bend National Park, to a rock mound located on the south
2 line of Section 37 and being the northeast corner of Section 38
3 Block 341;
4 THENCE N 88° 43' 49" W, a distance of 4359.52 feet, more or less,
5 along the south section line of Section 37 Block 341 and the north
6 line of Section 38, being the boundary
7 line of the Big Bend National Park, to a rock mound and located at
8 the meanders of the Rio Grande at the southwest most corner of said
9 Section 37 and the northwest most corner of Section 38;
10 THENCE along the east meandering line of the bank of the Rio Grande,
11 as identified in the year of April 2007, described as follows:
12 N 20° 07' 30" E, a distance of 284.06 feet
13 S 87° 27' 30" E, a distance of 877.59 feet
14 N 25° 19' 25" E, a distance of 219.65 feet
15 N 11° 41' 28" E, a distance of 511.26 feet
16 N 23° 23' 39" E, a distance of 510.57 feet
17 N 19° 19' 32" E, a distance of 645.17 feet
18 N 02° 03' 28" E, a distance of 270.32 feet
19 N 20° 01' 04" E, a distance of 337.82 feet
20 N 38° 01' 14" E, a distance of 827.59 feet
21 N 38° 19' 39" W, a distance of 754.08 feet
22 N 07° 15' 04" W, a distance of 1,333.57 feet
23 N 23° 27' 17" W, a distance of 926.79 feet
24 N 23° 27' 17" W, a distance of 115.86 feet
25 N 17° 48' 38" W, a distance of 580.31 feet
26 N 11° 49' 17" W, a distance of 461.28 feet
27 N 23° 38' 37" W, a distance of 802.90 feet

1 N 05° 44' 52" W, a distance of 99.91 feet to the beginning of a
2 curve to the left with a central angle of 77° 38' 50" having a cord
3 bearing of N 44° 34' 17" W with a cord length of 681.47 feet a radius
4 of 543.50 feet and continuing along the bank of the Rio Grande
5 N 83° 23' 43" W, a distance of 222.82 feet
6 S 84° 41' 58" W, a distance of 732.79 feet to a point on the
7 west section line of Section 36 Block 341;
8 THENCE N 00° 21' 09" W, a distance of 94.84 feet , more or less, to a
9 point on the center line of the right-of-way line of F M Highway
10 170, and this Easement is described an recorded in Volume 133 Page
11 460 - 461 of the Brewster County Deed Records;
12 THENCE along the said center line of the right-of-way line of F M
13 Highway 170 described as follows:
14 THENCE N 86° 22' 12" E, a distance of 669.91 feet along the center
15 line of the right-of-way line of F. M. Highway 170 to point located
16 at the beginning of a curve to the left having a center line central
17 angle of 10° 10' 58.5" Left, a Radius of 1,909.86 feet;
18 THENCE around the said curve to the left, a distance of 339.43 feet,
19 to a point of tangent;
20 THENCE N 76° 11' 14" E, a distance of 203.77 feet along the center
21 line of the right-of-way line of F. M. Highway 170 to point located
22 at the beginning of a curve to the right having a center line
23 central angle of 62° 55' 00" Right , a Radius of 818.51 feet;
24 THENCE around the said curve to the right, a distance of 898.81
25 feet, to a point of tangent;
26 THENCE S 40° 53' 46"E, a distance of 1,564.13 feet along the center
27 line of the right-of-way line of F. M. Highway 170 to a point

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1 located on the Section line between Sections 36 and 37, and
2 continuing on a distance of 72.2 feet to the beginning of a curve to
3 the left, having a center line central angle of $50^{\circ} 46' 37''$ left, a R
4 = 954.93 feet;
5 THENCE around the said curve to the left, a distance of 846.28 feet,
6 to a point of tangent;
7 THENCE N $88^{\circ} 19' 38''$ E, a distance of 747.91 feet along the center
8 line of the right-of-way line of F. M. Highway 170 to point located
9 at the beginning of a curve to the left having a center line central
10 angle of $33^{\circ} 39' 17''$ left , a R = 1,909.86 feet;
11 THENCE around the said curve to the left, a distance of 670.43 feet,
12 to a point located on the Section line between Sections 37 and 100,
13 and continuing on a distance of 451.4 feet to a point of tangent for
14 a total distance of 1,121.82 feet;
15 THENCE N $54^{\circ} 40' 21''$ E, a distance of 2,677.46 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to a point
17 located on the Section line between Sections 100 and 99, and
18 continuing on a distance of 3,073.0 feet to the beginning of a curve
19 to the right, having a center line central angle of $44^{\circ} 08'$
20 $21''$ right, a R = 1,273.24 feet; and this Easement is described and
21 recorded in Volume 133 Page 435 of the Brewster County Deed Records;
22 THENCE around the said curve to the right, a distance of 980.87
23 feet, to a point of tangent;
24 THENCE S $81^{\circ} 11' 18''$ E, a distance of 672.9 feet along the center
25 line of the right-of-way line of F. M. Highway 170 to point located
26 at the beginning of a curve to the left having a center line central
27 angle of $43^{\circ} 21' 04''$ left , a R = 818.51 feet;

1 THENCE around the said curve to the left, a distance of 419.60 feet,
2 to a point located on the Section line between Sections 99 and 94,
3 and continuing on a distance of 199.7 feet to a point of tangent,
4 for a total distance of 619.30 feet and this Easement is described
5 an recorded in Volume 133 Page 436 of the Brewster County Deed
6 Records;

7 THENCE N 55° 27' 38" E, a distance of 82.6 feet along the center line
8 of the right-of-way line of F. M. Highway 170 to a point located on
9 the Section line between Sections 94 and 95, and continuing on a
10 distance of 5,266.18 feet for a total distance of 5348.78 feet to
11 the beginning of a curve to the right, having a center line central
12 angle of 25° 53' 28" right, a R = 1,432.39 feet;

13 THENCE around the said curve to the right, a distance of 647.28
14 feet, to a point of tangent;

15 THENCE N 81° 21' 06" E, a distance of 267.0 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to a point
17 located on the Section line between Sections 95 and 86, and
18 continuing on a distance of 995.5 feet for a total distance of
19 1,262.50 feet to the beginning of a curve to the right, having a
20 center line central angle of 61° 36' 30" right, a R = 881.47 feet;

21 THENCE around the said curve to the right, a distance of 947.82
22 feet, to a point of tangent;

23 THENCE S 37° 02' 24" E, a distance of 1,119.4 feet along the center
24 line of the right-of-way line of F. M. Highway 170 to point located
25 at the beginning of a curve to the left having a center line central
26 angle of 56° 48' 16" left , a R = 1,145.92 feet;

27 THENCE around the said curve to the left, a distance of 1,136.09

1 feet, to a point of tangent;
2 THENCE N 86° 09'20" E, a distance of 1899.44 feet along the center
3 line of the right-of-way line of F. M. Highway 170 to the beginning
4 of a curve to the left, having a center line central angle of 11° 33'
5 03" left, a R = 5,729.58 feet and this Easement is described an
6 recorded in Volume 133 Page 437 of the Brewster County Deed Records;
7 THENCE around the said curve to the left, a distance of 1,155.08
8 feet, to a point of tangent;
9 THENCE N 74° 36' 17" E, a distance of 1,512.63 feet along the center
10 line of the right-of-way line of F. M. Highway 170 to point located
11 at the beginning of a curve to the left having a center line central
12 angle of 16° 44' 07" left , a R = 2,864.79 feet;
13 THENCE around the said curve to the left, a distance of 836.76 feet,
14 to a point of tangent;
15 THENCE N 57° 52' 10 " E, a distance of 807.2 feet along the center
16 line of the right-of-way line of F. M. Highway 170 to point located
17 at the beginning of a curve to the left having a center line central
18 angle of 04° 00' 03" left , a R = 11,459.16 feet;
19 THENCE around the said curve to the left, a distance of 800.17 feet,
20 to a point of tangent;
21 THENCE N 61° 52' 13" E, a distance of 807.2 feet along the center
22 line of the right-of-way line of F. M. Highway 170 to a point
23 located on the Section line between Sections 83 and 74, , and this
24 Easement is described an recorded in Volume 4 Page 166 of the
25 Brewster County Deed Records, and continuing on a distance of
26 2,714.68 feet a point located on the Section line between Sections
27 74 and 73, and continuing on a distance of 20.1 feet for a total

1 distance of 3,541.98 feet to the beginning of a curve to the left,
2 having a center line central angle of 26° 39' 56.7" left, a R =
3 1,637.02 feet; and this Easement is described an recorded in Volume
4 133 Page 438 of the Brewster County Deed Records;
5 THENCE around the said curve to the left, a distance of 761.88 feet,
6 to a point of tangent;
7 THENCE N 35° 12' 16" E, a distance of 538.0 feet along the center
8 line of the right-of-way line of F. M. Highway 170 to point located
9 at the beginning of a curve to the right having a center line
10 central angle of 27° 06' 51" right, a R = 1,909.86 feet ;
11 THENCE around the said curve to the right, a distance of 903.81
12 feet, to a point of tangent;
13 THENCE N 62° 19' 08" E, a distance of 264.68 feet along the center
14 line of the right-of-way line of F. M. Highway 170 to point located
15 at the beginning of a curve to the left having a center line central
16 angle of 13° 50' 09.2" Left, a R = 2,864.79;
17 THENCE around the said curve to the left, a distance of 691.79 feet,
18 to a point of tangent;
19 THENCE N 48° 28' 59" E, a distance of 417.93 feet along the center
20 line of the right-of-way line of F. M. Highway 170 to a point
21 located on the Section line between Sections 73 and 72, this being
22 the Place of Beginning of this survey description of property
23 located south of the centerline of FM Highway 170. The land area
24 contained within this description is 20,242.864 acres, more or
25 less, including a sixty (60.0) foot wide (one half of a 120.0 foot
26 wide right-of-way) strip of land along the south half of FM Highway
27 170.

1 End of description

2 Save and Except:

3 Comanche Hills, a subdivision of 30.505 acres of land out of Survey
4 37 and Tract 2, Survey 100, Block 341, T.C. Ry. Co. Surveys, in
5 Lajitas, Brewster County, Texas, as same appears in Plat Envelope
6 No. 186 in the Plat Records of Brewster County, Texas.

7 Comanche Mesa, a subdivision of 71.092 acres of land out of Sections
8 99,100, & MC-1, Block 341 of the T.C. Ry. Co. Survey, in Lajitas,
9 Brewster County, Texas, as same appears in Plat Envelope No. 171 in
10 the Plat Records of Brewster County, Texas.

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

16 All of the Lajitas-Boardwalk Condominiums, a Condominium Regime,
17 being a 1.018 acre tract of land out Block 341, T.C. Ry. Co. Survey
18 37, in Brewster County, Texas, as same appears in Plat Envelope No.
19 288B in the Plat Records of Brewster County, Texas.

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

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

25 S/2, being 414.35 acres.

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

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

1 NE/4 of the SE/4, being 40 acres;
2 N/2 of the NE/4, being 80 acres; and
3 NW/4, being 160 acres.

4 From Section 67, Block 341, T.C. Ry. Co., Brewster County, Texas:
5 23.13 acres conveyed in Volume 249, Page 555 of the Deed
6 Records of Brewster County, Texas;
7 NW/4, being 160 acres;
8 NE/4, being 160 acres;
9 NW/4 of the SW/4, being 40 acres; and
10 NW/4 of the SE/4, being 40 acres.

11 A 76.06 acre tract of land south of FM Highway 170 in Section 73,
12 Block 341, T.C. Ry. Co., Brewster County, Texas, conveyed in Volume
13 123, Page 367 of the Deed Records of Brewster County, Texas.

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

16 From Section 82, Block 341, T.C. Ry. Co., Brewster County, Texas:
17 A 13.82 acre tract of land conveyed in Volume 258, Page 757 of
18 the Deed Records of Brewster County, Texas; and
19 A 14.07 acre tract of land conveyed in Volume 16, Page 4 of
20 the Official Public Records of Brewster County, Texas.

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

23 From Section 99, Block 341, T.C. Ry. Co., Brewster County, Texas:
24 A 89.6 acre tract of land conveyed in Volume 6, Page 432 of
25 the Official Public Records of Brewster County, Texas.

26 From Section 100, Block 341, T.C. Ry. Co., Brewster County, Texas:
27 A 1.233 acre tract of land conveyed in Volume 226, Page 223 of

1 the Deed Records of Brewster County, Texas, described therein
2 as a 0.965 acre tract of land.

3 A 1.40 acre tract of land conveyed in Volume 68, Page 36 of
4 the Official Public Records of Brewster County, Texas, as
5 more particularly described below:

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

14 BEGINNING at a 1/2" iron rod and
15 cap marked "WALKER 4425" set for the
16 Northwest corner of this tract, from which a
17 National Park monument in a fence corner
18 found in the East line of Survey 37 for the
19 Northwest corner of Survey 39 and the
20 Southwest corner of Survey 100, said Block
21 341, bears South 26 deg. 08'49" West 1605.64
22 feet;

23 THENCE North 31 deg. 35'00" East
24 294.86 feet to a 1/2" iron rod and cap
25 marked "WALKER 4425" set for the Northeast
26 corner of this tract;

27 THENCE South 31 deg 36'10" East

1 53.20 feet to a 1/2" iron rod and cap marked
2 "WALKER 4425" set;
3 THENCE South 8 deg. 50'02" West,
4 57.00 feet to a 1/2" iron rod and cap marked
5 "WALKER 4425" set;
6 THENCE South 18 deg. 35'24" East
7 122.12 feet to a 1/2" iron rod and cap
8 marked "WALKER 4425" set;
9 THENCE South 78 deg. 42'12" East
10 246.26 feet to a 1/2" iron rod and cap
11 marked "WALKER 4425" set for the Southeast
12 corner of this tract;
13 THENCE South 38 deg. 29'05" West
14 206.20 feet to a 1/2" iron rod and cap
15 marked "WALKER 4425" set for the Southwest
16 corner of this tract;
17 THENCE North 32 deg. 25'55" West
18 69.47 feet to a 1/2" iron rod and cap marked
19 "WALKER 4425" set;
20 THENCE North 59 deg. 34'57" West
21 159.83 feet to a 1/2" iron rod and cap
22 marked "WALKER 4425" set;
23 THENCE North 76 deg. 26'32" West
24 154.83 feet to the point of beginning.
25 Bearings and distances are based
26 on the Texas Coordinate System, South
27 Central Zone NAD 1927.

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

4 Metes and bounds description of a
5 1.06 Acre tract of land, out of Survey 36,
6 Block 341, T.C. Ry.Co. Surveys, Brewster
7 County, Texas, said 1.06 acre tract being
8 more particularly described as follows:

9 BEGINNING at a point for corner
10 at the Northeast corner of a 1.06 acre tract
11 described in Vol. 74, P. 105, Official
12 Public Records;

13 THENCE South 2 deg. 30'27" West
14 122.32 feet with the East line of said 1.06
15 acre tract to a 60d nail previously set by
16 me for a corner of said 1.06 acre tract;

17 THENCE South 11 deg. 02'25" East
18 164.89 feet to a 1/2" iron rod and cap
19 marked "WALKER 4425" set for the Southeast
20 corner of this tract;

21 THENCE South 75 deg. 40' West
22 passing at 12 feet a 1/2" iron rod and a cap
23 marked "WALKER 4425" and continuing in all
24 149.83 feet to a point for corner and the
25 Southwest corner of said tract;

26 THENCE North 9 deg. 18'52" West
27 192.05 feet to a point for corner;

1 THENCE North 3 deg. 35' West
2 141.13 feet to a point for corner and the
3 northwest corner of said 1.06 acre tract;

4 THENCE South 86 deg. 40'17" East
5 159.12 feet to the POINT OF BEGINNING and
6 containing more or less, 46,130.04 square
7 feet or 1.06 acres.

8 Bearings and distances are based
9 on the Texas Coordinate System, South
10 Central Zone NAD 1927.

11 All of the land south of the center line of FM Highway 170 in Section
12 36, Block 341, T.C. Ry. Co., Brewster County, Texas, as more
13 particularly described below:

14 Metes and bounds description of a
15 102.1 acre tract of land out of Section 36,
16 Block 341, T.C. Ry. Co. Surveys, Brewster
17 County, Texas and being more particularly
18 described as follows:

19 BEGINNING at a point in Section
20 36 on the center line of FM Highway 170, 120
21 foot right-of-way and this Easement is
22 described and recorded in Volume 133 Page
23 460 - 461 of the Brewster County Deed
24 Records;

25 THENCE N 86° 22' 11.64" E, a
26 distance of 669.91 feet along the center
27 line of the right-of-way line of F. M.

1 Highway 170 to point located at the
2 beginning of a curve to the left having a
3 center line central angle of $10^{\circ} 10' 58.5''$
4 Left, a Radius of 1,909.86 feet;

5 THENCE around the said curve to
6 the left, a distance of 339.43 feet, to a
7 point of tangent;

8 THENCE N $76^{\circ} 11' 13.08''$ E, a
9 distance of 203.77 feet along the center
10 line of the right-of-way line of F. M.
11 Highway 170 to point located at the
12 beginning of a curve to the right having a
13 center line central angle of $62^{\circ} 55' 02.1''$
14 Right, a Radius of 818.51 feet;

15 THENCE around the said curve to
16 the right, a distance of 898.82 feet, to a
17 point of tangent;

18 THENCE S $40^{\circ} 53' 44.8''$ E, a
19 distance of 1,564.13 feet along the center
20 line of the right-of-way line of F. M.
21 Highway 170 to a point located on the
22 Section line between Sections 36 and 37;

23 THENCE S $00^{\circ} 21' 09''$ E, a distance
24 of 3922.76 feet along the Section line
25 between the east line of Section 36 and the
26 west line of Section 37;

27 THENCE along the east meandering

1 line of the bank of the Rio Grande, as
2 identified in the year of April 2007,
3 described as follows:

4 N 38° 19' 39" W, a distance
5 of 720.19 feet

6 N 07° 15' 04" W, a distance
7 of 1,333.57 feet

8 N 23° 27' 17" W, a distance
9 of 926.79 feet

10 N 23° 27' 17" W, a distance
11 of 115.86 feet

12 N 17° 48' 38" W, a distance
13 of 580.31 feet

14 N 11° 49' 17" W, a distance
15 of 461.28 feet

16 N 23° 38' 37" W, a distance
17 of 802.90 feet

18 N 05° 44' 52" W, a distance
19 of 99.91 feet to the beginning of a curve to
20 the left with a central angle of 77° 38' 50"
21 and having a cord bearing of N 44° 34' 17" W
22 with a cord length of 681.47 feet and a
23 radius of 543.50 feet and continuing along
24 the bank of the Rio Grande;

25 N 83° 23' 43" W, a distance
26 of 222.82 feet

27 S 84° 41' 58" W, a distance

1 of 732.798 feet to a point on the west
2 section line of Section 36 Block 341:

3 THENCE N 00° 21' 09" W, a distance
4 of 94.84 feet , more or less, to the center
5 line of the right-of-way line of F M Highway
6 170 and to THE POINT OF BEGINNING
7 containing, 4,447,180 square feet or 102.1
8 acres, more or less.

9 Bearings and distances are based
10 on the Texas Coordinate System, South
11 Central Zone NAD 1927.

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

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor, the
24 lieutenant governor, and the speaker of the house of
25 representatives within the required time.

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

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

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

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

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

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

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

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

ADOPTED

MAY 25 2011

Antony Lewis
Secretary of the Senate

By: *C. Heston*

H.B. No. 3804

Substitute the following for H.B. No. 3804:

By: *M. Galley*

C.S. H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 11002.001. DEFINITIONS. In this chapter:

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

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

13 (3) "District" means the Lajitas Utility District No.

14 1 of Brewster County.

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

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

22 Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

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

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

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

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

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

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (e) The district will:

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

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

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

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

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

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

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 11002.006-11002.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

8 (1) Brent Ratliff;

9 (2) George Kutch;

10 (3) John Nolan;

11 (4) Renee Lorenz; and

12 (5) H. C. Ross.

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

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

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

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

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

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

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

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

10 [Sections 11002.053-11002.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

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

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

20 Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. Except
21 as provided by Section 11002.113, the district may provide
22 improvement projects and services in the same manner as a municipal
23 management district under Section 375.112, Local Government Code.

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

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

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

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

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

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

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

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

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

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

5 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. (a)

6 The district may not exercise the power of eminent domain outside
7 the district to acquire a site or easement for:

8 (1) a road project authorized by Section 11002.104; or

9 (2) a recreational facility as defined by Section
10 49.462, Water Code.

11 (b) If the district's exercise of its eminent domain power
12 requires relocating, raising, lowering, rerouting, or altering the
13 construction of any electric transmission or electric distribution
14 line, conduit, pole, or facility, the district must bear the actual
15 cost of relocating, raising, lowering, rerouting, or altering the
16 construction of any electric transmission or electric distribution
17 line to provide a comparable replacement without enhancing the
18 facility, after deducting from the cost the net salvage value
19 derived from the old facility.

20 Sec. 11002.108. ELECTRIC POWER FACILITIES. The district

21 may construct or acquire electric power generating, transmission,
22 and distribution facilities and improvements in aid of these
23 facilities.

24 Sec. 11002.109. AIRPORT. The district may construct,

25 acquire, improve, maintain, and operate an airport and improvements
26 in aid of the airport.

27 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT

1 CORPORATION. The district may exercise the powers of a corporation
2 created under the Development Corporation Act (Subtitle C1, Title
3 12, Local Government Code).

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

6 (1) has no outstanding bonded debt; and

7 (2) is not imposing ad valorem taxes.

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

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

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

19 (e) The board may adopt an order dividing the district
20 before or after the date the board holds an election under Section
21 11002.003 to confirm the district's creation.

22 (f) An order dividing the district shall:

23 (1) name each new district;

24 (2) include the metes and bounds of each new district;

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

26 and

27 (4) provide for the division of assets and liabilities

1 between or among the new districts.

2 (g) On or before the 30th day after the date of adoption of
3 an order dividing the district, the district shall file the order
4 with the Texas Commission on Environmental Quality and record the
5 order in the real property records of each county in which the
6 district is located.

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

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

14 Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121,
15 Water Code, does not apply to a groundwater well owned or used by
16 the district within the boundaries of the Brewster County
17 Groundwater Conservation District. The rules of the Brewster
18 County Groundwater Conservation District govern a groundwater well
19 owned or used by the district within the Brewster County
20 Groundwater Conservation District.

21 Sec. 11002.113. RETAIL ELECTRIC UTILITY SERVICES
22 PROHIBITED. The district may not provide retail electric utility
23 services, including transmission and distribution services, to
24 residential, retail, commercial, industrial, or other customers
25 inside or outside the district.

26 [Sections 11002.114-11002.150 reserved for expansion]

1 SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS

2 Sec. 11002.151. DEFINITION. In this subchapter, "receiving
3 entity" means the entity that holds a certificate of convenience
4 and necessity issued by the Public Utility Commission of Texas for
5 the territory included in the district.

6 Sec. 11002.152. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED.
7 Subject to Section 11002.155, the district shall transfer
8 improvements described by Section 11002.108 in accordance with this
9 section on the later of:

10 (1) the date that the district acquires or completes
11 the improvement; or

12 (2) the date the receiving entity approves the
13 transfer.

14 Sec. 11002.153. CONSTRUCTION STANDARDS. A public
15 improvement transferred under this subchapter must be constructed
16 in compliance with:

17 (1) the requirements and specifications established
18 by the receiving entity on or before the date that construction of
19 the improvement begins; and

20 (2) any tariffs for the electric utility or
21 cooperative that is the receiving entity.

22 Sec. 11002.154. PARTIAL TRANSFER IN STAGES. The district
23 may transfer part of an improvement under this subchapter if the
24 district completes construction of the improvement in stages.

25 Sec. 11002.155. TRANSFER WITHOUT DEBT REQUIRED. The
26 district shall convey all improvements that it is required to
27 transfer under this subchapter without debt or other encumbrance.

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

8 (b) This section does not affect any authority of the
9 receiving entity to alter, relocate, close, or discontinue
10 maintenance of an improvement.

11 Sec. 11002.157. EFFECT OF CONVEYANCE ON DISTRICT DEBT.
12 Conveyance of a public improvement to a receiving entity under this
13 subchapter does not affect:

14 (1) the sole responsibility of the district to pay in
15 full the principal of and interest and any premium on any
16 outstanding district bonds or other debt; or

17 (2) the district's responsibility to perform the
18 obligations provided by an order or resolution authorizing bonds or
19 other debt.

20 [Sections 11002.158-11002.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 11002.201. ELECTIONS REGARDING TAXES OR BONDS. (a)
23 The district may issue, without an election, bonds and other
24 obligations secured by:

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

26 (2) contract payments described by Section 11002.203.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

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

8 Sec. 11002.202. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 11002.201, the
10 district may impose an operation and maintenance tax on taxable
11 property in the district in accordance with Section 49.107, Water
12 Code.

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

15 Sec. 11002.203. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 Sec. 11002.204. SALES AND USE TAX. (a) The district may
25 impose a sales and use tax if authorized by a majority of the voters
26 of the district voting at an election called for that purpose.
27 Revenue from the tax may be used for any purpose for which ad

1 valorem tax revenue of the district may be used.

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

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

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

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

1 rate imposed at that location down to a rate allowed by law.

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

7 Sec. 11002.206. ELECTRIC UTILITY PROPERTY EXEMPT FROM
8 IMPACT FEES AND ASSESSMENTS. The district may not impose an impact
9 fee or assessment on the property, including the equipment,
10 rights-of-way, facilities, or improvements, of an electric
11 cooperative as defined by Section 161.002, Utilities Code.

12 [Sections 11002.207-11002.250 reserved for expansion]

13 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

14 Sec. 11002.251. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, sales and use taxes, other
18 district money, or any combination of those sources to pay for any
19 authorized district purpose.

20 Sec. 11002.252. TAXES FOR BONDS. (a) At the time the
21 district issues bonds payable wholly or partly from ad valorem
22 taxes, the board shall provide for the annual imposition of an ad
23 valorem tax, without limit as to rate or amount, as required by
24 Section 54.601, Water Code.

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

1 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
2 SAID SECTION 98, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
3 SECTION 95, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 96,
4 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
5 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
6 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST
7 CORNER OF SECTION 97, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF
8 LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE
9 DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER
10 COUNTY, TEXAS;
11 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 97, BLOCK 341
12 AND THE WEST LINE OF SAID SECTION 96, BLOCK 341 A DISTANCE OF
13 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
14 SAID SECTION 97, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
15 SECTION 96, BLOCK 341, BEING THE SOUTHEAST CORNER OF SECTION 55,
16 BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A
17 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY
18 SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED
19 RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF
20 SECTION 56, BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS
21 CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
22 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;
23 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 55, BLOCK
24 G-12 AND THE NORTH LINE OF SAID SECTION 97, BLOCK 341 A DISTANCE OF
25 5,277.78 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF
26 SAID SECTION 55, BLOCK G-12, BEING THE NORTHWEST CORNER OF SAID
27 SECTION 97, BLOCK 341, BEING THE NORTHEAST CORNER OF SECTION 102,

1 BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
2 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
3 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
4 THE SOUTHEAST CORNER OF SECTION 54, BLOCK G-12, G.C. & S.F. RY. CO.
5 SURVEY, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
6 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
7 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS;
8 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 54, BLOCK
9 G-12 AND THE WEST LINE OF SAID SECTION 55, BLOCK G-12, A DISTANCE OF
10 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
11 SAID SECTION 55, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
12 SECTION 54, BLOCK G-12, BEING THE SOUTHEAST CORNER OF SECTION 49,
13 BLOCK G-12, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
14 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
15 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
16 THE SOUTHWEST CORNER OF SECTION 48, BLOCK G-12, A 640 ACRE TRACT OF
17 LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY
18 DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
19 COUNTY, TEXAS;
20 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 49, BLOCK
21 G-12 AND THE WEST LINE OF SAID SECTION 48, BLOCK G-12, A DISTANCE OF
22 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
23 SAID SECTION 48, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
24 SECTION 49, BLOCK G-12, BEING THE SOUTHWEST CORNER OF SECTION 47,
25 BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
26 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
27 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST

1 CORNER OF A TRACT OF LAND IN SECTION 50, BLOCK G-12 CONVEYED TO JANE
2 STAVINOHA AND SUZANNE STAVINOHA RECORDED IN VOLUME 243, PAGES
3 188,192,192,194,196, AND 198, DEED RECORDS, BREWSTER COUNTY,
4 TEXAS;
5 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID STAVINOHA TRACT,
6 SECTION 50 BLOCK G-12 AND THE WEST LINE OF SAID SECTION 47, BLOCK
7 G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE
8 NORTHEAST CORNER OF SAID STAVINOAH TRACT, SECTION 50, BLOCK G-12,
9 BEING THE NORTHWEST CORNER OF SAID SECTION 47, BLOCK G-12, BEING THE
10 SOUTHEAST CORNER OF SECTION 104, BLOCK G-5, M.K. & T.E. RY. CO.
11 SURVEY, BREWSTER COUNTY, TEXAS, A 640 ACRE TRACT OF LAND CONVEYED TO
12 THOMAS R. VESTER RECORDED IN VOLUME 192, PAGE 263, DEED RECORDS,
13 BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION
14 103, BLOCK G-5, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
15 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
16 BREWSTER COUNTY, TEXAS;
17 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID VESTER TRACT, SECTION
18 104, BLOCK G-5 AND THE WEST LINE OF SAID SECTION 103, BLOCK G-5, A
19 DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST
20 CORNER OF SAID VESTER TRACT, SECTION 104, BLOCK G-5, BEING THE
21 NORTHWEST CORNER OF SAID SECTION 103, BLOCK G-5, BEING THE
22 SOUTHEAST CORNER OF SECTION 105, BLOCK G-5, A 640 ACRE TRACT OF LAND
23 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
24 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
25 SOUTHWEST CORNER OF A TRACT OF LAND IN SECTION 102, BLOCK G-5
26 CONVEYED TO MARK FUSCA RECORDED IN VOLUME 198, PAGE 470, DEED
27 RECORDS, BREWSTER COUNTY, TEXAS;

1 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 103, BLOCK
2 G-5 AND THE SOUTH LINE OF SAID FUSCA TRACT, SECTION 102, BLOCK G-5 A
3 DISTANCE OF 659.72 FEET TO A POINT FOR CORNER;
4 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
5 SECTION 103, BLOCK G-5 BEING THE NORTH LINE OF SAID SECTION 47,
6 BLOCK G-12, PASSING AT 10,555.56 FEET THE SOUTH LINE OF SAID SECTION
7 47, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 48, BLOCK G-12,
8 PASSING AT 15,833.33 FEET THE SOUTH LINE OF SAID SECTION 48, BLOCK
9 G-12 BEING THE NORTH LINE OF SAID SECTION 55, BLOCK G-12, AND
10 CONTINUING A TOTAL DISTANCE OF 20,451.45 FEET TO A POINT FOR CORNER;
11 THENCE S88°52'12"E PASSING AT 4,618.06 FEET THE EAST LINE OF SAID
12 SECTION 55, BLOCK G-12 BEING THE WEST LINE OF SAID SECTION 56, BLOCK
13 G-12, AND CONTINUING A TOTAL DISTANCE OF 5,277.78 FEET TO A POINT
14 FOR CORNER;
15 THENCE S01°07'48"W PASSING AT 659.72 FEET, THE SOUTH LINE OF SAID
16 SECTION 56, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 96,
17 BLOCK 341, PASSING AT 5,937.45 FEET THE SOUTH LINE OF SAID SECTION
18 96, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 95, BLOCK 341 AND
19 CONTINUING A TOTAL DISTANCE OF 9,895.84 FEET TO A POINT FOR CORNER;
20 THENCE S88°52'12"E PASSING AT 4,618.06 FEET, THE EAST LINE OF SAID
21 SECTION 95, BLOCK 341 BEING THE WEST LINE OF SECTION 86, BLOCK 341,
22 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
23 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
24 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 8,576.40 FEET TO A POINT
25 FOR CORNER;
26 THENCE N01°07'48"E PASSING AT 3,958.33 FEET, THE NORTH LINE OF SAID
27 SECTION 86, BLOCK 341 BEING THE SOUTH LINE OF SECTION 85, BLOCK 341,

1 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
2 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
3 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 9,236.12 FEET TO A POINT
4 FOR CORNER IN THE NORTH LINE OF SAID SECTION 85, BLOCK 341 BEING THE
5 SOUTH LINE OF SECTION 57, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY,
6 BREWSTER COUNTY, TEXAS;
7 THENCE S88°52'12"E ALONG THE NORTH LINE SAID SECTION 85, BLOCK 341
8 BEING THE SOUTH LINE OF SAID SECTION 57, BLOCK G-12, A DISTANCE OF
9 1,319.44 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
10 SAID SECTION 85, BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 57,
11 BLOCK G-12, THE SOUTHWEST CORNER OF SECTION 58, BLOCK G-12, G.C. &
12 S.F. RY. CO. SURVEY BREWSTER COUNTY, TEXAS, AND THE NORTHWEST
13 CORNER OF SECTION 84, BLOCK 341, T..C. RY. CO. SURVEY, BREWSTER
14 COUNTY, TEXAS;
15 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 85, BLOCK 341
16 BEING THE WEST LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE OF
17 5,277.78 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID
18 SECTION 85, BLOCK 341 BEING THE SOUTHWEST CORNER OF SAID SECTION 84,
19 BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 86, BLOCK 341,
20 AND BEING THE NORTHWEST CORNER OF SECTION 83, BLOCK 341, A 640 ACRE
21 TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC AS RECORDED
22 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;
23 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 83, BLOCK
24 341 BEING THE SOUTH LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE
25 OF 1,319.44 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID
26 SECTION 83, BLOCK 341;
27 THENCE S01°07'48"W A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER

1 IN THE SOUTH LINE OF SAID SECTION 83, BLOCK 341 BEING IN THE NORTH
2 LINE OF A 612 ACRE MORE OR LESS TRACT OF LAND IN SECTION 82, BLOCK
3 341, T.C. RY. CO. SURVEY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
4 AS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
5 TEXAS;
6 THENCE S88°52'12"E, PASSING AT 3,958.34 FEET, THE SOUTHEAST CORNER
7 OF SAID SECTION 83, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
8 SECTION 82, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 74,
9 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
10 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
11 BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION
12 75, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
13 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
14 BREWSTER COUNTY, TEXAS, PASSING AT 9,236.11, THE SOUTHEAST CORNER
15 OF SAID SECTION 74, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
16 SECTION 75, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 64,
17 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
18 PARTNERS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
19 COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION 63, BLOCK
20 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS,
21 LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
22 COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 13,194.46 FEET TO
23 A POINT FOR CORNER;
24 THENCE N01°07'48"E, A DISTANCE OF 5,277.78 FEET TO A POINT FOR
25 CORNER IN THE NORTH LINE OF SAID SECTION 64, BLOCK 341;
26 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 64, BLOCK
27 341 BEING THE SOUTH LINE OF SECTION 72, BLOCK 341, T.C. RY. CO.

1 SURVEY, BREWSTER COUNTY, TEXAS, A DISTANCE OF 1,319.44 FEET TO A
2 POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 64,
3 BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 72, BLOCK 341, THE
4 SOUTHWEST CORNER OF SECTION 71, BLOCK 341, A 640 ACRE TRACT OF LAND
5 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
6 PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
7 NORTHWEST CORNER OF A TRACT OF LAND IN SECTION 65, BLOCK 341
8 CONVEYED TO RAYMOND WAYNE PAULY RECORDED IN VOLUME 96, PAGE 308,
9 DEED RECORDS, BREWSTER COUNTY, TEXAS;
10 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 64, BLOCK
11 341, PASSING AT A DISTANCE OF 5,277.78 FEET THE SOUTH LINE OF SAID
12 SECTION 64, BLOCK 341, BEING THE NORTH LINE OF SAID SECTION 63,
13 BLOCK 341, AND CONTINUING A TOTAL DISTANCE OF 6,277.78 FEET TO A
14 POINT FOR CORNER;
15 THENCE N88°52'12"W PASSING AT 5,277.78 FEET, THE WEST LINE OF SAID
16 SECTION 63, BLOCK 341, BEING THE EAST LINE OF SAID SECTION 75, BLOCK
17 341, PASSING AT 10,555.56 FEET THE WEST LINE OF SAID SECTION 75,
18 BLOCK 341, BEING THE EAST LINE OF SAID SECTION 82, BLOCK 341, AND
19 CONTINUING A TOTAL DISTANCE OF 14,513.90 FEET TO A POINT FOR CORNER;
20 THENCE S01°07'48"W PASSING AT 4,277.78 FEET, THE SOUTH LINE OF SAID
21 SECTION 82, BLOCK 341, BEING THE NORTH LINE OF SECTION 81, BLOCK
22 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO. SURVEY,
23 BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED
24 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND
25 CONTINUING A TOTAL DISTANCE OF 9,555.53 FEET TO A POINT FOR CORNER
26 IN THE SOUTH LINE OF SAID SECTION 81, BLOCK 341;
27 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 81, BLOCK

1 341, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE
2 SOUTHWEST CORNER OF SAID SECTION 81, BLOCK 341, AND BEING THE
3 SOUTHEAST CORNER OF PART OF A 440 ACRE TRACT OF LAND IN SECTION 88,
4 BLOCK 341 IN THE T.C. RY.CO. SURVEY, BREWSTER COUNTY CONVEYED TO
5 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502,
6 DEED RECORDS, BREWSTER COUNTY, TEXAS;
7 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 88, BLOCK 341
8 BEING THE WEST LINE OF SAID SECTION 81, BLOCK 341 PASSING AT
9 5,277.78 FEET THE NORTH LINE OF SAID SECTIONS 81 AND 88 BLOCK 341,
10 BEING THE SOUTH LINE OF SAID SECTION 82, BLOCK 341, AND SECTION 87,
11 BLOCK 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO.
12 SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
13 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
14 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 10,555.56 FEET TO A POINT
15 FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 82, BLOCK 341,
16 BEING THE NORTHEAST CORNER OF SAID SECTION 87, BLOCK 341, BEING THE
17 SOUTHWEST CORNER OF SAID SECTION 83, BLOCK, AND BEING THE SOUTHEAST
18 CORNER OF SAID SECTION 86, BLOCK 341;
19 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 87, BLOCK
20 341 BEING THE SOUTH LINE OF SAID SECTION 86, BLOCK 341, A DISTANCE
21 OF 4,618.06 FEET TO A POINT FOR CORNER;
22 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
23 SECTION 87, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 88, BLOCK
24 341 CONTINUING A TOTAL DISTANCE OF 5,607.64 FEET TO A POINT FOR
25 CORNER IN SAID 440 ACRE TRACT OF LAND IN SAID SECTION 88, BLOCK 341;
26 THENCE N88°52'12"W, A DISTANCE OF 659.72 FEET TO A POINT FOR CORNER
27 IN THE WEST LINE OF SAID SECTION 88, BLOCK 341, BEING IN THE EAST

1 LINE OF SECTION 93, BLOCK 341, T.C RY. CO. SURVEY BREWSTER COUNTY,
2 TEXAS, A 618.88 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
3 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
4 BREWSTER COUNTY, TEXAS;
5 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 93, BLOCK
6 341, BEING THE WEST LINE OF SAID SECTION 88, BLOCK 341, A DISTANCE
7 OF 1,051.38 FEET TO A POINT FOR CORNER;
8 THENCE N89°27'31"W PASSING AT 5,272.25 FEET, THE WEST LINE OF SAID
9 SECTION 93, BLOCK 341 BEING THE EAST LINE OF SECTION 92, BLOCK 341
10 T.C. RY. CO. SURVEY, BREWSTER COUNTY, A 419.6 ACRE TRACT OF LAND
11 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
12 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS AND CONTINUING A
13 TOTAL DISTANCE OF 9,614.91 FEET TO A UNITED STATES DEPARTMENT OF THE
14 INTERIOR MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 39, BLOCK
15 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;
16 THENCE N89°27'27"W ALONG THE NORTH LINE OF SAID SECTION 39, A
17 DISTANCE OF 2,634.23 FEET TO A POINT FOR CORNER BEING THE NORTHWEST
18 CORNER OF SECTION 39, BLOCK 341 AND BEING IN THE EAST LINE OF
19 SECTION 37, BLOCK 341, PART OF A 201.84 ACRE TRACT OF LAND IN
20 SECTIONS 36, 37, AND 100 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
21 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
22 TEXAS;
23 THENCE N71°35'00"W, DEPARTING THE EAST LINE OF SAID SECTION 37,
24 BLOCK 341 AND CONTINUING ACROSS SAID SECTION 37, BLOCK 341, A
25 DISTANCE OF 2,618.38 FEET TO A POINT FOR CORNER;
26 THENCE N27°10'25"W PASSING AT APPROXIMATELY 263 FEET, THE EAST LINE
27 OF SAID SECTION 36, BLOCK 341 AND CONTINUING A TOTAL DISTANCE OF

1 2,314.62 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF A
2 52.918 ACRE TRACT OF LAND IN SECTION 36, BLOCK 341 CONVEYED TO
3 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458,
4 DEED RECORDS, BREWSTER COUNTY, TEXAS;
5 THENCE N26°12'29"W ALONG THE SOUTHWESTERLY LINE OF SAID 52.918 ACRE
6 TRACT, A DISTANCE OF 876.56 FEET TO A POINT FOR CORNER;
7 THENCE N01°07'48"E, PASSING AT APPROXIMATELY 1,273 FEET, THE NORTH
8 LINE OF SAID 52.918 ACRE LAND AND THE SOUTH LINE OF A CALLED 359.313
9 ACRE TRACT OF LAND IN SECTIONS 36, 37, AND 100, BLOCK 341 AS
10 DESCRIBED IN DEED CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
11 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
12 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 5,035.59 FEET TO A POINT
13 FOR CORNER;
14 THENCE S88°52'12"E, A DISTANCE OF 1,375.22 FEET TO A POINT FOR
15 CORNER IN THE EAST LINE OF SAID SECTION 36, BLOCK 341 BEING IN THE
16 WEST LINE OF SAID SECTION 100, BLOCK 341;
17 THENCE S01°07'48"W, A DISTANCE OF 3,759.90 FEET TO A POINT FOR
18 CORNER IN THE WEST LINE OF SAID SECTION 37, BLOCK 341;
19 THENCE N88°52'12"W, A DISTANCE OF 779.27 FEET TO A POINT FOR CORNER,
20 SAID CORNER BEING THE NORTHEAST CORNER OF SAID 52.918 ACRE TRACT OF
21 LAND;
22 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID 52.918 ACRE TRACT OF
23 LAND , A DISTANCE OF 1,172.25 FEET TO A POINT FOR CORNER;
24 THENCE S19°23'42"W CONTINUING ALONG THE EAST LINE OF SAID 52.918
25 ACRE TRACT, A DISTANCE OF 222.85 FEET TO A POINT FOR CORNER;
26 THENCE S11°23'22"W CONTINUING ALONG THE EASTERLY LINE OF SAID 52.918
27 ACRE TRACT, A DISTANCE OF 523.85 FEET TO A POINT FOR CORNER IN THE

1 EAST LINE OF SAID 52.918 ACRE TRACT;
2 THENCE S27°10'25"E, DEPARTING THE EASTERLY LINE OF SAID 52.918 ACRE
3 TRACT OF LAND , ACROSS SAID SECTION 36, BLOCK 341, A DISTANCE OF
4 2,394.95 FEET TO A POINT FOR CORNER;
5 THENCE S71°35'00"E ACROSS SAID SECTION 37, BLOCK 341, A DISTANCE OF
6 2,561.61 FEET TO A POINT FOR CORNER;
7 THENCE S89°27'27"E, A DISTANCE OF 2,619.75 FEET TO A POINT FOR
8 CORNER;
9 THENCE N01°07'48"E A DISTANCE OF 2,303.36 FEET TO A POINT IN THE
10 NORTH LINE OF SAID SECTION 92, BLOCK 341 BEING THE SOUTH LINE OF
11 SECTION MC-1, PART OF A 84.62 ACRE TRACT OF LAND CONVEYED TO LAJITAS
12 CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED
13 RECORDS, BREWSTER COUNTY, TEXAS;
14 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 92, BLOCK
15 341, BEING THE SOUTH LINE OF SECTION MC-1, BLOCK 341, A DISTANCE OF
16 4,336.93 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
17 SAID SECTION 92, BLOCK 341 AND THE SOUTHEAST CORNER OF SAID SECTION
18 MC-1, BLOCK 341;
19 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 92, BLOCK
20 341, A DISTANCE OF 924.38 FEET TO A POINT FOR CORNER BEING THE
21 SOUTHWEST CORNER OF SAID SECTION 94, BLOCK 341 AND THE NORTHWEST
22 CORNER OF SAID SECTION 93, BLOCK 341;
23 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 93, BLOCK
24 341 BEING THE SOUTH LINE OF SAID SECTION 94, BLOCK 341, A DISTANCE
25 OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
26 SAID SECTION 93, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID
27 SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION

1 88, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 87,
2 BLOCK 341;

3 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 94, BLOCK 341
4 BEING THE WEST LINE OF SAID SECTION 87, BLOCK 341, A DISTANCE OF
5 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
6 SAID SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
7 SECTION 87, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID SECTION
8 95, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 86,
9 BLOCK 341;

10 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 94, BLOCK
11 341 BEING THE SOUTH LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE
12 OF 5,277.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,763
13 ACRES, MORE OR LESS.

14 THE BASIS OF BEARINGS IS THE NORTH AMERICAN DATUM (NAD) OF 1983
15 (1993), GRID BEARINGS, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH
16 CENTRAL ZONE 4204, CORS96, EPOCH 2002.00.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

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

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SD, KKR, SZ, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, SZ, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KKR, SZ, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 9, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 1, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SZ, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **Committee Report 1st House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates Lajitas Utility District No. 1 of Brewster County (District).

1) Population –The very specific description of the proposed boundaries is in terminology which does not match Census geography, thus population can be estimated only for an area somewhat larger than the district will actually cover. Population in this larger area, of which this district will only be a part, could be as high as 1,301 based on the 2000 Census.

Population growth in that specific area since the 2000 census is unknown. Brewster County is projected to grow from 8,866 in 2000 to 9,468 in 2010 and 9,944 in 2020.

2) Location – The proposed district's initial boundaries are described in a combination of Original Texas Land Surveys and metes and bounds. Due to the complexity of these boundaries for the various sub-areas of the district, staff is able to determine only the general location of the proposed district.

The district's area is approximately 46 square miles, and will be located in southwestern Brewster County. The district overlaps portions of CCNs held by Study Butte Water Supply Corporation and Lajitas Municipal Services Co.

3) Comments on Powers/Duties Different from Similar Types of Districts - The bill creates the District as a municipal utility district; however, the bill allows the District to fund public improvement projects and services in the same manner as a municipal management district under the Local Government Code that a typical municipal utility district cannot fund. Current statutes require directors of districts to meet eligibility requirements. The bill names the five temporary directors and specifies that if permanent directors are not elected, the owner or owners of a majority of assessed valuation of the real property within the District may submit a petition to the Commission for the appointment or re-appointment of the five temporary directors for the District and that the Commission shall appoint the five persons named in the petition, regardless of eligibility. The bill gives the District road powers. Current statute does not permit a municipal utility district to exercise the power of eminent domain outside the district boundaries for certain purposes. The bill further limits the District's power of eminent domain by specifying that the District may not exercise the power of eminent domain to acquire a site for a road or recreational facility. The bill also specifies that if bill does not receive two-thirds vote of all members elected to each house, then the District may not exercise the power of eminent domain. The bill specifies that the District may construct, acquire, maintain, and operate electric power generating, transmission, and distribution facilities, and may construct, acquire, maintain, and operate an airport and improvements in aid of the airport. Current statutes only allow water control and improvement districts and certain fresh water supply districts to divide. The bill specifies that the District may divide if the District has no outstanding bond debt and is not imposing ad valorem taxes. The bill specifies that the District shall transfer electric power facilities on the later of the date that the District acquires or completes the electrical power facility improvement or the date the receiving entity approves the transfer. The bill also specifies that the transfer of electrical power facilities is to be conveyed without debt or other encumbrance.

The bill specifies that the District may not levy an impact fee or an assessment on electrical utility property. The bill allows the District to levy assessments, and/or a sales and use tax. The bill provides that a groundwater well owned or used by the district in the Brewster County Groundwater Conservation District is subject to the rules and regulations of the Brewster County Groundwater Conservation District.

4) Overlapping Services - The stated boundaries for the District do not form an acceptable closure. Additionally, an area map containing at least two reference points (major road names, road intersections) and the District's geographic location mapped within Brewster County is needed to complete overlapping services check.

There is insufficient information to determine if the District overlaps any other service providers.

5) TCEQ Supervision - As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

6) Water Use - HB 3804 specifies that "The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution." Therefore, it appears as though Lajitas Utility District Number 1 would serve to accomplish the conservation and development of natural resources, including the control, storing, preservation and distribution of storm and flood waters, the waters of rivers and streams, for irrigation, power and all other useful purposes, among other duties specified in Section 59, Article XVI of the Texas Constitution.

Within Brewster County, 95.6 percent of the total water use was groundwater (Edwards-Trinity Plateau, Capitan Reef Complex, Igneous, Marathon, and other aquifers) in 2008. Forty-seven percent of the groundwater pumping was for municipal use. The water source that the district might pursue is unknown.

Source Agencies: 580 Water Development Board

LBB Staff: JOB, SZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3804 by Gallego (Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates Lajitas Utility District No. 1 of Brewster County (District).

1) Population –The very specific description of the proposed boundaries is in terminology which does not match Census geography, thus population can be estimated only for an area somewhat larger than the district will actually cover. Population in this larger area, of which this district will only be a part, could be as high as 1,301 based on the 2000 Census.

Population growth in that specific area since the 2000 census is unknown. Brewster County is projected to grow from 8,866 in 2000 to 9,468 in 2010 and 9,944 in 2020.

2) Location – The proposed district's initial boundaries are described in a combination of Original Texas Land Surveys and metes and bounds. Due to the complexity of these boundaries for the various sub-areas of the district, staff is able to determine only the general location of the proposed district.

The district's area is approximately 46 square miles, and will be located in southwestern Brewster County. The district overlaps portions of CCNs held by Study Butte Water Supply Corporation and Lajitas Municipal Services Co.

3) Comments on Powers/Duties Different from Similar Types of Districts - The bill creates the District as a municipal utility district; however, the bill allows the District to fund public improvement projects and services in the same manner as a municipal management district under the Local Government Code that a typical municipal utility district cannot fund. Current statutes require directors of districts to meet eligibility requirements. The bill names the five temporary directors and specifies that if permanent directors are not elected, the owner or owners of a majority of assessed valuation of the real property within the District may submit a petition to the Commission for the appointment or re-appointment of the five temporary directors for the District and that the Commission shall appoint the five persons named in the petition, regardless of eligibility. The bill gives the District road powers. Current statute does not permit a municipal utility district to exercise the power of eminent domain outside the district boundaries for certain purposes. The bill further limits the District's power of eminent domain by specifying that the District may not exercise the power of eminent domain to acquire a site for a road or recreational facility. The bill also specifies that if bill does not receive two-thirds vote of all members elected to each house, then the District may not exercise the power of eminent domain. The bill specifies that the District may construct, acquire, maintain, and operate electric airports and power generating, transmission, and distribution facilities. Current statutes only allow water control and improvement districts and certain fresh water supply districts to divide. The bill specifies that the District may divide if the District has no outstanding bond debt and is not imposing ad valorem taxes. The bill allows the District to levy assessments, a hotel occupancy tax, and/or a sales and use tax.

4) Overlapping Services - The stated boundaries for the District do not form an acceptable closure. Additionally, an area map containing at least two reference points (major road names, road intersections) and the District's geographic location mapped within Brewster County is needed to complete overlapping services check.

There is insufficient information to determine if the District overlaps any other service providers.

5) TCEQ Supervision - As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

6) Water Use - HB 3804 specifies that "The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution." Therefore, it appears as though Lajitas Utility District Number 1 would serve to accomplish the conservation and development of natural resources, including the control, storing, preservation and distribution of storm and flood waters, the waters of rivers and streams, for irrigation, power and all other useful purposes, among other duties specified in Section 59, Article XVI of the Texas Constitution.

Within Brewster County, 95.6 percent of the total water use was groundwater (Edwards-Trinity Plateau, Capitan Reef Complex, Igneous, Marathon, and other aquifers) in 2008. Forty-seven percent of the groundwater pumping was for municipal use. The water source that the district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, SZ