

Amend SB 1116 (house committee printing) as follows:

(1) On page 1, strike lines 11 through 17 and substitute the following:

Sec. 7206.001. DEFINITIONS. In this chapter:

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

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

(3) "Corporation" means the Crystal Clear Water Supply Corporation.

(4) "Director" means a board member.

(5) "District" means the Crystal Clear Special Utility District.

(2) On page 3, lines 17 through 18, strike "Texas Commission on Environmental Quality" and substitute "commission".

(3) Strike page 4, line 17, through page 5, line 12, and substitute the following:

Sec. 7206.023. AMENDMENT OF CERTIFICATE OF CONVENIENCE AND NECESSITY; TRANSFER OF ASSETS; DISSOLUTION. (a) On the effective date of the Act enacting this chapter, all the territory described by Section 3 of the Act creating this chapter is removed from the territory covered by Certificate of Convenience and Necessity No. 10297. The commission shall revise its records to reflect the removal of the described territory from that certificate's coverage, effective on that date, without further application, notice, or hearing. A person does not have any right of protest, objection, or administrative review of the revision prescribed by this subsection. The revision to Certificate of Convenience and Necessity No. 10297 is not contingent on the confirmation of the district under Section 7206.022.

(b) If the creation of the district is confirmed under Section 7206.022, the corporation shall transfer the assets, debts, and contractual rights and obligations of the corporation to the district. Following the transfer of assets:

(1) Certificate of Convenience and Necessity No. 10297, as revised in accordance with Subsection (a), is considered to be held by the district;

(2) the board of directors of the corporation shall

begin dissolution proceedings of the corporation; and

(3) the board of directors of the corporation shall notify the commission of the transfer of Certificate of Convenience and Necessity No. 10297 to the district.

(c) On receipt of notice under Subsection (b)(3), the commission shall note in its records that Certificate of Convenience and Necessity No. 10297, as revised in accordance with Subsection (a), is held by the district and shall reissue the certificate in the name of the district without further application, notice, or hearing. A person does not have any right of protest, objection, or administrative review of the transfer prescribed by this section.

(4) On page 5, line 26, between "POWERS." and "Except", insert "(a)".

(5) On page 5, line 27, between "by" and "this chapter", insert "Subsection (b) and".

(6) On page 6, between lines 4 and 5, insert the following:

(b) Land included in the territory described by Section 4 of the Act creating this chapter may not be added to the district unless the landowner provides written consent.

(7) On page 6, lines 13 and 14, strike "Texas Commission on Environmental Quality" and substitute "commission".

(8) Strike page 17, line 22, through page 19, line 3, and substitute the following:

SECTION 3. The territory to be removed from Certificate of Convenience and Necessity No. 10297, as provided by Section 7206.023(a), Special District Local Laws Code, as added by this Act, includes all of the territory contained in the following area: 151.846 acres of land located in the Antonio Maria Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and being comprised of the following parcels: a 28.477 acres of land being out of and a part of a 28.632 acre tract as conveyed by SPECIAL WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC) to M.W. KRAFT, JR., executed on January 14, 1983, and recorded in Volume 874, Pages 72-76 of the Official Public Records of Comal County, Texas, and being the same 28.477 acres of land conveyed to the State

of Texas for use and benefit of the Permanent School fund from RS New Braunfels, Ltd., a Texas limited partnership dated October 14, 2005 and recorded in Document No. 200506039324 of the Official Records of Comal County, Texas, and 27.474 acres of land being out of and a part of a 27.611 acre tract as conveyed by GENERAL WARRANTY DEED from MICHAEL PAYNTER and wife THETA SCHUG PAYNTER, to MARY EVELYN FREEMAN, filed for record on June 10, 1985, and recorded in Volume 451, Pages 695-697 of the Official Public Records of Comal County, Texas, and being the same 27.474 acre tract conveyed to the State of Texas for the use and benefit of the Permanent School Fund from Mary Evelyn Freeman, dealing in her separate property, dated October 14, 2005 and recorded in Document No. 200506045048 of the Official Public Records of Comal County, Texas, and 20.035 acres of land being out of and a part of a 26.6 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG ET UX to LAWRENCE KOHLENBERG, and filed for record on October 18, 1949, and recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas, and also being out of and a part of a 103.75 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from J.M. SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and also being the same 20.035 acres conveyed to the State of Texas for use and benefit of the Permanent School Fund from Doracille Kohlenberg, an unmarried woman, dated October 14, 2005 and recorded in Document No. 200506039319 of the Official Public Records of Comal County, Texas, and 74.803 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same 74.803 acre tract conveyed to the State of Texas for the use and benefit of the Permanent School fund from (i) Karen Wesch Hestand, formerly known as Karen Wesch, and (ii) Foye Cooley, each dealing in her separate property,

dated October 14, 2005 and recorded in Document No. 200506039321 of the Official Public Records of Comal County, Texas, and 1.002 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same parcel designated as TRACT NO. 2 (1.003 acres) by DEED OF GIFT from FAYE COOLEY to KAREN HESTAND, executed on March 14, 1996, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas, and being a portion of said 1.002 acre tract as conveyed to the State of Texas for the use and benefit of the Permanent School Fund from Karen Wesch Hestand and husband, Herbert Hoyt Hestand, dated October 14, 2005 and recorded in Document No. 200506039320 of the Official Public Records of Comal County, Texas, said 151.846 acres of land being more particularly described as follows:

BEGINNING: at a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 20.035 acre; (Grid N = 13,820,305.66, Grid E = 2,267,616.06, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) NORTH 31 deg. 26' 12" East, a distance of 1091.64 feet along the Northwest line of this parcel and the Southeast Right of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap being the Northernmost corner of this parcel and the Westernmost corner of a 3.560 acre tract as recorded in Document No. 200406003961 of the Official Public Records of Comal County, Texas;

THENCE: (2) SOUTH 45 deg. 19' 36" East, a distance of 610.43 feet along the Northeast line of this parcel and said 103.75 acre tract and the Southwest line of said 3.560 acre tract to a found 1/2" iron pin being the Southernmost corner of said 3.560 acre tract;

THENCE: (3) NORTH 38 deg. 14' 02" East, a distance of 296.28 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 3.560 acre tract to a found 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

THENCE: (4) NORTH 53 deg. 45' 08" West, a distance of 631.50 feet along the Northeast line of this parcel and the Southwest line of said 27.611 acre tract and the Northeast line of said 3.560 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of said I.H. 35, and being the Northernmost corner of said 3.560 acre tract;

THENCE: (5) NORTH 31 deg. 26' 12" East, a distance of 245.64 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast Right of Way Line of said I.H. 35 to a found 1/2" iron pin being the Westernmost corner of the remainder of a 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed Records of Comal County, Texas;

THENCE: (6) SOUTH 41 deg. 20' 52" East, a distance of 507.94 feet along the Northeast line of this parcel and said 27.611 acre tract and the Southwest line of said 2.35 acre tract to a found 1/2" iron pin being the Southernmost corner of said 2.35 acre tract;

THENCE: (7) NORTH 53 deg. 30' 10" East, a distance of 151.22 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 2.35 acre tract to a found 1/2" iron pin being the Easternmost corner of said 2.35 acre tract and the Southwest line of said 28.632 acre tract;

THENCE: (8) NORTH 41 deg. 10' 27" West, a distance of 567.95 feet along the Southwest line of this parcel and said 28.632 acre tract and the Northeast line of said 2.35 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of I.H.35;

THENCE: (9) NORTH 31 deg. 26' 12" East, a distance of 249.72 feet along the Northwest line of this parcel and said 28.632 acre tract and the Southeast Right of Way Line of I.H.35 to a set 1/2" iron pin with plastic cap being a point of curvature;

THENCE: (10) 83.60 feet along the arc of a curve to the right, having a radius of 22784.31 feet, and a central angle of 00 deg. 12' 37", and whose chord bears North 31 deg. 32' 30" East, a distance of 83.60 feet to a found 1/2" iron pin being the Northernmost corner of

this parcel and said 28.632 acre tract and the Westernmost corner of a 28.500 acre tract as recorded in Document No. 9806027705 of the Official Public Records of Comal County, Texas;

THENCE: (11) SOUTH 42 deg. 31' 00" East, a distance of 3408.67 feet along the Northeast line of this parcel and said 28.632 acre tract and the Southwest line of said 28.500 acre tract to a found 1/2" iron pin in the Northeast line of a 119.882 acre tract as recorded in Volume 1015, Page 444 of the Official Public Records of Comal County, Texas, and being the Easternmost corner of this parcel and said 28.632 acre tract and the Southernmost corner of said 28.500 acre tract;

THENCE: (12) SOUTH 56 deg. 54' 03" West, a distance of 439.45 feet along the Southeast line of this parcel and said 28.632 acre tract and the Northwest line of said 119.882 acre tract to a found 1/2" iron pin being the Southernmost corner, said 28.632 acre tract and the Easternmost corner of a 27.611 acre tract as recorded in Volume 451, Pages 695-697 of the Deed Records of Comal County, Texas;

THENCE: (13) SOUTH 56 deg. 53' 33" West, a distance of 320.67 feet along the Southeast line of this parcel and said 27.611 acre tract and the Northwest line of said 119.882 acre tract to a found 3/8" iron pin in the Northeast line of a 74.44 acre tract as recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being the Southernmost corner of this parcel and said 27.611 acre tract;

THENCE: (14) SOUTH 44 deg. 49' 00" East, a distance of 291.65 feet along the Northeast line of this parcel and said 74.44 acre tract and the Southwest line of said 119.882 acre tract to a wood corner post being the Easternmost corner of said 74.44 acre tract;

THENCE: (15) SOUTH 45 deg. 08' 03" West, a distance of 1414.62 feet along the Southeast line of this parcel and said 74.44 acre tract and the Northwest line of a 49.18 acre tract as recorded in Document No. 200006018425 of the Official Public Records of Comal County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron pin with plastic cap in the Northeast Right of Way Line of Kohlenberg Road, and being the Southernmost corner of this parcel

and said 74.44 acre tract and the Westernmost corner of said 3.000 acre tract;

THENCE: (16) NORTH 44 deg. 37' 29" West, a distance of 1423.84 feet along the Southwest line of this parcel and said 74.44 acre tract and said 103.75 acre tract and the Northeast Right of Way Line of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the Southernmost corner of a 1.736 acre tract and designated as TRACT NO. 1, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas;

THENCE: (17) NORTH 33 deg. 57' 40" East, a distance of 411.84 feet along the Northwest line of this parcel and the Southeast line of said 1.736 acre tract to a found 3/8" iron pin being the Easternmost corner of this parcel;

THENCE: (18) NORTH 68 deg. 19' 31" West, a distance of 242.07 feet along the Southwest line of this parcel and the Northeast line of said 1.736 acre tract to a found 1/2" iron pin being the Northernmost corner of said 1.736 acre tract; and

THENCE: (19) SOUTH 22 deg. 37' 45" West, a distance of 332.23 feet along the Southeast line of this parcel and the Northwest line of said 1.736 acre tract to a found 1/2" iron pin in the Northeast Right of Way Line of Kohlenberg Road, and being the Westernmost corner of said 1.736 acre tract;

THENCE: the following courses along the Southwest line of this parcel and said 74.44 acre tract and the Northeast Right of Way Line of said Kohlenberg Road, and the cutback Right of Way Line to I.H.35:

(20) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to a found concrete highway monument (Type I) and being an angle point;

(21) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to a found concrete highway monument (Type I) being an angle point;

(22) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to a found concrete highway monument (Type I) being an angle point;

(23) NORTH 32 deg. 12' 31" West, a distance of 223.04 feet to a found concrete highway monument (Type I) being an angle point;

(24) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to a found concrete highway monument (Type I) being an angle point;

(25) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to

a found concrete highway monument (Type I) being an angle point; and

(26) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 19.31 acre tract being the POINT OF BEGINNING, containing 151.846 acres of land.

SECTION 4. The territory that may not be added to the district without written consent of the landowner, as provided by Section 7206.101, Special District Local Laws Code, as added by this Act, includes all of the territory contained in the following area:

1252.958 acres of land located in the Antonio Maria Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and being comprised of the following parcels: 1015.410 acre tract as described as a 1015.701 acre tract by a SPECIAL WARRANTY DEED from NORMANDY TERRACE, INC., a Texas Corporation, JAMES C. NORMAN, NANCY NORMAN and SUSAN N. SMITH to LAMROCK 3-2001 LIMITED, a Texas limited partnership, executed on April 30, 2001, and recorded in Document No. 200106014380 of the Official Public Records of Comal County, Texas, and an 85.763 acre tract comprised of a 57.133 acre tract as described in a PARTITION DEED between LEE E. JOHNSON and wife JEN MEI JOHNSON, executed on September 7, 1983, and recorded in Volume 351, Pages 931-939 of the Deed Records of Comal County, Texas, and a 28.500 acre tract as conveyed by SPECIAL WARRANTY DEED dated November 3, 1998, and recorded in Document No. 9806027705 of the Official Public Records of Comal County, Texas, and 28.477 acres of land being out of and a part of a 28.632 acre tract as conveyed by SPECIAL WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC) to M.W. KRAFT, JR., executed on January 14, 1983, and recorded in Volume 874, Pages 72-76 of the Official Public Records of Comal County, Texas, and 27.474 acres of land being out of and a part of a 27.611 acre tract as conveyed by GENERAL WARRANTY DEED from MICHAEL PAYNTER and wife THETA SCHUG PAYNTER, to MARY EVELYN FREEMAN, filed for record on June 10, 1985, and recorded in Volume 451, Pages 695-697 of the Official Public Records of Comal County, Texas, and



20.035 acres of land being out of and a part of a 26.6 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG ET UX to LAWRENCE KOHLENBERG, and filed for record on October 18, 1949, and recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas, and also being out of and a part of a 103.75 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from J.M. SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and Recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and 74.803 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and 1.002 acres of land being out of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY and filed for record on March 4, 1993, and recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being out of and a part of a 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas, and being the same parcel designated as TRACT NO. 2 (1.003 acres) by DEED OF GIFT from FAYE COOLEY to KAREN HESTAND, executed on March 14, 1996, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas, said 1252.958 acres of land being more particularly described as follows:

BEGINNING: at a set 1/2" iron pin with plastic cap in the Southeast Right of Way Line of I.H.35 and being the Northernmost corner of this parcel and said 1015.701 acre tract and the Westernmost corner of a 69.569 acre tract as recorded in Document No. 9506481804 of the Official Public Records of Comal County, Texas; and

THENCE: (1) SOUTH 45 deg. 00' 03" East, (all bearings in this description are based on Grid North of the Texas Coordinate System,

NAD 83 (93) Zone 4204), a distance of 2148.79 feet along the Northwest line of this parcel and said 1015.701 acre tract and the Southwest line of said 69.569 acre tract to a found 2" iron pipe being the Southernmost corner of said 69.569 acre tract;

THENCE: the following courses along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of an 18.092 acre tract as recorded in Volume 972, Page 676 of the Official Public Records of Comal County, Texas, and the CUATRO AMIGOS SUBDIVISION as recorded in Volume 11, Page 100 of the Map and Plat Records of Comal County, Texas, and an 18.062 acre tract as recorded in Document No. 9906009211 of the Official Public Records of Comal County, Texas, and a 35.370 acre tract as recorded in Volume 85, Pages 564-565 of the Deed Records of Comal County, Texas, and a 27.00 acre tract as recorded in Volume 433, Page 473 of the Deed Records of Comal County, Texas, and a 27.00 acre tract as recorded in Volume 433, Page 475 of the Deed Records of Comal County Texas, and a 27.00 acre tract as recorded in Volume 433, Page 471 of the Deed Records of Comal County, Texas, and a 15.00 acre tract as recorded in Volume 862, Page 417 of the Official Public Records of Comal County, Texas:

(2) SOUTH 44 deg. 45' 25" East, a distance of 1675.16 feet to a found 60d nail being an angle point;

(3) SOUTH 44 deg. 16' 57" East, a distance of 243.82 feet to a found 60d nail being an angle point;

(4) SOUTH 46 deg. 04' 58" East, a distance of 1040.03 feet to a found 60d nail being an angle point; and

(5) SOUTH 45 deg. 39' 04" East, a distance of 2159.39 feet to a found 1/2" iron pin being the Northernmost corner of a 125.571 acre tract as recorded in Volume 744, Page 126 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 1015.701 acre tract and the Northwest line of said 125.571 acre tract:

(6) SOUTH 47 deg. 05' 12" West, a distance of 1402.22 feet to a found 1/2" iron pin being an angle point;

(7) SOUTH 41 deg. 11' 48" East, a distance of 52.89 feet to a set 1/2" iron pin with plastic cap being an angle point; and

(8) SOUTH 29 deg. 55' 10" West, a distance of 3.91 feet to a set 1/2" iron pin with plastic cap, being an interior corner of this parcel and said 1015.701 acre tract and the Westernmost corner of said 125.571 acre tract;

THENCE:(9) SOUTH 44 deg. 18' 16" East, a distance of 759.93 feet along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of said 125.571 acre tract to a set 1/2" iron pin with plastic cap being an angle point; and

(10) SOUTH 44 deg. 50' 59" East, a distance of 2402.27 feet along the Northeast line of this parcel and said 1015.701 acre tract and the Southwest line of said 125.571 acre tract to a found 1/2" iron pin being the Northernmost corner of a 2.301 acre tract as recorded in Volume 341, Page 63 of the Deed Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 1015.701 acre tract and the Northwest line of said 2.301 acre tract and a 2.00 acre tract as recorded in Volume 62, Page 862 of the Deed Records of Comal County, Texas:

(11) SOUTH 44 deg. 34' 13" West, a distance of 633.91 feet to a found 1/2" iron pin being an angle point; and

(12) SOUTH 02 deg. 51' 44" East, a distance of 89.86 feet to a set 1/2" iron pin with plastic cap being the Southeast corner of this parcel and said 1015.701 acre tract and the Southwest corner of said 2.00 acre tract and being in the North Right of Way Line of F.M. 1101, and being a point of curvature;

THENCE: the following courses along the South line of this parcel and said 1015.701 acre tract and the North Right of Way Line of F.M. 1101:

(13) 493.60 feet along the arc of a curve to the right, having a radius of 3769.80 feet, and a central angle of 07 deg. 30' 07", and whose chord bears South 84 deg. 31' 13" West, a distance of 493.25 feet to a found concrete highway monument (Type I);

(14) SOUTH 88 deg. 19' 44" West, a distance of 800.02 feet to a found concrete highway monument (Type I) being an angle point;

(15) SOUTH 88 deg. 19' 51" West, a distance of 1598.80 feet to a found concrete highway monument (Type I) being an angle point;

(16) NORTH 86 deg. 11' 44" West, a distance of 295.61 feet to

a found concrete monument (Type I) being an angle point;

(17) SOUTH 88 deg. 44' 07" West, a distance of 169.63 feet to a found concrete highway monument (Type I) being an angle point; and

(18) SOUTH 79 deg. 04' 08" West, a distance of 298.47 feet to a found steel fence post being the Southwest corner of said 1015.701 acre tract and the Easternmost corner of an 119.882 acre tract as recorded in Volume 1015, Page 444 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southwest line of this parcel and said 1015.701 acre tract and the Northeast line of said 119.882 acre tract:

(19) NORTH 45 deg. 28' 52" West, a distance of 1565.19 feet to a found 1/4" iron pin being an interior corner of this parcel and said 1015.701 acre tract;

(20) SOUTH 57 deg. 43' 21" West, a distance of 155.81 feet to a found fence post being an angle point;

(21) SOUTH 57 deg. 21' 38" West, a distance of 836.82 feet to a found 3/8" iron pin being an exterior corner of this parcel and said 1015.701 acre tract;

(22) NORTH 44 deg. 02' 14" West, a distance of 507.09 feet to a found fence post being an angle point; and

(23) NORTH 45 deg. 03' 47" West, a distance of 469.71 feet to a found 3/8" iron pin being the Easternmost corner of a 57.133 acre tract as recorded in Volume 351, Pages 931-939 of the Deed Records of Comal County, Texas; and

THENCE: (24) SOUTH 56 deg. 54' 03" West, a distance of 1110.45 feet along the Southeast line of this parcel and said 57.133 acre tract and said 28.500 acre tract and the Northeast line of said 119.882 acre tract to a found 1/2" iron pin being the Southernmost corner of said 28.500 acre tract and the Easternmost corner of a 28.632 acre tract as recorded in Volume 874, Pages 72-76 of the Deed Records of Comal County, Texas;

THENCE: (25) SOUTH 56 deg. 54' 03" West, a distance of 439.45 feet along the Southeast line of this parcel and said 28.632 acre tract and the Northwest line of said 119.882 acre tract to a found 1/2" iron pin being the Southernmost corner of said 28.632 acre tract and the Easternmost corner of a 27.611 acre tract as recorded

in Volume 451, Pages 695-697 of the Deed Records of Comal County, Texas;

THENCE: (26) SOUTH 56 deg. 53' 33" West, a distance of 320.67 feet along the Southeast line of this parcel and said 27.611 acre tract and the Northwest line of said 119.882 acre tract to a found 3/8" iron pin in the Northeast line of a 74.44 acre tract as recorded in Volume 873, Pages 228-229 of the Official Public Records of Comal County, Texas, and being the Southernmost corner of this parcel and said 27.611 acre tract;

THENCE: (27) SOUTH 44 deg. 49' 00" East, a distance of 291.65 feet along the Northeast line of this parcel and said 74.44 acre tract and the Southwest line of said 119.882 acre tract to a wood corner post being the Easternmost corner of said 74.44 acre tract;

THENCE: (28) SOUTH 45 deg. 08' 03" West, a distance of 1414.62 feet along the Southeast line of this parcel and said 74.44 acre tract and the Northwest line of a 49.18 acre tract as recorded in Document No. 200006018425 of the Official Public Records of Comal County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron pin with plastic cap in the Northeast Right of Way Line of Kohlenberg Road, and being the Southernmost corner of said 74.44 acre tract and the Westernmost corner of said 3.000 acre tract;

THENCE: (29) NORTH 44 deg. 37' 29" West, a distance of 1423.84 feet along the Southwest line of this parcel and said 74.44 acre tract and said 103.75 acre tract and the Northeast Right of Way Line of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the Southernmost corner of a 1.736 acre tract and designated as TRACT NO. 1, and recorded in Document No. 9606005988 of the Official Public Records of Comal County, Texas;

THENCE: (30) NORTH 33 deg. 57' 40" East, a distance of 411.84 feet along the Northwest line of this parcel and the Southeast line of said 1.736 acre tract to a found 3/8" iron pin being the Easternmost corner of this parcel;

THENCE: (31) NORTH 68 deg. 19' 31" West, a distance of 242.07 feet along the Southwest line of this parcel and the Northeast line of said 1.736 acre tract to a found 1/2" iron pin being the Northernmost corner of said 1.736 acre tract; and

THENCE: (32) SOUTH 22 deg. 37' 45" West, a distance of 332.23 feet along the Southeast line of this parcel and the Northwest line of said 1.736 acre tract to a found 1/2" iron pin in the Northeast Right of Way Line of Kohlenberg Road, and being the Westernmost corner of said 1.736 acre tract;

THENCE: the following courses along the Southwest line of this parcel and said 74.44 acre tract and the Northeast Right of Way Line of said Kohlenberg Road, and the cutback Right of Way Line to I.H.35:

(33) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to a found concrete highway monument (Type I) and being an angle point;

(34) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to a found concrete highway monument (Type I) being an angle point;

(35) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to a found concrete highway monument (Type I) being an angle point;

(36) NORTH 32 deg. 12' 31" West, a distance of 174.23 feet to said 74.44 acre tract and the Southernmost corner of a 19.31 acre tract as recorded in Volume 92, Pages 43-44 of the Deed Records of Comal County, Texas;

(37) NORTH 32 deg. 12' 31" West, a distance of 48.81 feet to a found concrete highway monument (Type I) being an angle point;

(38) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to a found concrete highway monument (Type I) being an angle point;

(39) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to a found concrete highway monument (Type I) being an angle point; and

(40) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to a found concrete highway monument (Type I) at the intersection of the Southeast Right of Way Line of I.H. 35 with the Northeast cutback line of Kohlenberg Road and being the Westernmost corner of this parcel and said 19.31 acre tract;

THENCE: (41) NORTH 31 deg. 26' 12" East, a distance of 1091.64 feet along the Northwest line of this parcel and the Southeast Right of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap being the Northernmost corner of this parcel and the Westernmost corner of a 3.560 acre tract as recorded in Document No. 200406003961 of the Official Public Records of Comal County, Texas;

THENCE: (42) SOUTH 45 deg. 19' 36" East, a distance of 610.43

feet along the Northeast line of this parcel and said 19.31 acre tract and said 103.75 acre tract and the Southwest line of said 3.560 acre tract to a found 1/2" iron pin being the Southernmost corner of said 3.560 acre tract;

THENCE: (43) NORTH 38 deg. 14' 02" East, a distance of 296.28 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 3.560 acre tract to a found 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

THENCE: (44) NORTH 53 deg. 45' 08" West, a distance of 631.50 feet along the Southwest line of this parcel and said 27.611 acre tract and the Northeast line of said 3.560 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of said I.H. 35, and being the Northernmost corner of said 3.560 acre tract;

THENCE: (45) NORTH 31 deg. 26' 12" East, a distance of 245.64 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast Right of Way Line of said I.H. 35 to a found 1/2" iron pin being the Westernmost corner of the remainder of a 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed Records of Comal County, Texas;

THENCE: (46) SOUTH 41 deg. 20' 52" East, a distance of 507.94 feet along the Northeast line of this parcel and said 27.611 acre tract and the Southwest line of said 2.35 acre tract to a found 1/2" iron pin being the Southernmost corner of said 2.35 acre tract;

THENCE: (47) NORTH 53 deg. 30' 10" East, a distance of 151.22 feet along the Northwest line of this parcel and said 27.611 acre tract and the Southeast line of said 2.35 acre tract to a found 1/2" iron pin being the Easternmost corner of said 2.35 acre tract and the Southwest line of said 28.632 acre tract;

THENCE: (48) NORTH 41 deg. 10' 27" West, a distance of 567.95 feet along the Southwest line of this parcel and said 28.632 acre tract and the Northeast line of said 2.35 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of I.H.35;

THENCE: (49) NORTH 31 deg. 26' 12" East, a distance of 249.72 feet along the Northwest line of this parcel and said 28.632 acre tract and the Southeast Right of Way Line of I.H.35 to a set 1/2" iron pin with plastic cap being a point of curvature;

THENCE: (50) 152.44 feet along the arc of a curve to the

right, having a radius of 22784.31 feet, and a central angle of 00 deg. 23' 00", and whose chord bears North 31 deg. 37' 42" East, a distance of 152.44 feet to a found concrete highway monument being a point of tangency;

THENCE: (51) NORTH 31 deg. 50' 19" East, a distance of 263.09 feet along the Northwest line of this parcel and said 28.500 acre tract and the Southeast Right of Way Line of I.H.35 to a found 1/2" iron pin being the Northernmost corner of said 28.500 acre tract and the Westernmost corner of said 57.133 acre tract;

THENCE: (52) NORTH 31 deg. 50' 19" East, a distance of 663.99 feet along the Northwest line of this parcel and said 57.133 acre tract and the Southeast Right of Way Line of I.H.35 to a found 1/2" iron pin being the Northernmost corner of said 57.133 acre tract and the Westernmost corner of said 1015.707 acre tract;

THENCE: the following courses along the Northwest line of this parcel and said 1015.707 acre tract and the Southeast Right of Way Line of I.H.35:

(53) NORTH 31 deg. 50' 19" East, a distance of 1855.01 feet to a found concrete highway monument (Type I) being an angle point;

(54) NORTH 35 deg. 26' 30" East, a distance of 301.34 feet to a found concrete highway monument (Type I) being an angle point;

THENCE: (55) NORTH 32 deg. 05' 44" East, a distance of 72.07 feet to a found concrete highway monument (Type I) being a point of curvature;

THENCE: (56) 543.39 feet along the arc of a curve to the left, having a radius of 23072.30 feet, and a central angle of 01 deg. 20' 58", and whose chord bears North 31 deg. 12' 58" East, a distance of 543.37 feet to a found concrete highway monument (Type I) being a point of tangency;

THENCE: (57) NORTH 30 deg. 26' 03" East, a distance of 789.05 feet to a found concrete highway monument (Type I) being an angle point;

THENCE: (58) NORTH 26 deg. 48' 12" East, a distance of 299.65 feet to a found concrete highway monument (Type I) being an angle point; and

THENCE: (59) NORTH 30 deg. 29' 02" East, a distance of 2033.01 feet to a set 1/2" iron pin with plastic cap being the POINT OF



BEGINNING, containing 1252.958 acres of land.

PART 1:

635.060 acres (27,663,214 sq. ft.) of land out of the NANCY KENNER LEAGUE survey No. 3, Abstract No. 306, Comal County, Texas and being designated as a 236.949 acre tract (McDONOUGH) tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A. TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas and also being comprised of TRACT I (63.024 acre tract) and TRACT III (164.150 acre tract) as conveyed by a SPECIAL WARRANTY DEED from Bank of America, N.A., as Successor Trustee to Nations / Bank of Texas, N.A., Trustee of the Bill and Darolyn Worth Living Trust under Agreement dated January 9, 1987 and as Trustee under Agreement of the Irvin Management Trust and Larry Irvin to James P. McDonough, Jr., dated April 14, 2006 and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas, and also being all of a 170.902 acre tract described in a SUBSTITUTE TRUSTEE'S DEED from CECIL W. TALLEY, Trustee to CECIL EARL HILLBURN, dated August 6, 1991 and recorded in Volume 777, Pages 581-586 of the Official Public Records of Comal County, Texas said 635.060 acres (27,663,214 sq. ft.) of land being more particularly described as follows:

BEGINNING: at a set 1/2" iron pin with plastic cap "stamped 4233" in the Northwest Right of Way Line of I.H. 35 and being Easternmost corner of a 9.785 acre tract conveyed by Archie Ladshaw, et al to John Ladshaw by Deed dated March 28, 1984 and recorded in Volume 378, Pages 799-801 of the Official Public Records of Comal County, Texas, and the Southernmost corner of this parcel and said 236.949 acre tract (Grid N = 13,826,036.7772, Grid E = 2,270,776.7688, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) NORTH 46 deg 00'07" West, (all bearings in this descriptions are referenced to Grid North of the Texas Coordinate System, Zone 4204, NAD 83 (93)), a distance of 3310.77 feet along the Southwest line of this parcel and the Northeast line of said 9.785 acre tract to a found 1/2" iron pin being the Northernmost corner of said 9.785 acre tract and an interior corner of this parcel;

THENCE: the following courses along the Southeast line of this parcel and said 236.949 acre tract and the Northwest line of said 9.785 acre tract and a 240.485 acre tract conveyed by Elizabeth Wagner, a widow to Archie Ladshaw, et al by Deed dated January 14, 1967 and recorded in Volume 153, Pages 331-333 of the Deed Records of Comal County, Texas and the Northwest line of a 44.290 acre tract conveyed by HARVEY PAPE and wife, LEORA PAPE to PAPE'S FAMILY FARM, LTD, a Texas Limited Partnership, dated February 27, 2004 and recorded in Document No. 200406007834 of the Official Public Records of Comal County, Texas:

(2) SOUTH 44 deg 34'57" West, a distance of 1355.26 feet to a found 1/2" iron pin being an angle point;

(3) SOUTH 45 deg 11'30" East, a distance of 43.65 feet to a found 1/2" iron pin being an angle point; and

(4) SOUTH 44 deg 30'57" West, a distance of 1742.25 feet to a found 1/2" iron pin being the Easternmost corner of a 70.688 acre tract conveyed by ALAN ROMPLE also known as ALAN E. ROMPEL, SR. and wife LINDA ROMPEL to CONRAD'S ROAD, LTD, dated January 9, 2004, and recorded in Document No. 200406000885 of the Official Public Records of Comal County, Texas;

THENCE: (5) NORTH 45 deg 23'39" West, a distance of 3537.43 feet along the Southwest line of this parcel and said 236.949 acre tract and the Northeast line of said 70.688 acre tract to a set 1/2" iron pin with plastic cap "stamped 4233" in the Southeast Right of Way of the Union Pacific Railroad (formerly known as the INTERNATIONAL & GT NORTHERN RY. CO.) and being the Westernmost corner of this parcel and said 236.949 acre tract and the Northernmost corner of said 70.688 acre tract; and being a point of curvature;

THENCE: the following courses along the Northwest line of this parcel and the Southeast Right of Way line of the Union Pacific Railroad:

(6) 1319.73 feet along the arc of a curve to the right, having a radius of 5679.65 feet, and a central angle of 13 deg 18'48", and whose chord bears North 56 deg 11'48" East, a distance of 1316.76 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency;

(7) NORTH 62 deg 51'12" East, a distance of 1677.18 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature; and

(8) 1022.68 feet along the arc of a curve to the left, having a radius of 2914.93 feet and a central angle of 20 deg 06'06", and whose chord bears North 52 deg 48'09" East, a distance of 1017.43 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency; and

(9) NORTH 42 deg. 45' 06" East, a distance of 385.90 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Northernmost corner of this parcel and said 63.024 acre tract and the Westernmost corner of a 200.240 acre tract as conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN from MARTIN MARIETTA MATERIALS SOUTHWEST, LTD. to BLUEGREEN SOUTHWEST ONE, L.P., A Delaware Limited Partnership, executed July 19, 2005 and recorded in Document No. 200506026533 of the Official Public Records of Comal County, Texas;

THENCE: (10) SOUTH 45 deg. 58' 46" East, a distance of 2471.01 feet along the Northeast line of this parcel and said 63.024 acre tract and the Southwest line of said 200.240 acre tract to a found 1/2" iron pin being an interior corner of this parcel and the Westernmost corner of said 170.902 acre tract and the Southernmost of said 200.240 acre tract;

THENCE: the following courses along the Northwest line of this parcel and said 170.902 acre tract and the Southeast line of said 200.240 acre tract and a 7.46 acre tract conveyed by MCDONOUGH BROTHER'S, INCORPORATED to CITY OF NEW BRAUNFELS (UTILITIES) executed June 8, 1979 and recorded in Volume 283, Pages 775-776 of the Deed Records of Comal County, Texas;

(11) NORTH 43 deg 09'01" East, a distance of 2596.32 feet to a wood fence post being an angle point; and

(12) NORTH 42 deg 57'44" East, a distance of 1556.85 feet to a found 1/2" iron pin with plastic cap stamped "OVERBY-DESCAMPS" being the Northernmost corner said 170.902 acre tract and an interior corner of said 200.240 acre tract;

THENCE: the following courses along the Northeast line of this parcel and said 170.902 acre tract and the Southwest line of

said 200.240 acre tract:

(13) SOUTH 46 deg 50'12" East, a distance of 702.27 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(14) SOUTH 46 deg 29'50" East, a distance of 817.93 feet to a wood fence post being an angle point; and

(15) SOUTH 47 deg 00'31" East, a distance of 722.97 feet to a set 1/2" iron pin with plastic cap "stamped 4233" in the Northwest Right of Way Line of I.H. 35 and being the Easternmost corner of this parcel and said 170.902 acre tract and a re-entrant corner of said 200.240 acre tract;

THENCE: (16) SOUTH 32 deg 08'27" West, a distance of 1684.15 feet along the Southeast line of this parcel and said 170.902 acre tract and the Northwest Right of Way Line of I.H. 35 to a set 1/2" iron pin with plastic cap "stamped 4233" being a re-entrant corner to said 170.902 acre tract and the Easternmost corner of a 164.150 acre tract (designated TRACT III) conveyed by SPECIAL WARRANTY DEED to James P. McDonough, Jr., dated April 14, 2006 and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 164.150 acre tract and the Northwest Right of Way Line of I.H. 35:

(17) SOUTH 32 deg. 08' 27" West, a distance of 704.69 feet to a found Type I TxDOT concrete monument being a point of curvature;

(18) 338.16 feet along the arc of a curve to the left, having a radius of 11,625.15 feet, and a central angle of 01 deg. 40' 00", and whose chord bears South 31 deg. 15' 06" West, a distance of 338.15 feet to a found Type I TxDOT concrete monument being a point of tangency;

(19) SOUTH 30 deg. 29' 02" West, a distance of 1147.92 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(20) SOUTH 34 deg. 18' 02" West, a distance of 300.46 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(21) SOUTH 30 deg. 29' 02" West, a distance of 1000.00 feet to

a found Type I TxDOT concrete monument being an angle point; and

(22) SOUTH 26 deg. 39' 57" West, a distance of 266.94 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Southernmost corner of said 164.150 acre tract and the Easternmost corner of a 236.949 acre tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH JR., dated December 31, 1996, and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 236.949 acre tract and the Northwest Right of Way Line of said I.H. 35:

(23) SOUTH 26 deg 39'57" East, a distance of 33.42 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point; and

(24) SOUTH 30 deg 29'02" East, a distance of 49.00 feet to a set 1/2" iron pin with plastic cap "STAMPED 4233" being the POINT OF BEGINNING, containing 635.060 acres (27,663,214 sq. ft.) of land.

PART 2:

96.074 acres (4,184,983 sq. ft.) of land out of the NANCY KENNER LEAGUE SURVEY NO. 3, Abstract No. 306, Comal County, Texas, and comprising of TRACT II (0.529 of an acre tract), TRACT IV (53.350 acre tract) and TRACT V (14.423 acre tract) as conveyed by said SPECIAL WARRANTY DEED dated April 14, 2006, and recorded in Document No. 200606016820 of the Official Public Records of Comal County, Texas, and also being all of a 27.593 acre tract as conveyed NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas, said 96.074 acres (4,184,983 sq. ft.) of land being more particularly described as follows:

BEGINNING: at a found 1" diameter iron pipe in the Southeast Right of Way Line of F.M. Road 1102 and being the Northernmost corner of this parcel and said 14.423 acre tract and being the Westernmost corner of an 88.193 acre tract (designated as TRACT 3) conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN, to BLUEGREEN SOUTHWEST ONE, L.P., a Delaware Partnership, executed on July, 19, 2005 and recorded in Document No. 200506026533 of the Official

Public Records of Comal County, Texas (Grid N = 13,832,027.6173, Grid E = 2,266,296.3350, Scale factor of 1.00014 for surface adjustment);

THENCE: (1) SOUTH 46 deg. 01' 39" East, a distance of 1319.31 feet along the Northeast line of this parcel and said 14.423 acre tract and the Southwest line of said 88.193 acre tract to a found 1/2" iron pin in the Northwest Right of Way Line of the Union Pacific Railroad (formerly known as the Missouri Kansas and Texas Railroad) and being the Easternmost corner of this parcel and said 14.423 acre tract and the Southernmost corner of said 88.193 acre tract;

THENCE: the following courses along the Southeast line of this parcel and said TRACT V, TRACT II and TRACT IV and the Northwest Right of Way Line of said Union Pacific Railroad:

(2) SOUTH 42 deg. 45' 06" West, a distance of 365.33 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(3) 986.76 feet along the arc of a curve to the right, having a radius of 2814.90 feet, and a central angle of 20 deg. 05' 06", and whose chord bears South 52 deg. 47' 39" West, a distance of 981.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency;

(4) SOUTH 62 deg. 50' 12" West, a distance of 832.41 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point;

(5) NORTH 45 deg. 03' 04" West, a distance of 52.54 feet to a found 1/2" iron pin being an angle point, and

(6) SOUTH 62 deg. 50' 12" West, a distance of 799.35 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being the Southernmost corner said 53.350 acre tract and the Easternmost corner of a 27.593 acre tract as conveyed by SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in Document No. 9706001893 of the Official Public Records of Comal County, Texas;

THENCE: the following courses along the Southeast line of this parcel and said 27.593 acre tract and the Northwest Right of Way of said Union Pacific Railroad:

(7) SOUTH 62 deg 50'12" West, a distance of 113.44 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature

(8) 293.35 feet along the arc of a curve to the left having a radius of 5829.65 feet and a central angle of 02 deg 52'59", and whose chord bears South 61 deg 23'42" West, a distance of 293.32 feet to a found 1/2" iron pin being an angle point;

(9) SOUTH 30 deg 16'22" East, a distance of 50.00 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(10) 417.76 feet along the arc of a curve to the left, having a radius of 5779.65 feet, and a central angle of 04 deg 08'29", and whose chord bears South 57 deg 53'05" West, a distance of 417.67 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an angle point

(11) NORTH 44 deg 21'29" West, a distance of 30.48 feet to a found 1/2" iron pin being a point of curvature

(12) 736.56 feet along the arc of a curve to the left, having a radius of 5809.65 feet, and a central angle of 07 deg 15'51", and whose chord bears South 52 deg 07'44" West, a distance of 736.07 feet to found 1/2" iron pin being an angle point;

(13) SOUTH 43 deg 16'40" East, a distance of 30.01 feet to set 1/2" iron pin with plastic cap "stamped 4233" being a point of curvature;

(14) 66.71 feet along the arc of a curve to the left, having a radius of 5779.65 feet, and a central angle of 00 deg 39'41", and whose chord bears South 48 deg 10'31" West, a distance of 66.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a point of tangency; and

(15) SOUTH 47 deg 50'41" West, a distance of 437.51 feet to a found 1/2" iron pin being the Southernmost corner of the parcel and said 27.593 acre tract and the Easternmost corner of a 3 acre tract conveyed by SHERMAN W. WEST ET UX TO CLAUDIO MENDEZ ET UX executed on May 17, 1962, and recorded in Volume 128, Pages 374-376 of the Deed Records of Comal County, Texas.

THENCE: (16) NORTH 45 deg 40'16" West, a distance of 654.40 feet along the Southwest line of this parcel and said 27.593 acre

tract and the Northeast line of said 3 acre tract to a found 1/2" iron pin in the Southeast Right of Way Line of F.M. Road 1102 and being the Westernmost corner of this parcel and said 27.593 acre tract and the Northernmost corner of said 3 acre tract.

THENCE: the following courses along the Northwest line of this parcel and said 27.593 acre tract and the Southeast Right of Way Line of said F.M. Road 1102:

(17) NORTH 44 deg 22'56" East, a distance of 133.92 feet to a found 1/2" iron pin being a point of curvature;

(18) 645.06 feet along the arc of a curve to the right, having a radius of 2824.90 feet, and a central angle of 13 deg 05'00", and whose chord bears north 50 deg 57'36" East, a distance of 643.66 feet to a found 1/2" iron pin being a point of tangency;

(19) NORTH 57 deg 26'58" East, a distance of 149.84 feet to a found 1/2" iron pin being an angle point;

(20) NORTH 61 deg 11'34" East, a distance of 365.34 feet to a found 1/2" iron pin being an angle point;

(21) NORTH 64 deg 42'33" East, a distance of 388.56 feet to a found 1/2" iron pin being a point of curvature; and

(22) 470.90 feet along the arc of a curve to the left, having a radius of 1472.70 feet, and a central angle of 18 deg 19'14", and whose chord bears North 55 deg 55'39" East, a distance of 468.90 feet to a found 1/2" iron pin being the Northernmost corner of said 27.593 acre tract and the Westernmost corner of said 53.350 acre tract (designated as TRACT IV) of said SPECIAL WARRANTY DEED;

THENCE: the following courses along the Northwest line of this parcel and said 53.350 acre tract, said 0.529 of an acre tract, and said 14.423 acre tract and the Southeast Right of Way Line of said F.M. 1102:

(23) NORTH 46 deg. 34' 14" East, a distance of 419.44 feet to a found 1/2" iron pin being a point of curvature;

(24) 296.68 feet along the arc of a curve to the left, having a radius of 1950.10 feet, and a central angle of 08 deg. 43' 00", and whose chords bears North 42 deg. 13' 24" East, a distance of 296.39 feet to a found 1/2" iron pin being a point of tangency;

(25) NORTH 37 deg. 52' 39" East, a distance of 625.38 feet to a found 1/2" iron pin being a point of curvature;



(26) 392.79 feet along the arc of a curve to the right, having a radius of 5689.70 feet, and a central angle of 03 deg. 57' 19", and whose chord bears North 39 deg. 59' 23" East, a distance of 392.71 feet to a set 1/2" iron pin with plastic cap "stamped 4233' being a point of tangency;

(27) NORTH 40 deg. 31' 03" East, a distance of 46.82 feet to a found 3/8" iron pin being an angle point;

(28) NORTH 41 deg. 54' 40" East, a distance of 651.39 feet to a found 1/2" iron pin being an angle point;

(29) NORTH 47 deg. 13' 29" East, a distance of 350.23 feet to a found 1/2" iron pin being an angle point; and

(30) NORTH 52 deg. 37' 59" East, a distance of 47.66 feet to a found 1" diameter iron pipe being the POINT OF BEGINNING, and containing 96.074 acres (4,184,983 sq. ft.) of land.

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

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

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

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

SECTION 6. (a) Section 7206.103, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the

members elected to each house, Subchapter C, Chapter 7206, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7206.103 to read as follows:

Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

(d) If another state agency, including the Public Utility Commission of Texas, succeeds to the power, authority, duties, or jurisdiction of the Texas Commission on Environmental Quality for any matter addressed by this Act, then any reference in this Act to the Texas Commission on Environmental Quality as to those matters means the successor agency. All compensation owed to the Crystal Clear Water Supply Corporation under Section 13.254, Water Code, whether liquidated or not, for the area decertified by order of the Texas Commission on Environmental Quality under Application No. 37192-C, and all claims, causes of action, choses in action, rights, benefits, and interest are considered an asset of the corporation, and on transfer of the assets of the corporation to the district, such claims, causes of action, choses in action, rights, benefits, interest, and compensation is owed to, and accrues to, the district.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.