

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
March 24, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 1372, as Filed by Representative Jason Isaac - Relating to the creation of the Cotton Center Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,


Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Jason Isaac, Texas House of Representatives
Representative John Cyrier, Texas House of Representatives

Enclosure

**HB 1372, as Filed by Representative Jason Isaac
Texas Commission on Environmental Quality's Comments**

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 the Cotton Center Municipal Utility District No. 1 (the "District") with the powers and duties of a standard municipal utility district under Water Code, Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts: The bill grants the District road powers; the bill allows the District to divide; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1372

Bill Number

TO: The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/16/2015

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

3.3.2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



By: Isaac

H.B. No. 1372

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Cotton Center Municipal Utility
3 District No. 1; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8492 to read as follows:

9 CHAPTER 8492. COTTON CENTER MUNICIPAL UTILITY DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8492.001. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Cotton Center Municipal
17 Utility District No. 1.

18 Sec. 8492.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8492.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 8492.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8492.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8492.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

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

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

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8492.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8492.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8492.052, directors serve
6 staggered four-year terms.

7 Sec. 8492.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8492.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8492.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8492.003; or

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8492.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8492.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8492.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8492.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards, zoning and
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

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

9 Sec. 8492.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

16 Sec. 8492.151. DIVISION OF DISTRICT; PREREQUISITES. The
17 district may be divided into two or more new districts only if the
18 district:

- 19 (1) has never issued any bonds; and
20 (2) is not imposing ad valorem taxes.

21 Sec. 8492.152. LAW APPLICABLE TO NEW DISTRICT. This
22 chapter applies to any new district created by division of the
23 district, and a new district has all the powers and duties of the
24 district.

25 Sec. 8492.153. LIMITATION ON AREA OF NEW DISTRICT. A new
26 district created by the division of the district may not, at the
27 time the new district is created, contain any land outside the area

1 described by Section 2 of the Act enacting this chapter.

2 Sec. 8492.154. DIVISION PROCEDURES. (a) The board, on its
3 own motion or on receipt of a petition signed by the owner or owners
4 of a majority of the assessed value of the real property in the
5 district, may adopt an order dividing the district.

6 (b) The board may adopt an order dividing the district
7 before or after the date the board holds an election under Section
8 8492.003 to confirm the district's creation.

9 (c) An order dividing the district must:

10 (1) name each new district;

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

13 (3) appoint temporary directors for each new district;
14 and

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

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

21 Sec. 8492.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
22 A new district created by the division of the district shall hold a
23 confirmation and directors' election as required by Section
24 8492.003.

25 (b) If the creation of the new district is confirmed, the
26 new district shall provide the election date and results to the
27 commission.

1 Sec. 8492.156. TAX OR BOND ELECTION. Before a new district
2 created by the division of the district may impose a maintenance tax
3 or issue bonds payable wholly or partly from ad valorem taxes, the
4 new district must hold an election as required by this chapter to
5 obtain voter approval.

6 Sec. 8492.157. MUNICIPAL CONSENT. Municipal consent to the
7 creation of the district and to the inclusion of land in the
8 district granted under Section 8492.004 acts as municipal consent
9 to the creation of any new district created by the division of the
10 district and to the inclusion of land in the new district.

11 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

12 Sec. 8492.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
13 district may issue, without an election, bonds and other
14 obligations secured by:

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

16 (2) contract payments described by Section 8492.203.

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

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

25 Sec. 8492.202. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8492.201, the district
27 may impose an operation and maintenance tax on taxable property in

1 the district in accordance with Section 49.107, Water Code.

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

4 Sec. 8492.203. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

14 Sec. 8492.251. 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, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 8492.252. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 8492.253. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Cotton Center Municipal Utility District No.
5 1 initially includes all the territory contained in the following
6 area:

7 DESCRIPTION
8 OF A 2357.9 ACRE TRACT OF LAND OUT OF THE WILLIAM PETTUS LEAGUE,
9 ABSTRACT NO. 21, THE THOMAS MAXWELL LEAGUE, ABSTRACT NO. 188, AND
10 THE THOMAS YATES LEAGUE, ABSTRACT NO. 313, SITUATED IN CALDWELL
11 COUNTY, TEXAS, BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO
12 WALTON TEXAS, LP. BY THE FOLLOWING DEEDS OF RECORD IN THE OFFICIAL
13 PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS:

- 14 A) 91.99 ACRES (PARCEL 1) AND 4.56 ACRES (PARCEL 2) OF
15 RECORD IN VOLUME 643, PAGE 69;
16 B) 87.92 ACRES OF RECORD IN DOCUMENT NO. 113576;
17 C) 99.03 ACRES OF RECORD IN DOCUMENT NO. 122695;
18 D) 358.07 ACRES PORTION OF 573.65 ACRES (TRACT 1) OF RECORD
19 IN VOLUME 524, PAGE 599;
20 E) 224.83 ACRES OF RECORD IN VOLUME 556, PAGE 729,
21 F) 339.31 ACRES OF RECORD IN VOLUME 556, PAGE 246;
22 G) 120.75 ACRES OF RECORD IN DOCUMENT NO. 123755;
23 H) 69.19 ACRES OF RECORD IN DOCUMENT NO. 132453;
24 I) 47.271 ACRES, 49.330 ACRES, AND 49.325 ACRES OF RECORD IN
25 DOCUMENT NO. 126556;
26 J) 70.540 ACRES OF RECORD IN DOCUMENT NO. 131493;
27 K) 55.669 ACRES OF RECORD IN DOCUMENT NO. 131492;

1 L) 239.035 ACRES OF RECORD IN DOCUMENT NO. 125890;
2 M) 59.828 ACRES OF RECORD IN DOCUMENT NO. 126555;
3 N) 252.85 ACRES OF RECORD IN DOCUMENT NO. 124324;
4 O) 133.84 ACRES OF RECORD IN DOCUMENT NO. 132453;
5 SAID 2357.9 ACRES OF LAND ALSO INCLUDES ALL THE AREA WITHIN THE
6 EXISTING RIGHTS-OF-WAY OF CALDWELL COUNTY ROAD NO. 238 (VALLEY WAY
7 DRIVE) AND FARM-TO-MARKET ROAD 1984 AS USED ON-THE-GROUND WHICH ARE
8 CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAVE
9 AND EXCEPT THEREFROM THAT CERTAIN 1.790 ACRE TRACT OF LAND CONVEYED
10 TO BARBARA KINKADE BY DEED OF RECORD IN VOLUME 206, PAGE 238 AND
11 THAT CERTAIN 15.354 ACRE REMAINDER OF A 129 ACRE (FIRST TRACT) AND
12 120 ACRE (SECOND TRACT) OF LAND CONVEYED TO ROBERT W. SHANNON, KAREN
13 S. MORELAND, DONNA S. ANDREW AND PAUL B. SHANNON BY DEEDS OF RECORD
14 IN VOLUME 255, PAGE 169, VOLUME 256, PAGE 261, VOLUME 335, PAGE 768,
15 AND VOLUME 371, PAGE 837, ALL OF SAID OFFICIAL PUBLIC RECORDS; SAID
16 2357.9 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN TWO (2)
17 PARTS BY METES AND BOUNDS AS FOLLOWS:
18 PART 1 - 1206.6 ACRES
19 BEGINNING, at a 5/8 in iron rod at the intersection of the southerly
20 right-of-way line of the Union Pacific Railroad and the
21 southwesterly right-of-way line of Valley Way Drive (R.O.W.
22 varies), being the northeasterly corner of said 91.99 acre tract,
23 for the northeasterly corner hereof;
24 THENCE, S41°17'23"E, leaving the southerly right-of-way line of the
25 Union Pacific Railroad, along the southwesterly right-of-way line
26 of Valley Way Drive, being the northeasterly line of said 91.99 acre
27 tract, for the northeasterly line hereof, a distance of 2788.12

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1 feet to a 5/8 inch iron rod in the northwesterly line of a 130.59
2 acre tract of land, conveyed to David Matthew Best by Deed of record
3 in Volume 269, Page 127 of said Official Public Records, being the
4 easterly corner of said 91.99 acre tract and hereof;

5 THENCE, S48°21'22"W, leaving the southwesterly right-of-way line of
6 Valley Way Drive, along the northwesterly line of said 130.59 acre
7 tract, being the southeasterly line of said 91.99 acre tract, for a
8 portion of the southeasterly line hereof, a distance of 1361.88
9 feet to the southerly corner of said 91.99 acre tract and the
10 northerly corner of said 4.56 acre tract, for an angle point hereof;
11 THENCE, leaving the southerly corner of said 91.99 acre tract,
12 along the northeasterly and southeasterly lines of said 4.56 acre
13 tract, for a portion of the southeasterly line hereof, the
14 following two (2) courses and distances:

15 1) S41°07'40"E, a distance of 322.45 feet to a 5/8 inch iron
16 rod for the easterly corner of said 4.56 acre tract, and an angle
17 point hereof;

18 2) S48°22'55"W, a distance of 616.59 feet to the southerly
19 corner of said 4.56 acre tract, being a northwesterly corner of said
20 130.59 acre tract, in the northeasterly line of an eight (8) yard by
21 one-hundred ten (110) yard Strip of land reserved to O.M. Hoffman by
22 Deed of record in Volume 229, Page 244 of said Official Public
23 Records, said Strip also being described as part of Tract II, in a
24 Deed to Hoffman Family Trust 1994, of record in Volume 127, Page 436
25 of said Official Public Records, for an angle point hereof;

26 THENCE, along a portion of the northeasterly, northwesterly, and
27 southwesterly lines of said Strip, being a portion of the

1 southwesterly line of said 4.56 acre tract, and a portion of the
2 southeasterly line of said 87.92 acre tract, for a portion of the
3 southeasterly line hereof, the following three (3) courses and
4 distances:

5 1) N41°10'09"W, a distance of 11.86 feet to the northerly
6 corner of said Strip, for an angle point hereof;

7 2) S48°19'26"W, a distance of 23.99 feet to the westerly
8 corner of said Strip, for an angle point hereof;

9 3) S41°19'42"E, a distance of 329.93 feet to an iron rod with
10 "UDG" cap in the northwesterly line of a 111.482 acre tract of land
11 conveyed to Henry E. McCulloch, Jr. and wife, Barbara J. McCulloch
12 by Deed of record in Volume 504, Page 634 of said Official Public
13 Records, being the southerly corner of said Strip and the most
14 southeasterly corner of said 87.92 acre tract, for an angle point
15 hereof;

16 THENCE, S48°20'39"W, leaving the southwesterly line of said Strip,
17 along a portion of the southeasterly line of said 87.92 acre tract,
18 and the southeasterly line of said 99.03 acre tract, being a portion
19 of the northwesterly line of said 111.482 acre tract and a portion
20 of the northwesterly line of a 9.41 acre tract of land conveyed to
21 Henry E. McCulloch, Jr. and wife, Barbara J. McCulloch by Deed of
22 record in Volume 511, Page 13 of said Official Public Records, for a
23 portion of the southeasterly line hereof, a distance of 3046.71
24 feet to the southerly corner of said 99.03 acre tract being in the
25 northeasterly line of said 573.65 acre tract, and the northwesterly
26 corner of said 9.41 acre tract, for an angle point hereof;
27 THENCE, leaving the southeasterly line of said 99.03 acre tract,

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1 along a portion of the northwesterly and southwesterly lines of
2 said 9.41 acre tract, and a portion of the northeasterly line of
3 said 573.65 acre tract, for a portion of the southeasterly line
4 hereof, the following three (3) courses and distances:

5 1) S41°34'50"E, a distance of 19.14 feet to an angle point
6 hereof;

7 2) S48°56'20"W, a distance of 161.89 feet to an iron rod with
8 "carter & burgess" cap for an angle point hereof;

9 3) S41°36'05"E, a distance of 1522.35 feet to the southerly
10 corner of said 9.41 acre tract in the northwesterly right-of-way
11 line of State Highway 142 (R.O.W. varies), for the easterly corner
12 of said 573.65 acre tract, and an angle point hereof;

13 THENCE, leaving the southwesterly line of said 9.41 acre tract,
14 along the northwesterly right-of-way line of State Highway 142,
15 along a portion of the southeasterly line of said 573.65 acre tract,
16 for a portion of the southeasterly line hereof, the following six
17 (6) courses and distances:

18 1) S48°50'36"W, a distance of 1342.09 feet to the point of
19 curvature of a non-tangent curve to the left;

20 2) Along said curve, having a radius of 11535.16 feet, a
21 central angle of 02°03'00", an arc length of 412.72 feet and a chord
22 which bears, S47°48'06"W, a distance of 412.70 feet to the end of
23 said curve;

24 3) S46°50'18"W, a distance of 148.55 feet to the point of
25 curvature of a non-tangent curve to the right;

26 4) Along said curve, having a radius of 11393.65 feet, a
27 central angle of 02°03'02", an arc length of 407.78 feet and a chord

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1 which bears, S47°48'07"W, a distance of 407.76 feet to the end of
2 said curve;

3 5) S48°51'00"W, a distance of 1315.11 feet to the point of
4 curvature of a non-tangent curve to the right;

5 6) Along said curve, having a radius of 11,389.16 feet, a
6 central angle of 00°37'29", an arc length of 124.18 feet and a chord
7 which bears, S49°09'26"W, a distance of 124.18 feet to the point of
8 curvature of a non-tangent curve to the left, for the most southerly
9 corner hereof;

10 THENCE, leaving said northwesterly right-of-way line of State
11 Highway 142, over and across said 573.65 acre tract, for a portion
12 of the southwesterly line hereof, along the approximate Martindale
13 City Limit Line, the following four (4) courses and distances:

14 1) Along said curve, having a radius of 2746.11 feet, a
15 central angle of 26°52'25", an arc length of 1288.01 feet and a chord
16 which bears, N53°46'19"W, a distance of 1276.24 feet to the end of
17 said curve;

18 2) N69°22'30"W, a distance of 631.48 feet to an angle point
19 hereof;

20 3) S69°38'20"W, a distance of 374.12 feet to an angle point
21 hereof;

22 4) N65°05'35"W, a distance of 871.31 feet to a point in the
23 southeasterly line of a 137 acre tract of land conveyed to John Mac
24 Mauldin by Deed of record in Volume 359, Page 673 of said Official
25 Public Records, and the northwesterly line of said 573.65 acre
26 tract, for an angle point hereof;

27 THENCE, along a portion of the southeasterly line and the

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1 northeasterly line of said 137 acre tract, and the northwesterly
2 line of said 573.65 acre tract, for a portion of the southwesterly
3 line hereof, the following two (2) courses and distances:

4 1) N49°05'19"E, a distance of 1820.68 feet to an iron pipe
5 for the easterly corner of said 137 acre tract, the westerly corner
6 of said 573.65 acre tract, and an angle point hereof;

7 2) N40°56'06"W, a distance of 1177.53 feet to a point in the
8 southeasterly line of a 167.96 acre tract of land conveyed to
9 Conrads Herbert Inc. by Deed of record in Volume 346, Page 76 of
10 said Official Public Records, being the northerly corner of said
11 137 acre tract, the northwesterly corner of said 573.65 acre tract,
12 and an angle point hereof;

13 THENCE, N48°54'41"E, leaving the northeasterly line of said 137 acre
14 tract, along a portion of the common southeasterly line of said
15 167.96 acre tract and a portion of the northwesterly line of said
16 573.65 acre tract, for a portion of the southwesterly line hereof, a
17 distance of 42.46 feet to the most easterly corner of said 167.96
18 acre tract, and the southerly corner of said 224.83 acre tract, for
19 an angle point hereof;

20 THENCE, leaving the northwesterly line of said 573.65 acre tract,
21 along the common line of said 167.96 acre tract and said 224.83 acre
22 tract, for a portion of the southwesterly line hereof, the
23 following eight (8) courses and distances:

24 1) N12°19'50"W, a distance of 294.36 feet to an angle point;
25 2) N00°34'24"E, a distance of 227.61 feet to an angle point;
26 3) N36°30'21"W, a distance of 285.03 feet to an angle point;
27 4) N56°28'57"W, a distance of 234.92 feet to an angle point;

1 5) N50°20'48"W, a distance of 99.62 feet to an angle point;
2 6) N27°15'48"W, a distance of 102.46 feet to an angle point;
3 7) N22°50'14"W, a distance of 255.49 feet to the westerly
4 corner of said 224.83 acre tract, for an angle point hereof;
5 8) N43°45'31"E, a distance of 190.62 feet to the southerly
6 corner of said 339.31 acre tract, for an angle point hereof;
7 THENCE, leaving the northwesterly line of said 224.83 acre tract,
8 along the common line of said 167.96 acre tract and said 339.31 acre
9 tract, for a portion of the southwesterly line hereof, the
10 following two (2) courses and distances:
11 1) N39°23'33"W, a distance of 241.44 feet to an angle point;
12 2) N26°29'00"W, a distance of 668.42 feet to the easterly
13 corner of a 213.451 acre tract of land conveyed to Curby Ohnheiser
14 by Deed of record in Volume 178, Page 184 of said Official Public
15 Records, for an angle point hereof;
16 THENCE, along a portion of the common northeasterly line of said
17 213.451 acre tract and the southwesterly line of said 339.31 acre
18 tract, for a portion of the southwesterly line hereof, the
19 following three (3) courses and distances:
20 1) N16°07'11"W, a distance of 819.56 feet to an angle point;
21 2) N13°49'18"W, a distance of 655.20 feet to an angle point;
22 3) N09°25'58"W, a distance of 163.84 feet to the southerly
23 corner of a 49.82 acre tract of land conveyed to David J. Huffman by
24 Deed of record in Volume 527, Page 292 of said Official Public
25 Records, for the most westerly corner of said 339.31 acre tract and
26 hereof;
27 THENCE, along the southeasterly and northeasterly lines of said

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1 49.82 acre tract and the northwesterly line of said 339.31 acre
2 tract, for the northwesterly line hereof, the following four (4)
3 courses and distances:

4 1) N48°42'42"E, a distance of 1780.59 feet to a pk nail in a
5 fence post;

6 2) N41°04'53"W, a distance of 664.10 feet to a pk nail in a
7 fence post;

8 3) N48°44'06"E, a distance of 1261.08 feet to the most
9 easterly corner of said 49.82 acre tract;

10 4) N42°14'20"W, a distance of 275.49 feet to the
11 northeasterly corner of said 49.82 acre tract and northwesterly
12 corner of said 339.31 acre tract, in the southerly right-of-way
13 line of the Union Pacific Railroad, for the northwesterly corner
14 hereof;

15 THENCE, leaving the northeasterly line of said 49.82 acre tract,
16 along a portion of the southerly right-of-way line of the Union
17 Pacific Railroad, and a portion of the northerly line and
18 northeasterly line of said 339.31 acre tract, for a portion of the
19 northerly line hereof, the following two (2) courses and distances:

20 1) S87°55'54"E, a distance of 3775.29 feet to an iron rod for
21 the northeasterly corner of said 339.31 acre tract, and an angle
22 point hereof;

23 2) S41°18'02"E, a distance of 62.32 feet to an iron rod for
24 the northwesterly corner of said 91.99 acre tract, and an angle
25 point hereof;

26 THENCE, leaving the northeasterly line of said 339.31 acre tract,
27 along a portion of the southerly right-of-way line of the Union

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1 Pacific Railroad, the southerly right-of-way line of said Valley
2 Way Drive, and the northerly line of said 91.99 acre tract, for a
3 portion of the northerly line hereof, the following three (3)
4 courses and distances:

5 1) S88°18'23"E, a distance of 870.54 feet to an iron rod for
6 an angle point hereof;

7 2) N82°39'41"E, a distance of 454.88 feet to an angle point
8 hereof;

9 3) N81°46'58"E, a distance of 126.52 feet to the POINT OF
10 BEGINNING, and containing an area of 1206.6 acres of land, more or
11 less, within these metes and bounds.

12 PART 2 - 1151.3 ACRES

13 BEGINNING, at an iron rod with "UDG" cap found in the southwesterly
14 right-of-way line of Valley Way Drive (R.O.W. varies) for the
15 northerly corner of a 1.82 acre tract of land conveyed to Jethery
16 Bohannon Et. Ux. By deed of record in Volume 240, Page 435 of said
17 Official Public Records, the southeasterly corner of said 133.84
18 acre tract, and an angle point hereof;

19 THENCE, S49°38'37"W, leaving the southwesterly right-of-way line of
20 Valley Way Drive, along the common line of said 1.82 acre tract and
21 said 133.84 acre tract, a distance of 409.77 feet to a point in the
22 northerly right-of-way line of the Union Pacific Railroad (100'
23 R.O.W.);

24 THENCE, N87°55'45"W, along the northerly right-of-way of said
25 Railroad, a distance of 1952.56 feet to a point for the
26 southwesterly corner of said 133.84 acre tract and the
27 southeasterly corner of a 22.1 acre tract of land conveyed to Abel

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1 Garza Et. Ux. By deed of record in Volume 96, Page 683 of said
2 Official Public Records;

3 THENCE, leaving the northerly right-of-way of said Railroad, along
4 the common line of said 133.84 acre tract and said 22.1 acre tract,
5 the following two (2) courses and distances:

6 1) N01°23'47"E, a distance of 217.61 feet to and iron rod for
7 an angle point hereof;

8 2) N41°22'34"W, a distance of 2440.88 feet to a fence corner
9 post in the southeasterly right-of-way line of F.M. 1984 (80'
10 R.O.W.) for the northerly corner of said 22.1 acre tract, the
11 easterly corner of said 133.84 acre tract, and an angle point
12 hereof;

13 THENCE, N41°36'44"W, leaving the northerly corner of said 22.1 acre
14 tract, over and across F.M. 1984, a distance of 80.09 feet to a
15 point in the northwesterly right-of-way line of F.M. 1984, and the
16 southeasterly line of said 252.85 acre tract, for an angle point
17 hereof;

18 THENCE, S48°23'16"W, a distance of 1345.17 feet to an iron rod with
19 "LENZ" cap in the southeasterly line of said 252.85 acre tract and
20 the easterly corner of a 40.0 acre tract of land conveyed to Myrna
21 Lopez by deed of record in Document No. 122023 of said Official
22 Public Records, for an angle point hereof;

23 THENCE, leaving the northerly right-of-way line of F.M. 1984, along
24 the common line of said 252.85 acre tract and said 40.0 acre tract,
25 the following sixteen (16) courses and distances:

26 1) N34°21'01"W, a distance of 110.36 feet to an iron rod with
27 "LENZ" cap;

1 2) N19°39'31"W, a distance of 293.22 feet to an iron rod with
2 "LENZ" cap;
3 3) N03°15'11"W, a distance of 82.66 feet to an angle point;
4 4) N36°52'22"E, a distance of 33.25 feet to an angle point;
5 5) N03°46'05"W, a distance of 515.85 feet to an angle point;
6 6) N09°53'30"W, a distance of 29.53 feet to an angle point;
7 7) N42°29'18"E, a distance of 23.22 feet to an angle point;
8 8) N09°28'01"E, a distance of 66.25 feet to an angle point;
9 9) N07°00'01"W, a distance of 164.91 feet to an angle point;
10 10) N13°52'24"W, a distance of 144.68 feet to an angle point;
11 11) N21°57'50"W, a distance of 90.39 feet to an angle point;
12 12) N10°37'25"W, a distance of 153.12 feet to an angle point;
13 13) N23°21'47"W, a distance of 161.89 feet to an iron rod
14 with "LENZ" cap;
15 14) N41°34'57"W, a distance of 172.18 feet to an iron rod
16 with "LENZ" cap for the northerly corner of said 40.0 acre tract;
17 15) S48°21'01"W, a distance of 1431.20 feet to an iron rod
18 with "LENZ" cap for the westerly corner of said 40.0 acre tract;
19 16) S41°38'18"E, a distance of 1735.64 feet to an iron rod
20 with "LENZ" cap for the southerly corner of said 40.0 acre tract, in
21 the northwesterly right-of-way line of F.M. 1984 for an angle point
22 of said 252.85 acre tract and hereof;
23 THENCE, S48°21'42"W, leaving the southerly corner of said 40.0 acre
24 tract, along the northwesterly right-of-way line of F.M. 1984, a
25 distance of 592.58 feet to the southerly corner of said 252.85 acre
26 tract, in the northeasterly line of Fehlis Revised Addition to
27 Reedville, of record in Volume 27, Page 368, of the Deed Records of

1 said County, for an angle point;
2 THENCE, N41°22'43"W, leaving the northwesterly right-of-way line of
3 F.M. 1984, along the southwesterly line of said 252.85 acre tract, a
4 portion of the northeasterly line of said Fehlis Revised Addition,
5 and a portion of the northeasterly line of a 56.52 acre tract of
6 land conveyed to Southern Pecan Plantation Mobile Home Park, Inc.,
7 by deed of record in Volume 79, Page 369, of said Official Public
8 Records, a distance of 3152.26 feet to an aluminum disk in concrete
9 for the northerly corner of said 56.52 acre tract, the westerly
10 corner of said 252.85 acre tract and hereof;
11 THENCE, N48°46'59"E, along the northwesterly line of said 252.85
12 acre tract, a distance of 4120.83 feet to point in the southwesterly
13 right-of-way line of William Pettus Road (R.O.W. varies) for the
14 northerly corner of said 252.85 acre tract;
15 THENCE, S40°53'44"E, along the southwesterly right-of-way line of
16 William Pettus Road and northeasterly line of said 252.85 acre
17 tract, a distance of 2659.70 feet to the point of curvature of a
18 non-tangent curve to the left at the intersection of the
19 southwesterly right-of-way line of William Pettus Road and the
20 northwesterly right-of-way line of F.M. 1984;
21 THENCE, leaving the southwesterly right-of-way line of William
22 Pettus Road, along the curving northwesterly right-of-way line of
23 F.M. 1984 and southeasterly line of said 252.85 acre tract, the
24 following three (3) courses and distances:
25 1) Along said curve to the left having a radius of 756.20
26 feet, a central angle of 22°14'32", an arc length of 293.56 feet, and
27 a chord which bears, S09°41'28"W, a distance of 291.72 feet to the

1 end of said curve;

2 2) S01°25'48"E, a distance of 53.10 feet to the point of
3 curvature of a non-tangent curve to the right;

4 3) Along said non-tangent curve to the right having a radius
5 of 676.20 feet, a central angle of 49°28'14", an arc length of 583.85
6 feet, and a chord which bears, S23°18'19"W, a distance of 565.88
7 feet to a TxDOT concrete monument at the end of said curve;

8 THENCE, S41°36'44"E, leaving the southeasterly line of said 252.85
9 acre tract and northwesterly right-of-way line of F.M. 1984, over
10 and across F.M. 1984, a distance of 79.92 feet to an angle point in
11 the southeasterly right-of-way line of F.M. 1984, and the
12 northwesterly line of said 133.84 acre tract;

13 THENCE, N48°22'36"E, along the northwesterly line of said 133.84
14 acre tract, being a portion of the southeasterly right-of-way line
15 of F.M. 1984 and a portion of the southeasterly right-of-way line of
16 Valley Way Drive (50' R.O.W.), a distance of 765.39 feet to
17 northerly corner of said 133.84 acre tract in the southwesterly
18 right-of-way line of Valley Way Drive (R.O.W. varies);

19 THENCE, N48°53'36"E, leaving the northerly corner of said 133.84
20 acre tract, over and across said Valley Way Drive, a distance of
21 51.66 feet to an angle point in the northeasterly right-of-way line
22 of Valley Way Drive and the southwesterly line of said 69.19 acre
23 tract;

24 THENCE, N41°06'24"W, along the northeasterly right-of-way line of
25 Valley Way Drive, a distance of 477.14 feet to an angle point at the
26 intersection of the northeasterly right-of-way line of Valley Way
27 Drive and the southeasterly right-of-way line of F.M. 1984;

1 THENCE, leaving the northeasterly right-of-way line of Valley Way
2 Drive, along a portion of southeasterly right-of-way line of F.M.
3 1984 and northwesterly line of said 69.19 acre tract, the following
4 two (2) courses and distances:

5 1) Along a non-tangent curve to the right having a radius of
6 676.09 feet, a central angle of 26°42'34", an arc length of 315.17
7 feet, and a chord which bears, N35°06'01"E, a distance of 312.33
8 feet to the end of said curve;

9 2) N48°30'35"E, a distance of 2278.26 feet to an angle point
10 hereof;

11 THENCE, N41°29'25"W, leaving the northwesterly line of said 69.19
12 acre tract, over and across F.M. 1984, a distance of 80.30 feet to
13 the southerly corner of said 120.75 acre tract in the northwesterly
14 right-of-way line of F.M. 1984;

15 THENCE, leaving the northwesterly right-of-way line of F.M. 1984,
16 along the irregular southwesterly line of said 120.75 acre tract,
17 the following seven (7) courses and distances:

18 1) N41°29'56"W, a distance of 1298.87 feet to an angle point
19 of said 120.75 acre tract and hereof;

20 2) S48°31'19"W, a distance of 1130.21 feet to an iron rod
21 found for angle point of said 120.75 acre tract and the northerly
22 corner of a 13.02 acre tract of land conveyed to Kristin Kocurek by
23 deed of record in Volume 515, Page 161 of said Official Public
24 Records;

25 3) N41°26'45"W, a distance of 376.48 feet to an iron rod
26 found for angle point of said 120.75 acre tract and hereof;

27 4) N41°04'25"W, a distance of 250.72 feet to an iron rod

1 found for angle point of said 120.75 acre tract and hereof;
2 5) N41°11'04"W, a distance of 250.71 feet to an iron rod
3 found for angle point of said 120.75 acre tract and hereof;
4 6) N41°09'44"W, a distance of 386.22 feet to an iron rod
5 found for angle point of said 120.75 acre tract and hereof;
6 7) N40°53'52"W, a distance of 222.60 feet to a fence post
7 found in the southeasterly line of a 10 acre tract of land conveyed
8 to Tanya Moran by deed of record in Volume 287, Page 564 of said
9 Official Public Records, for the northerly corner of a 1.001 acre
10 tract of land conveyed to Vincent J. Bustos by deed of record in
11 Volume 574, Page 1 of said Official Public Records, and the westerly
12 corner of said 120.75 acre tract;
13 THENCE, N48°47'31"E, along the northwesterly line of said 120.75
14 acre tract, a distance of 2437.59 feet to an iron rod for the
15 easterly corner of a 90.014 acre tract of land conveyed to Kenneth
16 R. Kent by deed of record in Volume 428, Page 79 of the Deed Records
17 of said County, the northerly corner of said 120.75 acre tract, and
18 in the southwesterly line of Lot 9, Block B, Koeglar Hills, a
19 subdivision of record in Cabinet A, Slide 50 of the Plat Records of
20 said County;
21 THENCE, S42°00'07"E, along the northeasterly line of said 120.75
22 acre tract and the southwesterly line of said Koeglar Hills
23 Subdivision, a distance of 895.37 feet to an iron rod for an angle
24 point of said 120.75 acre tract and hereof;
25 THENCE, S41°15'14"E, continuing along the northeasterly line of
26 said 120.75 acre tract and the southwesterly line of said Koeglar
27 Hills Subdivision, a distance of 1663.51 feet to the easterly

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1 corner of said 120.75 acre tract, in the southwesterly line of Lot
2 3C of the Replat of Lots 3 and 4, Block B Koeglar Hills Subdivision,
3 of record in Cabinet B, Slide 19 of the Plat Records of said County
4 and the northerly corner of an old cemetery (no recording
5 information found);

6 THENCE, leaving said Lot 3C, along the common line of said 120.75
7 acre tract and said old cemetery, the following four (4) courses and
8 distances:

- 9 1) S48°44'49"W, a distance of 59.99 feet to an angle point;
- 10 2) S41°15'11"E, a distance of 29.00 feet to an angle point;
- 11 3) S48°44'49"W, a distance of 355.50 feet to an angle point;
- 12 4) S41°15'11"E, a distance of 189.19 feet to the southerly
13 corner of said old cemetery for an angle point of said 120.75 acre
14 tract and hereof in the northwesterly right-of-way line of F.M.
15 1984;

16 THENCE, S48°36'20"W, along the northwesterly right-of-way line of
17 F.M. 1984 and southeasterly line of said 120.75 acre tract, a
18 distance of 592.28 feet to an angle point;

19 THENCE, S41°23'40"E, leaving the southeasterly line of said 120.75
20 acre tract, over and across F.M. 1984, a distance of 79.79 feet to
21 an iron rod for the northerly corner of said 69.19 acre tract and
22 the westerly corner of a 3.67 acre tract of land conveyed to Arthur
23 D. Ehrlich and Mary L Ehrlich by deed of record in Volume 179, Page
24 507 of said Official Public Records;

25 THENCE, leaving the southeasterly right-of-way line of F.M. 1984,
26 along the common line of said 69.19 acre tract and said 3.67 acre
27 tract, the following two (2) courses and distances:

1 1) S41°22'11"E, a distance of 399.75 feet to steel fence
2 corner post;
3 2) N48°31'55"E, a distance of 397.74 feet to an iron rod for
4 the easterly corner of said 3.67 acre tract;
5 THENCE, S41°27'50"E, along the northeasterly line of said 69.19 acre
6 tract, a distance of 568.68 feet to a steel fence post in the
7 southwesterly line of Lot 6, Block 1 of Castle Hill Subdivision
8 Phase I, a subdivision of record in Book A, Page 181 of the Plat
9 Records of said County;
10 THENCE, leaving the southeasterly line of said Castle Hill
11 Subdivision, along the southeasterly line of said 69.19 acre tract,
12 the following eight (8) courses and distances:
13 1) S48°41'00"W, a distance of 786.26 feet to an angle point;
14 2) S47°55'14"W, a distance of 85.90 feet to an angle point;
15 3) S49°18'20"W, a distance of 589.25 feet to an angle point;
16 4) S48°01'10"W, a distance of 232.56 feet to a fence post;
17 5) S47°58'05"W, a distance of 345.92 feet to an angle point;
18 6) S47°46'45"W, a distance of 446.89 feet to an angle point;
19 7) S48°19'28"W, a distance of 438.49 feet to an angle point;
20 8) S48°07'05"W, a distance of 367.04 feet to fence corner
21 post for the southerly corner of said 69.19 acre tract in the
22 northeasterly right-of-way line of Valley Way Drive;
23 THENCE, S48°38'56"W, leaving the southerly corner of said 69.19 acre
24 tract, over and across Valley View Drive, a distance of 49.85 feet
25 to a point in the northeasterly line of said 133.84 acre tract and
26 the southwesterly right-of-way line of Valley Way Drive;
27 THENCE, along the northeasterly line of said 133.84 acre tract and

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1 the southwesterly right-of-way line of Valley Way Drive, the
2 following two (2) courses and distances;

3 1) S41°21'04"E, a distance of 1129.59 feet to a fence post;

4 2) S41°40'38"E, a distance of 1273.02 feet to an angle point;

5 THENCE, N48°19'22"E, leaving the northeasterly line of said 133.84
6 acre tract, over and across Valley View Drive, a distance of 61.02
7 feet to the easterly corner of said 239.035 acre tract in the
8 northeasterly right-of-way line of Valley View Drive;

9 THENCE, along a portion of the northwesterly line of said 239.035
10 acre tract, the following three (3) courses and distances:

11 1) N48°15'16"E, a distance of 2761.12 feet to an angle point;

12 2) S41°47'43"E, a distance of 274.43 feet to a fence corner
13 post;

14 3) N48°40'03"E, a distance of 976.49 feet to an iron rod for
15 the southerly corner of said 70.540 acre tract;

16 THENCE, N40°19'04"W, leaving the northwesterly line of said 239.035
17 acre tract, along the southwesterly line of said 70.540 acre tract,
18 a distance of 904.98 feet to an iron rod with "RL Surveying" cap for
19 the easterly corner of said 70.540 acre tract, in the southeasterly
20 line of said 49.325 acre tract;

21 THENCE, S49°05'23"W, leaving the southwesterly line of said 70.540
22 acre tract, along the southeasterly line of said 49.325 acre tract,
23 a distance of 500.65 feet to an iron rod with "UDG 2433" cap for the
24 southerly corner of said 49.325 acre tract;

25 THENCE, along the southwesterly line of said 49.325 acre tract, the
26 following two (2) courses and distances:

27 1) N40°38'48"W, a distance of 400.80 feet to an iron rod with

1 "UDG 2433" cap;
2 2) N40°43'42"W, a distance of 1287.69 feet to an iron rod for
3 the southerly corner of Lot 6 of said Castle Hill Subdivision;
4 THENCE, N48°32'31"E, along the northwesterly lines of said 49.325
5 acre tract, said 49.330 acre tract, and said 47.271 acre tract, a
6 distance of 3425.74 feet to an iron rod for the northwesterly corner
7 of said 47.271 acre tract;
8 THENCE, along a portion of the northerly line of said 47.271 acre
9 tract, the following three (3) courses and distances:
10 1) S41°01'56"E, a distance of 227.58 feet to an iron rod;
11 2) S85°53'10"E, a distance of 183.60 feet to an angle point;
12 3) N43°11'02"E, a distance of 271.56 feet to the
13 northeasterly corner of said 47.271 acre tract in the southwesterly
14 right-of-way line of F.M. 1966 (80' R.O.W.);
15 THENCE, S40°51'42"E, along the southwesterly right-of-way line of
16 F.M. 1966, a distance of 1367.14 feet to the easterly corner of said
17 47.271 acre tract and northerly corner of a 1.0 acre tract of land
18 conveyed to John M. Salazar Et. Ux. By deed of record in Volume 424,
19 Page 100 of the Deed Records of said County;
20 THENCE, S48°43'20"W, leaving the southwesterly right-of-way line of
21 F.M. 1966, along a portion of the southeasterly line of said 47.271
22 acre tract, a distance of 348.84 feet to an iron rod for the
23 northwesterly corner of said 70.540 acre tract and the westerly
24 corner of a 1.041 acre tract conveyed to Kelly J. Cansler Et. Ux. By
25 deed of record in Volume 64, Page 782 of said Official Public
26 Records;
27 THENCE, along the southerly lines of said 1.041 acre tract and the

1 northerly lines of said 70.540 acre tract, the following two (2)
2 courses and distances:

3 1) S41°01'59"E, a distance of 256.81 feet to an iron rod;
4 2) N47°37'30"E, a distance of 350.89 feet to an iron rod for
5 the easterly corner of said 1.041 acre tract and the northeasterly
6 corner of said 70.540 acre tract in the southwesterly right-of-way
7 line of F.M. 1966;

8 THENCE, S41°14'17"E, along a portion of the southwesterly
9 right-of-way line of F.M. 1966, a distance of 742.57 feet to an iron
10 rod for the easterly corner of said 70.540 acre tract and the
11 northerly corner of said 55.669 acre tract;

12 THENCE, S41°23'23"E, continuing along a portion of the
13 southwesterly right-of-way line of F.M. 1966, a distance of 644.74
14 feet to the easterly corner of said 55.669 acre tract and the
15 northerly corner of the remaining 2.437 acre tract of land conveyed
16 to Barbara Kinkade and Life Estate reserved by Margaret Ann
17 Wackerhagen by deed of record in Volume 507, Page 721 of said
18 Official Public Records;

19 THENCE, leaving the southwesterly right-of-way line of F.M. 1966,
20 along a portion of the irregular easterly line of said 55.669 acre
21 tract and the westerly line of said 2.437 acre tract, the following
22 seven (7) courses and distances:

23 1) S54°55'11"W, a distance of 457.51 feet to an angle point;
24 2) S39°04'07"E, a distance of 26.01 feet to an angle point;
25 3) S21°40'50"E, a distance of 95.81 feet to an angle point;
26 4) S80°14'00"W, a distance of 44.90 feet to an angle point;
27 5) S15°41'02"E, a distance of 84.10 feet to an angle point;

1 6) S27°21'59"E, a distance of 112.74 feet to a 1/2 inch iron
2 rod;
3 7) S28°12'49"E, a distance of 210.26 feet to an 1/2 inch iron
4 rod for the southerly corner of a 3.569 acre tract of land described
5 in a deed to Barbara K. Warrens of record in Volume 232, Page 423 of
6 said Official Public records;
7 THENCE, S48°42'23"W, along the southeasterly line of said 55.669
8 acre tract, a distance of 1852.73 feet to an iron rod in the
9 northeasterly line of said 239.035 acre tract;
10 THENCE, along a portion of the northeasterly line of said 239.035
11 acre tract, the following three (3) courses and distances:
12 1) S41°02'56"E, a distance of 387.22 feet to an iron rod;
13 2) S41°06'40"E, a distance of 312.60 feet to an iron rod;
14 3) S40°42'48"E, a distance of 542.32 feet to a fence corner
15 post for the easterly corner of said 239.035 acre tract and an angle
16 point in the westerly line of said 59.828 acre tract;
17 THENCE, leaving the easterly corner of said 239.035 acre tract,
18 along a portion of the westerly and northerly lines of said 59.828
19 acre tract, the following three (3) courses and distances:
20 1) S41°34'25"E, a distance of 151.16 feet to an iron rod;
21 2) N48°34'31"E, a distance of 610.04 feet to an iron rod for
22 the northerly corner of said 59.828 acre tract;
23 3) S41°33'19"E, a distance of 1565.45 feet to the easterly
24 corner of said 59.828 acre tract, in the curving northerly
25 right-of-way line of the Union Pacific Railroad;
26 THENCE, along the easterly line of said 59.828 acre tract and the
27 northerly right-of-way line of the Union Pacific Railroad, the

1 following three (3) courses and distances:

2 1) Along a non-tangent curve to the left having a radius of
3 2786.27 feet, a central angle of $17^{\circ}52'26''$, an arc length of 869.20
4 feet, and a chord which bears, $S86^{\circ}07'28''W$, a distance of 865.68
5 feet to the end of said curve;

6 2) Along a non-tangent curve to the left having a radius of
7 3832.81 feet, a central angle of $06^{\circ}04'35''$, an arc length of 406.47
8 feet, and a chord which bears, $S73^{\circ}32'28''W$, a distance of 406.28
9 feet to the end of said curve;

10 3) $S69^{\circ}58'41''W$, a distance of 2776.15 feet to an iron rod for
11 the southerly corner of said 59.828 acre tract and an angle point in
12 the easterly line of said 239.035 acre tract;

13 THENCE, along the easterly line of said 239.035 acre tract and the
14 northerly right-of-way line of the Union Pacific Railroad, the
15 following four (4) courses and distances:

16 1) $S69^{\circ}58'41''W$, a distance of 92.94 feet to an angle point;

17 2) Along a non-tangent curve to the right having a radius of
18 3336.89 feet, a central angle of $06^{\circ}13'09''$, an arc length of 362.21
19 feet, and a chord which bears, $S72^{\circ}55'53''W$, a distance of 362.03
20 feet to the end of said curve;

21 3) Along a non-tangent curve to the right having a radius of
22 2825.30 feet, a central angle of $14^{\circ}00'59''$, an arc length of 691.16
23 feet, and a chord which bears, $S83^{\circ}18'28''W$, a distance of 689.44
24 feet to the end of said curve;

25 4) Along a non-tangent curve to the right having a radius of
26 55687.93 feet, a central angle of $00^{\circ}48'17''$, an arc length of 782.17
27 feet, and a chord which bears, $N88^{\circ}10'00''W$, a distance of 782.15

1 feet to the end of said curve at the intersection of the northerly
2 right-of-way line of the Union Pacific Railroad and the
3 northeasterly right-of-way line of Valley Way Drive;
4 THENCE, N41°20'20"W, leaving the northerly right-of-way line of the
5 Union Pacific Railroad, along the northeasterly right-of-way line
6 of Valley Way Drive and southerly line of said 239.035 acre tract, a
7 distance of 429.48 feet to an angle point;
8 THENCE, S48°39'40"W, leaving southerly line of said 239.035 acre
9 tract, over and across Valley Way Drive a distance of 51.67 feet to
10 the POINT OF BEGINNING, containing an area of 1168.438 acres
11 (50,897,146 square feet) of land, more or less, within these metes
12 and bounds, SAVE AND EXCEPT THEREFROM the aforementioned 15.354
13 acre tract of land described as follows:
14 COMMENCING, at a 1/2 inch iron rod found in northerly right-of-way
15 line of the Union Pacific Railroad for the southerly corner of said
16 59.828 acre tract and being in the easterly line of said 239.035
17 acre tract;
18 THENCE, N45°14'35"W, leaving the northerly right-of-way line of the
19 Union Pacific Railroad and the southerly corner of said 59.828 acre
20 tract, over and across said 239.035 acre tract, a distance of 944.36
21 feet to the POINT OF BEGINNING, being the southerly corner of said
22 15.354 acre tract and hereof;
23 THENCE, along the common lines of said 239.035 acre tract, said
24 15.354 acre tract and hereof, the following four (4) courses and
25 distances:
26 1) N41°44'44"W, a distance of 760.00 feet to a point for the
27 westerly corner of said 15.354 acre tract and hereof;

1 2) N48°15'16"E, a distance of 880.00 feet to a point for the
2 northerly corner of said 15.354 acre tract and hereof;

3 3) S41°44'44"E, a distance of 760.00 feet to a point for the
4 easterly corner of said 15.354 acre tract and hereof;

5 4) N48°15'16"E, a distance of 880.00 feet to the POINT OF
6 BEGINNING, containing an area of 15.354 acres (668,800 square feet)
7 of land, more or less, within these metes and bounds and FURTHER
8 SAVE AND EXCEPT THEREFROM the aforementioned the 1.790 acre tract
9 of land described as follows;;

10 COMMENCING, at a fence corner post for the northerly corner of said
11 239.035 acre tract, being an angle point in the easterly line of
12 said 70.540 acre tract;

13 THENCE, N31°58'37"W, leaving the northerly corner of said 239.035
14 acre tract, over and across said 70.540 acre tract, a distance of
15 176.88 feet to a fence corner post for the POINT OF BEGINNING, being
16 the easterly corner of said 1.790 acre tract and hereof;

17 THENCE, along the common lines of said 70.540 acre tract, said 1.790
18 acre tract and hereof, the following four (4) courses and
19 distances:

20 1) S60°20'34"W, a distance of 237.04 to a fence corner post
21 for the southerly corner of said 1.790 acre tract and hereof;

22 2) N32°55'40"W, a distance of 267.87 feet to a 1/2 inch iron
23 rod for the westerly corner of said 1.790 acre tract and hereof;

24 3) N49°02'47"E, a distance of 297.06 feet to a 1/2 inch iron
25 rod for the northerly corner of said 1.790 acre tract and hereof;

26 4) S22°49'48"E, a distance of 327.95 feet to the POINT OF
27 BEGINNING, containing an area of 1.790 acres (77,991 square feet)

1 of land, more or less, within these metes and bounds, leaving a
2 TOTAL NET AREA of 1151.3 acres of land, more or less, within these
3 metes and bounds.

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

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

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

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

22 SECTION 4. (a) If this Act does not receive a two-thirds
23 vote of all the members elected to each house, Subchapter C, Chapter
24 8492, Special District Local Laws Code, as added by Section 1 of
25 this Act, is amended by adding Section 8492.106 to read as follows:

26 Sec. 8492.106. NO EMINENT DOMAIN POWER. The district may
27 not exercise the power of eminent domain.

H.B. No. 1372

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

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2015.

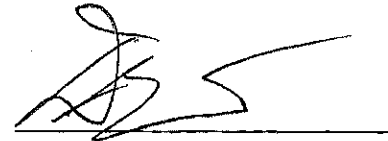
Affidavit of Publication

THE STATE OF TEXAS
COUNTY OF CALDWELL

On this the 6th day of January, 2015 personally appeared Dana Garrett, who states that he is Publisher of the Lockhart Post-Register, a newspaper of general circulation, published at Lockhart, in Caldwell County, State of Texas, and upon being duly sworn by me on oath states that the advertisement or legal notice, appearing here-with, is a true and correct copy of same as published in said newspaper on the following dates:

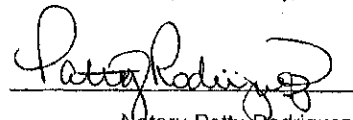
January 1, 2015

Notice to introduce a special district in the Extraterritorial Jurisdiction of the City of San Marcos, Caldwell County Exhibit of Cotton Center



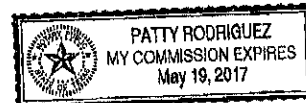
Dana Garrett, Publisher

Sworn and subscribed to before me this the 6th day of January, 2015



Notary Patty Rodriguez

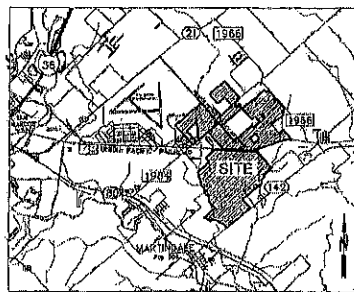
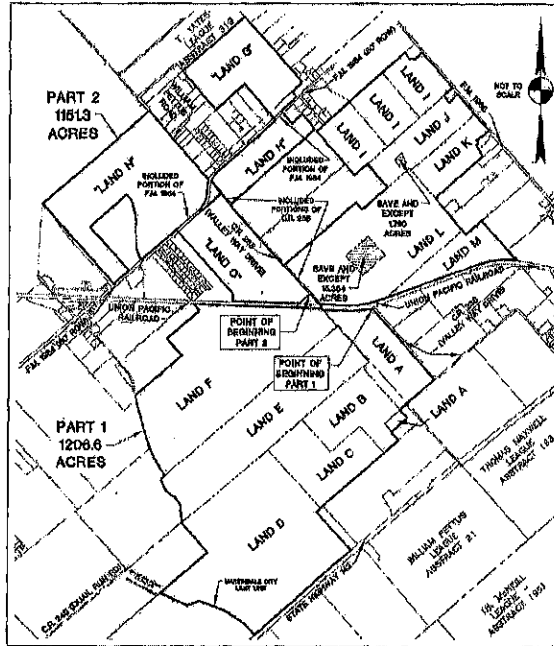
My commission expires 5-19-2017



NOTICE TEXAS A BILL CREATING AND ESTABLISHING A SPECIAL DISTRICT IN THE SEVENTH LEGISLATIVE DISTRICT OF THE CITY OF SAN ANTONIO, CALDWELL COUNTY, TEXAS, PURSUANT TO THE PROVISIONS OF ARTICLE XVII, SECTION 55 OF THE CONSTITUTION OF TEXAS AND PURSUANT TO THE INHERENT POWER OF THE LEGISLATURE TO CREATE SPECIAL GOVERNMENTAL AGENCIES AND DISTRICTS, WITH POWERS, DUTIES, NAME, DUTIES, OPERATION, AND FINANCING, THE PROPOSED BOUNDARIES OF THE DISTRICT WILL INCLUDE ALL OR PART OF THE FOLLOWING LAND SITUATED IN CALDWELL COUNTY, TEXAS, AS DESCRIBED BELOW:

SECTION 55 OF THE CONSTITUTION OF TEXAS. THE BILL WILL PROVIDE FOR THE DISTRICT'S ADMINISTRATION, POWERS, NAME, DUTIES, OPERATION, AND FINANCING. THE PROPOSED BOUNDARIES OF THE DISTRICT WILL INCLUDE ALL OR PART OF THE FOLLOWING LAND SITUATED IN CALDWELL COUNTY, TEXAS, AS DESCRIBED BELOW:

SECTION 55 OF THE CONSTITUTION OF TEXAS. THE BILL WILL PROVIDE FOR THE DISTRICT'S ADMINISTRATION, POWERS, NAME, DUTIES, OPERATION, AND FINANCING. THE PROPOSED BOUNDARIES OF THE DISTRICT WILL INCLUDE ALL OR PART OF THE FOLLOWING LAND SITUATED IN CALDWELL COUNTY, TEXAS, AS DESCRIBED BELOW:



AREA SUMMARY

LAND A	95.6 ACRES
LAND B	97.9 ACRES
LAND C	90.6 ACRES
LAND D	59.1 ACRES
LAND E	224.6 ACRES
LAND F	835.3 ACRES
LAND G	120.7 ACRES
LAND H	98.2 ACRES
LAND I	145.9 ACRES
LAND J	70.6 ACRES
LAND K	66.7 ACRES
LAND L	230.0 ACRES
LAND M	59.6 ACRES
LAND N	202.6 ACRES
LAND O	139.6 ACRES
FARM TO MARKET ROAD 1884	2.2 ACRES
OR 238 (VALLEY WAY DRIVE)	1.8 ACRES
TOTAL ACREAGE	2367.9 ACRES

BURY

2740 N. Loop West, Suite 100
Austin, Texas 78703
Tel: 512.336.0000 Fax: 512.336.0001
www.bury.com

EXHIBIT OF COTTON CENTER
MUNICIPAL UTILITY DISTRICT #1
SITUATED IN CALDWELL COUNTY, TEXAS

WALTON
TEXAS, LP

SHEET 2 OF 2

DATE: 01/01/15 DRAWN BY: MJP PROJ. NO: 2013.01.01-0001
REVISIONS: 01/01/15 MJP 2013.01.01-0001 01/01/15 MJP 2013.01.01-0001 01/01/15 MJP 2013.01.01-0001

A 237.9 ACRE TRACT OF LAND OUT OF THE WILLIAM PETTUS LEAGUE, ABSTRACT NO. 21, THE THOMAS MAXWELL LEAGUE, ABSTRACT NO. 180, AND THE THOMAS YATES LEAGUE, ABSTRACT NO. 313, SITUATED IN CALDWELL COUNTY, TEXAS, BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO WALTON TEXAS, LP BY THE FOLLOWING DEEDS OF RECORD IN THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS:

A) 31.98 ACRES (PARCEL 1) AND 4.56 ACRES (PARCEL 2) OF RECORD IN VOLUME 653, PAGE 602;
B) 87.92 ACRES OF RECORD IN DOCUMENT NO. 119578;
C) 59.03 ACRES OF RECORD IN DOCUMENT NO. 122095;
D) 356.07 ACRES PORTION OF 37.65 ACRES (TRACT 1) OF RECORD IN VOLUME 584, PAGE 588;
E) 324.83 ACRES OF RECORD IN VOLUME 658, PAGE 725;
F) 338.31 ACRES OF RECORD IN VOLUME 655, PAGE 249;
G) 120.75 ACRES OF RECORD IN DOCUMENT NO. 122755;
H) 82.19 ACRES OF RECORD IN DOCUMENT NO. 132463;
I) 47.271 ACRES, 49.390 ACRES, AND 49.325 ACRES OF RECORD IN DOCUMENT NO. 135626;
J) 70.540 ACRES OF RECORD IN DOCUMENT NO. 131453;
K) 55.999 ACRES OF RECORD IN DOCUMENT NO. 131452;
L) 299.035 ACRES OF RECORD IN DOCUMENT NO. 128588;
M) 39.926 ACRES OF RECORD IN DOCUMENT NO. 128588;
N) 252.86 ACRES OF RECORD IN DOCUMENT NO. 124524;
O) 133.84 ACRES OF RECORD IN DOCUMENT NO. 132463.

SAND 237.9 ACRES OF LAND ALSO INCLUDES AREAS WITHIN THE EXISTING RIGHTS-OF-WAY OF CALDWELL COUNTY ROAD NO. 238 (VALLEY WAY DRIVE) AND FARM TO MARKET ROAD 1884, SAVE AND EXCEPT THEREFROM THAT CERTAIN 1.700 ACRE TRACT OF LAND CONVEYED TO BARBARA KINKADE BY DEED OF RECORD IN VOLUME 204, PAGE 228 AND THAT CERTAIN 16.354 ACRE REMAINDER OF A 1/8 ACRE (PRT TRACT) AND 120 ACRE (SECOND TRACT) OF LAND CONVEYED TO ROBERT W. SHANNON, KAREN S. MORELAND, DONNA S. ANDREW AND PAUL S. SHANNON BY DEEDS OF RECORD IN VOLUME 286, PAGE 189, VOLUME 256, PAGE 261, VOLUME 335, PAGE 763, AND VOLUME 371, PAGE 037, ALL OF SAID OFFICIAL PUBLIC RECORDS.