

By: Isaac

H.B. No. 1372

A BILL TO BE ENTITLED

AN ACT

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.

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

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

CHAPTER 8492. COTTON CENTER MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8492.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

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

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

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

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

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,

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

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

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



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

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

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  $26^{\circ}42'34''$ , an arc length of 315.17  
7 feet, and a chord which bears,  $N35^{\circ}06'01''E$ , a distance of 312.33  
8 feet to the end of said curve;

9 2)  $N48^{\circ}30'35''E$ , a distance of 2278.26 feet to an angle point  
10 hereof;

11 THENCE,  $N41^{\circ}29'25''W$ , 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)  $N41^{\circ}29'56''W$ , a distance of 1298.87 feet to an angle point  
19 of said 120.75 acre tract and hereof;

20 2)  $S48^{\circ}31'19''W$ , 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)  $N41^{\circ}26'45''W$ , 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)  $N41^{\circ}04'25''W$ , 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)  $N41^{\circ}11'04''W$ , 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)  $N41^{\circ}09'44''W$ , 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)  $N40^{\circ}53'52''W$ , 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,  $N48^{\circ}47'31''E$ , 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,  $S42^{\circ}00'07''E$ , 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,  $S41^{\circ}15'14''E$ , 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



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

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°52'26", an arc length of 869.20  
4 feet, and a chord which bears, S86°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°04'35", an arc length of 406.47  
8 feet, and a chord which bears, S73°32'28"W, a distance of 406.28  
9 feet to the end of said curve;

10 3) S69°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°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°13'09", an arc length of 362.21  
19 feet, and a chord which bears, S72°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°00'59", an arc length of 691.16  
23 feet, and a chord which bears, S83°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°48'17", an arc length of 782.17  
27 feet, and a chord which bears, N88°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.

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.