

By: Rodriguez

H.B. No. 4650

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the East Central Travis County Conservation and Reclamation 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 7953A to read as follows:

CHAPTER 7953A. EAST CENTRAL TRAVIS COUNTY CONSERVATION AND

RECLAMATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7953A.0101. 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 East Central Travis County Conservation and Reclamation District No. 1.

Sec. 7953A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7953A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7953A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 7953A.0103 until each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district.

8 Sec. 7953A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

17 Sec. 7953A.0106. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

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

24 (1) organization, existence, or validity;

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

1           (3) right to impose a tax; or

2           (4) legality or operation.

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 7953A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7953A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7953A.0202. TEMPORARY DIRECTORS. (a) On or after the  
9 effective date of the Act enacting this chapter, the owner or owners  
10 of a majority of the assessed value of the real property in the  
11 district may submit a petition to the commission requesting that  
12 the commission appoint as temporary directors the five persons  
13 named in the petition. The commission shall appoint as temporary  
14 directors the five persons named in the petition.

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

16                   (1) the date permanent directors are elected under  
17 Section 7953A.0103; or

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

20           (c) If permanent directors have not been elected under  
21 Section 7953A.0103 and the terms of the temporary directors have  
22 expired, successor temporary directors shall be appointed or  
23 reappointed as provided by Subsection (d) to serve terms that  
24 expire on the earlier of:

25                   (1) the date permanent directors are elected under  
26 Section 7953A.0103; or

27                   (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7953A.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 7953A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7953A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
19 Section 52, Article III, Texas Constitution, the district may  
20 design, acquire, construct, finance, issue bonds for, improve,  
21 operate, maintain, and convey to this state, a county, or a  
22 municipality for operation and maintenance macadamized, graveled,  
23 or paved roads, or improvements, including storm drainage, in aid  
24 of those roads.

25 Sec. 7953A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
26 road project must meet all applicable construction standards,  
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial  
2 jurisdiction the road project is located.

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

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

11 Sec. 7953A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
12 ORDINANCE OR RESOLUTION. The district shall comply with all  
13 applicable requirements of any ordinance or resolution that is  
14 adopted under Section 54.016 or 54.0165, Water Code, and that  
15 consents to the creation of the district or to the inclusion of land  
16 in the district.

17 Sec. 7953A.0306. DIVISION OF DISTRICT. (a) The district  
18 may be divided into two or more new districts only if the district:

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

21 (b) This chapter applies to any new district created by the  
22 division of the district, and a new district has all the powers and  
23 duties of the district.

24 (c) A new district created by the division of the district  
25 may not, at the time the new district is created, contain any land  
26 outside the area described by Section 2 of the Act enacting this  
27 chapter.

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

5       (e) The board may adopt an order dividing the district  
6 before or after the date the board holds an election under Section  
7 7953A.0103 to confirm the district's creation.

8       (f) An order dividing the district shall:

9           (1) name each new district;

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

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

13 and

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

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

20       (h) A new district created by the division of the district  
21 shall hold a confirmation and directors' election as required by  
22 Section 7953A.0103.

23       (i) If the creation of the new district is confirmed, the  
24 new district shall provide the election date and results to the  
25 commission.

26       (j) Any new district created by the division of the district  
27 must hold an election as required by this chapter to obtain voter

1 approval before the district may impose a maintenance tax or issue  
2 bonds payable wholly or partly from ad valorem taxes.

3 (k) Municipal consent to the creation of the district and to  
4 the inclusion of land in the district granted under Section  
5 7953A.0104 acts as municipal consent to the creation of any new  
6 district created by the division of the district and to the  
7 inclusion of land in the new district.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 7953A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

10 The district may issue, without an election, bonds and other  
11 obligations secured by:

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

13 (2) contract payments described by Section  
14 7953A.0403.

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

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

23 Sec. 7953A.0402. OPERATION AND MAINTENANCE TAX. (a) If

24 authorized at an election held under Section 7953A.0401, the  
25 district may impose an operation and maintenance tax on taxable  
26 property in the district in accordance with Section 49.107, Water  
27 Code.

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

3       Sec. 7953A.0403. CONTRACT TAXES. (a) In accordance with  
4 Section 49.108, Water Code, the district may impose a tax other than  
5 an operation and maintenance tax and use the revenue derived from  
6 the tax to make payments under a contract after the provisions of  
7 the contract have been approved by a majority of the district voters  
8 voting at an election held for that purpose.

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

12                   SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

13       Sec. 7953A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
14 OBLIGATIONS. The district may issue bonds or other obligations  
15 payable wholly or partly from ad valorem taxes, impact fees,  
16 revenue, contract payments, grants, or other district money, or any  
17 combination of those sources, to pay for any authorized district  
18 purpose.

19       Sec. 7953A.0502. TAXES FOR BONDS. At the time the district  
20 issues bonds payable wholly or partly from ad valorem taxes, the  
21 board shall provide for the annual imposition of a continuing  
22 direct ad valorem tax, without limit as to rate or amount, while all  
23 or part of the bonds are outstanding as required and in the manner  
24 provided by Sections 54.601 and 54.602, Water Code.

25       Sec. 7953A.0503. BONDS FOR ROAD PROJECTS. At the time of  
26 issuance, the total principal amount of bonds or other obligations  
27 issued or incurred to finance road projects and payable from ad



1 valorem taxes may not exceed one-fourth of the assessed value of the  
2 real property in the district.

3 SECTION 2. The East Central Travis County Conservation and  
4 Reclamation District No. 1 initially includes all the territory  
5 contained in the following area:

6 "PARCEL 1" - (Northwest Tract)

7 BEING A DESCRIPTION OF a 791.6381 acres (34,483,754 square  
8 foot) tract of land out of the Santiago del Valle Grant, Abstract  
9 No. 24, Travis County, Texas, and being a portion of a called 23.04  
10 acre tract and all of a called 9.18 acre tract, both conveyed to  
11 Thelma Bolm Yeates et al. in Volume 5000, Page 2364 of the Deed  
12 Records of Travis County, Texas (D.R.T.C.T.), save and except a  
13 called 3.647 acre tract (DESCRIBED AS TRACT TWO) conveyed to the  
14 City of Austin in Document No. 2007113005 of the Official Public  
15 Records of Travis County, Texas (O.P.R.T.C.T.), a PORTION of a  
16 called 11.095 acre tract (described as tract three) and a called  
17 232.59 acre tract (described as tract four), both conveyed to  
18 Fitzpatrick Bar X Ranch, L.P., in Document Nos. 2011023927,  
19 2011023928 and 2012046374 (O.P.R.T.C.T.), a portion of said 232.59  
20 acre tract also being described as a called 18.690 acre tract  
21 conveyed to Lake Pasture Ranch, LLC, in Document Nos. 2020032051  
22 and 2020032052 (O.P.R.T.C.T.), and being all of a called 96.38 acre  
23 tract conveyed to Lake Pasture Ranch, LLC, in Document Nos.  
24 2020032051 and 2020032052 (O.P.R.T.C.T.), and being all of a called  
25 241.77 acre tract and a 213.71 acre tract conveyed (as an interest)  
26 to Bailey Ranch Holdings, L.P., in Document No. 2005171964  
27 (O.P.R.T.C.T., said tracts previously described in Volume 5000,

1 Page 2364 (D.R.T.C.T.)), said 791.6381 acres being more  
2 particularly described by metes and bounds as follows:

3 BEGINNING, at a 1/2-inch iron rod found in the north  
4 right-of-way line of Hergotz Lane (right-of-way varies), and being  
5 in the south line of said Yeates 23.04 acre tract, and being in the  
6 south line of said Fitzpatrick Bar X Ranch Tract Three, for the  
7 southwest corner and POINT OF BEGINNING hereof, from which a  
8 1/2-inch iron rod found in the north right-of-way line of said  
9 Hergotz Lane and the south line of said Yeates 23.04 acre tract, and  
10 being the southwest corner of said Fitzpatrick Bar X Ranch Tract  
11 Three bears, S83°48'22"W, a distance of 172.37 feet;

12 THENCE, leaving the north right-of-way line of said Hergotz  
13 Lane and the south lines of said Yeates 23.04 acre tract and said  
14 Fitzpatrick Bar X Ranch Tract Three, over and across said 23.04 acre  
15 Yeates tract, and in part over and across said Fitzpatrick Bar X  
16 Ranch Tract Three, N08°00'12"W, passing at a distance of 507.24  
17 feet, a 1/2-inch iron rod with "4Ward Boundary" cap set for  
18 reference, and continuing a total distance of 517.24 feet to a  
19 calculated point for the northwest corner hereof, said point being  
20 at the record south bank of the Colorado River, said point being at  
21 the northwest corner of said Yeates 9.18 acre tract, and being the  
22 northeast corner of said Yeates 23.04 acre tract;

23 THENCE, continuing with the south bank of the Colorado and  
24 its meanders, and with the north line of said Yeates 9.18 acre  
25 tract, N57°22'21"E, a distance of 261.21 feet to a 1/2-inch iron rod  
26 found for an angle point hereof, said point being at the northwest  
27 corner of said Fitzpatrick Bar X Ranch Tract Three;

1           THENCE, continuing with the south bank of the Colorado and  
2 its meanders, and with the north lines of said Yeates 9.18 acre  
3 tract and said Fitzpatrick Bar X Ranch Tract Three, N56°52'41"E, a  
4 distance of 555.06 feet to a 1/2-inch iron rod found for an angle  
5 point hereof, said point being at the northwest corner of said  
6 Bailey Ranch 241.77 acre tract, and being the northeast corner of  
7 said Yeates 9.18 acre tract and said Fitzpatrick Bar X Ranch Tract  
8 Three;

9           THENCE, continuing with the south bank of the Colorado and  
10 its meanders, and with the north line of said Bailey Ranch 241.77  
11 acre tract, the following eighteen (18) courses and distances:

12           1. N58°14'11"E, a distance of 332.87 feet to a calculated  
13 point for an angle point hereof,

14           2. N51°07'11"E, a distance of 338.18 feet to a calculated  
15 point for an angle point hereof,

16           3. N46°15'11"E, a distance of 321.10 feet to a calculated  
17 point for an angle point hereof,

18           4. N43°39'11"E, a distance of 149.34 feet to a calculated  
19 point for an angle point hereof,

20           5. N48°02'11"E, a distance of 50.98 feet to a calculated  
21 point for an angle point hereof,

22           6. N24°04'11"E, a distance of 685.91 feet to a calculated  
23 point for an angle point hereof,

24           7. N50°55'11"E, a distance of 282.84 feet to a calculated  
25 point for an angle point hereof,

26           8. N42°55'11"E, a distance of 224.48 feet to a calculated  
27 point for an angle point hereof,

1           9. N35°03'11"E, a distance of 583.65 feet to a calculated  
2 point for an angle point hereof,  
3           10. N47°57'11"E, a distance of 953.18 feet to a calculated  
4 point for an angle point hereof,  
5           11. N52°47'11"E, a distance of 454.52 feet to a calculated  
6 point for an angle point hereof,  
7           12. N47°41'11"E, a distance of 584.84 feet to a calculated  
8 point for an angle point hereof,  
9           13. N45°16'11"E, a distance of 814.33 feet to a calculated  
10 point for an angle point hereof,  
11           14. N57°22'11"E, a distance of 643.29 feet to a calculated  
12 point for an angle point hereof,  
13           15. N71°50'11"E, a distance of 357.44 feet to a calculated  
14 point for an angle point hereof,  
15           16. N72°50'11"E, a distance of 326.39 feet to a calculated  
16 point for an angle point hereof,  
17           17. N74°08'11"E, a distance of 226.51 feet to a calculated  
18 point for an angle point hereof, and  
19           18. N75°04'11"E, a distance of 166.61 feet to a calculated  
20 point for an angle point hereof, said point being at the northwest  
21 corner of said Fitzpatrick Bar X Ranch Tract Four, and being the  
22 northeast corner of said Bailey Ranch 241.77 acre tract, from which  
23 a 12" wooden fence post found bears N19°01'28"E, a distance of 5.96  
24 feet;  
25           THENCE, continuing with the south bank of the Colorado and  
26 its meanders, and with the north line of said Fitzpatrick Bar X  
27 Ranch Tract Four, the following eleven (11) courses and distances:

- 1           1. N73°35'14"E, a distance of 161.13 feet to a calculated  
2 point for an angle point hereof,
- 3           2. S87°46'46"E, a distance of 318.37 feet to a calculated  
4 point for an angle point hereof,
- 5           3. S75°18'46"E, a distance of 189.00 feet to a calculated  
6 point for an angle point hereof,
- 7           4. N83°09'14"E, a distance of 399.34 feet to a calculated  
8 point for an angle point hereof,
- 9           5. N78°54'14"E, a distance of 505.42 feet to a calculated  
10 point for an angle point hereof,
- 11          6. N86°04'14"E, a distance of 485.59 feet to a calculated  
12 point for an angle point hereof,
- 13          7. N84°30'14"E, a distance of 436.01 feet to a calculated  
14 point for an angle point hereof,
- 15          8. N75°31'14"E, a distance of 200.12 feet to a calculated  
16 point for an angle point hereof,
- 17          9. N68°13'14"E, a distance of 311.43 feet to a calculated  
18 point for an angle point hereof,
- 19          10. N79°14'14"E, a distance of 976.26 feet to a calculated  
20 point for an angle point hereof, and
- 21          11. S74°59'46"E, a distance of 760.57 feet to a calculated  
22 point for an angle point hereof, said point being in the northwest  
23 line of a called 55.68 acre tract conveyed to Martin Lee Mehner in  
24 Document No. 2011058578 (O.P.R.T.C.T.), and being the northeast  
25 corner of said Fitzpatrick Bar X Ranch Tract Four, from which a  
26 1/2-inch iron rod with "M Meador 1966" cap found at the north corner  
27 of said Mehner tract bears, N43°06'00"E, a distance of 2.00 feet;

1           THENCE, with the common line of said Mehner tract and said  
2 Fitzpatrick Bar X Ranch Tract Four, S43°06'00"W, passing at a  
3 distance of 164.10 feet, 1/2-inch iron rod with "M Meador 1966" cap  
4 found, passing at a distance of 985.34 feet, a 1/2-inch iron rod  
5 with "M Meador 1966" cap found, and continuing for a total distance  
6 of 3282.41 feet to a 1/2-inch iron rod found for an angle point  
7 hereof, said point being at the northeast corner of said 96.38 acre  
8 Lake Pasture Ranch tract, and being the southeast corner of said  
9 Fitzpatrick Bar X Ranch Tract Four, said corner also described in a  
10 Surveyor's Report in Document No. 2020032051 (O.P.R.T.C.T.);

11           THENCE, with the common line of said Mehner tract and said  
12 96.38 acre Lake Pasture Ranch tract, the following two (2) courses  
13 and distances:

14           1. S42°28'38"W, a distance of 32.57 feet to a 1/2-inch iron  
15 rod with illegible cap found for an angle point hereof, and

16           2. S42°58'37"W, a distance of 1011.32 feet to a 1/2-inch iron  
17 rod with "M Meador 1966" cap found for an angle point hereof, said  
18 point being at the north corner of a called 110.07 acre tract  
19 conveyed to APAC-Texas, Inc., in Document No. 2011024518  
20 (O.P.R.T.C.T.), and being the west corner of said Mehner tract;

21           THENCE, with the common line of said APAC-Texas tract and  
22 said 96.38 acre Lake Pasture Ranch tract, S42°56'36"W, a distance of  
23 2,503.52 feet to a 1/2-inch iron rod with "M Meador 1966" cap found  
24 for the southeast corner hereof, said point being at the beginning  
25 of the right-of-way transition from Ramirez Lane (right-of-way  
26 varies) to Edwin Lane (right-of-way varies) and being the common  
27 south corner of said APAC-Texas tract and said 96.38 acre Lake

1 Pasture Ranch tract;

2           THENCE, with the right-of-way transition from said Ramirez  
3 Lane to said Edwin Lane, and with the south line of said 96.38 acre  
4 Lake Pasture Ranch tract, the following two (2) courses and  
5 distances:

6           1. N76°53'45"W, a distance of 18.75 feet to a 1/2-inch iron  
7 rod with "4Ward Boundary" cap set for an angle point hereof, and

8           2. S43°18'15"W, a distance of 23.43 feet to a 60D found in a  
9 6" cedar fence post for an angle point hereof, said point being at  
10 the end of the right-of-way transition from said Ramirez Lane to  
11 said Edwin Lane, and being the northeast corner of said Bailey Ranch  
12 213.71 acre tract, and being a south corner of said 96.38 acre Lake  
13 Pasture Ranch tract, said corner also described in a Surveyor's  
14 Report in Document No. 2020032051 (O.P.R.T.C.T.);

15           THENCE, with the northwest right-of-way line of said Edwin  
16 Lane and the southeast line of said Bailey Ranch 213.71 acre tract,  
17 S42°54'57"W, a distance of 3727.82 feet to a 3/4-inch iron pipe  
18 found for an angle point hereof, said point being at the beginning  
19 of the right-of-way transition from said Edwin Lane to said Hergotz  
20 Lane;

21           THENCE, with the right-of-way transition from said Edwin Lane  
22 to said Hergotz Lane, and with the south line of said Bailey Ranch  
23 213.71 acre tract, S87°43'19"W, a distance of 71.52 feet to a  
24 3/4-inch iron pipe found for an angle point hereof, said point being  
25 at the end of the right-of-way transition from said Edwin Lane to  
26 said Hergotz Lane;

27           THENCE, with the northeast right-of-way line of said Hergotz

1 Lane and the southwest line of said Bailey Ranch 213.71 acre tract,  
2 N47°37'54"W, a distance of 2631.84 feet to a 1/2-inch iron rod with  
3 "4Ward Boundary" cap set for an angle point hereof, said point being  
4 at the southeast corner of said Yeates 23.04 acre tract, and being  
5 an angle point in the north right-of-way line of said Hergotz Lane;

6 THENCE, with the north right-of-way line of said Hergotz Lane  
7 and the south line of said Yeates 23.04 acre tract, and in part with  
8 the south line of said Fitzpatrick Bar X Ranch Tract Three, the  
9 following three (3) courses and distances:

10 1. N70°30'10"W, a distance of 155.17 feet to a 1/2-inch iron  
11 rod with "4Ward Boundary" cap set for an angle point hereof,

12 2. S84°35'14"W, passing at a distance of 1,057.99 feet, a  
13 1/2-inch iron rod found at the southeast corner of said Fitzpatrick  
14 Bar X Ranch Tract Three, and continuing for a total distance of  
15 1267.11 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set  
16 for an angle point hereof, and

17 3. S83°48'22"W, a distance of 160.29 feet to the POINT OF  
18 BEGINNING, and containing 791.6381 acres (34,483,754 square feet)  
19 more or less.

20 "PARCEL 2" - (Southwest Tract)

21 BEING A DESCRIPTION OF a 382.5693 acres (16,664,720 square  
22 foot) tract of land out of the Santiago del Valle Grant, Abstract  
23 No. 24, Travis County, Texas, and being a portion of a called 308.61  
24 acre tract (described as tract one) conveyed to the Fitzpatrick Bar  
25 X Ranch, L.P., in Document Nos. 2011023927, 2011023928 and  
26 2012046374 of the Official Public Records of Travis County, Texas  
27 (O.P.R.T.C.T.), said tract being previously described as a 302.45



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1 acre tract in a deed to Thelma Bolm Yeates et al. in Volume 5000,  
2 Page 2364 of the Deed Records of Travis County, Texas (D.R.T.C.T.),  
3 and being all of a called 92.50 acre tract conveyed to Bailey Ranch  
4 Holdings, L.P., in Document No. 2005171964 (O.P.R.T.C.T., said  
5 tract being previously described in Volume 5000, Page 2364  
6 (D.R.T.C.T.)), save and except a called 12.600 acre tract conveyed  
7 to Marcelo Vera in Document No. 2007215877 (O.P.R.T.C.T.), said  
8 382.5693 acres being more particularly described by metes and  
9 bounds as follows:

10 BEGINNING, at a 1/2-inch iron pipe found at the beginning of  
11 the right-of-way transition from Hergotz Lane (right-of-way  
12 varies) to Dalton Lane (right-of-way varies) and being an east  
13 corner of said Bailey Ranch tract, for an east corner and POINT OF  
14 BEGINNING hereof;

15 THENCE, with the right-of-way transition from said Hergotz  
16 Lane to said Dalton Lane, and with the east line of said Bailey  
17 Ranch tract, S02°42'33"E, a distance of 70.07 feet to a 1/2-inch  
18 iron rod with "4Ward Boundary" cap set for an east corner hereof,  
19 said point being at the end of the right-of-way transition from said  
20 Hergotz Lane to said Dalton Lane;

21 THENCE, with the northwest right-of-way line of said Dalton  
22 Lane and the southeast line of said Bailey Ranch tract, S42°37'41"W,  
23 a distance of 2,350.51 feet to a 1/2-inch iron rod found for the  
24 southeast corner hereof, said point being the east corner of said  
25 Vera tract, from which a bolt found at the east corner of a called  
26 10.74 acre tract conveyed to Marcelo and Josephine Vera in Document  
27 No. 2013076814 (O.P.R.T.C.T., said tract being the remainder of a

1 called 40 acre tract described in Volume 397 Page 437  
2 (D.R.T.C.T.)), and being the south corner of said Vera 12.600 acre  
3 tract, and being the south corner of said Bailey Ranch tract bears,  
4 S42°43'09"W, a distance of 381.65 feet;

5 THENCE, leaving the northwest right-of-way line of said  
6 Dalton Lane and the southeast line of said Bailey Ranch tract, over  
7 and across said Bailey Ranch tract, in part over and across said  
8 Fitzpatrick Bar X tract, with the northeast line of said Vera 12.600  
9 acre tract, N47°42'21"W, a distance of 1,446.24 feet to a 1/2-inch  
10 iron rod found for an interior ell-corner hereof, said point being  
11 in the southeast line of said Yeates 302.45 acre tract, and being in  
12 the northwest line of said Bailey Ranch tract, and being the north  
13 corner of said Vera 12.600 acre tract;

14 THENCE, over and across said Fitzpatrick Bar X tract, with  
15 the common line of said Bailey Ranch tract, said Vera 12.600 acre  
16 tract and said Yeates 302.45 acre tract, the following two (2)  
17 courses and distances:

18 1. S42°46'49"W, a distance of 377.12 feet to a 1/2-inch iron  
19 rod found for an interior ell-corner hereof, and

20 2. S47°31'34"E, a distance of 81.24 feet to a 1/2-inch iron  
21 rod with "4Ward Boundary" cap set for an exterior ell-corner  
22 hereof, said point being the north corner of said Vera 10.74 acre  
23 tract, and being in the southwest line of said Vera 12.600 acre  
24 tract, and being an angle point in the east line of said Yeates  
25 302.45 acre tract and said Fitzpatrick Bar X tract, from which a  
26 bolt found in the northwest right-of-way of said Dayton Lane, and  
27 being the common south corner of said Vera 10.74 acre and 12.600

1 acre tracts and said Bailey Ranch tract bears, S47°31'34"E, a  
2 distance of 1,365.38 feet;

3       THENCE, with the northwest line of said Vera 10.74 acre tract  
4 and the southeast line of said Fitzpatrick Bar X tract, S42°40'08"W,  
5 passing at a distance of 1.90 feet, a 1/2-inch iron rod found, and  
6 continuing for a total distance of 343.98 feet to a 3/4-inch iron  
7 pipe found for an angle point hereof, said point being at the north  
8 corner of a called 13.6040 acre tract conveyed to the Jane Rabb  
9 Family Trust in Document No. 2012031044 (O.P.R.T.C.T., said tract  
10 described in Volume 11209, Page 877 of the Real Property Records of  
11 Travis County, Texas (R.P.R.T.C.T.)), and being the west corner of  
12 said Vera 10.74 acre tract;

13       THENCE, with the northwest line of said Rabb tract and the  
14 southeast line of said Fitzpatrick Bar X tract, S42°45'59"W, a  
15 distance of 423.13 feet to a 2-inch iron rod found for the southeast  
16 corner hereof, said point being the east corner of a called 16.49  
17 acre tract conveyed to AAA Fire & Safety Equipment Co., Inc., in  
18 Document No. 2009209643 (O.P.R.T.C.T., said tract being the  
19 remainder of a 26.04 acre tract described in Volume 9665, Page 120  
20 (R.P.R.T.C.T.)), and being the southeast corner of said Fitzpatrick  
21 Bar X tract;

22       THENCE, with the northeast line of said AAA Fire & Safety  
23 tract and the southwest line of said Fitzpatrick Bar X tract,  
24 N47°48'33"W, a distance of 306.53 feet to a 1/2-inch iron rod found  
25 for an angle point hereof, said point being the east corner of a  
26 called 9.55 acre tract conveyed to Victor M. Medina in Document  
27 No. 2009109790 (O.P.R.T.C.T., said tract described in Volume

1 13266, Page 2782 (R.P.R.T.C.T.)), and being the north corner of  
2 said AAA Fire & Safety Equipment tract;

3       THENCE, with the northeast line of said Medina tract and the  
4 southwest line of said Fitzpatrick Bar X tract, N47°13'08"W, a  
5 distance of 329.20 feet to a 1.25-inch iron rod found for an angle  
6 point hereof, said point being the east corner of a called 42.65  
7 acre tract conveyed to J-V Marble Mfg. Inc., et al., in Volume 8467,  
8 Page 555 (D.R.T.C.T.), and being the north corner of said Medina  
9 tract;

10       THENCE, with the northeast line of said J-V Marble Mfg. tract  
11 and the southwest line of said Fitzpatrick Bar X tract, the  
12 following two (2) courses and distances:

13       1. N47°48'26"W, a distance of 316.92 feet to a 1/2-inch iron  
14 rod with "4Ward Boundary" cap set for an angle point hereof, and

15       2. N47°47'39"W, a distance of 317.84 feet to a 1/2-inch iron  
16 pipe found for an exterior ell-corner hereof, said point being in  
17 the southeast line of a called 3.699 acre tract conveyed to William  
18 and Bernice Schkade in Volume 10890, Page 1381 (R.P.R.T.C.T.), and  
19 being the north corner of said J-V Marble tract;

20       THENCE, with the common line of said Schkade tract and said  
21 Fitzpatrick Bar X tract, the following two (2) courses and  
22 distances:

23       1. N42°00'37"E, a distance of 273.36 feet to a 1/2-inch iron  
24 rod found for an interior ell-corner hereof, and

25       2. N47°54'43"W, a distance of 150.55 feet to a 1-inch iron  
26 rod found for an angle point hereof, said point being at the east  
27 corner of a 2.994 acre tract conveyed to the City of Austin in

1 Document No. 2012014510 (O.P.R.T.C.T.), and being the north corner  
2 of said Schkade tract;

3       THENCE, with the northeast line of said City of Austin tract  
4 and the southwest line of said Fitzpatrick Bar X tract, N47°27'44"W,  
5 a distance of 165.11 feet to a 1-inch iron rod found for an angle  
6 point hereof, said point being at the northeast terminus of the  
7 right-of-way of Patton Lane (25' right-of-way, dedicated in  
8 Bergstrom Downs No. 1, recorded in Volume 5, Page 2 of the Plat  
9 Records of Travis County, Texas (P.R.T.C.T.)), and being at the  
10 north corner of said City of Austin tract;

11       THENCE, with the southwest line of said Fitzpatrick Bar X  
12 tract, in part with the northern terminus of said Patton Lane, in  
13 part with the northeast line of Lot 13, Block 5 of said Bergstrom  
14 Down No. 1, and in part with the northeast line of a called 21.233  
15 acre tract conveyed to Bruce Anton in Volume 13071, Page 1645  
16 (R.P.R.T.C.T.), N47°40'09"W, passing at a distance of 25.03 feet, a  
17 1/2-inch iron pipe found, passing at a distance of 168.62 feet, a  
18 1/2-inch iron rod found, and continuing for a total distance of  
19 516.22 feet to a 1/2-inch iron pipe found for an angle point hereof,  
20 said point being at the east corner of a called 20.56 acre tract  
21 conveyed to the ZZV Trust in Document No. 2012221563  
22 (O.P.R.T.C.T.), and being the north corner of said Anton tract;

23       THENCE, with the northeast line of the ZZV Trust tract and the  
24 southwest line of said Fitzpatrick Bar X tract, N47°27'34"W, a  
25 distance of 1,611.25 feet to a 1/2-inch iron rod with "4Ward  
26 Boundary" cap set for the southwest corner hereof, said point being  
27 in the east right-of-way line of Thompson Lane (right-of-way

1 varies), and being at the north corner of said ZZV tract;

2           THENCE, with the east right-of-way line of said Thompson Lane  
3 and the west line of said Fitzpatrick Bar X tract, the following  
4 three (3) courses and distances:

5           1. N41°12'11"E, a distance of 513.45 feet to a 1/2-inch iron  
6 pipe found for an angle point hereof,

7           2. N08°08'06"E, a distance of 62.88 feet to a 1/2-inch iron  
8 pipe found for an angle point hereof, and

9           3. N00°44'13"W, a distance of 1,330.76 feet to a 1/2-inch  
10 iron rod with "4Ward Boundary" cap set for the northwest corner  
11 hereof, said point being at the intersection of the east  
12 right-of-way line of said Thompson Lane with the south right-of-way  
13 line of said Hergotz Lane;

14           THENCE, with the south and southwest right-of-way lines of  
15 said Hergotz Lane, and with the north and east lines of said  
16 Fitzpatrick Bar X tract, the following six (6) courses and  
17 distances:

18           1. N79°32'51"E, a distance of 469.26 feet to a 3/4-inch iron  
19 pipe found for an angle point hereof,

20           2. N83°48'22"E, a distance of 513.19 feet to a 1/2-inch iron  
21 rod found for an angle point hereof,

22           3. N84°35'14"E, a distance of 1,239.77 feet to a 3/4-inch  
23 iron pipe found for a point of curvature hereof,

24           4. Along the arc of a curve to the right, having an arc  
25 length of 147.98 feet, having a radius of 204.60 feet, and a chord  
26 that bears S71°32'06"E, a distance of 144.77 feet to a 1/2-inch iron  
27 pipe found for a point of non-tangency hereof,

1           5. S44°12'22"E, a distance of 84.28 feet to a 60D nail found  
2 for an angle point hereof, and

3           6. S47°40'40"E, a distance of 2,934.71 feet to a 1/2-inch  
4 iron rod found for an angle point hereof, said point being the  
5 common north corner of said Bailey Ranch tract and said Yeats tract;

6           THENCE, continuing with the southwest right-of-way line of  
7 said Hergotz Lane, with the northeast line of said Bailey Ranch  
8 tract, in part with the northeast line of said Fitzpatrick Bar X  
9 tract, S47°36'25"E, a distance of 1,396.48 feet to the POINT OF  
10 BEGINNING, and containing 382.5693 acres (16,664,720 square feet)  
11 more or less.

12           "PARCEL 3" - (Central Tract)

13           BEING A DESCRIPTION OF a 162.4222 acres (7,075,112 square  
14 foot) tract of land out of the Santiago del Valle Grant, Abstract  
15 No. 24, Travis County, Texas, and being all of a called 162.50 acre  
16 tract conveyed to Bailey Ranch Holdings, L.P., in Document  
17 No. 2005171964 of the Official Public Records of Travis County,  
18 Texas (O.P.R.T.C.T.), said tract being previously described as a  
19 162.50 acre tract in a deed to Thelma Bolm Yeates et al. in Volume  
20 5000, Page 2364 of the Deed Records of Travis County, Texas  
21 (D.R.T.C.T.), said 162.4222 acres being more particularly  
22 described by metes and bounds as follows:

23           BEGINNING, at a 1/2-inch iron pipe found in the southwest  
24 right-of-way line of Ramirez Lane (right-of-way varies), and being  
25 at the north corner of a called 29.807 acre tract conveyed to  
26 APAC-Texas, Inc., in Document No. 2011018691 (O.P.R.T.C.T.), and  
27 being the east corner of said Bailey Ranch tract, for the east

1 corner and POINT OF BEGINNING hereof, from which a 1/2-inch iron rod  
2 found at an angle point in the southwest right-of-way line of said  
3 Ramirez Lane, and being an east corner of said APAC-Texas tract  
4 bears, S47°37'26"E, a distance of 635.21 feet;

5       THENCE, leaving the southwest right-of-way line of said  
6 Ramirez Lane, with the southeast line of said Bailey Ranch tract, in  
7 part with the northwest line of said APAC-Texas tract, in part with  
8 the northwest line of a called 10.039 acre tract conveyed to  
9 Hergotz, LLC, in Document No. 2019004534 (O.P.R.T.C.T.), in part  
10 with the northwest line of a called 1.761 acre tract conveyed to  
11 Antonio Suarez Aguirre et al. in Document No. 2008193608  
12 (O.P.R.T.C.T.), in part with the northwest line of a called 3.231  
13 acre tract conveyed to Charly Sarkadi in Document No. 2004035575  
14 (O.P.R.T.C.T.), and in part with the northwest line of a called  
15 14.826 acre tract conveyed to APAC-Texas, Inc., in Document  
16 No. 2011018688 (O.P.R.T.C.T.), S42°54'27"W, passing at a distance  
17 of 926.78 feet, a 1/2-inch iron rod found, passing at a distance of  
18 2,504.97 feet, a calculated point, from which calculated point a  
19 1/2-inch iron rod with "5687" cap found bears, N56°14'08"E, a  
20 distance of 3.53 feet, and also from said calculated point a  
21 1/2-inch iron pipe found at the record north corner of said Aguirre  
22 tract bears, N48°13'15"W, a distance of 6.93 feet, passing at a  
23 distance of 2,815.18 feet, a 1/2-inch iron pipe found at the common  
24 north corner of said Sarkadi tract and said 14.826 acre APAC-Texas  
25 tract, and continuing for a total distance of 3,741.68 feet to a  
26 1/2-inch iron pipe found for the south corner hereof, said point  
27 being in the northeast right-of-way line of Hergotz Lane



1 (right-of-way varies) and being the west corner of said 14.826 acre  
2 APAC-Texas tract, and being the south corner of said Bailey Ranch  
3 tract, from which a 5/8-inch iron rod found at the beginning of the  
4 curving right-of-way transition from said Hergotz Lane to said  
5 Ramirez Lane, and being a south corner of said 14.826 acre  
6 APAC-Texas tract bears, S47°38'16"E, a distance of 565.48 feet;

7       THENCE, with the northeast right-of-way line of said Hergotz  
8 Lane and the southwest line of said Bailey Ranch tract, N47°38'16"W,  
9 a distance of 1,841.32 feet to a 5/8-inch iron rod found for a west  
10 corner hereof, said point being at the beginning of the  
11 right-of-way transition from said Hergotz Lane to Edwin Lane  
12 (right-of-way varies);

13       THENCE, with the right-of-way transition from said Hergotz  
14 Lane to said Edwin Lane, and with the west line of said Bailey Ranch  
15 tract, N05°17'20"W, a distance of 66.80 feet to a 3/4-inch iron pipe  
16 found for a west corner hereof, said point being at the end the  
17 right-of-way transition from said Hergotz Lane to said Edwin Lane;

18       THENCE, with the southeast right-of-way line of said Edwin  
19 Lane and the northwest line of said Bailey Ranch tract, N42°57'11"E,  
20 a distance of 3,654.59 feet to a 1/2-inch iron pipe found for a  
21 north corner hereof, said point being at the beginning of the  
22 right-of-way transition from said Edwin Lane to said Ramirez Lane;

23       THENCE, with the right-of-way transition from said Edwin Lane  
24 to said Ramirez Lane, and with the north line of said Bailey Ranch  
25 tract, N87°54'06"E, a distance of 70.83 feet to a 1/2-inch iron pipe  
26 found for a north corner hereof, said point being at the end of the  
27 right-of-way transition from said Edwin Lane to said Ramirez Lane;

1           THENCE, with the southwest right-of-way line of said Ramirez  
2 Lane and the northeast line of said Bailey Ranch tract, S47°24'15"E,  
3 a distance of 1,838.08 feet to the POINT OF BEGINNING, and  
4 containing 162.4222 acres (7,075,112 square feet) more or less.

5           "PARCEL 4" - (East Tract)

6           BEING A DESCRIPTION OF a 767.2590 acres (33,421,803 square  
7 foot) tract of land out of the Santiago del Valle Grant, Abstract  
8 No. 24, Travis County, Texas, and being all of a called 400.173 acre  
9 tract (described as tract two) conveyed to Fitzpatrick Bar X Ranch,  
10 L.P., in Document Nos. 2011023927, 2011023928 and 2012046374 of the  
11 Official Public Records of Travis County, Texas (O.P.R.T.C.T.), a  
12 portion of said 400.173 acre tract being described as a called 17.40  
13 acre tract conveyed to Thelma Bolm Yeates and Mary Ann Bailey in  
14 Document No. 2003155937 (O.P.R.T.C.T.), and being all of a called  
15 366.305 acre tract conveyed to Bailey Ranch Holdings, L.P., in  
16 Document No. 2005171964 of the Official Public Records of Travis  
17 County, Texas (O.P.R.T.C.T.), said tract being previously  
18 described as a 366.305 acre tract in a deed to Thelma Bolm Yeates et  
19 al. in Volume 5146, Page 1838 of the Deed Records of Travis County,  
20 Texas (D.R.T.C.T.), said 767.2590 acres being more particularly  
21 described by metes and bounds as follows:

22           BEGINNING, at a 3/4-inch iron pipe found at the beginning of  
23 the right-of-way transition from Hergotz Lane (right-of-way  
24 varies) to Ramirez Lane (right-of-way varies), and being a west  
25 corner of said Bailey Ranch 366.305 acre tract, for a west corner  
26 and POINT OF BEGINNING hereof;

27           THENCE, with the right-of-way transition from said Hergotz

1 Lane to said Ramirez Lane, and with the west line of said Bailey  
2 Ranch 366.305 acre tract, N00°10'13"W, a distance of 69.04 feet to a  
3 3/4-inch iron pipe found for an angle point hereof, said point being  
4 at the end of the right-of-way transition from said Hergotz Lane to  
5 said Ramirez Lane;

6       THENCE, with the southeast right-of-way line of said Ramirez  
7 Lane and the northwest line of said Bailey Ranch 366.305 acre tract,  
8 N42°35'28"E, a distance of 1,281.25 feet to a 1/2-inch iron rod  
9 found for an angle point hereof, said point being at the common west  
10 corner of said Bailey Ranch 366.305 acre tract and said Fitzpatrick  
11 Bar X Ranch Tract Two;

12       THENCE, with the southeast right-of-way line of said Ramirez  
13 Lane and the northwest line of said Fitzpatrick Bar X Ranch Tract  
14 Two, N42°04'37"E, a distance of 765.26 feet to a 1/2-inch iron rod  
15 with "4Ward Boundary" cap set for an angle point hereof, said point  
16 being a corner in the southeast right-of-way line of said Ramirez  
17 lane, and being a southwest corner of a called 96.580 acre tract  
18 conveyed to Earth Reclamation, Ltd., in Document No. 2004035838  
19 (O.P.R.T.C.T.), and being an angle point in the west line of said  
20 Fitzpatrick Bar X Ranch Tract Two;

21       THENCE, leaving the southeast right-of-way line of said  
22 Ramirez Lane, with the common line of said Earth Reclamation tract  
23 and said Fitzpatrick Bar X Ranch Tract Two, the following eight (8)  
24 courses and distances:

25       1. N42°28'53"E, a distance of 579.18 feet to a 1/2-inch iron  
26 rod with "4Ward Boundary" cap set for an exterior ell-corner  
27 hereof,

1           2.    S47°48'52"E, a distance of 652.51 feet to a 1/2-inch iron  
2 rod found for an interior ell-corner hereof,

3           3.    N42°32'50"E, a distance of 1,249.08 feet to a 1/2-inch  
4 iron rod with "4Ward Boundary" cap set for an angle point hereof,

5           4.    N42°31'25"E, a distance of 4,406.00 feet to a 1/2-inch  
6 iron rod found for an angle point hereof,

7           5.    N43°45'59"E, a distance of 81.58 feet to a 1/2-inch iron  
8 rod found for an angle point hereof,

9           6.    N40°09'40"E, a distance of 63.58 feet to a 1/2-inch iron  
10 rod with "4Ward Boundary" cap set for an angle point hereof,

11          7.    N42°55'11"E, a distance of 254.42 feet to a 1/2-inch iron  
12 rod found for an angle point hereof, and

13          8.    N48°03'31"E, a distance of 83.13 feet to a calculated  
14 point for the northwest corner hereof, said point being at the  
15 record south bank of the Colorado River, and being the common north  
16 corner of said Earth Reclamation tract and said Fitzpatrick Bar X  
17 Ranch Tract Two;

18            THENCE, with the south and west bank of the Colorado River and  
19 its meanders, and with the north and east line of said Fitzpatrick  
20 Bar X Ranch Tract Two, and in part with the east line of said Yeates  
21 17.40 acre tract, the following seventeen (17) courses and  
22 distances:

23          1.    S84°06'14"E, a distance of 187.53 feet to a calculated  
24 point for an angle point hereof,

25          2.    S83°40'29"E, a distance of 335.93 feet to a calculated  
26 point for an angle point hereof,

27          3.    S86°17'29"E, a distance of 303.33 feet to a calculated

1 point for an angle point hereof,  
2           4. S87°19'14"E, a distance of 309.73 feet to a calculated  
3 point for an angle point hereof,  
4           5. N84°55'46"E, a distance of 126.79 feet to a calculated  
5 point for an angle point hereof,  
6           6. N84°39'31"E, a distance of 532.36 feet to a calculated  
7 point for an angle point hereof,  
8           7. N73°10'31"E, a distance of 413.33 feet to a calculated  
9 point for an angle point hereof,  
10          8. S73°57'29"E, a distance of 481.77 feet to a calculated  
11 point for an angle point hereof,  
12          9. S63°04'29"E, a distance of 248.96 feet to a calculated  
13 point for an angle point hereof,  
14          10. S09°49'29"E, a distance of 412.39 feet to a calculated  
15 point for an angle point hereof,  
16          11. S05°17'29"E, a distance of 611.32 feet to a calculated  
17 point for an angle point hereof,  
18          12. S03°51'29"E, a distance of 348.04 feet to a calculated  
19 point for an angle point hereof,  
20          13. S06°40'31"W, a distance of 321.10 feet to a calculated  
21 point for an angle point hereof,  
22          14. S16°07'31"W, a distance of 604.24 feet to a calculated  
23 point for an angle point hereof,  
24          15. S19°58'31"W, a distance of 217.01 feet to a calculated  
25 point for an angle point hereof,  
26          16. S24°57'31"W, a distance of 297.76 feet to a calculated  
27 point for an angle point hereof, and

1           17. S29°56'59"W, a distance of 367.43 feet to a calculated  
2 point for an angle point hereof, said point being at the northeast  
3 corner of said 366.305 acre Bailey Ranch tract, and being the  
4 southeast corner of said Fitzpatrick Bar X Ranch Tract Two and said  
5 Yeates 17.40 acre tract;

6           THENCE, continuing with the west bank of the Colorado River  
7 and its meanders, and with the east line of said Bailey Ranch  
8 366.305 acre tract, the following nine (9) courses and distances:

9           1. S29°39'46"W, a distance of 86.10 feet to a calculated  
10 point for an angle point hereof,

11           2. S28°37'46"W, a distance of 433.71 feet to a calculated  
12 point for an angle point hereof,

13           3. S28°32'46"W, a distance of 391.84 feet to a calculated  
14 point for an angle point hereof,

15           4. S37°22'46"W, a distance of 449.07 feet to a calculated  
16 point for an angle point hereof,

17           5. S33°20'46"W, a distance of 560.61 feet to a calculated  
18 point for an angle point hereof,

19           6. S43°36'46"W, a distance of 564.76 feet to a calculated  
20 point for an angle point hereof,

21           7. S40°54'46"W, a distance of 313.93 feet to a calculated  
22 point for an angle point hereof,

23           8. S45°52'46"W, a distance of 431.48 feet to a calculated  
24 point for an angle point hereof, and

25           9. S69°21'46"W, a distance of 487.42 feet to a calculated  
26 point for an angle point hereof, said point being at the southeast  
27 corner of a called 53.85 acre tract conveyed to Bailey Ranch

1 Holdings, L.P., et al, in Document No. 2005171962 (O.P.R.T.C.T.,  
2 said tract being a portion of a 891 acre tract described in Volume  
3 601, Page 320 (D.R.T.C.T.)),

4       THENCE, leaving the west bank of the Colorado River, with the  
5 common line of said Bailey Ranch 53.85 acre and 366.305 tracts, the  
6 following six (6) courses and distances:

7       1. N38°45'39"W, passing at a distance of 75.00 feet, a  
8 1/2-inch iron rod with "4Ward Boundary" cap set for reference, and  
9 continuing for a total distance of 583.85 feet to a 1/2-inch iron  
10 rod found for an angle point hereof,

11       2. N43°26'39"W, a distance of 422.83 feet to a 1/2-inch iron  
12 rod found for an angle point hereof,

13       3. N44°18'39"W, a distance of 371.63 feet to a 1/2-inch iron  
14 rod found for an angle point hereof,

15       4. N44°06'07"W, a distance of 516.85 feet to a 1/2-inch iron  
16 rod found for an angle point hereof,

17       5. S58°07'46"W, a distance of 1269.60 feet to a 1/2-inch iron  
18 rod found for an angle point hereof, and

19       6. S32°07'14"E, passing at a distance of 1,351.73 feet, a  
20 1/2-inch iron rod with "4Ward Boundary" cap set for reference, and  
21 continuing for a total distance of 1405.73 feet to a calculated  
22 point for an angle point hereof, said point being at the record west  
23 bank of the Colorado River;

24       THENCE, with the west bank of the Colorado River and its  
25 meanders, and with the east line of said Bailey Ranch 366.305 acre  
26 tract, the following seven (7) courses and distances:

27       1. S77°19'20"W, a distance of 216.14 feet to a calculated

1 point for an angle point hereof,  
2           2.    S79°08'20"W, a distance of 229.37 feet to a calculated  
3 point for an angle point hereof,  
4           3.    S67°13'20"W, a distance of 489.25 feet to a calculated  
5 point for an angle point hereof,  
6           4.    S73°38'20"W, a distance of 595.62 feet to a calculated  
7 point for an angle point hereof,  
8           5.    S78°11'20"W, a distance of 720.28 feet to a calculated  
9 point for an angle point hereof,  
10          6.    S61°31'20"W, a distance of 585.87 feet to a calculated  
11 point for an angle point hereof, and  
12          7.    S68°38'20"W, a distance of 494.12 feet to a calculated  
13 point for an angle point hereof, said point being the east corner of  
14 a called 61.412 acre tract conveyed to Cumberland & Western  
15 Resources, LLC, in Document No. 2007028772 (O.P.R.T.C.T.), and  
16 being the southeast corner of said Bailey Ranch 366.305 acre tract;  
17          THENCE, leaving the west bank of the Colorado River, with the  
18 common line of Cumberland & Western tract and said Bailey Ranch  
19 366.305 acre tract, N48°03'16"W, passing at a distance of 164.19  
20 feet, a 60D nail found, and continuing for a total distance of  
21 958.20 feet to a 3/4-inch iron pipe found for an angle point hereof,  
22 said point being at the northeast terminus of said Hergotz Lane, and  
23 being the north corner of said Cumberland & Western tract, from  
24 which a 1/2-inch iron rod found at the southeast terminus of said  
25 Hergotz Lane, and being at the east corner of a called 19.78 acre  
26 tract conveyed to Brenton Harris Johnson in Document No. 2017193174  
27 (O.P.R.T.C.T.), and being an angle point in the northwest line of



1 said Cumberland & Western tract bears, S45°29'14"W, a distance of  
2 175.32 feet;

3       THENCE, with the northeast right-of-way line of said Hergotz  
4 Lane and the southwest line of said Bailey Ranch 366.305 acre tract,  
5 the following two (2) courses and distances:

6       1. S78°41'22"W, a distance of 154.66 feet to a 3/4-inch iron  
7 pipe found for an angle point hereof, and

8       2. N47°46'26"W, a distance of 1,150.11 feet to the POINT OF  
9 BEGINNING, and containing 767.2590 acres (33,421,803 square feet)  
10 more or less.

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

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

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

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

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds  
3 vote of all the members elected to each house, Subchapter C, Chapter  
4 7953A, Special District Local Laws Code, as added by Section 1 of  
5 this Act, is amended by adding Section 7953A.0307 to read as  
6 follows:

7 Sec. 7953A.0307. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

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

12 SECTION 5. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2021.