

AN ACT

relating to the creation of Kendall County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9022 to read as follows:

CHAPTER 9022. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9022.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means Kendall County Water Control and Improvement District No. 2.

Sec. 9022.002. NATURE OF DISTRICT. The district is a water control and improvement district in Kendall County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9022.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9022.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of  
4 debts shall be transferred to Kendall County; and

5 (C) the organization of the district shall be  
6 maintained until all debts are paid and remaining assets are  
7 transferred; and

8 (2) this chapter expires September 1, 2014.

9 Sec. 9022.004. INITIAL DISTRICT TERRITORY. (a) The  
10 district is initially composed of the territory described by  
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of  
13 the Act creating this chapter form a closure. A mistake made in the  
14 field notes or in copying the field notes in the legislative process  
15 does not affect:

16 (1) the organization, existence, or validity of the  
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or  
20 indebtedness; or

21 (4) the legality or operation of the district or the  
22 board.

23 [Sections 9022.005-9022.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 9022.021. INITIAL DIRECTORS. (a) The initial board  
26 consists of:

27 (1) Steve Mack;

- 1           (2) Matthew Diana;  
2           (3) Glen Boehm;  
3           (4) Jamie D'Spain; and  
4           (5) Phillip Bell.

5           (b) Notwithstanding Section 9022.051(b), the terms of the  
6 first three directors named in Subsection (a) expire on the uniform  
7 election date in November of the first even-numbered year after the  
8 year in which the creation of the district is confirmed at an  
9 election held under Section 9022.023, and the terms of the last two  
10 directors named in Subsection (a) expire on the uniform election  
11 date in November of the next even-numbered year.

12           Sec. 9022.022. CONSENT OF MUNICIPALITY REQUIRED. The  
13 initial directors may not hold an election under Section 9022.023  
14 until each municipality in whose corporate limits or  
15 extraterritorial jurisdiction the district is located has received  
16 a petition seeking municipal consent to the creation of the  
17 district and has adopted a resolution providing that consent.

18           Sec. 9022.023. CONFIRMATION ELECTION. The initial  
19 directors shall hold an election to confirm the creation of the  
20 district.

21           Sec. 9022.024. EXPIRATION OF SUBCHAPTER. This subchapter  
22 expires September 1, 2014.

23           [Sections 9022.025-9022.050 reserved for expansion]

24                   SUBCHAPTER B. BOARD OF DIRECTORS

25           Sec. 9022.051. DIRECTORS; TERMS. (a) The district is  
26 governed by a board of five directors.

27           (b) Directors serve staggered four-year terms.

1        Sec. 9022.052. ELECTION OF DIRECTORS. Notwithstanding  
2 Section 49.103(b), Water Code, on the uniform election date in  
3 November of each even-numbered year, the appropriate number of  
4 directors shall be elected.

5        [Sections 9022.053-9022.100 reserved for expansion]

6                    SUBCHAPTER C. POWERS AND DUTIES

7        Sec. 9022.101. WATER CONTROL AND IMPROVEMENT DISTRICT  
8 POWERS AND DUTIES. The district has the powers and duties provided  
9 by the general law of this state, including Chapters 49 and 51,  
10 Water Code, applicable to water control and improvement districts  
11 created under Section 59, Article XVI, Texas Constitution.

12        Sec. 9022.102. ROAD PROJECTS. (a) To the extent  
13 authorized by Section 52, Article III, Texas Constitution, the  
14 district may:

15                (1) construct, acquire, improve, maintain, or operate  
16 macadamized, graveled, or paved roads, or improvements in aid of  
17 those roads, inside the district; and

18                (2) improve or maintain roads, or improvements in aid  
19 of those roads, outside the district.

20                (b) A road project must meet all applicable construction  
21 standards, zoning and subdivision requirements, and regulatory  
22 ordinances of the municipality in whose corporate limits or  
23 extraterritorial jurisdiction the district is located. If the  
24 district is located outside the extraterritorial jurisdiction of a  
25 municipality, a road project must meet all applicable construction  
26 standards, zoning and subdivision requirements, and regulatory  
27 ordinances of the county in which the district is located.



1 may exercise the power of eminent domain outside the district only  
2 to acquire an easement necessary for belowground water, sewer,  
3 storm water, or drainage pipelines that serve the district.

4 [Sections 9022.106-9022.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 9022.151. TAX TO REPAY BONDS. The district may impose  
7 a tax to pay the principal of and interest on bonds issued under  
8 Section 9022.201.

9 [Sections 9022.152-9022.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 9022.201. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS. (a) The district may issue bonds or other  
13 obligations as provided by Chapters 49 and 51, Water Code, to  
14 finance the construction, maintenance, or operation of projects  
15 under Section 9022.101 or 9022.102.

16 (b) The district may not issue bonds authorized by Section  
17 9022.102 unless the issuance is approved by a vote of a two-thirds  
18 majority of the voters of the district voting at an election called  
19 for that purpose.

20 (c) Bonds or other obligations issued or incurred to finance  
21 projects authorized by Section 9022.102 may not exceed one-fourth  
22 of the assessed value of the real property in the district.

23 SECTION 2. Kendall County Water Control and Improvement  
24 District No. 2 initially includes all the territory contained in  
25 the following described area:

26 TRACT ONE:

27 BEING a 232.965 acre tract of land out of the Juan Ortiz Survey No.

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1 190, Abstract No. 363, Kendall County, Texas, said 232.965 acre  
2 tract being comprised of a 232.674 acre tract out of a 232.965 acre  
3 tract (230.65 acre tract, record) recorded in Volume 663, Pages  
4 590, Official Records (R1), and a 0.291 acre tract (0.2915 acre  
5 tract, record) recorded in Volume 950, Page 489, Official Records,  
6 Kendall County, Texas, said 232.965 acre tract being more  
7 particularly described by metes and as follows:  
8 BEGINNING at a 1/2" rebar found for a southwest corner of the herein  
9 described tract, the southeast corner of the David E. & Dafana J.  
10 Ebner tract recorded in Volume 582, Page 201, Official Records,  
11 Kendall County, Texas (R2), located in the north right-of-way line  
12 of State Highway No. 46 (100' right-of-way), from which a found  
13 TxDOT concrete ROW marker bears North 89 degrees 35 minutes 23  
14 seconds West for a distance of 27.86 feet (North 89 degrees 14  
15 minutes 15 seconds West, 27.85 feet, R2) and from which another  
16 found TxDOT concrete ROW marker bears South 89 degrees 35 minutes 23  
17 seconds East for a distance of 856.87 feet;  
18 THENCE departing the north right-of-way line of State Highway No.  
19 46, along the east boundary line of the said David E. & Dafana J.  
20 Ebner tract, along a west boundary line of the herein described  
21 tract with a fence for the following bearings and distances:  
22 North 00 degrees 14 minutes 02 seconds West for a distance of 637.70  
23 feet (North 01 degrees 20 minutes 00 seconds West, 637.70 feet, R1)  
24 to a 1/2" rebar with plastic cap "MDS SURVEY" set for an angle  
25 point;  
26 North 00 degrees 18 minutes 23 seconds West for a distance of 626.72  
27 feet (North 01 degrees 21 minutes 00 seconds West, 515.00 feet &

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1 North 01 degrees 14 minutes 00 seconds West, 112.80 feet, R1) to a  
2 1/2" rebar with plastic cap "MDS SURVEY" set for an interior corner  
3 next to steel fence post, being the northeast corner of said David  
4 E. & Dafana J. Ebner tract;  
5 THENCE along the north boundary line of said David E. & Dafana J.  
6 Ebner tract, a south boundary line of the herein described tract  
7 with a fence South 89 degrees 53 minutes 22 seconds West for a  
8 distance of 359.62 feet (South 89 degrees 42 minutes 39 seconds  
9 West, 359.69 feet, R2) to a 1/2" rebar found for an angle point at a  
10 fence tee, the northwest corner of said David E. & Dafana J. Ebner  
11 tract, the northeast corner of the Dennis & Laurie Owens tract  
12 recorded in Volume 867, Page 990, Official Records, Kendall County,  
13 Texas (R3);  
14 THENCE continuing along a south boundary line of the herein  
15 described tract with a fence, along the north boundary line of said  
16 Dennis & Laurie Owens tract, North 89 degrees 56 minutes 56 seconds  
17 West for a distance of 200.01 feet (South 88 degrees 57 minutes  
18 West, 200.00 feet, R3) to a 1/2" rebar with plastic cap "MDS SURVEY"  
19 set for an angle point at a fence tee, the northwest corner of said  
20 Dennis & Laurie Owens tract, the northeast corner of the Jerome A. &  
21 Shirley A. Rittimann tract recorded in Volume 84, Page 31, Deed  
22 Records, Kendall County, Texas;  
23 THENCE continuing along a south boundary line of the herein  
24 described tract with a fence, along the north boundary line of said  
25 Jerome A. & Shirley A. Rittimann tract, South 89 degrees 53 minutes  
26 37 seconds West for a distance of 815.19 feet to a 1/2" rebar with  
27 plastic cap "MDS SURVEY" set for a southwest corner, the northwest



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1 corner of said Jerome A. & Shirley A. Rittimann tract, located on  
2 the east boundary line of the Janette L. Carpenter tract recorded in  
3 Volume 228, Page 403, Official Records, Kendall County, Texas;  
4 THENCE along the east boundary line of said Janette L. Carpenter  
5 tract, a west boundary line of the herein described tract with a  
6 fence North 00 degrees 46 minutes 28 seconds East for a distance of  
7 326.92 feet to a 1/2" rebar found for an angle point at a fence tee,  
8 the northeast corner of said Janette L. Carpenter tract, a  
9 southeast corner of the L. D. Christianson tract recorded in Volume  
10 603, Page 310, Official Records, Kendall County, Texas;  
11 THENCE continuing along a west boundary line of the herein  
12 described tract with a fence, an east boundary line of the L. D.  
13 Christianson tract North 00 degrees 26 minutes 30 seconds East for a  
14 distance of 1781.96 feet to a 1/2" rebar found for an angle point at  
15 a fence tee, the northeast corner of said L. D. Christianson tract,  
16 the southeast corner of the John T. & Kay E. Thornton tract recorded  
17 in Volume 351, Page 889, Official Records, Kendall County, Texas  
18 (R4);  
19 THENCE continuing along a west boundary line of the herein  
20 described tract, the east boundary line of said John T. & Kay E.  
21 Thornton tract North 00 degrees 41 minutes 07 seconds East for a  
22 distance of 1391.18 feet (North 00 degrees 54 minutes East, 1388.15  
23 feet, R4) to a 1/2" rebar with plastic cap "MDS SURVEY" set for an  
24 angle point at a fence tee, the northeast corner of said John T. &  
25 Kay E. Thornton tract, the southeast corner of the Boerne L. P.  
26 tract recorded in Volume 459, Page 754, Official Records, Kendall  
27 County, Texas;

1 THENCE continuing along a west boundary line of the herein  
2 described tract with a fence, the east boundary line of said Boerne  
3 L. P. tract North 00 degrees 43 minutes 31 seconds East for a  
4 distance of 426.30 feet to a 1/2" rebar with plastic cap "MDS  
5 SURVEY" set for a northwest corner, the southwest corner of the  
6 Weloka Ltd. tract recorded Volume 950, Page 485, Official Records,  
7 Kendall County, Texas (R5);  
8 THENCE departing from a fence line, along the south boundary line of  
9 said Weloka Ltd. tract, a north boundary line of the herein  
10 described tract South 89 degrees 55 minutes 06 seconds East for a  
11 distance of 20.00 feet (South 89 degrees 35 minutes 43 seconds East,  
12 20.00 feet, R5) to a 1/2" rebar with plastic cap "MDS SURVEY" set  
13 for an interior corner, the southeast corner of said Weloka Ltd.  
14 tract;  
15 THENCE along the east boundary line of said Weloka Ltd. tract, a  
16 west boundary line of the herein described tract North 00 degrees 43  
17 minutes 31 seconds East for a distance of 634.96 feet (North 00  
18 degrees 01 minutes 00 seconds East, 634.96 feet, R5) to a 1/2" rebar  
19 with plastic cap "MDS SURVEY" set for an angle point, being the  
20 northeast corner of said Weloka Ltd tract, the southwest corner of a  
21 0.291 acre tract recorded in Volume 950, Page 489, Official  
22 Records, Kendall County, Texas (R6), said 0.291 acre tract being a  
23 portion out of a 547.0 acre tract recorded in Volume 684, Page 614,  
24 Official Records, Kendall County, Texas;  
25 THENCE along the west boundary line of said 0.291 acre tract, a west  
26 boundary line of the herein described tract North 01 degrees 14  
27 minutes 33 seconds West for a distance of 8.04 feet (North 00

1 degrees 55 minutes 10 seconds West, 8.04 feet, R6) to a 1/2" rebar  
2 with plastic cap "MDS SURVEY" set for a northwest corner, being the  
3 northwest corner of said 0.291 acre tract;  
4 THENCE along the north boundary line of said 0.291 acre tract, a  
5 north boundary line of the herein described tract South 89 degrees  
6 57 minutes 07 seconds East for a distance of 1579.92 feet (South 89  
7 degrees 37 minutes 44 seconds East, 1579.92 feet, R6) to a 1/2"  
8 rebar with plastic cap "MDS SURVEY" set for a northeast corner,  
9 being the northeast corner of said 0.291 acre tract;  
10 THENCE along the east boundary line of said 0.291 acre tract, an  
11 east boundary line of the herein described tract South 00 degrees 02  
12 minutes 53 seconds West for a distance of 8.04 feet (South 00  
13 degrees 22 minutes 16 seconds West, 8.04 feet, R6) to a 1/2" rebar  
14 with plastic cap "MDS SURVEY" set for an interior corner, being the  
15 southeast corner of said 0.291 acre tract, from which a 1/2" rebar  
16 with no identification bears North 89 degrees 57 minutes 39 seconds  
17 West for a distance of 21.60 feet;  
18 THENCE along the south boundary line of said 547.0 acre tract, a  
19 north boundary line of the herein described tract with a fence South  
20 89 degrees 57 minutes 39 seconds East for a distance of 447.46 feet  
21 to a 1/2" rebar with plastic cap "MDS SURVEY" set for a northeast  
22 corner at a fence tee, the northwest corner of the Leroy & Lula Bell  
23 Rittimann et al recorded in Volume 63, Page 300, Deed Records,  
24 Kendall County, Texas;  
25 THENCE along the west boundary line of said Rittimann tract, an east  
26 boundary line of the herein described tract with a fence South 00  
27 degrees 42 minutes 55 seconds West for a distance of 5826.77 feet

1 (South, 5786.40 feet, R1) to a 1/2" rebar with plastic cap "MDS  
2 SURVEY" set for the southeast corner, the southwest corner of said  
3 Rittimann tract, located in the north right-of-way line of State  
4 Highway No. 46;

5 THENCE along the north right-of-way line of State Highway No. 46, a  
6 south boundary line of the herein described tract with a fence North  
7 89 degrees 35 minutes 23 seconds West for a distance of 641.95 feet  
8 to the POINT OF BEGINNING.

9 CONTAINING 232.965 acres, more or less.

10 TRACT TWO:

11 BEING a 210.136 acre tract of land out of the Juan Ortiz Survey No.  
12 190, Abstract No. 363, Kendall County, Texas, said 210.136 acre  
13 tract being that certain 210.2 acre tract recorded in Volume 668,  
14 Page 63, Official Records (R1), Kendall County, Texas, said 210.136  
15 acre tract being more particularly described by metes and bounds as  
16 follows:

17 BEGINNING at a 1/2" rebar with plastic cap "PAPE DAWSON" found for  
18 the southwest corner of the herein described tract, the southeast  
19 corner of the J.A. Schmidt Testamentary Trust tract recorded in  
20 Volume 340, Page 178, Official Records, Kendall County, Texas,  
21 located on the northern ROW line of State Highway No. 46 (100'  
22 right-of-way), from which a TxDOT concrete ROW monument found for  
23 reference has a chord bearing of South 61 degrees 34 minutes 32  
24 seconds West with a chord distance of 127.22 feet;

25 THENCE along a west boundary line of the herein described tract, the  
26 east boundary line of said J.A. Schmidt tract with a fence the  
27 following bearings and distances:

1 North 00 degrees 15 minutes 24 seconds East for a distance of  
2 1178.31 feet (North 00 degrees 15 minutes 21 seconds East, 1178.50  
3 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for  
4 angle;

5 North 00 degrees 05 minutes 29 seconds East for a distance of  
6 2407.20 feet (North 00 degrees 05 minutes 26 seconds East, 2407.63  
7 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for  
8 angle;

9 North 00 degrees 08 minutes 41 seconds East for a distance of 352.90  
10 feet (North 00 degrees 08 minutes 37 seconds East, 352.56 feet, R1)  
11 to a 1/2" rebar with no identification found for an interior corner,  
12 the northeast corner of said J.A. Schmidt tract;

13 THENCE along a south boundary line of the herein described tract,  
14 the north boundary line of said J.A. Schmidt tract with a fence  
15 North 89 degrees 53 minutes 15 seconds West for a distance of  
16 1495.54 feet (North 89 degrees 52 minutes 23 seconds West, 1495.87  
17 feet, R1) to a 1/2" rebar with no identification found for angle, a  
18 northeast corner of the Cliff & Rhonda Wheeler recorded in Volume  
19 625, Page 155, Official Records, Kendall County, Texas;

20 THENCE along a southwestern boundary line of the herein described  
21 tract, the northeastern boundary line of said Cliff & Rhonda  
22 Wheeler tract with a high game fence the following bearings and  
23 distances:

24 North 73 degrees 58 minutes 36 seconds West for a distance of 320.03  
25 feet (North 73 degrees 58 minutes 40 seconds West, 320.00 feet, R1)  
26 to a 1/2" rebar with no identification found for a southwest corner;

27 North 00 degrees 05 minutes 56 seconds West for a distance of

1 1168.00 feet (North 00 degrees 06 minutes 03 seconds West, 1168.25  
2 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for  
3 an interior corner;

4 North 86 degrees 44 minutes 51 seconds West for a distance of  
5 1053.11 feet (North 86 degrees 44 minutes 58 seconds West, 1053.23  
6 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for a  
7 southwest corner, the southeast corner of the Weloka Ltd. tract  
8 recorded in Volume 668, Page 94, Official Records, Kendall County,  
9 Texas;

10 THENCE along a west boundary line of the herein described tract, the  
11 east boundary line of said Weloka Ltd. tract with a fence the  
12 following bearings and distances:

13 North 18 degrees 08 minutes 55 seconds West for a distance of 642.04  
14 feet (North 18 degrees 08 minutes 11 seconds West, 642.19 feet, R1)  
15 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;

16 North 00 degrees 26 minutes 21 seconds East for a distance of  
17 2204.34 feet (North 00 degrees 26 minutes 12 seconds East, 2204.56  
18 feet, R1) to a 1/2" rebar with plastic cap "PAPE DAWSON" found for  
19 the northwest corner, the northeast corner of said Weloka Ltd.  
20 tract, located on the south boundary line of the Theodore C. Jr., &  
21 Doris Eloise Lemm Estate recorded in Volume 76, Page 249, Deed  
22 Records, Kendall County, Texas;

23 THENCE along a north boundary line of the herein described tract,  
24 the south boundary line of said Lemm Estate tract, a south boundary  
25 line of the Harvey Duennenberg Ranches, Ltd. tract recorded in  
26 Volume 179, Page 611 and Volume 173, Page 47, Deed Records, Kendall  
27 County, Texas, with a fence the following bearings and distances:

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1 South 89 degrees 19 minutes 35 seconds East for a distance of 844.89  
2 feet (South 89 degrees 20 minutes 08 seconds East, 844.99 feet, R1)  
3 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
4 South 89 degrees 29 minutes 58 seconds East for a distance of 469.33  
5 feet (South 89 degrees 30 minutes 15 seconds East, 469.51 feet, R1)  
6 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for a northeast  
7 corner, an interior corner of said Harvey Duennenberg Ranches, Ltd.  
8 tract;  
9 THENCE along the eastern boundary line of the herein described  
10 tract, a western boundary line of said Harvey Duennenberg Ranches,  
11 Ltd. tract with a fence the following bearings and distances:  
12 South 00 degrees 19 minutes 48 seconds East for a distance of 787.36  
13 feet (South 00 degrees 19 minutes 38 seconds East, 787.52 feet, R1)  
14 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
15 South 00 degrees 38 minutes 29 seconds East for a distance of 485.86  
16 feet (South 00 degrees 38 minutes 34 seconds East, 485.15 feet, R1)  
17 to a 1/2" rebar with no identification found for an interior corner;  
18 a southwest corner of said Harvey Duennenberg Ranches, Ltd. tract;  
19 North 87 degrees 31 minutes 13 seconds East for a distance of 666.88  
20 feet (North 87 degrees 29 minutes 41 seconds East, 666.97 feet, R1)  
21 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
22 North 87 degrees 36 minutes 02 seconds East for a distance of  
23 1105.74 feet (North 87 degrees 33 minutes 14 seconds East, 1103.00  
24 feet, R1) to a 1/2" rebar with no identification found for a  
25 northeast corner, an interior corner of said Harvey Duennenberg  
26 Ranches, Ltd. tract;  
27 South 00 degrees 01 minute 13 seconds West for a distance of 1502.01

1 feet (South 00 degrees 05 minutes 37 seconds East, 1503.14 feet, R1)  
2 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
3 South 00 degrees 07 minutes 05 seconds East for a distance of 990.97  
4 feet (South 00 degrees 06 minutes 50 seconds East, 991.12 feet, R1)  
5 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
6 South 00 degrees 09 minutes 39 seconds East for a distance of 780.53  
7 feet (South 00 degrees 09 minutes 25 seconds East, 780.75 feet, R1)  
8 to a 1/2" rebar with plastic cap "PAPE DAWSON" found for angle;  
9 South 00 degrees 04 minutes 57 seconds West for a distance of  
10 2407.19 feet (South 00 degrees 05 minutes 08 seconds West, 2407.58  
11 feet, R1) to a 1/2" rebar with plastic cap "SCHWARZ" found for  
12 angle;  
13 South 00 degrees 16 minutes 14 seconds West for a distance of  
14 1149.03 feet (South 00 degrees 15 minutes 57 seconds West, 1149.16  
15 feet, R1) to a 1/2" rebar with plastic cap "SCHWARZ" found for the  
16 southeast corner, the southwest corner of said Harvey Duennenberg  
17 Ranches, Ltd. tract, located on the northern ROW line of State  
18 Highway No. 46;  
19 THENCE along a south boundary line of the herein described tract,  
20 the northern ROW line of said State Highway No. 46 southwesterly  
21 along a curve to the left (radius = 2914.80 feet, delta = 1°19'27",  
22 chord bearing = South 63 degrees 31 minutes 58 seconds West, chord =  
23 67.36 feet) for a distance of 67.36 feet (67.24, R1) to the POINT OF  
24 BEGINNING.  
25 CONTAINING 210.136 acres, more or less.  
26 TRACT THREE:  
27 BEING a 800.258 acre tract (801.071 acres, record) of land out of



1 the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County,  
2 Texas, said 800.258 acre tract being comprised of the following  
3 tracts:

4 Tract 1 - 199.63 acre tract recorded in Volume 282, Page 149,  
5 Official Records (R3);

6 Tract 2 - 3.37 acre tract recorded in Volume 632, Page 676,  
7 Official Records;

8 Tract 3 - 547.0 acre tract recorded in Volume 684, Page 614,  
9 Official Records (R1);

10 Tract 4 - 0.291 acre tract recorded in Volume 950, Page 485,  
11 Official Records (R2);

12 Tract 5 - 50.48 acre tract recorded in Volume 668, Page 94,  
13 Official Records (R4);

14 all tracts located in Kendall County, Texas, said 800.258 acre  
15 tract being more particularly described by metes and bounds as  
16 follows:

17 BEGINNING at a TxDOT concrete ROW monument on the northern ROW line  
18 of State Highway No. 46 (100' right-of-way), found for a southwest  
19 corner of the herein described tract, the southeast corner of the  
20 Leroy & Lula Bell Rittimann et al tract recorded in Volume 347, Page  
21 746, Official Records, and described in Volume 63, Page 300, Deed  
22 Records, from which a TxDOT concrete ROW monument found for  
23 reference bears North 75 degrees 28 minutes 23 seconds East for a  
24 distance of 137.14 feet (North 75 degrees 50 minutes 23 seconds  
25 East, 137.32 feet, R1);

26 THENCE along a west boundary line of the herein described tract, the  
27 east boundary line of said Rittimann tract with a fence North 00

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1 degrees 34 minutes 51 seconds East for a distance of 5289.20 feet  
2 (North 00 degrees 50 minutes 52 seconds East, 1393.92 feet; North 00  
3 degrees 55 minutes 44 seconds East, 3380.40 feet; North 00 degrees  
4 44 minutes 16 seconds East, 516.29 feet, R1) to a 1/2" rebar found  
5 for an interior corner of the herein described tract, the northeast  
6 corner of said Rittimann tract;  
7 THENCE along a south boundary line of the herein described tract,  
8 the north boundary line of said Rittimann tract with a fence North  
9 89 degrees 59 minutes 36 seconds West for a distance of 1750.01 feet  
10 to a 1/2" rebar with plastic cap "MDS SURVEY" found for angle, the  
11 northwest corner of said Rittimann tract and the northeast corner  
12 of the Elgin G. Schwarz & Jason Curt Schwarz tract recorded in  
13 Volume 663, Page 590, Official Records;  
14 THENCE continuing along a southern boundary line of the herein  
15 described tract, the north and west boundary lines of said Schwarz  
16 tract the following bearings and distances:  
17 North 89 degrees 57 minutes 39 seconds West for a distance of 447.46  
18 feet with a fence to a 1/2" rebar with plastic cap "MDS SURVEY"  
19 found for corner;  
20 North 00 degrees 02 minutes 53 seconds East for a distance of 8.04  
21 feet (North 00 degrees 22 minutes 16 seconds East, 8.04 feet as  
22 recorded in Volume 950, Page 489, Official Records, R6) to a 1/2"  
23 rebar with plastic cap "MDS SURVEY" found for corner;  
24 North 89 degrees 57 minutes 07 seconds West for a distance of  
25 1579.92 feet (North 89 degrees 37 minutes 44 seconds West, 1579.92  
26 feet, R6) to a 1/2" rebar with plastic cap "MDS SURVEY" found for  
27 corner;

1 South 01 degrees 14 minutes 33 seconds East for a distance of 8.04  
2 feet (South 00 degrees 55 minutes 10 seconds East, 8.04 feet, R6) to  
3 a 1/2" rebar with plastic cap "MDS SURVEY" found for angle, the  
4 northeast corner of said Tract 4;  
5 South 00 degrees 43 minutes 31 seconds West for a distance of 634.96  
6 feet (South 00 degrees 01 minutes 00 seconds West, 634.96 feet, R2)  
7 to a 1/2" rebar with plastic cap "MDS SURVEY" found for corner; the  
8 southeast corner of said Tract 4;  
9 North 89 degrees 55 minutes 06 seconds West for a distance of 20.00  
10 feet (North 89 degrees 35 minutes 43 seconds West, 20.00 feet, R2)  
11 to a 1/2" rebar with plastic cap "MDS SURVEY" found for corner,  
12 located on the east boundary line of the Boerne L.P. tract recorded  
13 in Volume 459, Page 754, Official Records;  
14 THENCE along a west boundary line of the herein described tract, the  
15 east boundary line of said Boerne L.P. tract with a fence North 00  
16 degrees 43 minutes 31 seconds East for a distance of 634.95 feet  
17 (North 00 degrees 01 minutes 00 seconds East, 634.94 feet, R2) to a  
18 1/2" rebar found for angle, a southwest corner of said Tract 3;  
19 THENCE continuing along a west boundary line of the herein  
20 described tract, the east boundary line of said Boerne L.P. tract,  
21 the east boundary line of the James L. Drought tract recorded in  
22 Volume 129, Page 785, Deed Records, and the east boundary line of  
23 the Carolyn Drought Evans tract recorded in Volume 129, Page 785,  
24 Deed Records with a fence North 00 degrees 35 minutes 51 seconds  
25 East for a distance of 1759.02 feet (North 00 degrees 55 minutes 10  
26 seconds East, 1760.32 feet, R1) to a 1/2" rebar found for corner, a  
27 northwest corner of said Tract 3, the southwest corner of the Spring

1 Creek Estates Subdivision (southwest corner of Lot 22) recorded in  
2 Volume 4, Page 59, Plat Records (R7);

3 THENCE along northern and western boundary lines of the herein  
4 described tract, southern and eastern boundary lines of said Spring  
5 Creek Estates Subdivision with a fence the following bearings and  
6 distances:

7 South 87 degrees 41 minutes 53 seconds East for a distance of  
8 1002.01 feet (South 87 degrees 40 minutes 07 seconds East, 1002.92  
9 feet, R7) to a 1/2" rebar found for corner;

10 North 00 degrees 27 minutes 04 seconds East for a distance of 916.09  
11 feet (North 00 degrees 23 minutes 29 seconds East, 916.76 feet, R7)  
12 to a 1/2" rebar found for corner;

13 North 89 degrees 44 minutes 12 seconds East for a distance of 814.56  
14 feet (North 89 degrees 47 minutes 14 seconds East, 815.24 feet, R7)  
15 to a 1/2" rebar found for corner;

16 North 13 degrees 52 minutes 33 seconds East for a distance of  
17 1098.98 feet (North 14 degrees 12 minutes 54 seconds East, 1097.38  
18 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" found for  
19 angle;

20 North 14 degrees 07 minutes 58 seconds East for a distance of  
21 1155.79 feet (North 14 degrees 28 minutes 03 seconds East, 1155.74  
22 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" found for  
23 angle;

24 North 14 degrees 14 minutes 51 seconds East for a distance of  
25 1085.72 feet (North 14 degrees 38 minutes 21 seconds East, 1087.79  
26 feet, R1) to a MAG nail set for a northwest corner, located on the  
27 south boundary line of the Betty J. Asher tract recorded in Volume

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1 286, Page 734, Official Records;

2 THENCE along a north boundary line of the herein described tract,  
3 the south boundary line of said Betty J. Asher tract with a fence  
4 South 89 degrees 38 minutes 28 seconds East for a distance of 620.28  
5 feet (South 89 degrees 21 minutes 26 seconds East, 388.82 feet, and  
6 South 88 degrees 59 minutes 21 seconds East, 229.97 feet, R1) to a  
7 1/2" rebar with plastic cap "SCHWARZ 4760" found for angle, a  
8 northeast corner of said Tract 3, the northwest corner of said Tract  
9 1;

10 THENCE continuing along a north boundary line of the herein  
11 described tract, the south boundary line of said Betty J. Asher  
12 tract and the south boundary line of the Theodore C, Jr. & Doris  
13 Eloise Lemm Estate tract recorded in Volume 76, Page 249, Deed  
14 Records, with a fence South 89 degrees 21 minutes 42 seconds East  
15 for a distance of 2029.17 feet to a 1/2" rebar with plastic cap "MDS  
16 SURVEY" set for angle, the northeast corner of said Tract 1, the  
17 northwest corner of said Tract 5;

18 THENCE continuing along a north boundary line of the herein  
19 described tract, the south boundary line of said Lemm Estate tract  
20 with a fence South 89 degrees 27 minutes 16 seconds East for a  
21 distance of 751.17 feet (South 89 degrees 26 minutes 26 seconds  
22 East, 749.24 feet, R4) to a 1/2" rebar with plastic cap "PAPE  
23 DAWSON" found for the northeast corner of the herein described  
24 tract, the northwest corner of the Esperanza Properties LP tract  
25 recorded in Volume 668, Page 63, Official Records;

26 THENCE along an east boundary line of the herein described tract, a  
27 west boundary line of said Esperanza Properties LP tract South 00

1 degrees 26 minutes 21 seconds West for a distance of 2204.34 feet  
2 (South 00 degrees 27 minutes 24 seconds West, 2204.56 feet, R4) to a  
3 1/2" rebar with plastic cap "PAPE DAWSON" found for angle at a fence  
4 "T";  
5 THENCE continuing along an east boundary line of the herein  
6 described tract, a west boundary line of said Esperanza Properties  
7 LP tract with a fence South 18 degrees 08 minutes 55 seconds East  
8 for a distance of 642.04 feet (South 18 degrees 06 minutes 59  
9 seconds East, 642.19 feet, R4) to a 1/2" rebar with plastic cap  
10 "PAPE DAWSON" found for a southeast corner, located on a north line  
11 of the Cliff & Rhonda Wheeler tract recorded in Volume 625, Page  
12 155, Official Records (R5);  
13 THENCE along a south boundary line of the herein described tract, a  
14 north boundary line of said Wheeler tract with a fence North 86  
15 degrees 44 minutes 40 seconds West for a distance of 991.48 feet  
16 (North 86 degrees 43 minutes 46 seconds West, 991.62 feet, R4) to a  
17 1/2" rebar with plastic cap "SCHWARZ 4760" found for an interior  
18 corner, the northwest corner of said Wheeler tract;  
19 THENCE along an east boundary line of the herein described tract,  
20 the west boundary line of said Wheeler tract with a fence South 01  
21 degrees 16 minutes 18 seconds West for a distance of 435.03 feet  
22 (South 01 degrees 32 minutes 42 seconds West, 453.03 feet, R5) to a  
23 1/2" rebar with plastic cap "MDS SURVEY" set for an angle;  
24 THENCE continuing along an east boundary line of the herein  
25 described tract, the west boundary line of said Wheeler tract with a  
26 fence South 10 degrees 32 minutes 50 seconds East for a distance of  
27 4710.56 feet (South 10 degrees 16 minutes 26 seconds East, 4712.92

1 feet, R5) to a 1/2" rebar found for an angle;  
2 THENCE continuing along an east boundary line of the herein  
3 described tract, the west boundary line of said Wheeler tract with a  
4 fence South 32 degrees 09 minutes 15 seconds East for a distance of  
5 1695.14 feet (South 31 degrees 57 minutes 19 seconds East, 1695.40  
6 feet, R1) to a 1/2" rebar with plastic cap "MDS SURVEY" set for a  
7 southeast corner, located on the northern ROW line of State Highway  
8 No. 46, from which a found TxDOT concrete ROW monument bears North  
9 60 degrees 11 minutes 14 seconds East for a distance of 3.17 feet;  
10 THENCE along a south boundary line of the herein described tract,  
11 along the northern ROW line of State Highway No. 46 South 60 degrees  
12 13 minutes 33 seconds West for a distance of 197.86 feet (South 60  
13 degrees 34 minutes 00 seconds West, 200.00 feet, R1) to a 1/2" rebar  
14 found for a southwest corner, the southeast corner of the Pauline R.  
15 Mutchler (Trustee) tract recorded in Volume 691, Page 526, Official  
16 Records;  
17 THENCE departing from the northern ROW line of State Highway No. 46,  
18 along a western, southern, and eastern boundary line of the herein  
19 described tract, the east, north, and west boundary line of said  
20 Mutchler tract with a fence the following bearings and distances:  
21 North 32 degrees 17 minutes 25 seconds West for a distance of  
22 1285.59 feet (North 31 degrees 57 minutes 58 seconds West, 777.22  
23 feet; North 31 degrees 19 minutes 32 seconds West, 118.94 feet;  
24 North 32 degrees 07 minutes 34 seconds West, 389.84 feet, R1) to a  
25 1/2" rebar found for corner;  
26 North 89 degrees 30 minutes 12 seconds West for a distance of  
27 1127.02 feet (North 89 degrees 10 minutes 00 seconds West, 1128.12

1 feet, R1) to a 1/2" rebar found for corner;  
2 South 12 degrees 53 minutes 22 seconds East for a distance of  
3 1991.10 feet (South 12 degrees 32 minutes 46 seconds East, 1088.61  
4 feet; South 12 degrees 37 minutes 08 seconds East, 903.93 feet, R1)  
5 to a 1/2" rebar with plastic cap "MDS SURVEY" set for corner, a  
6 southwest corner of said Mutchler tract, located on the northern  
7 ROW line of State Highway No. 46;  
8 THENCE along a south boundary line of the herein described tract,  
9 along the northern ROW line of State Highway No. 46 the following  
10 bearings and distances:  
11 South 53 degrees 09 minutes 03 seconds West for a distance of 638.48  
12 feet (South 53 degrees 31 minutes 31 seconds West, 638.31 feet, R1)  
13 to a TxDOT concrete ROW monument found for angle;  
14 Southwesterly along a curve to the right (radius = 2243.32 feet,  
15 delta = 11°31'04", chord bearing = South 59 degrees 53 minutes 04  
16 seconds West, chord = 450.20 feet) for a distance of 450.96 feet  
17 (451.44, R1) to a TxDOT concrete ROW monument found for angle;  
18 South 64 degrees 38 minutes 48 seconds West for a distance of 393.24  
19 feet (South 64 degrees 59 minutes 15 seconds West, 393.10 feet, R1)  
20 to a TxDOT concrete ROW monument found for angle;  
21 Southwesterly along a curve to the right (radius = 1860.33 feet,  
22 delta = 10°50'04", chord bearing = South 69 degrees 36 minutes 57  
23 seconds West, chord = 351.26 feet) for a distance of 351.78 feet  
24 (351.75, R1) to a TxDOT concrete ROW monument found for angle;  
25 South 75 degrees 28 minutes 23 seconds West for a distance of 137.14  
26 feet (South 75 degrees 50 minutes 23 seconds West, 137.32 feet, R1)  
27 to the POINT OF BEGINNING.



1 CONTAINING 800.258 acres, more or less.

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

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

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

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

20 SECTION 4. This Act takes effect September 1, 2007.

David Newkirk  
President of the Senate

Tom Caddell  
Speaker of the House

I hereby certify that S.B. No. 1245 passed the Senate on May 1, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2007, by the following vote: Yeas 30, Nays 0.

Aetsy Saw  
Secretary of the Senate

I hereby certify that S.B. No. 1245 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

15 JUN 07  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6 PM O'CLOCK

Roger Williams  
Secretary of State  
JUN 15 2007