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AN ACT

1
2 relating to the creation of the Rio de Vida Municipal Utility
3 District No. 1; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. Subtitle F, Title 6, Special District Local Laws
6 Code, is amended by adding Chapter 8379 to read as follows:

7 CHAPTER 8379. RIO DE VIDA MUNICIPAL UTILITY

8 DISTRICT NO. 1

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8379.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Austin, Texas.

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

15 (4) "County" means Travis County.

16 (5) "Director" means a board member.

17 (6) "District" means the Rio de Vida Municipal Utility
18 District No. 1.

19 Sec. 8379.002. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8379.003. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect permanent

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Or

1 directors as provided in Section 8379.051 and Section 49.102, Water
2 Code.

3 Sec. 8379.004. CONSENT OF CITY REQUIRED; ENFORCEABILITY OF
4 CONSENT AGREEMENT. (a) The temporary directors may not hold an
5 election under Section 8379.003 until the city has consented by
6 ordinance or resolution to the creation of the district and to the
7 inclusion of land in the district.

8 (b) If the city does not consent to the creation of the
9 district under this section before September 1, 2012:

10 (1) the district is dissolved September 1, 2012,
11 except that:

12 (A) any debts incurred shall be paid;

13 (B) any assets that remain after the payment of
14 debts shall be transferred to the city or another local
15 governmental entity to be used for a public purpose; and

16 (C) the organization of the district shall be
17 maintained until all debts are paid and remaining assets are
18 transferred; and

19 (2) this chapter expires September 1, 2012.

20 Sec. 8379.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

25 (2) Section 52, Article III, Texas Constitution, that
26 relate to the construction, acquisition, improvement, operation,
27 or maintenance of macadamized, graveled, or paved roads, or

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1 improvements, including storm drainage, in aid of those roads; and

2 (3) Section 52-a, Article III, Texas Constitution.

3 (c) By creating the district and in authorizing the city,
4 the county, and other political subdivisions to contract with the
5 district, the legislature has established a program to accomplish
6 the public purposes set out in Section 52-a, Article III, Texas
7 Constitution.

8 Sec. 8379.006. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act enacting this chapter.

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

15 (1) organization, existence, or validity;

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

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 Sec. 8379.007. ELIGIBILITY FOR INCLUSION IN TAX ABATEMENT
22 REINVESTMENT ZONE. All or any part of the area of the district is
23 eligible to be included in a tax abatement reinvestment zone under
24 Chapter 312, Tax Code.

25 [Sections 8379.008-8379.050 reserved for expansion]

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 8379.051. GOVERNING BODY; TERMS. (a) Except as

1 provided by Subsection (b), the district is governed by a board of
2 five elected directors.

3 (b) If required under the terms of the agreement, ordinance,
4 or resolution by which a municipality consents to the creation of
5 the district, the board consists of:

6 (1) four elected directors; and

7 (2) one director appointed by the governing body of
8 the municipality.

9 (c) A director appointed under Subsection (b)(2) is not
10 required to be a qualified voter of the district or to own land
11 subject to taxation in the district.

12 (d) Except as provided by Section 8379.052, directors serve
13 staggered four-year terms. A permanent director may not serve more
14 than two four-year terms.

15 (e) The common law doctrine of incompatibility of office
16 does not disqualify an official or employee of a municipality from
17 being appointed a director by the governing body of a municipality
18 under Subsection (b)(2), and a director appointed to the board may
19 continue to serve in a public office of or be employed by the
20 municipality.

21 Sec. 8379.052. TEMPORARY DIRECTORS. (a) The temporary
22 board consists of:

23 (1) Jeff Frank;

24 (2) Gordon Westergren;

25 (3) Steve Soward;

26 (4) Clint Walker; and

27 (5) Rob Riviere.

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

2 (1) the date permanent directors are elected under
3 Section 8379.003; or

4 (2) the fourth anniversary of the effective date of
5 the Act enacting this chapter.

6 (c) If permanent directors have not been elected under
7 Section 8379.003 and the terms of the temporary directors have
8 expired, successor temporary directors shall be appointed or
9 reappointed as provided by Subsection (d) to serve terms that
10 expire on the earlier of:

11 (1) the date permanent directors are elected under
12 Section 8379.003; or

13 (2) the fourth anniversary of the date of the
14 appointment or reappointment.

15 (d) If Subsection (c) applies, the owner or owners of a
16 majority of the assessed value of the real property in the district
17 may submit a petition to the commission requesting that the
18 commission appoint as successor temporary directors the five
19 persons named in the petition. The commission shall appoint as
20 successor temporary directors the five persons named in the
21 petition.

22 [Sections 8379.053-8379.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8379.101. GENERAL POWERS AND DUTIES. The district has
25 the powers and duties necessary to accomplish the purposes for
26 which the district is created.

27 Sec. 8379.102. MUNICIPAL UTILITY DISTRICT POWERS AND

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1 DUTIES. The district has the powers and duties provided by the
2 general law of this state, including Chapters 49 and 54, Water Code,
3 applicable to municipal utility districts created under Section 59,
4 Article XVI, Texas Constitution.

5 Sec. 8379.103. AUTHORITY FOR ROAD PROJECTS. Under Section
6 52, Article III, Texas Constitution, the district may design,
7 acquire, construct, finance, issue bonds for, improve, operate,
8 maintain, and convey to this state, a county, or a municipality for
9 operation and maintenance macadamized, graveled, or paved roads, or
10 improvements, including storm drainage, in aid of those roads.

11 Sec. 8379.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
12 road project must meet all applicable construction standards,
13 zoning and subdivision requirements, and regulations of each
14 municipality in whose corporate limits or extraterritorial
15 jurisdiction the road project is located.

16 (b) If a road project is not located in the corporate limits
17 or extraterritorial jurisdiction of a municipality, the road
18 project must meet all applicable construction standards,
19 subdivision requirements, and regulations of each county in which
20 the road project is located.

21 (c) If the state will maintain and operate the road, the
22 Texas Transportation Commission must approve the plans and
23 specifications of the road project.

24 Sec. 8379.105. COMPLIANCE WITH MUNICIPAL CONSENT
25 AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The district shall
26 comply with all applicable requirements of any ordinance or
27 resolution that is adopted under Section 54.016 or 54.0165, Water

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1 Code, and that consents to the creation of the district or to the
2 inclusion of land in the district.

3 (b) Any agreement between the district and the city related
4 to the city's consent to the creation of the district is valid and
5 enforceable.

6 (c) On the issuance of bonds, the district is considered to
7 have acknowledged and consented to the exercise of the city's
8 authority as to actions taken by the city under Section 54.016(q),
9 Water Code.

10 Sec. 8379.106. CONTRACT TO FURTHER REGIONAL COOPERATION.
11 The district and city may contract on terms that the board and
12 governing body of the city agree will further regional cooperation
13 between the district and city.

14 Sec. 8379.107. ECONOMIC DEVELOPMENT. (a) Before
15 exercising a power under this section, the district must obtain the
16 city's consent.

17 (b) The district may engage in activities that accomplish
18 the economic development purposes of the district.

19 (c) The district may establish and provide for the
20 administration of one or more programs to promote state or local
21 economic development and to stimulate business and commercial
22 activity in the district, including programs to:

23 (1) make loans and grants of public money; and

24 (2) provide district personnel and services.

25 (d) The district may create economic development programs
26 and exercise the economic development powers that Chapter 380,
27 Local Government Code, provides to a municipality.

1 Sec. 8379.108. MASS GRADING AND IMPROVEMENTS TO LAND IN THE
2 DISTRICT. The district may construct, acquire, improve, maintain,
3 finance, or operate a facility or improvement related to reclaiming
4 or grading land in the district.

5 Sec. 8379.109. NO EMINENT DOMAIN POWER. The district may
6 not exercise the power of eminent domain.

7 [Sections 8379.110-8379.150 reserved for expansion]

8 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

9 Sec. 8379.151. DIVISION OF DISTRICT; PREREQUISITES. The
10 district may be divided into two or more new districts only if the
11 district:

12 (1) has no outstanding bonded debt; and

13 (2) is not imposing ad valorem taxes.

14 Sec. 8379.152. LAW APPLICABLE TO NEW DISTRICT. This
15 chapter applies to any new district created by division of the
16 district, and a new district has all the powers and duties of the
17 district.

18 Sec. 8379.153. LIMITATION ON AREA OF NEW DISTRICT. A new
19 district created by the division of the district may not, at the
20 time the new district is created, contain any land outside the area
21 described by Section 2 of the Act enacting this chapter.

22 Sec. 8379.154. CONSENT OF MUNICIPALITY OR COUNTY. (a) If
23 the district is located wholly or partly in the corporate limits or
24 the extraterritorial jurisdiction of a municipality, the district
25 may not divide under this subchapter unless the municipality by
26 resolution or ordinance first consents to the division of the
27 district.

1 (b) If the district is not located wholly or partly in the
2 corporate limits or the extraterritorial jurisdiction of a
3 municipality, the district may not divide under this subchapter
4 unless the commissioners court of each county in which the district
5 is wholly or partly located first adopts a resolution or order in
6 support of the division of the district.

7 Sec. 8379.155. DIVISION PROCEDURES. (a) The board, on its
8 own motion or on receipt of a petition signed by the owner or owners
9 of a majority of the assessed value of the real property in the
10 district, may adopt an order dividing the district.

11 (b) The board may adopt an order dividing the district
12 before or after the date the board holds an election under Section
13 8379.003 to confirm the district's creation.

14 (c) An order dividing the district must:

15 (1) name each new district;

16 (2) include the metes and bounds description of the
17 territory of each new district;

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

19 and

20 (4) provide for the division of assets and liabilities
21 between the new districts.

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

26 Sec. 8379.156. TAX OR BOND ELECTION. Before a new district
27 created by the division of the district may impose a sales and use

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1 tax or an operation and maintenance tax or issue bonds payable
2 wholly or partly from ad valorem taxes, the new district must hold
3 an election as required by this chapter.

4 [Sections 8379.157-8379.200 reserved for expansion]

5 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

6 Sec. 8379.201. ELECTIONS REGARDING TAXES OR BONDS.

7 (a) The district may issue, without an election, bonds and other
8 obligations secured by:

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

10 (2) contract payments described by Section 8379.203.

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

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

19 Sec. 8379.202. OPERATION AND MAINTENANCE TAX. (a) If
20 authorized at an election held under Section 8379.201, the district
21 may impose an operation and maintenance tax on taxable property in
22 the district in accordance with Section 49.107, Water Code.

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

25 (c) If required by an agreement between the district and
26 city under Section 8379.106, the total ad valorem tax rate of the
27 district may not be less than the total ad valorem tax rate of the

1 city.

2 Sec. 8379.203. CONTRACT TAXES. (a) In accordance with
3 Section 49.108, Water Code, the district may impose a tax other than
4 an operation and maintenance tax and use the revenue derived from
5 the tax to make payments under a contract after the provisions of
6 the contract have been approved by a majority of the district voters
7 voting at an election held for that purpose.

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

11 Sec. 8379.204. APPROVAL BY CITY OF CAPITAL IMPROVEMENTS
12 BUDGET. If the district obtains approval from the city's governing
13 body of a capital improvements budget for a period not to exceed 10
14 years, the district may finance the capital improvements and issue
15 bonds specified in the budget without further approval from the
16 city.

17 [Sections 8379.205-8379.250 reserved for expansion]

18 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

19 Sec. 8379.251. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, sales and use taxes, hotel occupancy taxes, contract
23 payments, grants, or other district money, or any combination of
24 those sources, to pay for any authorized district purpose.

25 Sec. 8379.252. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 8379.253. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 Sec. 8379.254. BONDS FOR RECREATIONAL FACILITIES. The
10 limitation on the outstanding principal amount of bonds, notes, and
11 other obligations provided by Section 49.4645, Water Code, does not
12 apply to the district.

13 [Sections 8379.255-8379.300 reserved for expansion]

14 SUBCHAPTER G. SALES AND USE TAX

15 Sec. 8379.301. APPLICABILITY OF CERTAIN TAX CODE
16 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
17 computation, administration, enforcement, and collection of the
18 sales and use tax authorized by this subchapter except to the extent
19 Chapter 321, Tax Code, is inconsistent with this chapter.

20 (b) A reference in Chapter 321, Tax Code, to a municipality
21 or the governing body of a municipality is a reference to the
22 district or the board, respectively.

23 Sec. 8379.302. ELECTION; ADOPTION OF TAX. (a) The
24 district may adopt a sales and use tax if:

- 25 (1) the city consents to the adoption of the tax; and
26 (2) the tax is authorized by a majority of the voters
27 of the district voting at an election held for that purpose.

1 (b) Subject to city consent under Subsection (a), the board
2 by order may call an election to authorize the adoption of the sales
3 and use tax. The election may be held on any uniform election date
4 and in conjunction with any other district election.

5 (c) The district shall provide notice of the election and
6 shall hold the election in the manner prescribed by Section
7 8379.201.

8 (d) The ballot shall be printed to provide for voting for or
9 against the proposition: "Authorization of a sales and use tax in
10 the (insert name of district or name of new district created under
11 Subchapter D) at a rate not to exceed _____ percent" (insert rate of
12 one or more increments of one-eighth of one percent).

13 Sec. 8379.303. SALES AND USE TAX RATE. (a) Not later than
14 the 10th day after the date the results are declared of an election
15 held under Section 8379.302, at which the voters approved
16 imposition of the tax authorized by this subchapter, the board
17 shall determine the initial rate of the tax, which must be in one or
18 more increments of one-eighth of one percent.

19 (b) After the election held under Section 8379.302, the
20 board may decrease the rate of the tax by one or more increments of
21 one-eighth of one percent. The board may not decrease the rate of
22 the tax if the decrease would impair the repayment of any
23 outstanding debt or obligation payable from the tax.

24 (c) The rate of the tax may not exceed the lesser of:

25 (1) the maximum rate authorized by the district voters
26 at the election held under Section 8379.302; or

27 (2) a rate that, when added to the rates of all sales

1 and use taxes imposed by other political subdivisions with
2 territory in the district, would result in the maximum combined
3 rate prescribed by Section 321.101(f), Tax Code, at any location in
4 the district.

5 (d) The board shall notify the comptroller of any changes
6 made to the tax rate in the same manner the municipal secretary
7 provides notice to the comptroller under Section 321.405(b), Tax
8 Code.

9 Sec. 8379.304. USE OF REVENUE. Revenue from the sales and
10 use tax imposed under this subchapter is for the use and benefit of
11 the district and may be used for any district purpose. The district
12 may pledge all or part of the revenue to the payment of bonds,
13 notes, or other obligations, and that pledge of revenue may be in
14 combination with other revenue, including tax revenue, available to
15 the district.

16 Sec. 8379.305. ABOLITION OF TAX. (a) The board may
17 abolish the tax imposed under this subchapter without an election.

18 (b) If the board abolishes the tax, the board shall notify
19 the comptroller of that action in the same manner the municipal
20 secretary provides notice to the comptroller under Section
21 321.405(b), Tax Code.

22 (c) If the board abolishes the tax or decreases the tax rate
23 to zero, a new election to authorize a sales and use tax must be held
24 under Section 8379.302 before the district may subsequently impose
25 the tax.

26 [Sections 8379.306-8379.350 reserved for expansion]

SUBCHAPTER H. HOTEL OCCUPANCY TAX

Sec. 8379.351. DEFINITION. In this subchapter, "hotel" has the meaning assigned by Section 156.001, Tax Code.

Sec. 8379.352. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) In this subchapter:

(1) a reference in Subchapter A, Chapter 352, Tax Code, to a county is a reference to the district; and

(2) a reference in Subchapter A, Chapter 352, Tax Code, to the commissioners court is a reference to the board.

(b) Except as inconsistent with this subchapter, Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized by this subchapter, including the collection of the tax, subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

Sec. 8379.353. TAX AUTHORIZED; USE OF REVENUE. (a) The district may not impose a hotel occupancy tax unless the city consents to the imposition.

(b) The district may impose the hotel occupancy tax for:

(1) any purpose authorized under Chapter 351, Tax Code; or

(2) the construction, operation, or maintenance of a sports-related facility of the district that:

(A) has a notable impact on tourism and hotel activity; and

(B) is available to the public.

Sec. 8379.354. TAX RATE. The amount of the hotel occupancy tax may not exceed seven percent of the price paid for a room in a

1 hotel.

2 Sec. 8379.355. INFORMATION. The district may examine and
3 receive information related to the imposition of hotel occupancy
4 taxes to the same extent as if the district were a county.

5 [Sections 8379.356-8379.400 reserved for expansion]

6 SUBCHAPTER I. MUNICIPAL ANNEXATION AND DISSOLUTION

7 Sec. 8379.401. APPLICABILITY OF LAW ON ANNEXATION OF
8 DISTRICT. (a) The district is a "water or sewer district" for the
9 purposes of Section 43.071, Local Government Code.

10 (b) Sections 43.0561 and 43.0562, Local Government Code, do
11 not apply to the annexation of the district.

12 Sec. 8379.402. APPLICABILITY OF LAW ON WATER-RELATED
13 SPECIAL DISTRICT THAT BECOMES PART OF NOT MORE THAN ONE
14 MUNICIPALITY. Section 43.075, Local Government Code, applies to
15 the district.

16 Sec. 8379.403. STRATEGIC PARTNERSHIP; CONTINUATION OF
17 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may
18 continue to exist as a limited district after full-purpose
19 annexation by a municipality if the district and the annexing
20 municipality state the terms of the limited district's existence in
21 a strategic partnership agreement under Section 43.0751, Local
22 Government Code.

23 (b) The strategic partnership agreement may provide for an
24 original or renewed term of any number of years. The limitation in
25 Section 43.0751(q)(2), Local Government Code, on the length of the
26 term does not apply to a limited district created under this
27 section.

1 Sec. 8379.404. NOTICE OF FUTURE CITY ANNEXATION REQUIRED.

2 (a) Not later than the 30th day after the date the city consents to
3 the creation of the district and to the inclusion of land in the
4 district under Section 8379.004(a), the city shall file, in the
5 real property records of the county, a notice to a purchaser of real
6 property in the district that describes:

7 (1) the city's authority and intention to annex the
8 district; and

9 (2) the anticipated date of the annexation.

10 (b) After the notice is filed, a person who proposes to sell
11 or otherwise convey real property in the district must provide a
12 copy of the notice to a purchaser of the property before selling or
13 conveying the property to the purchaser.

14 SECTION 2. The Rio de Vida Municipal Utility District No. 1
15 initially includes all the territory contained in the following
16 area:

17 ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE REUBEN
18 HORNSBY SURVEY NO. 17, JOSEPH DUTY SURVEY NO. 20 AND THE JOHN
19 BURLESON SURVEY NO. 33, TRAVIS COUNTY, TEXAS; BEING ALL OF THE
20 FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY
21 DEEDS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY,
22 TEXAS: A 353.08-ACRE TRACT (TO BE KNOWN AS PARCEL 01-1) AND A
23 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 12448, PAGE
24 737 AND VOLUME 13170, PAGE 656; A 65.12-ACRE TRACT (TO BE KNOWN AS
25 PARCEL 01-2) IN VOLUME 13170, PAGE 656; A 102.188-ACRE TRACT
26 (PARCEL NO. 1) (TO BE KNOWN AS PARCEL 02-1), A 29.008-ACRE TRACT
27 (PARCEL NO. 2) (TO BE KNOWN AS PARCEL 02-2) AND A 10.743-ACRE TRACT

1 (PARCEL NO. 3) (TO BE KNOWN AS PARCEL 02-3) IN VOLUME 12593, PAGE
2 2001; A 22.911-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 04-1) IN
3 VOLUME 11985, PAGE 1238 AND VOLUME 13170, PAGE 656; A 19.253-ACRE
4 TRACT (PARCEL 3) (TO BE KNOWN AS PARCEL 05-1), A 4.591-ACRE TRACT
5 (PARCEL 1) (TO BE KNOWN AS PARCEL 06-1) AND A 16.931-ACRE TRACT
6 (PARCEL 2) (TO BE KNOWN AS PARCEL 06-2) IN VOLUME 13304, PAGE 3306;
7 A 52.487-ACRE TRACT (TO BE KNOWN AS PARCEL 08-1) IN VOLUME 13088,
8 PAGE 429; A PORTION OF A 6.605-ACRE TRACT (TRACT 1) (TO BE KNOWN AS
9 PARCEL 08-2) AND A 5.411-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL
10 12-1) IN VOLUME 13088, PAGE 421; A 51.32-ACRE TRACT (TO BE KNOWN AS
11 PARCEL 10-1) IN VOLUME 12703, PAGE 411 AND VOLUME 13170, PAGE 656; A
12 6.262-ACRE TRACT (TO BE KNOWN AS PARCEL 11-1) IN VOLUME 12835, PAGE
13 1489; A 22.967-ACRE TRACT (TO BE KNOWN AS PARCEL 13-1) IN VOLUME
14 9872, PAGE 77 AND VOLUME 13170, PAGE 656; A 14.272-ACRE TRACT (TRACT
15 8) (TO BE KNOWN AS PARCEL 14-1), A 21.100-ACRE TRACT (TRACT 9) (TO
16 BE KNOWN AS PARCEL 15-1), A 32.738-ACRE TRACT (TRACT 17) (TO BE
17 KNOWN AS PARCEL 17-1), A 8.051-ACRE TRACT (TRACT 12) (TO BE KNOWN AS
18 PARCEL 18-1), A 9.744-ACRE TRACT (TRACT 13) (TO BE KNOWN AS PARCEL
19 18-2), A 9.752-ACRE TRACT (TRACT 14) (TO BE KNOWN AS PARCEL 18-3), A
20 15.981-ACRE TRACT (TRACT 15) (TO BE KNOWN AS PARCEL 18-4), A
21 19.127-ACRE TRACT (TRACT 16) (TO BE KNOWN AS PARCEL 18-5), A
22 10.274-ACRE TRACT (TRACT 10) (TO BE KNOWN AS PARCEL 21-1), A
23 9.825-ACRE TRACT (TRACT 11) (TO BE KNOWN AS PARCEL 21-2), A PORTION
24 OF A 44.586-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 23-1), A
25 PORTION OF A 15.959-ACRE TRACT (TRACT 7) (TO BE KNOWN AS PARCEL
26 23-2), A PORTION OF A 15.946-ACRE TRACT (TRACT 6) (TO BE KNOWN AS
27 PARCEL 23-3) AND A PORTION OF A 14.135-ACRE TRACT (TRACT 3) (TO BE

1 KNOWN AS PARCEL 28-1) IN VOLUME 12326, PAGE 1154 AND VOLUME 13170,
2 PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME
3 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO
4 BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME
5 13170, PAGE 656; A 45.874-ACRE TRACT (TO BE KNOWN AS PARCEL 19-1) IN
6 VOLUME 12270, PAGE 1633 AND VOLUME 13170, PAGE 656; A 13.853-ACRE
7 TRACT (TO BE KNOWN AS PARCEL 20-1) IN VOLUME 12326, PAGE 1149 AND
8 VOLUME 13170, PAGE 656; A PORTION OF A 32.403-ACRE TRACT (TRACT 4)
9 (TO BE KNOWN AS PARCEL 22-1) AND A PORTION OF A 50.388-ACRE TRACT
10 (TRACT 1) (TO BE KNOWN AS PARCEL 28-2) IN VOLUME 12326, PAGE 1109
11 AND VOLUME 13170, PAGE 656; AND A 83.838-ACRE TRACT (TO BE KNOWN AS
12 PARCEL 27-1) IN VOLUME 11955, PAGE 972 AND VOLUME 13170, PAGE 656;
13 AND ALSO BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO
14 TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE OFFICIAL PUBLIC
15 RECORDS OF TRAVIS COUNTY, TEXAS: A 49.994-ACRE TRACT (TRACT 1) (TO
16 BE KNOWN AS PARCEL 03-1), A PORTION OF A 85.957-ACRE TRACT (TRACT 2)
17 (TO BE KNOWN AS PARCEL 03-2), A PORTION OF A 41.043-ACRE TRACT
18 (TRACT 3) (TO BE KNOWN AS PARCEL 03-3), A 69.542-ACRE TRACT (TRACT
19 4) (TO BE KNOWN AS PARCEL 03-4), A 55.299-ACRE TRACT (TRACT 5) (TO
20 BE KNOWN AS PARCEL 03-5), A PORTION OF A 33.214-ACRE TRACT (TO BE
21 KNOWN AS PARCEL 03-6) AND A 39.355-ACRE TRACT (TRACT 6) (TO BE KNOWN
22 AS PARCEL 03-7) IN DOCUMENT NO. 1999152526; A 223.497-ACRE TRACT
23 (TO BE KNOWN AS PARCEL 07-1) IN DOCUMENT NO. 2005002939; A
24 194.824-ACRE TRACT (TRACT A) (TO BE KNOWN AS PARCEL 09-1) AND A
25 67.418-ACRE TRACT (TRACT B) (TO BE KNOWN AS PARCEL 09-2) IN DOCUMENT
26 NO. 2005007841; PORTIONS OF A 101.697-ACRE TRACT (TRACT 1) AND A
27 14.054-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 24-1) IN DOCUMENT

1 NO. 1999148757; A 39.462-ACRE TRACT (TO BE KNOWN AS PARCEL 25-1) IN
2 DOCUMENT NO. 2006133198; AND A 33.35-ACRE TRACT (TO BE KNOWN AS
3 PARCEL 26-1) IN DOCUMENT NO. 2005007845; AND BEING MORE
4 PARTICULARLY DESCRIBED IN FIVE (5) TRACTS BY METES AND BOUNDS AS
5 FOLLOWS:

6 TRACT 1

7 BEGINNING at a calculated point at the intersection of the
8 north bank of the Colorado River and the east right-of-way line of
9 State Highway No. 130, at the southwest corner of the
10 above-described Parcel 09-1, for the southwest corner and POINT OF
11 BEGINNING of the herein described tract;

12 THENCE, with the east right-of-way line of said State Highway
13 No. 130, the following seven (7) courses:

14 1) N08°37'24"W a distance of 537.28 feet to a calculated
15 angle point;

16 2) N01°34'38"W a distance of 3,468.10 feet to a calculated
17 angle point;

18 3) N59°15'05"E a distance of 166.15 feet to a calculated
19 angle point;

20 4) N08°13'09"E a distance of 547.29 feet to a calculated
21 angle point;

22 5) N52°30'09"W a distance of 138.99 feet to a calculated
23 non-tangent point of curvature of a curve to the right;

24 6) Along said curve to the right an arc distance of 1,274.92
25 feet, having a radius of 3,458.72 feet, and a chord which bears
26 N19°25'33"E a distance of 1,267.71 feet to a calculated point of
27 tangency; and

1 7) N29°59'08"E a distance of 421.69 feet to a calculated
2 point at the northwest corner of said Parcel 09-1;

3 THENCE, with the north line of said Parcel 09-1, the
4 following three (3) courses:

5 1) S60°37'51"E a distance of 116.20 feet to a to a calculated
6 point;

7 2) N29°22'09"E a distance of 83.70 feet to a calculated
8 point; and

9 3) S60°41'35"E a distance of 416.71 feet to a calculated
10 point on the west line of the above-described Parcel 01-1 at the
11 most northerly northeast corner of said Parcel 09-1;

12 THENCE, with the west line of said Parcel 01-1, the following
13 five (5) courses:

14 1) N27°20'56"E a distance of 39.85 feet to a calculated angle
15 point;

16 2) N49°43'26"E a distance of 65.85 feet to a calculated angle
17 point;

18 3) N27°21'16"E a distance of 619.40 feet to a calculated
19 point at an inside corner of said Parcel 01-1;

20 4) N62°38'24"W a distance of 5.00 feet to a calculated point
21 at an outside corner of said Parcel 01-1; and

22 5) N27°21'36"E a distance of 617.35 feet to a calculated
23 point on the south line of the above-described Parcel 16-1 at the
24 northwest corner of said Parcel 01-1;

25 THENCE N62°22'51"W a distance of 40.60 feet to a calculated
26 point on the east line of the above-described Parcel 23-1;

27 THENCE, with the east line of said Parcel 23-1, the following

1 four (4) courses:

2 1) S27°22'35"W a distance of 618.29 feet to a calculated
3 point for an outside corner of said Parcel 23-1;

4 2) N62°37'49"W a distance of 5.00 feet to a calculated point
5 for an inside corner of said Parcel 23-1;

6 3) S27°22'11"W a distance of 618.51 feet to a calculated
7 angle point; and

8 4) S73°40'29"W a distance of 69.55 feet to a calculated point
9 at the southeast corner of said Parcel 23-1;

10 THENCE, with the south line of said Parcel 23-1, N60°41'02"W a
11 distance of 339.91 feet to a calculated point on the east
12 right-of-way line of State Highway No. 130 at the southwest corner
13 of said Parcel 23-1;

14 THENCE, with the east right-of-way line of said State Highway
15 No. 130, the following three (3) courses:

16 1) N30°02'29"E a distance of 1,101.68 feet to a calculated
17 angle point;

18 2) N20°27'12"E a distance of 2,012.40 feet to a calculated
19 angle point; and

20 3) N27°27'12"E a distance of 432.97 feet to a calculated
21 point at the northwest corner of the above-described Parcel 23-3;

22 THENCE, with the north line of said Parcel 23-3, S62°04'21"E a
23 distance of 608.26 feet to a calculated point on the west line of
24 the above-described Parcel 14-1 at the northeast corner of said
25 Parcel 23-3;

26 THENCE, with the west line of said Parcel 14-1, N27°45'52"E a
27 distance of 393.68 feet to a calculated point at the northwest

1 corner of said Parcel 14-1, also being the most westerly southwest
2 corner of the above-described Parcel 01-2;

3 THENCE, with the west line of said Parcel 01-2, N28°07'17"E a
4 distance of 224.92 feet to a calculated point at the southeast
5 corner of the above-described Parcel 24-1;

6 THENCE, with the south line of said Parcel 24-1, N62°34'20"W a
7 distance of 613.00 feet to a calculated point on the east
8 right-of-way line of said State Highway No. 130 at the southwest
9 corner of said Parcel 24-1;

10 THENCE, with the east right-of-way line of said State Highway
11 No. 130, the following nine (9) courses:

12 1) N27°27'12"E a distance of 1,672.04 feet to a calculated
13 angle point;

14 2) N32°27'12"E a distance of 1,894.71 feet to a calculated
15 angle point;

16 3) N29°36'58"E a distance of 516.40 feet to a calculated
17 point;

18 4) S61°16'47"E a distance of 91.29 feet to a calculated
19 point;

20 5) N33°24'29"E a distance of 576.93 feet to a calculated
21 point;

22 6) N61°16'47"W a distance of 126.37 feet to a calculated
23 point;

24 7) N26°30'22"E a distance of 430.28 feet to a calculated
25 point;

26 8) N61°16'47"W a distance of 56.58 feet to a calculated
27 point; and

1 9) N27°27'30"E a distance of 956.84 feet to a calculated
2 point at the intersection with the south right-of-way line of FM
3 Highway No. 969, also being the northwest corner of said Parcel
4 24-1;

5 THENCE, with the south right-of-way line of said FM Highway
6 No. 969, the following six (6) courses:

7 1) S64°07'08"E a distance of 395.49 feet to a calculated
8 point;

9 2) S22°48'20"W a distance of 61.04 feet to a calculated
10 point;

11 3) S67°11'40"E a distance of 110.00 feet to a calculated
12 point;

13 4) N22°48'20"E a distance of 60.54 feet to a calculated
14 point;

15 5) S77°33'00"E a distance of 201.73 feet to a calculated
16 angle point; and

17 6) S65°03'31"E a distance of 381.97 feet to a calculated
18 point at the northeast corner of the above-described Parcel 08-2;

19 THENCE, with the east line of said Parcel 08-2, S12°49'01"W a
20 distance of 1,365.75 feet to a calculated point at an inside corner
21 of the above-described Parcel 02-1;

22 THENCE, with the north line of said Parcel 02-1, S62°34'57"E a
23 distance of 947.19 feet to a calculated point at the most easterly
24 northeast corner of said Parcel 02-1;

25 THENCE, with the east line of said Parcel 02-1, S27°12'42"W a
26 distance of 1,350.79 feet to a calculated angle point;

27 THENCE, continuing with the east line of said Parcel 02-1,

1 S27°42'57"W a distance of 1,658.43 feet to a calculated point at the
2 northeast corner of said Parcel 01-2;

3 THENCE, with the east line of said Parcel 01-2, S27°36'56"W a
4 distance of 1,486.26 feet to a calculated point at an outside corner
5 of said Parcel 01-2 on the north line of the above-described Parcel
6 04-1;

7 THENCE, with the north line of said Parcel 04-1, S62°13'13"E a
8 distance of 697.01 feet to a calculated point at the northeast
9 corner of said Parcel 04-1, also being the northwest corner of the
10 above-described Parcel 19-1;

11 THENCE, with the north line of said Parcel 19-1, S62°14'53"E a
12 distance of 461.49 feet to a calculated point at the southwest
13 corner of the above-described Parcel 10-1;

14 THENCE, with the west line of said Parcel 10-1, N27°49'54"E a
15 distance of 3,150.15 feet to a calculated point at the northwest
16 corner of said Parcel 10-1;

17 THENCE, with the north line of said Parcel 10-1, S62°43'06"E a
18 distance of 710.22 feet to a calculated point at the northeast
19 corner of said Parcel 10-1;

20 THENCE, with the east line of said Parcel 10-1, S27°52'34"W a
21 distance of 3,156.02 feet to a calculated point at the southeast
22 corner of said Parcel 10-1, also being the northwest corner of the
23 above-described Parcel 06-1;

24 THENCE, with the north line of said Parcel 06-1, S61°04'03"E a
25 distance of 289.04 feet to a calculated point at the northwest
26 corner of the above-described Parcel 12-1;

27 THENCE, with the north line of said Parcel 12-1, S63°22'55"E a

1 distance of 457.28 feet to a calculated point at the northwest
2 corner of the above-described Parcel 06-2;

3 THENCE, with the north line of said Parcel 06-2, S64°42'36"E a
4 distance of 378.00 feet to a calculated point at the northwest
5 corner of the above-described Parcel 20-1;

6 THENCE, with the north line of said Parcel 20-1, S70°09'59"E a
7 distance of 400.67 feet to a calculated point at the northwest
8 corner of the above-described Parcel 02-3;

9 THENCE, with the north line of said Parcel 02-3, the
10 following three (3) courses:

11 1) S67°05'07"E a distance of 104.58 feet to a calculated
12 angle point;

13 2) S53°35'54"E a distance of 105.83 feet to a calculated
14 angle point; and

15 3) S55°41'48"E a distance of 206.91 feet to a calculated
16 point at the northeast corner of said Parcel 02-3;

17 THENCE, with the east line of said Parcel 02-3, S28°01'49"W a
18 distance of 899.00 feet to a calculated point on the north bank of
19 the Colorado River at the southeast corner of said Parcel 02-3;

20 THENCE, with the meanders of the north bank of the Colorado
21 River, the following fifty-nine (59) courses:

22 1) S78°57'26"W a distance of 265.40 feet to a calculated
23 point;

24 2) S58°33'04"W a distance of 403.36 feet to a calculated
25 point;

26 3) S27°53'07"W a distance of 24.17 feet to a calculated
27 point;

- 1 4) S73°19'34"W a distance of 179.78 feet to a calculated
2 point;
- 3 5) S80°40'33"W a distance of 284.45 feet to a calculated
4 point;
- 5 6) N26°28'28"E a distance of 20.96 feet to a calculated
6 point;
- 7 7) S75°36'26"W a distance of 293.31 feet to a calculated
8 point;
- 9 8) S86°20'34"W a distance of 84.16 feet to a calculated
10 point;
- 11 9) S79°42'18"W a distance of 141.79 feet to a calculated
12 point;
- 13 10) S27°00'43"W a distance of 26.90 feet to a calculated
14 point;
- 15 11) S78°05'41"W a distance of 99.68 feet to a calculated
16 point;
- 17 12) S71°38'12"W a distance of 426.53 feet to a calculated
18 point;
- 19 13) S58°35'29"W a distance of 276.51 feet to a calculated
20 point;
- 21 14) S24°20'35"W a distance of 359.58 feet to a calculated
22 point;
- 23 15) S08°24'01"W a distance of 300.61 feet to a calculated
24 point;
- 25 16) S07°37'34"E a distance of 185.37 feet to a calculated
26 point;
- 27 17) S02°25'49"E a distance of 59.41 feet to a calculated

- 1 point;
2 18) S01°21'36"W a distance of 38.60 feet to a calculated
3 point;
4 19) S08°00'24"E a distance of 41.40 feet to a calculated
5 point;
6 20) S09°09'36"W a distance of 373.90 feet to a calculated
7 point;
8 21) S31°59'36"W a distance of 107.30 feet to a calculated
9 point;
10 22) S18°00'36"W a distance of 293.50 feet to a calculated
11 point;
12 23) S30°25'36"W a distance of 112.00 feet to a calculated
13 point;
14 24) S10°51'36"W a distance of 634.90 feet to a calculated
15 point;
16 25) S02°34'36"W a distance of 30.70 feet to a calculated
17 point;
18 26) S59°28'24"E a distance of 57.10 feet to a calculated
19 point;
20 27) S03°40'24"E a distance of 310.40 feet to a calculated
21 point;
22 28) S16°21'36"W a distance of 278.50 feet to a calculated
23 point;
24 29) S17°53'36"W a distance of 322.40 feet to a calculated
25 point;
26 30) S32°29'36"W a distance of 792.30 feet to a calculated
27 point;

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- 1 31) S18°11'36"W a distance of 184.90 feet to a calculated
2 point;
- 3 32) N63°10'34"W a distance of 44.96 feet to a calculated
4 point;
- 5 33) S19°04'38"W a distance of 21.49 feet to a calculated
6 point;
- 7 34) S27°17'38"W a distance of 190.50 feet to a calculated
8 point;
- 9 35) S23°12'38"W a distance of 266.20 feet to a calculated
10 point;
- 11 36) S33°52'38"W a distance of 191.10 feet to a calculated
12 point;
- 13 37) S61°12'38"W a distance of 280.40 feet to a calculated
14 point;
- 15 38) S63°15'38"W a distance of 345.10 feet to a calculated
16 point;
- 17 39) S72°35'38"W a distance of 285.20 feet to a calculated
18 point;
- 19 40) N85°31'22"W a distance of 165.00 feet to a calculated
20 point;
- 21 41) N72°50'22"W a distance of 150.00 feet to a calculated
22 point;
- 23 42) N10°15'22"W a distance of 135.80 feet to a calculated
24 point;
- 25 43) N04°17'22"W a distance of 37.00 feet to a calculated
26 point;
- 27 44) N38°51'22"W a distance of 391.50 feet to a calculated

- 1 point;
2 45) N12°14'22"W a distance of 40.00 feet to a calculated
3 point;
4 46) N07°15'38"E a distance of 183.00 feet to a calculated
5 point;
6 47) S47°45'38"W a distance of 386.10 feet to a calculated
7 point;
8 48) S75°54'39"W a distance of 102.43 feet to a calculated
9 point;
10 49) S71°46'05"W a distance of 154.03 feet to a calculated
11 point;
12 50) S65°38'42"W a distance of 430.32 feet to a calculated
13 point;
14 51) S49°58'20"W a distance of 207.45 feet to a calculated
15 point;
16 52) S47°30'01"W a distance of 581.94 feet to a calculated
17 point;
18 53) S58°05'16"W a distance of 199.26 feet to a calculated
19 point;
20 54) S55°02'26"W a distance of 168.25 feet to a calculated
21 point;
22 55) S66°49'36"W a distance of 424.33 feet to a calculated
23 point;
24 56) S70°27'05"W a distance of 178.44 feet to a calculated
25 point;
26 57) S73°49'29"W a distance of 103.82 feet to a calculated
27 point;

1 58) S85°43'30"W a distance of 78.52 feet to a calculated
2 point; and

3 59) S78°29'14"W a distance of 59.80 feet to the POINT OF
4 BEGINNING, and containing 1,370 acres of land, more or less.

5 TRACT 2

6 BEGINNING at a calculated point at the intersection of the
7 north bank of the Colorado River and the west right-of-way line of
8 State Highway No. 130, at the southeast corner of the
9 above-described Parcel 03-2, for the southeast corner and POINT OF
10 BEGINNING of the herein described tract;

11 THENCE, with the meanders of the north bank of the Colorado
12 River, the following twenty-two (22) courses:

13 1) S76°37'38"W a distance of 1.87 feet to a calculated point;

14 2) S72°53'53"W a distance of 518.11 feet to a calculated
15 point;

16 3) S75°14'11"W a distance of 517.88 feet to a calculated
17 point;

18 4) S70°55'05"W a distance of 289.38 feet to a calculated
19 point;

20 5) S81°58'40"W a distance of 118.79 feet to a calculated
21 point;

22 6) S63°21'33"W a distance of 277.07 feet to a calculated
23 point;

24 7) S49°47'25"W a distance of 47.81 feet to a calculated
25 point;

26 8) S64°43'53"W a distance of 353.97 feet to a calculated
27 point;

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- 1 9) S62°39'35"W a distance of 626.81 feet to a calculated
2 point;
- 3 10) S72°28'38"W a distance of 203.07 feet to a calculated
4 point;
- 5 11) S85°12'41"W a distance of 191.20 feet to a calculated
6 point;
- 7 12) N89°48'48"W a distance of 82.77 feet to a calculated
8 point;
- 9 13) N83°17'50"W a distance of 141.54 feet to a calculated
10 point;
- 11 14) N83°16'30"W a distance of 332.35 feet to a calculated
12 point;
- 13 15) N72°21'14"W a distance of 159.08 feet to a calculated
14 point;
- 15 16) N80°26'48"W a distance of 189.39 feet to a calculated
16 point;
- 17 17) N79°57'59"W a distance of 91.38 feet to a calculated
18 point;
- 19 18) S85°50'53"W a distance of 69.91 feet to a calculated
20 point;
- 21 19) N78°28'45"W a distance of 123.84 feet to a calculated
22 point;
- 23 20) N68°18'10"W a distance of 159.21 feet to a calculated
24 point;
- 25 21) N80°39'08"W a distance of 135.80 feet to a calculated
26 point; and
- 27 22) S78°59'06"W a distance of 43.91 feet to a calculated

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1 point at the intersection with the east right-of-way line of FM
2 Highway No. 973, also being the most southerly southwest corner of
3 the above-described Parcel 03-5;

4 THENCE, with the east right-of-way line of said FM Highway
5 No. 973, N10°21'00"E a distance of 147.12 feet to a calculated point
6 of curvature of a curve to the left;

7 THENCE, continuing with the east right-of-way line, along
8 said curve to the left an arc distance of 623.12 feet, having a
9 radius of 622.94 feet, and a chord which bears N18°18'22"W a
10 distance of 597.46 feet to a calculated point at the most westerly
11 southwest corner of said Parcel 03-5;

12 THENCE, with the west line of said Parcel 03-5, N27°38'58"E a
13 distance of 2,173.14 feet to a calculated point at the northwest
14 corner of said Parcel 03-5;

15 THENCE, with the north line of said Parcel 03-5, S62°35'52"E a
16 distance of 953.15 feet to a calculated point in the west line of
17 the above-described Parcel 03-7 at the northeast corner of said
18 Parcel 03-5;

19 THENCE, with the west line of said Parcel 03-7, N27°51'48"E a
20 distance of 830.67 feet to a calculated angle point;

21 THENCE, continuing with the west line of said Parcel 03-7,
22 N27°04'22"E a distance of 660.77 feet to a calculated angle point;

23 THENCE, with the west line of the above-described Parcel
24 03-01, N27°16'45"E a distance of 2,498.68 feet to a calculated point
25 at the northwest corner of said Parcel 03-1, also being the
26 southwest corner of the above-described Parcel 28-2;

27 THENCE, with the west line of said Parcel 28-2, the following

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1 five (5) courses:

2 1) N23°25'44"E a distance of 14.81 feet to a calculated angle
3 point;

4 2) N27°12'18"E a distance of 110.07 feet to a calculated
5 angle point;

6 3) N27°08'13"E a distance of 109.97 feet to a calculated
7 angle point;

8 4) N27°14'30"E a distance of 114.81 feet to a calculated
9 angle point; and

10 5) N27°12'49"E a distance of 7.53 feet to a calculated point
11 at the southeast corner of the above-described Parcel 27-1;

12 THENCE, with the south line of said Parcel 27-1, N62°40'24"W a
13 distance of 1,722.95 feet to a calculated point on the east
14 right-of-way line of FM Highway No. 973 at the southwest corner of
15 said Parcel 27-1;

16 THENCE, with the east right-of-way line of said FM Highway
17 No. 973, N27°14'18"E a distance of 2,115.67 feet to a calculated
18 point at the intersection with the south right-of-way line of
19 Harold Green Road at the northwest corner of said Parcel 27-1;

20 THENCE, with the south right-of-way line of said Harold Green
21 Road, S62°58'47"E a distance of 1,685.22 feet to a calculated angle
22 point;

23 THENCE, continuing with the south right-of-way line of said
24 Harold Green Road, S49°54'08"E a distance of 37.29 feet to a
25 calculated point at the intersection with the west right-of-way
26 line of State Highway No. 130 at the northeast corner of said Parcel
27 27-1;

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1 THENCE, with the west right-of-way line of said State Highway
2 No. 130, the following six (6) courses:

3 1) S27°10'40"W a distance of 207.10 feet to a calculated
4 point at the northwest corner of said Parcel 28-2;

5 2) S60°00'52"E a distance of 291.88 feet to a calculated
6 point at the northeast corner of said Parcel 28-2;

7 3) S29°59'08"W a distance of 908.52 feet to a calculated
8 angle point;

9 4) S12°44'41"W a distance of 849.11 feet to a calculated
10 angle point;

11 5) S18°15'23"E a distance of 401.53 feet to a calculated
12 angle point; and

13 6) S01°34'38"E a distance of 4,793.91 feet to the POINT OF
14 BEGINNING, and containing 446 acres of land, more or less.

15 TRACT 3

16 BEGINNING at a calculated point on the west right-of-way line
17 of FM Highway No. 973 at the northeast corner of the above-described
18 Parcel 03-4, for the northeast corner and POINT OF BEGINNING of the
19 herein described tract;

20 THENCE, with the west right-of-way line of said FM Highway
21 No. 973, S27°14'18"W a distance of 3,646.01 feet to a calculated
22 point at the southeast corner of said Parcel 03-4;

23 THENCE, with the south line of said Parcel 03-4, N62°56'53"W a
24 distance of 837.14 feet to a calculated point at the southwest
25 corner of said Parcel 03-4;

26 THENCE, with the west line of said Parcel 03-4, the following
27 three (3) courses:

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1 1) N27°31'25"E a distance of 340.08 feet to a calculated
2 angle point;

3 2) N27°26'49"E a distance of 1,634.23 feet to a calculated
4 angle point; and

5 3) N27°36'28"E a distance of 1,688.35 feet to a calculated
6 point at the northwest corner of said Parcel 03-4;

7 THENCE, with the north line of said Parcel 03-4, S61°47'25"E a
8 distance of 818.72 feet to the POINT OF BEGINNING, and containing 69
9 acres of land, more or less.

10 TRACT 4

11 BEGINNING at a calculated point on the east right-of-way line
12 of FM Highway No. 973 at the northwest corner of the above-described
13 Parcel 11-1, for the most westerly northwest corner and POINT OF
14 BEGINNING of the herein described tract;

15 THENCE, with the north line of said Parcel 11-1, S62°59'56"E a
16 distance of 1,705.04 feet to a calculated point on the west line of
17 the above-described Parcel 22-1 at the northeast corner of said
18 Parcel 11-1;

19 THENCE, with the west line of said Parcel 22-1, N27°24'34"E a
20 distance of 854.85 feet to a calculated point on the west
21 right-of-way line of State Highway No. 130 at the northwest corner
22 of said Parcel 22-1;

23 THENCE, with the west right-of-way line of said State Highway
24 No. 130, the following six (6) courses:

25 1) S62°02'37"E a distance of 70.21 feet to a calculated point
26 at the northeast corner of said Parcel 22-1;

27 2) S12°37'58"W a distance of 1,453.45 feet to a calculated

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1 point of curvature of a curve to the right;
2 3) Along said curve to the right an arc distance of 557.08
3 feet, having a radius of 1813.67 feet, and a chord which bears
4 S22°23'39"W a distance of 554.89 feet to a calculated point of
5 tangency;
6 4) S31°31'30"W a distance of 319.97 feet to a calculated
7 point at the southeast corner of the above-described Parcel 23-1;
8 5) N87°37'11"W a distance of 71.61 feet to a calculated angle
9 point; and
10 6) N62°35'47"W a distance of 400.24 feet to a calculated
11 point at the southwest corner of said Parcel 23-1;
12 THENCE, with the west lines of Parcels 23-1, 28-1 and 22-1,
13 N27°24'44"E a distance of 1,293.45 feet to a calculated point at the
14 southeast corner of said Parcel 11-1;
15 THENCE, with the south line of said Parcel 11-1, N62°59'56"W a
16 distance of 1,705.16 feet to a calculated point on the east
17 right-of-way line of said FM Highway No. 973 at the southwest corner
18 of said Parcel 11-1;
19 THENCE, with the east right-of-way line of said FM Highway
20 No. 973, N26°57'04"E a distance of 160.00 feet to the POINT OF
21 BEGINNING, and containing 24 acres of land, more or less.
22 TRACT 5
23 BEGINNING at a 1/2" iron rod found on the east right-of-way
24 line of FM Highway No. 973 at the northwest corner of the
25 above-described Parcel 07-1, for the northwest corner and POINT OF
26 BEGINNING of the herein described tract;
27 THENCE, with the north line of said Parcel 07-1, S63°23'23"E a

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1 distance of 1,720.22 feet to a calculated point at the northeast
2 corner of said Parcel 07-1;

3 THENCE, with the east line of said Parcel 07-1, a portion of
4 said line also being the west right-of-way line of said State
5 Highway No. 130, S27°27'34"W a distance of 5,047.34 feet to a
6 calculated angle point;

7 THENCE, continuing with the west right-of-way line of said
8 State Highway No. 130, S27°52'12"W a distance of 588.10 feet to a
9 calculated point at the southeast corner of said Parcel 07-1;

10 THENCE, with the south line of said Parcel 07-1, N63°23'09"W a
11 distance of 1,723.19 feet to a 1/2" iron rod found with cap marked
12 "Brooks-Baker" on the east right-of-way line of said FM Highway No.
13 973 at the southwest corner of said Parcel 07-1;

14 THENCE, with the east right-of-way line of said FM Highway
15 No. 973, the following three (3) courses:

16 1) N27°00'51"E a distance of 790.98 feet to a calculated
17 angle point;

18 2) N27°35'51"E a distance of 4,186.86 feet to a calculated
19 angle point; and

20 3) N27°44'31"E a distance of 657.55 feet to the POINT OF
21 BEGINNING, and containing 223 acres of land, more or less.

22 The gross area contained within Tracts 1, 2, 3, 4 and 5 totals
23 2,132 acres of land, more or less.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

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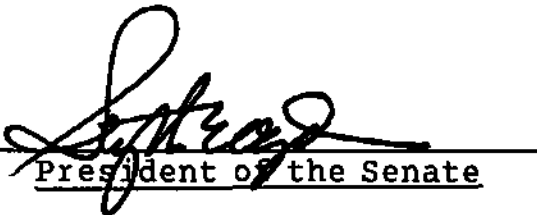
1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

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

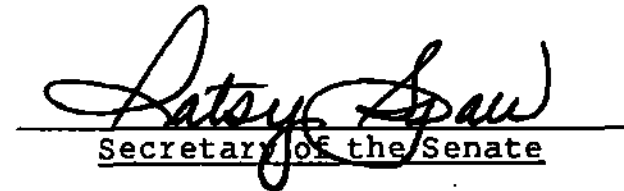
11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act have been
14 fulfilled and accomplished.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.

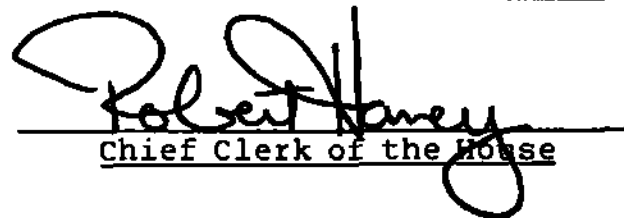

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 768 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 24, 2011, by the following vote: Yeas 30, Nays 1.


Secretary of the Senate

I hereby certify that S.B. No. 768 passed the House, with amendments, on May 20, 2011, by the following vote: Yeas 144, Nays 5, one present not voting.

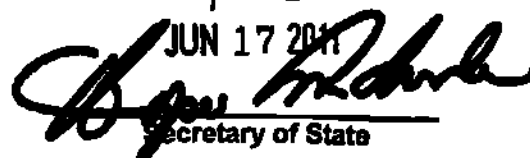

Chief Clerk of the House

Approved:

17 Jun '11
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 pm O'CLOCK

JUN 17 2011

Secretary of State