

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Crystal Clear Special Utility District; providing authority to issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7206 to read as follows:

CHAPTER 7206. CRYSTAL CLEAR SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7206.001. DEFINITIONS. In this chapter:

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

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

(3) "Corporation" means the Crystal Clear Water Supply Corporation.

(4) "Director" means a board member.

(5) "District" means the Crystal Clear Special Utility District.

Sec. 7206.002. NATURE OF DISTRICT. The district is a special utility district in Comal, Guadalupe, and Hays Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

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1 Sec. 7206.003. CONFIRMATION ELECTION REQUIRED. If the
2 creation of the district is not confirmed at a confirmation and
3 initial directors' election held before September 1, 2016:

4 (1) the district is dissolved on September 1, 2016,
5 except that the district shall:

6 (A) pay any debts incurred;

7 (B) transfer to Comal, Guadalupe, or Hays County,
8 as appropriate, any assets of the district that remain after the
9 payment of debts; and

10 (C) maintain the organization of the district
11 until all debts are paid and remaining assets are transferred; and

12 (2) this chapter expires September 1, 2017.

13 Sec. 7206.004. APPLICABILITY OF OTHER LAW. Except as
14 otherwise provided by this chapter, Chapters 49 and 65, Water Code,
15 apply to the district.

16 Sec. 7206.005. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act creating this chapter.

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

23 (1) the organization, existence, or validity of the
24 district;

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

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1 bond; or

2 (3) the legality or operation of the district or the
3 board of directors of the district.

4 SUBCHAPTER A-1. TEMPORARY PROVISIONS

5 Sec. 7206.021. TEMPORARY DIRECTORS. (a) The temporary
6 board of directors of the district is composed of:

7 (1) Dennis R. Krackau;

8 (2) Jackie E. Carson;

9 (3) Carroll U. Hoffmann;

10 (4) Richard A. Hanz;

11 (5) Jarold R. Hildebrand;

12 (6) James R. Stewart; and

13 (7) Michael L. Cox.

14 (b) Each temporary director shall qualify for office as
15 provided by Section 49.055, Water Code.

16 (c) If a temporary director fails to qualify for office, the
17 temporary directors who have qualified shall appoint a person to
18 fill the vacancy. If at any time there are fewer than four
19 qualified temporary directors, the commission shall appoint the
20 necessary number of directors to fill all vacancies on the board.

21 (d) Temporary directors serve until the earlier of:

22 (1) the date initial directors are elected under
23 Section 7206.022; or

24 (2) the date this chapter expires under Section
25 7206.003.

26 (e) As soon as practicable after all the temporary directors
27 have qualified under Section 49.055, Water Code, the temporary

1 directors shall convene the organizational meeting of the district
2 and elect officers from among the temporary directors.

3 Sec. 7206.022. CONFIRMATION AND INITIAL DIRECTORS'
4 ELECTION. (a) Before September 1, 2016, the temporary directors
5 shall hold an election to confirm the creation of the district and
6 to elect seven initial directors in accordance with Chapters 49 and
7 65, Water Code.

8 (b) The temporary board of directors shall determine the
9 method for determining the initial term of each person on the
10 initial board of directors. The terms must be clearly stated on the
11 ballot for the confirmation and directors' election.

12 (c) Section 41.001(a), Election Code, does not apply to a
13 confirmation and directors' election held as provided by this
14 section.

15 (d) The initial directors shall continue to serve until the
16 district directors elected at the first regularly scheduled
17 election of directors under Section 7206.052 qualify for office.

18 Sec. 7206.023. AMENDMENT OF CERTIFICATE OF CONVENIENCE AND
19 NECESSITY; TRANSFER OF ASSETS; DISSOLUTION. (a) On the effective
20 date of the Act enacting this chapter, all the territory described
21 by Section 3 of the Act creating this chapter is removed from the
22 territory covered by Certificate of Convenience and Necessity No.
23 10297. The commission shall revise its records to reflect the
24 removal of the described territory from that certificate's
25 coverage, effective on that date, without further application,
26 notice, or hearing. A person does not have any right of protest,
27 objection, or administrative review of the revision prescribed by

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1 this subsection. The revision to Certificate of Convenience and
2 Necessity No. 10297 is not contingent on the confirmation of the
3 district under Section 7206.022.

4 (b) If the creation of the district is confirmed under
5 Section 7206.022, the corporation shall transfer the assets, debts,
6 and contractual rights and obligations of the corporation to the
7 district. Following the transfer of assets:

8 (1) Certificate of Convenience and Necessity No.
9 10297, as revised in accordance with Subsection (a), is considered
10 to be held by the district;

11 (2) the board of directors of the corporation shall
12 begin dissolution proceedings of the corporation; and

13 (3) the board of directors of the corporation shall
14 notify the commission of the transfer of Certificate of Convenience
15 and Necessity No. 10297 to the district.

16 (c) On receipt of notice under Subsection (b)(3), the
17 commission shall note in its records that Certificate of
18 Convenience and Necessity No. 10297, as revised in accordance with
19 Subsection (a), is held by the district and shall reissue the
20 certificate in the name of the district without further
21 application, notice, or hearing. A person does not have any right
22 of protest, objection, or administrative review of the transfer
23 prescribed by this section.

24 Sec. 7206.024. EXPIRATION OF SUBCHAPTER. This subchapter
25 expires September 1, 2017.

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 7206.051. DIRECTORS. (a) The district shall be

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1 governed by a board of not fewer than 5 and not more than 11
2 directors, elected in accordance with Section 65.101, Water Code.

3 (b) The directors of the district serve staggered
4 three-year terms.

5 Sec. 7206.052. ELECTION OF DIRECTORS. After the district
6 is confirmed under Section 7206.022, the district shall hold an
7 election on the uniform election date in November of each year to
8 elect the appropriate number of directors.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7206.101. GENERAL POWERS. (a) Except as otherwise
11 provided by Subsection (b) and this chapter, the district has all of
12 the rights, powers, privileges, authority, functions, and duties
13 provided by the general law of this state, including Chapters 49 and
14 65, Water Code, applicable to special utility districts created
15 under Section 59, Article XVI, Texas Constitution.

16 (b) Land included in the territory described by Section 4 of
17 the Act creating this chapter may not be added to the district
18 unless the landowner provides written consent.

19 Sec. 7206.102. WATER SERVICE IMPACT FEE. (a) The district
20 may charge a water service impact fee that is not greater than the
21 capital recovery fee charged by the corporation on December 31,
22 2012, under the corporation's tariff.

23 (b) Chapter 395, Local Government Code, does not apply to an
24 initial water service impact fee set under Subsection (a).

25 (c) The district may increase the water service impact fee
26 authorized under Subsection (a) only as provided by Chapter 395,
27 Local Government Code, as approved by the commission, or as

1 otherwise provided by law.

2 Sec. 7206.103. EMINENT DOMAIN. (a) Except as provided by
3 Subsection (b), the district has all the power and authority of a
4 special utility district under Chapters 49 and 65, Water Code, to
5 acquire by condemnation any land, easement, or other property
6 located inside or outside the boundaries of the district for any
7 district project or purpose.

8 (b) The district may not exercise the power of eminent
9 domain to condemn land, easements, or other property located
10 outside the boundaries of the district for sanitary sewer purposes.

11 Sec. 7206.104. SERVICES TO BE PROVIDED BY DISTRICT OR CITY
12 OF NEW BRAUNFELS. (a) A structure constructed by the district in
13 the corporate limits or extraterritorial jurisdiction of the City
14 of New Braunfels must comply with any applicable codes and
15 ordinances of the city.

16 (b) The district may enter into an interlocal contract with
17 the City of New Braunfels to provide governmental services,
18 including drainage, solid waste, or fire protection services.

19 (c) The district may not provide solid waste collection
20 services in the corporate limits of the City of New Braunfels unless
21 the governing body of the city consents by resolution or ordinance.

22 (d) The district may not provide fire protection services in
23 the corporate limits or extraterritorial jurisdiction of the City
24 of New Braunfels unless the governing body of the city consents by
25 resolution or ordinance.

26 SECTION 2. The Crystal Clear Special Utility District
27 initially includes all the territory contained in the following

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1 area:
2 BEING that portion of Comal, Guadalupe, and Hays Counties,
3 Texas, which has a boundary more particularly described as follows:
4 BEGINNING at a point in Guadalupe County where the centerline of the
5 San Marcos River crosses the centerline of U.S. Highway 90;
6 THENCE in a southeasterly direction, with a line being 5,000 feet
7 east of and parallel to County Road 217 (Highsmith Road), to a point
8 in the north right-of-way line of Interstate Highway 10;
9 THENCE with the north right-of-way line of Interstate Highway 10,
10 in a westerly direction, to a point at its intersection with the
11 east boundary line of Springs Hill WSC CCN #10666;
12 THENCE following the Springs Hill WSC CCN #10666 boundary line in a
13 northerly, westerly, then southerly direction, until it intersects
14 with the north right-of-way line of Interstate Highway 10;
15 THENCE with the north right-of-way line of Interstate Highway 10,
16 in a westerly direction, to its intersection with the east City
17 Limit Line of Seguin, Texas;
18 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
19 then westerly direction, to its intersection with an eastern line
20 of the City of Seguin CCN #10698;
21 THENCE with the City of Seguin CCN #10698 line, in a northerly
22 direction, to a point at its intersection of the Springs Hill WSC
23 CCN #10666 boundary;
24 THENCE with the boundary of Springs Hill WSC CCN #10666 in a
25 northerly direction to the City Limit Line of Seguin, Texas;
26 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
27 then westerly direction, to its intersection with the eastern

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1 boundary of Springs Hill WSC CCN #10666;
2 THENCE meandering with the boundary line of Springs Hill WSC CCN
3 #10666 in a northwesterly direction to a point on the east boundary
4 line of the 810.54 acre tract of land described in the deed to
5 Normandy Terrace, Inc. recorded in the Guadalupe County Deed
6 Records;
7 THENCE with the eastern boundary of the 810.54 acre Normandy
8 Terrace Inc. tract in a northern direction to its northeast corner;
9 THENCE with the northern boundary of the 810.54 acre Normandy
10 Terrace Inc. tract in a westerly direction to the centerline of
11 Guadalupe County Road 140 (Schwarzlose Rd.);
12 THENCE with the centerline of Guadalupe County Road 140
13 (Schwarzlose Rd.), in a southerly direction to its intersection
14 with the boundary line of New Braunfels Utility CCN #10677;
15 THENCE with the boundary line of the New Braunfels Utility CCN
16 #10677, in a westerly, then northwesterly direction, crossing the
17 Comal County and Guadalupe County Line to its intersection with the
18 City Limits Line of New Braunfels, Texas;
19 THENCE with the City Limits Line of New Braunfels, Texas, in an
20 northeasterly, then northwesterly direction to a south corner of a
21 75.805 acre tract of land described in a deed to State of Texas FBO
22 Permanent School Fund recorded in Document # 200506039320, of the
23 Comal County Deed Records;
24 THENCE with the southeast line of the 75.805 acre State of Texas FBO
25 Permanent School Fund tract to its east corner, said east corner
26 being on the southwest line of the 119.882 acre tract described in a
27 deed to Marvin Kraft, Jr., et al, recorded in Book 1015, Page 444,

1 of the Comal County Deed Records;
2 THENCE with the northeast line of the 75.805 acre State of Texas FBO
3 Permanent School Fund tract and the west line of the 119.882 acre
4 Kraft tract, to the west corner of the 119.882 acre Kraft tract;
5 THENCE with the northern and eastern property boundaries of the
6 119.882 acre Kraft tract to its east corner, same being the south
7 corner of a 1,015.537 acre tract of land described in a deed to the
8 State of Texas FBO Permanent School Fund recorded in Document
9 #200506041691, of the Comal County Deed Records;
10 THENCE with the southern and northeastern property boundary of the
11 1,015.537 acre State of Texas FBO Permanent School Fund tract to a
12 point on the east right-of-way of Interstate Highway 35 for its
13 north corner;
14 THENCE with the east right-of-way line of Interstate Highway 35, in
15 a southwesterly direction, to its intersection with an eastern
16 boundary of the City Limit Line of New Braunfels, Texas;
17 THENCE with the City Limit Line of New Braunfels, Texas, in a
18 northwesterly and southwesterly direction to its intersection with
19 the northeast line of the 2.545 acre tract of land described in a
20 deed to Hitzfelder Family Partners LTD recorded in Book 98060, Page
21 1608, of the Comal County Deed Records;
22 THENCE with the northeast line of the 2.545 acre Hitzfelder Family
23 Partners LTD tract, in a northwest direction to its north corner and
24 to an east corner of a 20.009 acre tract of land described in a deed
25 to HPT TA Properties Trust recorded in Document #200706011233, of
26 the Comal County Deed Records;
27 THENCE with the northeast line of the 20.009 acre HPT TA Properties

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1 Trust tract, in a northwest direction, to its north corner and to an
2 east corner of a 10.182 acre tract of land described in a deed to Rip
3 Griffin Truck Service Center, Inc. recorded in Book 97060, Page
4 27464, of the Comal County Deed Records;
5 THENCE with the northeast line of the 10.182 acre Rip Griffin Truck
6 Center, Inc. tract, in a northwest direction, to its north corner
7 and to the east corner of a tract of land described in a deed to
8 Margyline Hitzfelder recorded in Book 181, Page 617, in the Comal
9 County Deed Records;
10 THENCE with the northeast line of the Margyline Hitzfelder tract,
11 in a northwest direction, to a south corner of a 17.71 acre tract of
12 land described in a deed to Papes Family Farm LTD recorded in
13 Document #200406007834, in the Comal County Deed Records;
14 THENCE with a southeast line of the 17.71 acre Papes Family Farm LTD
15 tract of land, in a northeast direction, to its east corner on the
16 southwest line of a 44.29 acre tract of land described in a deed to
17 Papes Family Farm, LTD., recorded in Document #200406007834, in the
18 Comal County Deed Records;
19 THENCE with the boundary of the 44.29 acre Papes Family Farm LTD
20 tract in a southeast, northeast, then northwest direction, to its
21 north corner and the west corner of a 230.695 acre tract of land
22 described in a deed to John A., Teresa J. and Andrea J. Ladshaw
23 recorded in Book 762, Page 008, of the Comal County Deed Records;
24 THENCE with a north line of a 230.695 acre tract, in a northeast
25 direction, to its north corner and a west corner of a 9.785 acre
26 tract of land described in a deed to John A. Ladshaw recorded in
27 Book 378, Page 799, in the Comal County Deed Records;

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1 THENCE with the boundary of the 9.785 acre John A. Ladshaw tract, in
2 a northeast and southeast direction, to its east corner on the west
3 right-of-way of Interstate Highway 35;
4 THENCE with the west right-of-way line of Interstate Highway 35 in a
5 northeasterly direction to a south corner of the 288.433 acre tract
6 of land described in a deed to Southstar of Havenwood, LLC, recorded
7 in Document #201206016391, of the Comal County Deed Records;
8 THENCE with the meanders of the southern and western boundary of the
9 288.433 acre Southstar of Havenwood, LLC, tract, in a western
10 direction, to its east corner on the southeast right-of-way line of
11 F.M. 1102;
12 THENCE across F.M. 1102 and with the northwest right-of-way line of
13 F.M. 1102 in a northeasterly direction to the south corner of Unit
14 #1 of the Havenwood at Hunter's Crossing Subdivision recorded in
15 Document #200606015745, of the Comal County Deed Records;
16 THENCE with the southwestern boundary of Unit #1 of the Havenwood at
17 Hunter's Crossing Subdivision, in a northwest direction, to the
18 south corner of Unit #2 of the Havenwood at Hunter's Crossing
19 Subdivision recorded as Document #200606040000, of the Comal County
20 Deed Records;
21 THENCE with the southwest line of Unit #2 of the Havenwood at
22 Hunter's Crossing Subdivision to a point on the southeast
23 right-of-way of Beaver Lane, said southeast right-of-way of Beaver
24 lane being the south boundary of Unit #4 of the Havenwood at
25 Hunter's Crossing Subdivision recorded as Document #200706047038,
26 of the Comal County Deed Records;
27 THENCE with the boundary of Unit #4 of the Havenwood at Hunter's

1 Crossing Subdivision, in a southwest, northwest, then northeast
2 direction, to the north corner of Unit #4 and the west corner of
3 Unit #3 of the Havenwood at Hunter's Crossing Subdivision recorded
4 as Document #200606046131, of the Comal County Deed Records;
5 THENCE with the boundary of Unit #3 of the Havenwood at Hunter's
6 Crossing Subdivision, in a northeast, southeast, then southwest
7 direction, to the east corner of Unit #2 of the Havenwood at
8 Hunter's Crossing Subdivision recorded as Document #200606040000,
9 of the Comal County Deed Records;
10 THENCE with the boundary of Unit #2 of the Havenwood at Hunter's
11 Crossing Subdivision, in a southwest, then southeast direction, to
12 a north corner of Unit #1 of the Havenwood at Hunter's Crossing
13 Subdivision recorded as Document #200606015745, of the Comal County
14 Deed Records;
15 THENCE with the eastern boundary of Unit #1 of the Havenwood at
16 Hunter's Crossing Subdivision, in a southeast direction, to its
17 southeast corner on the northeast right-of-way line of F.M. 1102;
18 THENCE with the northwest right-of-way line of F.M. 1102, in a
19 northeasterly direction, merging into F.M. 2439;
20 THENCE with the northwest right-of-way line of F.M. 2439 in a
21 northeasterly direction and crossing the Comal County and Hays
22 County Line to the east corner of a 79.748 acre tract of land
23 described in a deed to Flying W Properties LTD recorded in Book
24 3257, Page 704, of the Hays County Deed Records;
25 THENCE across and perpendicular to F.M. 2439 in a southeasterly
26 direction to the southeast right-of-way line of F.M. 2439;
27 THENCE with the southeast right-of-way line of F.M. 2439, in a

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1 northeast direction, to a west corner of a 2.65 acre tract of land
2 described in a deed to Frank and Jacqueline Brakley recorded in Book
3 2835, Page 823, of Hays County Deed Records;
4 THENCE with the southwestern boundary of the 2.65 acre Frank and
5 Jacqueline Brakley tract, in a southeast direction, to its south
6 corner in the northwest right-of-way line of the Union Pacific
7 Railroad;
8 THENCE in a southeasterly direction and crossing the Union Pacific
9 Railroad right-of-way and a tract of land described in a deed to
10 Flying W Properties LTD to the north corner of a 83.73 tract of land
11 described in a deed to Fred W. Heldenfels, IV recorded in Book 1974,
12 Page 368, of the Hays County Deed Records and also a point in the
13 western boundary of the City Limits of San Marcos, Texas;
14 THENCE with the western boundary of the City Limits Line of San
15 Marcos, Texas, in a southeasterly direction to its intersection
16 with the City of San Marcos CCN #10298;
17 THENCE with the City of San Marcos CCN #10298 in a southeasterly
18 direction to its intersection with the centerline of Hays County
19 Road 265 (Francis Harris Lane);
20 THENCE with the centerline of Hays County Road 265 in a southerly
21 and southeasterly direction to a southwest corner of a tract of land
22 described in a deed to Albert Dale Jonas recorded in Book 1530, Page
23 16, of Hays County Deed Records;
24 THENCE with the south line of the Albert Dale Jonas tract in an
25 easterly direction to a point on the Hays County and Guadalupe
26 County Line;
27 THENCE along the Hays County and Guadalupe County Line in a

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1 northeasterly direction to its intersection with the southern
2 boundary of the City of San Marcos CCN # 10298;
3 THENCE meandering with the boundary line of City of San Marcos CCN
4 #10298 in a northeasterly direction to its intersection with the
5 City Limits of San Marcos, Texas, and same point being the western
6 corner of a 100.00 Acre Tract of land conveyed to Cottonwood Creek
7 JDR, LTD. by Warranty Deed in Volume 2008, Page 0867, of the
8 Guadalupe County Deed Records;
9 THENCE with the City Limits of San Marcos, Texas, and around the
10 western, southern, and eastern perimeter of said 100.00 Acre Tract
11 to its intersection with the City of San Marcos CCN #10295 southern
12 boundary line same being the Hays County and Guadalupe County Line;
13 THENCE with the southern boundary of the City of San Marcos CCN
14 #10298 in a northeasterly direction to a point at its intersection
15 with the City Limits Line of San Marcos, Texas;
16 THENCE with the boundary of the City Limits Line of San Marcos,
17 Texas, in a southeasterly, then northeasterly direction to a point
18 at its intersection with the western boundary line of the
19 Martindale WSC CCN # 10312;
20 THENCE with the western boundary line of the Martindale WSC CCN
21 #10312 in a southeasterly direction to a point, said point being the
22 northern corner of the western boundary of the Tri-Community WSC
23 CCN #10313 and said point being located along the San Marcos River;
24 THENCE with the San Marcos River in a southerly direction to a point
25 at its intersection with F.M. 1977, said point also being located
26 along the western boundary of the Tri-Community WSC CCN #10313;
27 THENCE with the western boundary of the Tri-Community WSC CCN

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1 #10313 in a southeasterly direction to a point, said point being the
2 most southerly corner of CCN #10313 and being located in the San
3 Marcos River;
4 THENCE with the San Marcos River in a southeasterly direction to the
5 POINT OF BEGINNING.
6 WHICH above described territory includes that land lying and being
7 situated in ALL OR PORTIONS of the following surveys:
8 IN GUADALUPE COUNTY, TEXAS: John Wells Survey, Abstract No. 509;
9 John Wells Survey, Abstract No. 435; James P. Hector Survey,
10 Abstract No. 353; James Murphy Survey, Abstract No. 237; Robert
11 Smith Survey, Abstract No. 286; Jose Ramon Bedford Survey, Abstract
12 No. 5; Magarita Cherino Survey, Abstract No. 10; Antonio Maria
13 Esnaurizar Survey, Abstract No. 20; James Hodges Survey, Abstract
14 No. 148; Samuel Williams Survey, Abstract No.37; Edward C. Pettus
15 Survey, Abstract No. 264; Josias Randolph Survey, Abstract No. 276;
16 Martin Ussery Survey, Abstract No. 324; Joel W. Robinson Survey,
17 Abstract No. 275; James M. Bell Survey, Abstract No. 75; Samuel
18 Highsmith Survey, Abstract No. 25; Henry R. Hunt Survey, Abstract
19 No. 150; Uzziel Wakefield Survey, Abstract No. 327; Frederick
20 Happle Survey, Abstract No. 156; James A. Swift Survey, Abstract
21 No. 292; John Tom Survey, Abstract No. 316; Carlos Espalier Survey,
22 Abstract No. 129; Charles Hall Survey, Abstract No. 162; Matthew
23 Besore Survey, Abstract No. 61; William Griffin Survey, Abstract
24 No. 136; Andrew Neill Survey, Abstract No. 256; John Ussery Survey,
25 Abstract No. 323; James H. Thomas Survey, Abstract No. 311; Robert
26 Scobey Survey, Abstract No. 290; Churchill Fulchear Survey,
27 Abstract No. 130; Young Seltoon Survey, Abstract No. 293; Loria

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1 Billings Survey, Abstract No. 55; W. Riley Wood Survey, Abstract
2 No. 345; John McGrabb Survey, Abstract No. 242; Jacob A. Miller
3 Survey, Abstract No. 231; William G. Hunt Survey, Abstract No. 149;
4 J. G. King Survey, Abstract No. 208; William P. King Survey,
5 Abstract No. 207; Robert Hall Survey, Abstract No. 158; Harriet
6 Cottle Survey, Abstract No. 13; Geo. Blair Survey, Abstract No. 50;
7 J. Hampton Kuykendall Survey, Abstract No. 199; Michael Miller
8 Survey, Abstract No. 219; William H. Hunter Survey, Abstract No.
9 152; Edwin R. Kellett Survey, Abstract No. 198; Robert M.
10 Cartwright Survey, Abstract No. 83; James Latham Survey, Abstract
11 No. 209; Robert Smith Survey, Abstract No. 33; John B. Cowan Survey,
12 Abstract No. 84; J. Benton Johnson Survey, Abstract No. 191;
13 William Burnett Survey, Abstract No. 73; Uzziel Wakefield Survey,
14 Abstract No. 326; Michael Cody Survey, Abstract No. 99; Michael
15 Cody Survey, Abstract No. 86; Edward Pettus Survey, Abstract No.
16 31; William J. Ragsdale Survey, Abstract No. 268; Solomon Barnes
17 Survey, Abstract No. 56; John Jones Survey, Abstract No. 189;
18 Gustavus Chatwell Survey, Abstract No. 85; James W. Keller Survey,
19 Abstract No. 201; George Allen Survey, Abstract No. 1; Charles
20 Henderson Survey, Abstract No. 147; Christoval Rubio Survey,
21 Abstract No. 274; Wm. Perkins Survey, Abstract No. 263; James
22 Nashley Survey, Abstract No. 254; H. E. Jordt Survey, Abstract No.
23 195; Wm. Perkins Survey, Abstract No. 263; James B. Cowan Survey,
24 Abstract No. 81; John Wells Survey, Abstract No. 339; Cyrus
25 Campbell Survey, Abstract No. 8; Andrew Mitchell Survey, Abstract
26 No. 220; S. A. & M. G. R. R. Co. Survey, Abstract No. 308; Benjamin
27 & Graves Fulcher Survey, Abstract No. 21; James T. Murphy Survey,

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1 Abstract No. 233; and
2 In COMAL COUNTY, Texas: Antonio Maria Esnaurizar Survey, Abstract
3 No. 1; Orilla Russell Survey, Abstract No. 485; Nancy Kenner Survey,
4 Abstract No. 306; Samuel Craft Sr. Survey, Abstract No. 98; and
5 And in HAYS COUNTY, Texas: Samuel Craft Sr. Survey, Abstract No. 89;
6 Antonio Maria Esnaurizar Survey, Abstract No. 6; John Owens Survey,
7 Abstract No. 356; Thomas Bell Survey, Abstract No. 47; and Charles
8 Henderson Survey, Abstract No. 226.

9 SECTION 3. The territory to be removed from Certificate of
10 Convenience and Necessity No. 10297, as provided by Subsection (a),
11 Section 7206.023, Special District Local Laws Code, as added by
12 this Act, includes all of the territory contained in the following
13 area:

14 151.846 acres of land located in the Antonio Maria Esnaurizar
15 Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13,
16 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and
17 being comprised of the following parcels: a 28.477 acres of land
18 being out of and a part of a 28.632 acre tract as conveyed by SPECIAL
19 WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC) to M.W.
20 KRAFT, JR., executed on January 14, 1983, and recorded in Volume
21 874, Pages 72-76 of the Official Public Records of Comal County,
22 Texas, and being the same 28.477 acres of land conveyed to the State
23 of Texas for use and benefit of the Permanent School fund from RS
24 New Braunfels, Ltd., a Texas limited partnership dated October 14,
25 2005 and recorded in Document No. 200506039324 of the Official
26 Records of Comal County, Texas, and 27.474 acres of land being out
27 of and a part of a 27.611 acre tract as conveyed by GENERAL WARRANTY

1 DEED from MICHAEL PAYNTER and wife THETA SCHUG PAYNTER, to MARY
2 EVELYN FREEMAN, filed for record on June 10, 1985, and recorded in
3 Volume 451, Pages 695-697 of the Official Public Records of Comal
4 County, Texas, and being the same 27.474 acre tract conveyed to the
5 State of Texas for the use and benefit of the Permanent School Fund
6 from Mary Evelyn Freeman, dealing in her separate property, dated
7 October 14, 2005 and recorded in Document No. 200506045048 of the
8 Official Public Records of Comal County, Texas, and 20.035 acres of
9 land being out of and a part of a 26.6 acre tract as conveyed by
10 WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG ET UX to
11 LAWRENCE KOHLENBERG, and filed for record on October 18, 1949, and
12 recorded in Volume 92, Pages 43-44 of the Deed Records of Comal
13 County, Texas, and also being out of and a part of a 103.75 acre
14 tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from J.M.
15 SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and
16 recorded in Volume 77, Pages 442-443 of the Deed Records of Comal
17 County, Texas, and also being the same 20.035 acres conveyed to the
18 State of Texas for use and benefit of the Permanent School Fund from
19 Doracille Kohlenberg, an unmarried woman, dated October 14, 2005
20 and recorded in Document No. 200506039319 of the Official Public
21 Records of Comal County, Texas, and 74.803 acres of land being out
22 of and a part of a 74.44 acre tract as conveyed by DEED OF GIFT from
23 DORACILLE KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and
24 filed for record on March 4, 1993, and recorded in Volume 873, Pages
25 228-229 of the Official Public Records of Comal County, Texas, and
26 being out of and a part of a 103.75 acre tract as described in a
27 WARRANTY DEED with VENDOR'S LIEN, filed for record June 21, 1943,

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1 and recorded in Volume 77, Pages 442-443 of the Deed Records of
2 Comal County, Texas, and being the same 74.803 acre tract conveyed
3 to the State of Texas for the use and benefit of the Permanent
4 School fund from (i) Karen Wesch Hestand, formerly known as Karen
5 Wesch, and (ii) Foye Cooley, each dealing in her separate property,
6 dated October 14, 2005 and recorded in Document No. 200506039321 of
7 the Official Public Records of Comal County, Texas, and 1.002 acres
8 of land being out of and a part of a 74.44 acre tract as conveyed by
9 DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to KAREN WESCH and
10 FAYE COOLEY and filed for record on March 4, 1993, and recorded in
11 Volume 873, Pages 228-229 of the Official Public Records of Comal
12 County, Texas, and being out of and a part of a 103.75 acre tract as
13 described in a WARRANTY DEED with VENDOR'S LIEN, filed for record
14 June 21, 1943, and recorded in Volume 77, Pages 442-443 of the Deed
15 Records of Comal County, Texas, and being the same parcel
16 designated as TRACT NO. 2 (1.003 acres) by DEED OF GIFT from FAYE
17 COOLEY to KAREN HESTAND, executed on March 14, 1996, and recorded in
18 Document No. 9606005988 of the Official Public Records of Comal
19 County, Texas, and being a portion of said 1.002 acre tract as
20 conveyed to the State of Texas for the use and benefit of the
21 Permanent School Fund from Karen Wesch Hestand and husband, Herbert
22 Hoyt Hestand, dated October 14, 2005 and recorded in Document No.
23 200506039320 of the Official Public Records of Comal County, Texas,
24 said 151.846 acres of land being more particularly described as
25 follows:

26 BEGINNING: at a found concrete highway monument (Type I) at
27 the intersection of the Southeast Right of Way Line of I.H. 35 with

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1 the Northeast cutback line of Kohlenberg Road and being the
2 Westernmost corner of this parcel and said 20.035 acre; (Grid N =
3 13,820,305.66, Grid E = 2,267,616.06, Scale factor of 1.00014 for
4 surface adjustment);

5 THENCE: (1) NORTH 31 deg. 26' 12" East, a distance of 1091.64
6 feet along the Northwest line of this parcel and the Southeast Right
7 of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap
8 being the Northernmost corner of this parcel and the Westernmost
9 corner of a 3.560 acre tract as recorded in Document No.
10 200406003961 of the Official Public Records of Comal County, Texas;

11 THENCE: (2) SOUTH 45 deg. 19' 36" East, a distance of 610.43
12 feet along the Northeast line of this parcel and said 103.75 acre
13 tract and the Southwest line of said 3.560 acre tract to a found
14 1/2" iron pin being the Southernmost corner of said 3.560 acre
15 tract;

16 THENCE: (3) NORTH 38 deg. 14' 02" East, a distance of 296.28
17 feet along the Northwest line of this parcel and said 27.611 acre
18 tract and the Southeast line of said 3.560 acre tract to a found
19 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

20 THENCE: (4) NORTH 53 deg. 45' 08" West, a distance of 631.50
21 feet along the Northeast line of this parcel and the Southwest line
22 of said 27.611 acre tract and the Northeast line of said 3.560 acre
23 tract to a found 1/2" iron pin in the Southeast Right of Way Line of
24 said I.H. 35, and being the Northernmost corner of said 3.560 acre
25 tract;

26 THENCE: (5) NORTH 31 deg. 26' 12" East, a distance of 245.64
27 feet along the Northwest line of this parcel and said 27.611 acre

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1 tract and the Southeast Right of Way Line of said I.H. 35 to a found
2 1/2" iron pin being the Westernmost corner of the remainder of a
3 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed
4 Records of Comal County, Texas;

5 THENCE: (6) SOUTH 41 deg. 20' 52" East, a distance of 507.94
6 feet along the Northeast line of this parcel and said 27.611 acre
7 tract and the Southwest line of said 2.35 acre tract to a found 1/2"
8 iron pin being the Southernmost corner of said 2.35 acre tract;

9 THENCE: (7) NORTH 53 deg. 30' 10" East, a distance of 151.22
10 feet along the Northwest line of this parcel and said 27.611 acre
11 tract and the Southeast line of said 2.35 acre tract to a found 1/2"
12 iron pin being the Easternmost corner of said 2.35 acre tract and
13 the Southwest line of said 28.632 acre tract;

14 THENCE: (8) NORTH 41 deg. 10' 27" West, a distance of 567.95
15 feet along the Southwest line of this parcel and said 28.632 acre
16 tract and the Northeast line of said 2.35 acre tract to a found 1/2"
17 iron pin in the Southeast Right of Way Line of I.H.35;

18 THENCE: (9) NORTH 31 deg. 26' 12" East, a distance of 249.72
19 feet along the Northwest line of this parcel and said 28.632 acre
20 tract and the Southeast Right of Way Line of I.H.35 to a set 1/2"
21 iron pin with plastic cap being a point of curvature;

22 THENCE: (10) 83.60 feet along the arc of a curve to the right,
23 having a radius of 22784.31 feet, and a central angle of 00 deg. 12'
24 37", and whose chord bears North 31 deg. 32' 30" East, a distance of
25 83.60 feet to a found 1/2" iron pin being the Northernmost corner of
26 this parcel and said 28.632 acre tract and the Westernmost corner of
27 a 28.500 acre tract as recorded in Document No. 9806027705 of the

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1 Official Public Records of Comal County, Texas;

2 THENCE: (11) SOUTH 42 deg. 31' 00" East, a distance of 3408.67
3 feet along the Northeast line of this parcel and said 28.632 acre
4 tract and the Southwest line of said 28.500 acre tract to a found
5 1/2" iron pin in the Northeast line of a 119.882 acre tract as
6 recorded in Volume 1015, Page 444 of the Official Public Records of
7 Comal County, Texas, and being the Easternmost corner of this
8 parcel and said 28.632 acre tract and the Southernmost corner of
9 said 28.500 acre tract;

10 THENCE: (12) SOUTH 56 deg. 54' 03" West, a distance of 439.45
11 feet along the Southeast line of this parcel and said 28.632 acre
12 tract and the Northwest line of said 119.882 acre tract to a found
13 1/2" iron pin being the Southernmost corner, said 28.632 acre tract
14 and the Easternmost corner of a 27.611 acre tract as recorded in
15 Volume 451, Pages 695-697 of the Deed Records of Comal County,
16 Texas;

17 THENCE: (13) SOUTH 56 deg. 53' 33" West, a distance of 320.67
18 feet along the Southeast line of this parcel and said 27.611 acre
19 tract and the Northwest line of said 119.882 acre tract to a found
20 3/8" iron pin in the Northeast line of a 74.44 acre tract as
21 recorded in Volume 873, Pages 228-229 of the Official Public
22 Records of Comal County, Texas, and being the Southernmost corner
23 of this parcel and said 27.611 acre tract;

24 THENCE: (14) SOUTH 44 deg. 49' 00" East, a distance of 291.65
25 feet along the Northeast line of this parcel and said 74.44 acre
26 tract and the Southwest line of said 119.882 acre tract to a wood
27 corner post being the Easternmost corner of said 74.44 acre tract;

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1 THENCE: (15) SOUTH 45 deg. 08' 03" West, a distance of 1414.62
2 feet along the Southeast line of this parcel and said 74.44 acre
3 tract and the Northwest line of a 49.18 acre tract as recorded in
4 Document No. 200006018425 of the Official Public Records of Comal
5 County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page
6 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron
7 pin with plastic cap in the Northeast Right of Way Line of
8 Kohlenberg Road, and being the Southernmost corner of this parcel
9 and said 74.44 acre tract and the Westernmost corner of said 3.000
10 acre tract;

11 THENCE: (16) NORTH 44 deg. 37' 29" West, a distance of 1423.84
12 feet along the Southwest line of this parcel and said 74.44 acre
13 tract and said 103.75 acre tract and the Northeast Right of Way Line
14 of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the
15 Southernmost corner of a 1.736 acre tract and designated as TRACT
16 NO. 1, and recorded in Document No. 9606005988 of the Official
17 Public Records of Comal County, Texas;

18 THENCE: (17) NORTH 33 deg. 57' 40" East, a distance of 411.84
19 feet along the Northwest line of this parcel and the Southeast line
20 of said 1.736 acre tract to a found 3/8" iron pin being the
21 Easternmost corner of this parcel;

22 THENCE: (18) NORTH 68 deg. 19' 31" West, a distance of 242.07
23 feet along the Southwest line of this parcel and the Northeast line
24 of said 1.736 acre tract to a found 1/2" iron pin being the
25 Northernmost corner of said 1.736 acre tract; and

26 THENCE: (19) SOUTH 22 deg. 37' 45" West, a distance of 332.23
27 feet along the Southeast line of this parcel and the Northwest line

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1 of said 1.736 acre tract to a found 1/2" iron pin in the Northeast
2 Right of Way Line of Kohlenberg Road, and being the Westernmost
3 corner of said 1.736 acre tract;

4 THENCE: the following courses along the Southwest line of
5 this parcel and said 74.44 acre tract and the Northeast Right of Way
6 Line of said Kohlenberg Road, and the cutback Right of Way Line to
7 I.H.35:

8 (20) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to
9 a found concrete highway monument (Type I) and being an angle point;

10 (21) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to
11 a found concrete highway monument (Type I) being an angle point;

12 (22) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to
13 a found concrete highway monument (Type I) being an angle point;

14 (23) NORTH 32 deg. 12' 31" West, a distance of 223.04 feet to
15 a found concrete highway monument (Type I) being an angle point;

16 (24) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to
17 a found concrete highway monument (Type I) being an angle point;

18 (25) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to
19 a found concrete highway monument (Type I) being an angle point; and

20 (26) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to
21 a found concrete highway monument (Type I) at the intersection of
22 the Southeast Right of Way Line of I.H. 35 with the Northeast
23 cutback line of Kohlenberg Road and being the Westernmost corner of
24 this parcel and said 19.31 acre tract being the POINT OF BEGINNING,
25 containing 151.846 acres of land.

26 SECTION 4. The territory that may not be added to the
27 district without written consent of the landowner, as provided by

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1 Section 7206.101, Special District Local Laws Code, as added by
2 this Act, includes all of the territory contained in the following
3 area:

4 1252.958 acres of land located in the Antonio Maria Esnaurizar
5 Eleven League Grant, Survey No. 1, Abstract No. 1, Subdivisions 13,
6 14, 15, 16, 17, 18, 19, 20, 21, 22, and 31, Comal County, Texas, and
7 being comprised of the following parcels: 1015.410 acre tract as
8 described as a 1015.701 acre tract by a SPECIAL WARRANTY DEED from
9 NORMANDY TERRACE, INC., a Texas Corporation, JAMES C. NORMAN, NANCY
10 NORMAN and SUSAN N. SMITH to LAMROCK 3-2001 LIMITED, a Texas limited
11 partnership, executed on April 30, 2001, and recorded in Document
12 No. 200106014380 of the Official Public Records of Comal County,
13 Texas, and an 85.763 acre tract comprised of a 57.133 acre tract as
14 described in a PARTITION DEED between LEE E. JOHNSON and wife JEN
15 MEI JOHNSON, executed on September 7, 1983, and recorded in Volume
16 351, Pages 931-939 of the Deed Records of Comal County, Texas, and a
17 28.500 acre tract as conveyed by SPECIAL WARRANTY DEED dated
18 November 3, 1998, and recorded in Document No. 9806027705 of the
19 Official Public Records of Comal County, Texas, and 28.477 acres of
20 land being out of and a part of a 28.632 acre tract as conveyed by
21 SPECIAL WARRANTY DEED from the RESOLUTION TRUST CORPORATION (RTC)
22 to M.W. KRAFT, JR., executed on January 14, 1983, and recorded in
23 Volume 874, Pages 72-76 of the Official Public Records of Comal
24 County, Texas, and 27.474 acres of land being out of and a part of a
25 27.611 acre tract as conveyed by GENERAL WARRANTY DEED from MICHAEL
26 PAYNTER and wife THETA SCHUG PAYNTER, to MARY EVELYN FREEMAN, filed
27 for record on June 10, 1985, and recorded in Volume 451, Pages

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1 695-697 of the Official Public Records of Comal County, Texas, and
2 20.035 acres of land being out of and a part of a 26.6 acre tract as
3 conveyed by WARRANTY DEED WITH VENDOR'S LIEN from EGON KOHLENBERG
4 ET UX to LAWRENCE KOHLENBERG, and filed for record on October 18,
5 1949, and recorded in Volume 92, Pages 43-44 of the Deed Records of
6 Comal County, Texas, and also being out of and a part of a 103.75
7 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN from J.M.
8 SMITH to EGON KOHLENBERG ET UX, filed for record June 21, 1943, and
9 Recorded in Volume 77, Pages 442-443 of the Deed Records of Comal
10 County, Texas, and 74.803 acres of land being out of and a part of a
11 74.44 acre tract as conveyed by DEED OF GIFT from DORACILLE
12 KOHLENBERG, a widow, to KAREN WESCH and FAYE COOLEY, and filed for
13 record on March 4, 1993, and recorded in Volume 873, Pages 228-229
14 of the Official Public Records of Comal County, Texas, and being out
15 of and a part of a 103.75 acre tract as described in a WARRANTY DEED
16 with VENDOR'S LIEN, filed for record June 21, 1943, and recorded in
17 Volume 77, Pages 442-443 of the Deed Records of Comal County, Texas,
18 and 1.002 acres of land being out of and a part of a 74.44 acre tract
19 as conveyed by DEED OF GIFT from DORACHILLE KOHLENBERG, a widow, to
20 KAREN WESCH and FAYE COOLEY and filed for record on March 4, 1993,
21 and recorded in Volume 873, Pages 228-229 of the Official Public
22 Records of Comal County, Texas, and being out of and a part of a
23 103.75 acre tract as described in a WARRANTY DEED with VENDOR'S
24 LIEN, filed for record June 21, 1943, and recorded in Volume 77,
25 Pages 442-443 of the Deed Records of Comal County, Texas, and being
26 the same parcel designated as TRACT NO. 2 (1.003 acres) by DEED OF
27 GIFT from FAYE COOLEY to KAREN HESTAND, executed on March 14, 1996,

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1 and recorded in Document No. 9606005988 of the Official Public
2 Records of Comal County, Texas, said 1252.958 acres of land being
3 more particularly described as follows:

4 BEGINNING: at a set 1/2" iron pin with plastic cap in the
5 Southeast Right of Way Line of I.H.35 and being the Northernmost
6 corner of this parcel and said 1015.701 acre tract and the
7 Westernmost corner of a 69.569 acre tract as recorded in Document
8 No. 9506481804 of the Official Public Records of Comal County,
9 Texas; and

10 THENCE: (1) SOUTH 45 deg. 00' 03" East, (all bearings in this
11 description are based on Grid North of the Texas Coordinate System,
12 NAD 83 (93) Zone 4204), a distance of 2148.79 feet along the
13 Northwest line of this parcel and said 1015.701 acre tract and the
14 Southwest line of said 69.569 acre tract to a found 2" iron pipe
15 being the Southernmost corner of said 69.569 acre tract;

16 THENCE: the following courses along the Northeast line of
17 this parcel and said 1015.701 acre tract and the Southwest line of
18 an 18.092 acre tract as recorded in Volume 972, Page 676 of the
19 Official Public Records of Comal County, Texas, and the CUATRO
20 AMIGOS SUBDIVISION as recorded in Volume 11, Page 100 of the Map and
21 Plat Records of Comal County, Texas, and an 18.062 acre tract as
22 recorded in Document No. 9906009211 of the Official Public Records
23 of Comal County, Texas, and a 35.370 acre tract as recorded in
24 Volume 85, Pages 564-565 of the Deed Records of Comal County, Texas,
25 and a 27.00 acre tract as recorded in Volume 433, Page 473 of the
26 Deed Records of Comal County, Texas, and a 27.00 acre tract as
27 recorded in Volume 433, Page 475 of the Deed Records of Comal County

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1 Texas, and a 27.00 acre tract as recorded in Volume 433, Page 471 of
2 the Deed Records of Comal County, Texas, and a 15.00 acre tract as
3 recorded in Volume 862, Page 417 of the Official Public Records of
4 Comal County, Texas:

5 (2) SOUTH 44 deg. 45' 25" East, a distance of 1675.16 feet to
6 a found 60d nail being an angle point;

7 (3) SOUTH 44 deg. 16' 57" East, a distance of 243.82 feet to a
8 found 60d nail being an angle point;

9 (4) SOUTH 46 deg. 04' 58" East, a distance of 1040.03 feet to
10 a found 60d nail being an angle point; and

11 (5) SOUTH 45 deg. 39' 04" East, a distance of 2159.39 feet to
12 a found 1/2" iron pin being the Northernmost corner of a 125.571
13 acre tract as recorded in Volume 744, Page 126 of the Official
14 Public Records of Comal County, Texas;

15 THENCE: the following courses along the Southeast line of
16 this parcel and said 1015.701 acre tract and the Northwest line of
17 said 125.571 acre tract:

18 (6) SOUTH 47 deg. 05' 12" West, a distance of 1402.22 feet to
19 a found 1/2" iron pin being an angle point;

20 (7) SOUTH 41 deg. 11' 48" East, a distance of 52.89 feet to a
21 set 1/2" iron pin with plastic cap being an angle point; and

22 (8) SOUTH 29 deg. 55' 10" West, a distance of 3.91 feet to a
23 set 1/2" iron pin with plastic cap, being an interior corner of this
24 parcel and said 1015.701 acre tract and the Westernmost corner of
25 said 125.571 acre tract;

26 THENCE:(9) SOUTH 44 deg. 18' 16" East, a distance of 759.93
27 feet along the Northeast line of this parcel and said 1015.701 acre

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1 tract and the Southwest line of said 125.571 acre tract to a set
2 1/2" iron pin with plastic cap being an angle point; and

3 (10) SOUTH 44 deg. 50' 59" East, a distance of 2402.27 feet
4 along the Northeast line of this parcel and said 1015.701 acre tract
5 and the Southwest line of said 125.571 acre tract to a found 1/2"
6 iron pin being the Northernmost corner of a 2.301 acre tract as
7 recorded in Volume 341, Page 63 of the Deed Records of Comal County,
8 Texas;

9 THENCE: the following courses along the Southeast line of
10 this parcel and said 1015.701 acre tract and the Northwest line of
11 said 2.301 acre tract and a 2.00 acre tract as recorded in Volume
12 62, Page 862 of the Deed Records of Comal County, Texas:

13 (11) SOUTH 44 deg. 34' 13" West, a distance of 633.91 feet to
14 a found 1/2" iron pin being an angle point; and

15 (12) SOUTH 02 deg. 51' 44" East, a distance of 89.86 feet to a
16 set 1/2" iron pin with plastic cap being the Southeast corner of
17 this parcel and said 1015.701 acre tract and the Southwest corner of
18 said 2.00 acre tract and being in the North Right of Way Line of F.M.
19 1101, and being a point of curvature;

20 THENCE: the following courses along the South line of this
21 parcel and said 1015.701 acre tract and the North Right of Way Line
22 of F.M. 1101:

23 (13) 493.60 feet along the arc of a curve to the right, having
24 a radius of 3769.80 feet, and a central angle of 07 deg. 30' 07", and
25 whose chord bears South 84 deg. 31' 13" West, a distance of 493.25
26 feet to a found concrete highway monument (Type I);

27 (14) SOUTH 88 deg. 19' 44" West, a distance of 800.02 feet to

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1 a found concrete highway monument (Type I) being an angle point;
 2 (15) SOUTH 88 deg. 19' 51" West, a distance of 1598.80 feet to
 3 a found concrete highway monument (Type I) being an angle point;
 4 (16) NORTH 86 deg. 11' 44" West, a distance of 295.61 feet to
 5 a found concrete monument (Type I) being an angle point;
 6 (17) SOUTH 88 deg. 44' 07" West, a distance of 169.63 feet to
 7 a found concrete highway monument (Type I) being an angle point; and
 8 (18) SOUTH 79 deg. 04' 08" West, a distance of 298.47 feet to
 9 a found steel fence post being the Southwest corner of said 1015.701
 10 acre tract and the Easternmost corner of an 119.882 acre tract as
 11 recorded in Volume 1015, Page 444 of the Official Public Records of
 12 Comal County, Texas;

13 THENCE: the following courses along the Southwest line of
 14 this parcel and said 1015.701 acre tract and the Northeast line of
 15 said 119.882 acre tract:

16 (19) NORTH 45 deg. 28' 52" West, a distance of 1565.19 feet to
 17 a found 1/4" iron pin being an interior corner of this parcel and
 18 said 1015.701 acre tract;

19 (20) SOUTH 57 deg. 43' 21" West, a distance of 155.81 feet to
 20 a found fence post being an angle point;

21 (21) SOUTH 57 deg. 21' 38" West, a distance of 836.82 feet to
 22 a found 3/8" iron pin being an exterior corner of this parcel and
 23 said 1015.701 acre tract;

24 (22) NORTH 44 deg. 02' 14" West, a distance of 507.09 feet to
 25 a found fence post being an angle point; and

26 (23) NORTH 45 deg. 03' 47" West, a distance of 469.71 feet to
 27 a found 3/8" iron pin being the Easternmost corner of a 57.133 acre

1 tract as recorded in Volume 351, Pages 931-939 of the Deed Records
2 of Comal County, Texas; and

3 THENCE: (24) SOUTH 56 deg. 54' 03" West, a distance of 1110.45
4 feet along the Southeast line of this parcel and said 57.133 acre
5 tract and said 28.500 acre tract and the Northeast line of said
6 119.882 acre tract to a found 1/2" iron pin being the Southernmost
7 corner of said 28.500 acre tract and the Easternmost corner of a
8 28.632 acre tract as recorded in Volume 874, Pages 72-76 of the Deed
9 Records of Comal County, Texas;

10 THENCE: (25) SOUTH 56 deg. 54' 03" West, a distance of 439.45
11 feet along the Southeast line of this parcel and said 28.632 acre
12 tract and the Northwest line of said 119.882 acre tract to a found
13 1/2" iron pin being the Southernmost corner of said 28.632 acre
14 tract and the Easternmost corner of a 27.611 acre tract as recorded
15 in Volume 451, Pages 695-697 of the Deed Records of Comal County,
16 Texas;

17 THENCE: (26) SOUTH 56 deg. 53' 33" West, a distance of 320.67
18 feet along the Southeast line of this parcel and said 27.611 acre
19 tract and the Northwest line of said 119.882 acre tract to a found
20 3/8" iron pin in the Northeast line of a 74.44 acre tract as
21 recorded in Volume 873, Pages 228-229 of the Official Public
22 Records of Comal County, Texas, and being the Southernmost corner
23 of this parcel and said 27.611 acre tract;

24 THENCE: (27) SOUTH 44 deg. 49' 00" East, a distance of 291.65
25 feet along the Northeast line of this parcel and said 74.44 acre
26 tract and the Southwest line of said 119.882 acre tract to a wood
27 corner post being the Easternmost corner of said 74.44 acre tract;

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1 THENCE: (28) SOUTH 45 deg. 08' 03" West, a distance of 1414.62
2 feet along the Southeast line of this parcel and said 74.44 acre
3 tract and the Northwest line of a 49.18 acre tract as recorded in
4 Document No. 200006018425 of the Official Public Records of Comal
5 County, Texas, and a 3.00 acre tract as recorded in Volume 512, Page
6 254 of the Deed Records of Comal County, Texas, to a set 1/2" iron
7 pin with plastic cap in the Northeast Right of Way Line of
8 Kohlenberg Road, and being the Southernmost corner of said 74.44
9 acre tract and the Westernmost corner of said 3.000 acre tract;

10 THENCE: (29) NORTH 44 deg. 37' 29" West, a distance of 1423.84
11 feet along the Southwest line of this parcel and said 74.44 acre
12 tract and said 103.75 acre tract and the Northeast Right of Way Line
13 of Kohlenberg Road to a set 1/2" iron pin with plastic cap being the
14 Southernmost corner of a 1.736 acre tract and designated as TRACT
15 NO. 1, and recorded in Document No. 9606005988 of the Official
16 Public Records of Comal County, Texas;

17 THENCE: (30) NORTH 33 deg. 57' 40" East, a distance of 411.84
18 feet along the Northwest line of this parcel and the Southeast line
19 of said 1.736 acre tract to a found 3/8" iron pin being the
20 Easternmost corner of this parcel;

21 THENCE: (31) NORTH 68 deg. 19' 31" West, a distance of 242.07
22 feet along the Southwest line of this parcel and the Northeast line
23 of said 1.736 acre tract to a found 1/2" iron pin being the
24 Northernmost corner of said 1.736 acre tract; and

25 THENCE: (32) SOUTH 22 deg. 37' 45" West, a distance of 332.23
26 feet along the Southeast line of this parcel and the Northwest line
27 of said 1.736 acre tract to a found 1/2" iron pin in the Northeast

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1 Right of Way Line of Kohlenberg Road, and being the Westernmost
2 corner of said 1.736 acre tract;

3 THENCE: the following courses along the Southwest line of
4 this parcel and said 74.44 acre tract and the Northeast Right of Way
5 Line of said Kohlenberg Road, and the cutback Right of Way Line to
6 I.H.35:

7 (33) NORTH 44 deg. 37' 29" West, a distance of 399.53 feet to
8 a found concrete highway monument (Type I) and being an angle point;

9 (34) NORTH 34 deg. 38' 01" West, a distance of 102.61 feet to
10 a found concrete highway monument (Type I) being an angle point;

11 (35) NORTH 44 deg. 39' 10" West, a distance of 149.81 feet to
12 a found concrete highway monument (Type I) being an angle point;

13 (36) NORTH 32 deg. 12' 31" West, a distance of 174.23 feet to
14 said 74.44 acre tract and the Southernmost corner of a 19.31 acre
15 tract as recorded in Volume 92, Pages 43-44 of the Deed Records of
16 Comal County, Texas;

17 (37) NORTH 32 deg. 12' 31" West, a distance of 48.81 feet to a
18 found concrete highway monument (Type I) being an angle point;

19 (38) NORTH 17 deg. 45' 14" West, a distance of 210.69 feet to
20 a found concrete highway monument (Type I) being an angle point;

21 (39) NORTH 06 deg. 34' 20" West, a distance of 302.39 feet to
22 a found concrete highway monument (Type I) being an angle point; and

23 (40) NORTH 58 deg. 18' 56" West, a distance of 173.56 feet to
24 a found concrete highway monument (Type I) at the intersection of
25 the Southeast Right of Way Line of I.H. 35 with the Northeast
26 cutback line of Kohlenberg Road and being the Westernmost corner of
27 this parcel and said 19.31 acre tract;

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1 THENCE: (41) NORTH 31 deg. 26' 12" East, a distance of 1091.64
2 feet along the Northwest line of this parcel and the Southeast Right
3 of Way Line of said I.H.35 to a set 1/2" iron pin with plastic cap
4 being the Northernmost corner of this parcel and the Westernmost
5 corner of a 3.560 acre tract as recorded in Document No.
6 200406003961 of the Official Public Records of Comal County, Texas;

7 THENCE: (42) SOUTH 45 deg. 19' 36" East, a distance of 610.43
8 feet along the Northeast line of this parcel and said 19.31 acre
9 tract and said 103.75 acre tract and the Southwest line of said
10 3.560 acre tract to a found 1/2" iron pin being the Southernmost
11 corner of said 3.560 acre tract;

12 THENCE: (43) NORTH 38 deg. 14' 02" East, a distance of 296.28
13 feet along the Northwest line of this parcel and said 27.611 acre
14 tract and the Southeast line of said 3.560 acre tract to a found
15 1/2" iron pin being the Easternmost corner of said 3.560 acre tract;

16 THENCE: (44) NORTH 53 deg. 45' 08" West, a distance of 631.50
17 feet along the Southwest line of this parcel and said 27.611 acre
18 tract and the Northeast line of said 3.560 acre tract to a found
19 1/2" iron pin in the Southeast Right of Way Line of said I.H. 35, and
20 being the Northernmost corner of said 3.560 acre tract;

21 THENCE: (45) NORTH 31 deg. 26' 12" East, a distance of 245.64
22 feet along the Northwest line of this parcel and said 27.611 acre
23 tract and the Southeast Right of Way Line of said I.H. 35 to a found
24 1/2" iron pin being the Westernmost corner of the remainder of a
25 2.35 acre tract as recorded in Volume 293, Pages 371-373 of the Deed
26 Records of Comal County, Texas;

27 THENCE: (46) SOUTH 41 deg. 20' 52" East, a distance of 507.94

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1 feet along the Northeast line of this parcel and said 27.611 acre
2 tract and the Southwest line of said 2.35 acre tract to a found 1/2"
3 iron pin being the Southernmost corner of said 2.35 acre tract;

4 THENCE: (47) NORTH 53 deg. 30' 10" East, a distance of 151.22
5 feet along the Northwest line of this parcel and said 27.611 acre
6 tract and the Southeast line of said 2.35 acre tract to a found 1/2"
7 iron pin being the Easternmost corner of said 2.35 acre tract and
8 the Southwest line of said 28.632 acre tract;

9 THENCE: (48) NORTH 41 deg. 10' 27" West, a distance of 567.95
10 feet along the Southwest line of this parcel and said 28.632 acre
11 tract and the Northeast line of said 2.35 acre tract to a found 1/2"
12 iron pin in the Southeast Right of Way Line of I.H.35;

13 THENCE: (49) NORTH 31 deg. 26' 12" East, a distance of 249.72
14 feet along the Northwest line of this parcel and said 28.632 acre
15 tract and the Southeast Right of Way Line of I.H.35 to a set 1/2"
16 iron pin with plastic cap being a point of curvature;

17 THENCE: (50) 152.44 feet along the arc of a curve to the
18 right, having a radius of 22784.31 feet, and a central angle of 00
19 deg. 23' 00", and whose chord bears North 31 deg. 37' 42" East, a
20 distance of 152.44 feet to a found concrete highway monument being a
21 point of tangency;

22 THENCE: (51) NORTH 31 deg. 50' 19" East, a distance of 263.09
23 feet along the Northwest line of this parcel and said 28.500 acre
24 tract and the Southeast Right of Way Line of I.H.35 to a found 1/2"
25 iron pin being the Northernmost corner of said 28.500 acre tract and
26 the Westernmost corner of said 57.133 acre tract;

27 THENCE: (52) NORTH 31 deg. 50' 19" East, a distance of 663.99

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1 feet along the Northwest line of this parcel and said 57.133 acre
2 tract and the Southeast Right of Way Line of I.H.35 to a found 1/2"
3 iron pin being the Northernmost corner of said 57.133 acre tract and
4 the Westernmost corner of said 1015.707 acre tract;

5 THENCE: the following courses along the Northwest line of
6 this parcel and said 1015.707 acre tract and the Southeast Right of
7 Way Line of I.H.35:

8 (53) NORTH 31 deg. 50' 19" East, a distance of 1855.01 feet to
9 a found concrete highway monument (Type I) being an angle point;

10 (54) NORTH 35 deg. 26' 30" East, a distance of 301.34 feet to
11 a found concrete highway monument (Type I) being an angle point;

12 THENCE: (55) NORTH 32 deg. 05' 44" East, a distance of 72.07
13 feet to a found concrete highway monument (Type I) being a point of
14 curvature;

15 THENCE: (56) 543.39 feet along the arc of a curve to the left,
16 having a radius of 23072.30 feet, and a central angle of 01 deg. 20'
17 58", and whose chord bears North 31 deg. 12' 58" East, a distance of
18 543.37 feet to a found concrete highway monument (Type I) being a
19 point of tangency;

20 THENCE: (57) NORTH 30 deg. 26' 03" East, a distance of 789.05
21 feet to a found concrete highway monument (Type I) being an angle
22 point;

23 THENCE: (58) NORTH 26 deg. 48' 12" East, a distance of 299.65
24 feet to a found concrete highway monument (Type I) being an angle
25 point; and

26 THENCE: (59) NORTH 30 deg. 29' 02" East, a distance of 2033.01
27 feet to a set 1/2" iron pin with plastic cap being the POINT OF

1 BEGINNING, containing 1252.958 acres of land.

2 PART 1:

3 635.060 acres (27,663,214 sq. ft.) of land out of the NANCY KENNER
4 LEAGUE survey No. 3, Abstract No. 306, Comal County, Texas and being
5 designated as a 236.949 acre tract (McDONOUGH) tract as conveyed by
6 SPECIAL WARRANTY DEED from NATIONSBANK OF TEXAS, N.A. TRUSTEE to
7 JAMES P. McDONOUGH, JR., dated December 31, 1996 and recorded in
8 Document No. 9706001893 of the Official Public Records of Comal
9 County, Texas and also being comprised of TRACT I (63.024 acre
10 tract) and TRACT III (164.150 acre tract) as conveyed by a SPECIAL
11 WARRANTY DEED from Bank of America, N.A., as Successor Trustee to
12 Nations / Bank of Texas, N.A., Trustee of the Bill and Darolyn Worth
13 Living Trust under Agreement dated January 9, 1987 and as Trustee
14 under Agreement of the Irvin Management Trust and Larry Irvin to
15 James P. McDonough, Jr., dated April 14, 2006 and recorded in
16 Document No. 200606016820 of the Official Public Records of Comal
17 County, Texas, and also being all of a 170.902 acre tract described
18 in a SUBSTITUTE TRUSTEE'S DEED from CECIL W. TALLEY, Trustee to
19 CECIL EARL HILLBURN, dated August 6, 1991 and recorded in Volume
20 777, Pages 581-586 of the Official Public Records of Comal County,
21 Texas said 635.060 acres (27,663,214 sq. ft.) of land being more
22 particularly described as follows:

23 BEGINNING: at a set 1/2" iron pin with plastic cap "stamped
24 4233" in the Northwest Right of Way Line of I.H. 35 and being
25 Easternmost corner of a 9.785 acre tract conveyed by Archie
26 Ladshaw, et al to John Ladshaw by Deed dated March 28, 1984 and
27 recorded in Volume 378, Pages 799-801 of the Official Public

1 Records of Comal County, Texas, and the Southernmost corner of this
2 parcel and said 236.949 acre tract (Grid N = 13,826,036.7772, Grid E
3 = 2,270,776.7688, Scale factor of 1.00014 for surface adjustment);

4 THENCE: (1) NORTH 46 deg 00'07" West, (all bearings in this
5 descriptions are referenced to Grid North of the Texas Coordinate
6 System, Zone 4204, NAD 83 (93)), a distance of 3310.77 feet along
7 the Southwest line of this parcel and the Northeast line of said
8 9.785 acre tract to a found 1/2" iron pin being the Northernmost
9 corner of said 9.785 acre tract and an interior corner of this
10 parcel;

11 THENCE: the following courses along the Southeast line of
12 this parcel and said 236.949 acre tract and the Northwest line of
13 said 9.785 acre tract and a 240.485 acre tract conveyed by Elizabeth
14 Wagner, a widow to Archie Ladshaw, et al by Deed dated January 14,
15 1967 and recorded in Volume 153, Pages 331-333 of the Deed Records
16 of Comal County, Texas and the Northwest line of a 44.290 acre tract
17 conveyed by HARVEY PAPE and wife, LEORA PAPE to PAPE'S FAMILY FARM,
18 LTD, a Texas Limited Partnership, dated February 27, 2004 and
19 recorded in Document No. 200406007834 of the Official Public
20 Records of Comal County, Texas:

21 (2) SOUTH 44 deg 34'57" West, a distance of 1355.26 feet to a
22 found 1/2" iron pin being an angle point;

23 (3) SOUTH 45 deg 11'30" East, a distance of 43.65 feet to a
24 found 1/2" iron pin being an angle point; and

25 (4) SOUTH 44 deg 30'57" West, a distance of 1742.25 feet to a
26 found 1/2" iron pin being the Easternmost corner of a 70.688 acre
27 tract conveyed by ALAN ROMPLE also known as ALAN E. ROMPEL, SR. and

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1 wife LINDA ROMPEL to CONRADS ROAD, LTD, dated January 9, 2004, and
2 recorded in Document No. 200406000885 of the Official Public
3 Records of Comal County, Texas;

4 THENCE: (5) NORTH 45 deg 23'39" West, a distance of 3537.43
5 feet along the Southwest line of this parcel and said 236.949 acre
6 tract and the Northeast line of said 70.688 acre tract to a set 1/2"
7 iron pin with plastic cap "stamped 4233" in the Southeast Right of
8 Way of the Union Pacific Railroad (formerly known as the
9 INTERNATIONAL & GT NORTHERN RY. CO.) and being the Westernmost
10 corner of this parcel and said 236.949 acre tract and the
11 Northernmost corner of said 70.688 acre tract; and being a point of
12 curvature;

13 THENCE: the following courses along the Northwest line of
14 this parcel and the Southeast Right of Way line of the Union Pacific
15 Railroad:

16 (6) 1319.73 feet along the arc of a curve to the right, having
17 a radius of 5679.65 feet, and a central angle of 13 deg 18'48", and
18 whose chord bears North 56 deg 11'48" East, a distance of 1316.76
19 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a
20 point of tangency;

21 (7) NORTH 62 deg 51'12" East, a distance of 1677.18 feet to a
22 set 1/2" iron pin with plastic cap "stamped 4233" being a point of
23 curvature; and

24 (8) 1022.68 feet along the arc of a curve to the left, having
25 a radius of 2914.93 feet and a central angle of 20 deg 06'06", and
26 whose chord bears North 52 deg 48'09" East, a distance of 1017.43
27 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a

1 point of tangency; and

2 (9) NORTH 42 deg. 45' 06" East, a distance of 385.90 feet to a
3 set 1/2" iron pin with plastic cap "stamped 4233" being the
4 Northernmost corner of this parcel and said 63.024 acre tract and
5 the Westernmost corner of a 200.240 acre tract as conveyed by
6 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN from MARTIN MARIETTA
7 MATERIALS SOUTHWEST, LTD. to BLUEGREEN SOUTHWEST ONE, L.P., A
8 Delaware Limited Partnership, executed July 19, 2005 and recorded
9 in Document No. 200506026533 of the Official Public Records of
10 Comal County, Texas;

11 THENCE: (10) SOUTH 45 deg. 58' 46" East, a distance of 2471.01
12 feet along the Northeast line of this parcel and said 63.024 acre
13 tract and the Southwest line of said 200.240 acre tract to a found
14 1/2" iron pin being an interior corner of this parcel and the
15 Westernmost corner of said 170.902 acre tract and the Southernmost
16 of said 200.240 acre tract;

17 THENCE: the following courses along the Northwest line of
18 this parcel and said 170.902 acre tract and the Southeast line of
19 said 200.240 acre tract and a 7.46 acre tract conveyed by MCDONOUGH
20 BROTHER'S, INCORPORATED to CITY OF NEW BRAUNFELS (UTILITIES)
21 executed June 8, 1979 and recorded in Volume 283, Pages 775-776 of
22 the Deed Records of Comal County, Texas;

23 (11) NORTH 43 deg 09'01" East, a distance of 2596.32 feet to a
24 wood fence post being an angle point; and

25 (12) NORTH 42 deg 57'44" East, a distance of 1556.85 feet to a
26 found 1/2" iron pin with plastic cap stamped "OVERBY-DESCAMPS"
27 being the Northernmost corner said 170.902 acre tract and an

1 interior corner of said 200.240 acre tract;

2 THENCE: the following courses along the Northeast line of
3 this parcel and said 170.902 acre tract and the Southwest line of
4 said 200.240 acre tract:

5 (13) SOUTH 46 deg 50'12" East, a distance of 702.27 feet to a
6 set 1/2" iron pin with plastic cap "stamped 4233" being an angle
7 point;

8 (14) SOUTH 46 deg 29'50" East, a distance of 817.93 feet to a
9 wood fence post being an angle point; and

10 (15) SOUTH 47 deg 00'31" East, a distance of 722.97 feet to a
11 set 1/2" iron pin with plastic cap "stamped 4233" in the Northwest
12 Right of Way Line of I.H. 35 and being the Easternmost corner of
13 this parcel and said 170.902 acre tract and a re-entrant corner of
14 said 200.240 acre tract;

15 THENCE: (16) SOUTH 32 deg 08'27" West, a distance of 1684.15
16 feet along the Southeast line of this parcel and said 170.902 acre
17 tract and the Northwest Right of Way Line of I.H. 35 to a set 1/2"
18 iron pin with plastic cap "stamped 4233" being a re-entrant corner
19 to said 170.902 acre tract and the Easternmost corner of a 164.150
20 acre tract (designated TRACT III) conveyed by SPECIAL WARRANTY DEED
21 to James P. McDonough, Jr., dated April 14, 2006 and recorded in
22 Document No. 200606016820 of the Official Public Records of Comal
23 County, Texas;

24 THENCE: the following courses along the Southeast line of
25 this parcel and said 164.150 acre tract and the Northwest Right of
26 Way Line of I.H. 35:

27 (17) SOUTH 32 deg. 08' 27" West, a distance of 704.69 feet to

1 a found Type I TxDOT concrete monument being a point of curvature;

2 (18) 338.16 feet along the arc of a curve to the left, having
3 a radius of 11,625.15 feet, and a central angle of 01 deg. 40' 00",
4 and whose chord bears South 31 deg. 15' 06" West, a distance of
5 338.15 feet to a found Type I TxDOT concrete monument being a point
6 of tangency;

7 (19) SOUTH 30 deg. 29' 02" West, a distance of 1147.92 feet to
8 a set 1/2" iron pin with plastic cap "stamped 4233" being an angle
9 point;

10 (20) SOUTH 34 deg. 18' 02" West, a distance of 300.46 feet to
11 a set 1/2" iron pin with plastic cap "stamped 4233" being an angle
12 point;

13 (21) SOUTH 30 deg. 29' 02" West, a distance of 1000.00 feet to
14 a found Type I TxDOT concrete monument being an angle point; and

15 (22) SOUTH 26 deg. 39' 57" West, a distance of 266.94 feet to
16 a set 1/2" iron pin with plastic cap "stamped 4233" being the
17 Southernmost corner of said 164.150 acre tract and the Easternmost
18 corner of a 236.949 acre tract as conveyed by SPECIAL WARRANTY DEED
19 from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH JR.,
20 dated December 31, 1996, and recorded in Document No. 9706001893 of
21 the Official Public Records of Comal County, Texas;

22 THENCE: the following courses along the Southeast line of
23 this parcel and said 236.949 acre tract and the Northwest Right of
24 Way Line of said I.H. 35:

25 (23) SOUTH 26 deg 39'57" West, a distance of 33.42 feet to a
26 set 1/2" iron pin with plastic cap "stamped 4233" being an angle
27 point; and

1 (24) SOUTH 30 deg 29'02" West, a distance of 49.00 feet to a
2 set 1/2" iron pin with plastic cap "STAMPED 4233" being the POINT OF
3 BEGINNING, containing 635.060 acres (27,663,214 sq. ft.) of land.

4 PART 2:

5 96.074 acres (4,184,983 sq. ft.) of land out of the NANCY
6 KENNER LEAGUE SURVEY NO. 3, Abstract No. 306, Comal County, Texas,
7 and comprising of TRACT II (0.529 of an acre tract), TRACT IV
8 (53.350 acre tract) and TRACT V (14.423 acre tract) as conveyed by
9 said SPECIAL WARRANTY DEED dated April 14, 2006, and recorded in
10 Document No. 200606016820 of the Official Public Records of Comal
11 County, Texas, and also being all of a 27.593 acre tract as conveyed
12 NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH, JR.,
13 dated December 31, 1996 and recorded in Document No. 9706001893 of
14 the Official Public Records of Comal County, Texas, said 96.074
15 acres (4,184,983 sq. ft.) of land being more particularly described
16 as follows:

17 BEGINNING: at a found 1" diameter iron pipe in the Southeast
18 Right of Way Line of F.M. Road 1102 and being the Northernmost
19 corner of this parcel and said 14.423 acre tract and being the
20 Westernmost corner of an 88.193 acre tract (designated as TRACT 3)
21 conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN, to BLUEGREEN
22 SOUTHWEST ONE, L.P., a Delaware Partnership, executed on July, 19,
23 2005 and recorded in Document No. 200506026533 of the Official
24 Public Records of Comal County, Texas (Grid N = 13,832,027.6173,
25 Grid E = 2,266,296.3350, Scale factor of 1.00014 for surface
26 adjustment);

27 THENCE: (1) SOUTH 46 deg. 01' 39" East, a distance of 1319.31

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1 feet along the Northeast line of this parcel and said 14.423 acre
2 tract and the Southwest line of said 88.193 acre tract to a found
3 1/2" iron pin in the Northwest Right of Way Line of the Union
4 Pacific Railroad (formerly known as the Missouri Kansas and Texas
5 Railroad) and being the Easternmost corner of this parcel and said
6 14.423 acre tract and the Southernmost corner of said 88.193 acre
7 tract;

8 THENCE: the following courses along the Southeast line of
9 this parcel and said TRACT V, TRACT II and TRACT IV and the
10 Northwest Right of Way Line of said Union Pacific Railroad:

11 (2) SOUTH 42 deg. 45' 06" West, a distance of 365.33 feet to a
12 set 1/2" iron pin with plastic cap "stamped 4233" being a point of
13 curvature;

14 (3) 986.76 feet along the arc of a curve to the right, having
15 a radius of 2814.90 feet, and a central angle of 20 deg. 05' 06", and
16 whose chord bears South 52 deg. 47' 39" West, a distance of 981.71
17 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being a
18 point of tangency;

19 (4) SOUTH 62 deg. 50' 12" West, a distance of 832.41 feet to a
20 set 1/2" iron pin with plastic cap "stamped 4233" being an angle
21 point;

22 (5) NORTH 45 deg. 03' 04" West, a distance of 52.54 feet to a
23 found 1/2" iron pin being an angle point, and

24 (6) SOUTH 62 deg. 50' 12" West, a distance of 799.35 feet to a
25 set 1/2" iron pin with plastic cap "stamped 4233" being the
26 Southernmost corner said 53.350 acre tract and the Easternmost
27 corner of a 27.593 acre tract as conveyed by SPECIAL WARRANTY DEED

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1 from NATIONSBANK OF TEXAS, N.A., TRUSTEE to JAMES P. McDONOUGH,
2 JR., dated December 31, 1996 and recorded in Document No.
3 9706001893 of the Official Public Records of Comal County, Texas;

4 THENCE: the following courses along the Southeast line of
5 this parcel and said 27.593 acre tract and the Northwest Right of
6 Way of said Union Pacific Railroad:

7 (7) SOUTH 62 deg 50'12" West, a distance of 113.44 feet to a
8 set 1/2" iron pin with plastic cap "stamped 4233" being a point of
9 curvature

10 (8) 293.35 feet along the arc of a curve to the left having a
11 radius of 5829.65 feet and a central angle of 02 deg 52'59", and
12 whose chord bears South 61 deg 23'42" West, a distance of 293.32
13 feet to a found 1/2" iron pin being an angle point;

14 (9) SOUTH 30 deg 16'22" East, a distance of 50.00 feet to a
15 set 1/2" iron pin with plastic cap "stamped 4233" being a point of
16 curvature;

17 (10) 417.76 feet along the arc of a curve to the left, having
18 a radius of 5779.65 feet, and a central angle of 04 deg 08'29", and
19 whose chord bears South 57 deg 53'05" West, a distance of 417.67
20 feet to a set 1/2" iron pin with plastic cap "stamped 4233" being an
21 angle point

22 (11) NORTH 44 deg 21'29" West, a distance of 30.48 feet to a
23 found 1/2" iron pin being a point of curvature

24 (12) 736.56 feet along the arc of a curve to the left, having
25 a radius of 5809.65 feet, and a central angle of 07 deg 15'51", and
26 whose chord bears South 52 deg 07'44" West, a distance of 736.07
27 feet to found 1/2" iron pin being an angle point;

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1 (13) SOUTH 43 deg 16'40" East, a distance of 30.01 feet to set
2 1/2" iron pin with plastic cap "stamped 4233" being a point of
3 curvature;

4 (14) 66.71 feet along the arc of a curve to the left, having a
5 radius of 5779.65 feet, and a central angle of 00 deg 39'41", and
6 whose chord bears South 48 deg 10'31" West, a distance of 66.71 feet
7 to a set 1/2" iron pin with plastic cap "stamped 4233" being a point
8 of tangency; and

9 (15) SOUTH 47 deg 50'41" West, a distance of 437.51 feet to a
10 found 1/2" iron pin being the Southernmost corner of the parcel and
11 said 27.593 acre tract and the Easternmost corner of a 3 acre tract
12 conveyed by SHERMAN W. WEST ET UX TO CLAUDIO MENDEZ ET UX executed
13 on May 17, 1962, and recorded in Volume 128, Pages 374-376 of the
14 Deed Records of Comal County, Texas.

15 THENCE: (16) NORTH 45 deg 40'16" West, a distance of 654.40
16 feet along the Southwest line of this parcel and said 27.593 acre
17 tract and the Northeast line of said 3 acre tract to a found 1/2"
18 iron pin in the Southeast Right of Way Line of F.M. Road 1102 and
19 being the Westernmost corner of this parcel and said 27.593 acre
20 tract and the Northernmost corner of said 3 acre tract.

21 THENCE: the following courses along the Northwest line of
22 this parcel and said 27.593 acre tract and the Southeast Right of
23 Way Line of said F.M. Road 1102:

24 (17) NORTH 44 deg 22'56" East, a distance of 133.92 feet to a
25 found 1/2" iron pin being a point of curvature;

26 (18) 645.06 feet along the arc of a curve to the right, having
27 a radius of 2824.90 feet, and a central angle of 13 deg 05'00", and

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1 whose chord bears north 50 deg 57'36" East, a distance of 643.66
2 feet to a found 1/2" iron pin being a point of tangency;

3 (19) NORTH 57 deg 26'58" East, a distance of 149.84 feet to a
4 found 1/2" iron pin being an angle point;

5 (20) NORTH 61 deg 11'34" East, a distance of 365.34 feet to a
6 found 1/2" iron pin being an angle point;

7 (21) NORTH 64 deg 42'33" East, a distance of 388.56 feet to a
8 found 1/2" iron pin being a point of curvature; and

9 (22) 470.90 feet along the arc of a curve to the left, having
10 a radius of 1472.70 feet, and a central angle of 18 deg 19'14", and
11 whose chord bears North 55 deg 55'39" East, a distance of 468.90
12 feet to a found 1/2" iron pin being the Northernmost corner of said
13 27.593 acre tract and the Westernmost corner of said 53.350 acre
14 tract (designated as TRACT IV) of said SPECIAL WARRANTY DEED;

15 THENCE: the following courses along the Northwest line of
16 this parcel and said 53.350 acre tract, said 0.529 of an acre tract,
17 and said 14.423 acre tract and the Southeast Right of Way Line of
18 said F.M. 1102:

19 (23) NORTH 46 deg. 34' 14" East, a distance of 419.44 feet to
20 a found 1/2" iron pin being a point of curvature;

21 (24) 296.68 feet along the arc of a curve to the left, having
22 a radius of 1950.10 feet, and a central angle of 08 deg. 43' 00", and
23 whose chords bears North 42 deg. 13' 24" East, a distance of 296.39
24 feet to a found 1/2" iron pin being a point of tangency;

25 (25) NORTH 37 deg. 52' 39" East, a distance of 625.38 feet to
26 a found 1/2" iron pin being a point of curvature;

27 (26) 392.79 feet along the arc of a curve to the right, having

1 a radius of 5689.70 feet, and a central angle of 03 deg. 57' 19", and
2 whose chord bears North 39 deg. 59' 23" East, a distance of 392.71
3 feet to a set 1/2" iron pin with plastic cap "stamped 4233' being a
4 point of tangency;

5 (27) NORTH 40 deg. 31' 03" East, a distance of 46.82 feet to a
6 found 3/8" iron pin being an angle point;

7 (28) NORTH 41 deg. 54' 40" East, a distance of 651.39 feet to
8 a found 1/2" iron pin being an angle point;

9 (29) NORTH 47 deg. 13' 29" East, a distance of 350.23 feet to
10 a found 1/2" iron pin being an angle point; and

11 (30) NORTH 52 deg. 37' 59" East, a distance of 47.66 feet to a
12 found 1" diameter iron pipe being the POINT OF BEGINNING, and
13 containing 96.074 acres (4,184,983 sq. ft.) of land.

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

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 Environmental Quality.

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

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

5 SECTION 6. (a) Section 7206.103, Special District Local
6 Laws Code, as added by Section 1 of this Act, takes effect only if
7 this Act receives a two-thirds vote of all the members elected to
8 each house.

9 (b) If this Act does not receive a two-thirds vote of all the
10 members elected to each house, Subchapter C, Chapter 7206, Special
11 District Local Laws Code, as added by Section 1 of this Act, is
12 amended by adding Section 7206.103 to read as follows:

13 Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may
14 not exercise the power of eminent domain.

15 (c) This section is not intended to be an expression of a
16 legislative interpretation of the requirements of Subsection (c),
17 Section 17, Article I, Texas Constitution.

18 (d) If another state agency, including the Public Utility
19 Commission of Texas, succeeds to the power, authority, duties, or
20 jurisdiction of the Texas Commission on Environmental Quality for
21 any matter addressed by this Act, then any reference in this Act to
22 the Texas Commission on Environmental Quality as to those matters
23 means the successor agency. All compensation owed to the Crystal
24 Clear Water Supply Corporation under Section 13.254, Water Code,
25 whether liquidated or not, for the area decertified by order of the
26 Texas Commission on Environmental Quality under Application No.
27 37192-C, and all claims, causes of action, choses in action,

1 rights, benefits, and interest are considered an asset of the
2 corporation, and on transfer of the assets of the corporation to the
3 district, such claims, causes of action, choses in action, rights,
4 benefits, interest, and compensation is owed to, and accrues to,
5 the district.

6 SECTION 7. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2013.

David Dewhurst

President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1116 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1116 passed the House, with amendment, on May 22, 2013, by the following vote: Yeas 147, Nays 1, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

14 JUNE '13

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

10pm O'CLOCK

JUN 14 2013

[Signature]
Secretary of State