

**PETITION FOR CONSENT TO THE  
CREATION OF A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS                   §  
COUNTY OF GUADALUPE           §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

The undersigned (herein referred to as the "*Petitioner*"), holding title to the majority in value of the lands described by metes and bounds on **Exhibit A**, which are attached and incorporated herein for all purposes (the "*Land*"), and acting pursuant to Section 54.016, Texas Water Code, and Section 42.042, Texas Local Government Code, each as amended, respectfully petitions the City Council of the City of New Braunfels, Texas, for its written consent to the inclusion of Land within, and the creation of, a conservation and reclamation district and would respectfully show the following:

I.

The name of the proposed district shall be Liberty Trails Municipal Utility District (the "*District*") of Guadalupe County, Texas (or some other name required or permitted by law). There is no other conservation or reclamation district in Guadalupe County, Texas with the same name.

II.

The District is proposed to be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, Chapters 49 and 54 of the Texas Water Code, each as amended. The District will have all rights, powers, privileges, authority and functions conferred by and be subject to all duties imposed by the Texas Water code and the general laws of the State of Texas. It is also proposed that the District be granted road powers under the authority of Article III, Section 52 of the Texas Constitution.

III.

The District is proposed to contain all of the Land, which consists of approximately 68.47 acres of real property, situated in the City's extraterritorial jurisdiction. The Land may properly be included in the District.

IV.

The Petitioner holds title to and is the owner of a majority in value of the Land, as indicated by the tax rolls of Guadalupe County, Texas. There is no lienholder on the Land.

V.

The general nature of the work proposed to be done by the District shall be the purchase, construction, acquisition, repair, extension, financing and issuance of bonds: (i) for maintenance, operation, and conveyance of an adequate and efficient waterworks and sanitary sewer system for domestic and commercial purposes; (ii) for maintenance, operation and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters; (iii) to design, acquire, construct, finance, improve, operate, maintain and convey macadamized, graveled, or paved roads, or improvements in aid of those roads; (iv) for the payment of organizational expenses, operational expenses during construction and interest during construction; and (v) to provide, maintain and convey such other additional facilities, systems, plants and enterprises as may be consistent with any or all of the purposes for which the District is created and permitted under state law.

VI.

There is, for the following reasons, a necessity for the above-described work, services and improvements: The area proposed to be within the District will experience substantial and sustained residential growth. There is not now available within the area, which will be developed for master-planned single-family and multi-family residential uses, an adequate waterworks system, drainage and storm sewer system, or road system. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, and roadway system. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks system, sanitary sewer system, drainage and storm sewer system, and road system, and other facilities and systems so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

A preliminary investigation has been instituted to determine the cost of the proposed District's projects, and it is now estimated by the Petitioner, from such information as it has at this time, that the ultimate costs of the development contemplated will be approximately \$25,000,000. The project will be financed by the issuance of bonds by the District.

VIII.

The Petitioner, by submission of this Petition, requests the city's consent to creation of the District to the inclusion of the Land within the District.

The Petitioner requests that this Petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the City's consent to the creation of the District and authorizing the inclusion of the Land within the District.

RESPECTFULLY SUBMITTED, this 22 day of March, 2024.

**PETITIONER:**

**O UNION WINE RD, LLC**  
(a Texas limited liability company)

By: [Signature]  
Name: Fred Heimer  
Title: Manager

**ACKNOWLEDGEMENT**

STATE OF TEXAS                    §  
  §  
COUNTY OF Comet               §

This instrument was acknowledged before me this 22 day of March, 2024, by Fred Heimer, as Manager of O Union Wine Rd, LLC, a Texas limited liability company, on behalf of said limited liability company.

[Signature]  
Notary Public, State of Texas

(NOTARY SEAL) 

**Exhibit "A" to Petition for Consent  
Legal Description of 68.47-Acre Tract**



290 S. Castell Avenue, Ste. 100  
New Braunfels, TX 78130  
(830) 625-8555  
TBPE-FIRM F-10961  
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION  
FOR A 68.47 ACRE TRACT OF LAND  
LIBERTY TRAILS M.U.D.

Being a 68.47 acre tract of land located in the I.S. Johnson Survey No. 47, Abstract No. 190, Guadalupe County, Texas, being that same land described as 64.47 acres, recorded in Document No. 202299023305 of the Official Public Records of Guadalupe County, Texas. Said tract formerly known as part of the residue of a called 119.25 acre tract, recorded in Volume 378, Pages 636-638, Deed Records, Guadalupe County, Texas, said 68.47 acre tract of land being more particularly described as follows:

BEGINNING at a wire fence corner post in the Southeast right of way line of Union Wine Road for the North corner of the residue of a called 119.25 acre tract, recorded in Volume 378, Pages 636-638, Deed Records, Guadalupe County, Texas, and a Northern East corner of an approximate 1 acre road taking, to Guadalupe County, Texas, recorded in Volume 167, Page 123, Deed Records, Guadalupe County, Texas;

THENCE departing the Southeast right of way line of Union Wine Road, with the Northeast line of said 119.25 acre tract, S 44°15'11" E, a distance of 52.71 feet to a found ½" iron pin with cap "2033 B&A" for the West corner of a called 73.643 acre tract, "Exhibit A", recorded in Volume 4122, Pages 538-544, Official Public Records, Guadalupe County, Texas, same point lying in the Northeast line of said 119.25 acre tract, for a corner of the herein described tract;

THENCE with the Northeast line of said residue of a called 119.25 acre tract and the Southwest line of said 73.643 acre tract, S 45°58'10" E, a distance of 1080.29 feet to a set ½" iron pin with cap "HMT" for the West corner of a called 1.60 acre tract recorded in Document No. 201899011991, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 73.643 acre tract, and a Northeast corner of the herein described tract;

THENCE continuing with the Northeast line of said 119.25 acre tract and the Southwest line of said 1.60 acre tract, S 45°15'46" E, a distance of 251.10 feet to a found ½" iron pin with cap "TX Landmark Surveying" for the West corner of a called 0.80 of an acre tract recorded in Document No. 201899011989, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 1.60 acre tract, and a corner of the herein described tract;

THENCE with the Northeast line of said 119.25 acre tract and the Southwest line of said 0.80 of an acre tract, S 45°17'37" E, a distance of 181.28 feet to found ½" iron pin for the West corner of a called 0.42 of an acre tract, "Tract 1", Roaming Fork Subdivision (unrecorded), recorded in Document No. 2015008350, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 0.80 of an acre tract, and a corner of the herein described tract;

THENCE with the Northeast line of said 119.25 acre tract and the Southwest line of said called 0.42 of an acre tract, "Tract 1", S 45°20'14" E, a distance of 93.10 feet to a found ½" iron pin for the West corner of a called 0.469 of an acre tract, "Tract 2", Roaming Fork Subdivision (unrecorded), recorded in Document No. 2014020904, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 0.42 of an acre tract, "Tract 1", and a corner of the herein described tract;



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THENCE with the Northeast line of said 119.25 acre tract and the Southwest line of said called 0.469 of an acre tract, "Tract 2", S 45°05'45" E, a distance of 139.85 feet to a found ½" iron pin for the Southwest corner of a called 0.742 of an acre tract, "Tract 3", Roaming Fork Subdivision (unrecorded), recorded in Volume 695, Page 612, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 0.469 of an acre tract, "Tract 2", and a corner of the herein described tract;

THENCE with the Northeast line of said 119.25 acre tract and the Southwest line of said 0.742 of an acre tract, "Tract 3", S 45°22'49" E, a distance of 135.76 feet to a found ½" iron pin for the Southwest corner of a called 10.00 acre tract recorded in Document No. 202199013281, Official Public Records, Guadalupe County, Texas, same point being the South corner of said 0.742 of an acre tract, "Tract 3", and a corner of the herein described tract;

THENCE with the Northeast line of said 119.25 acre tract and the South line of said 10.00 acre tract, S 44°56'31" E, a distance of 278.06 feet to a found 60D nail in a 6" wooden fence post for a Northwest corner of Lot 21, Green Pastures, recorded in Volume 8, Pages 462-463, Map and Plat Records, Guadalupe County, Texas, same point being the South corner of said 10.00 acre tract, the East corner of said 119.25 acre tract, and a corner of the herein described tract;

THENCE with the Southeast line of said 119.25 acre tract and the Northwest line of Lot 21, S 44°07'49" W, a distance of 23.68 feet to a found ½" iron pin with cap "HMT" for the West corner of Lot 21, same point being the North corner of Lot 22, and a corner of the herein described tract;

THENCE with the Southeast line of said 119.25 acre tract and the Northwest line of said Lot 22, S 43°56'06" W, a distance of 313.28 feet to a found ½" iron pin for a North corner of a called 168.784 acre tract, "Exhibit A", recorded in Volume 2274, Pages 382-392, Official Public Records, Guadalupe County, Texas, same point being the West corner of Lot 22, and a corner of the herein described tract;

THENCE continuing with the Southeast line of said 119.25 acre tract and the North line of said 168.784 acre tract, "Exhibit A", S 43°56'26" W, a distance of 1704.93 feet to a set ½" iron pin with cap "HMT" for the South corner of the herein described tract, also being the Southeast corner of a called 50.00 acre tract, recorded in Document No. 202299023317 of the Official Public Records of Guadalupe County, Texas, from which a found cotton spindle for the South corner of said 119.25 acre tract bears S 43°56'26" W, 200.00 feet;

THENCE departing the Southeast line of said 119.25 acre tract and the North line of said 168.784 acre tract, continuing with the East line of said 50.00 acre tract and the West line of said 68.47 acre tract, the following four (4) calls:

1. N 04°52'32" W, a distance of 761.97 feet to a point in Long Creek for a corner;
2. N 45°57'15" W, a distance of 683.84 feet to a set ½" iron pin with cap "HMT" for a corner;
3. N 44°18'01" E, a distance of 681.52 feet to a set ½" iron pin with cap "HMT" for a corner;
4. N 45°57'38" W, a distance of 1039.31 feet to a set ½" iron pin with cap "HMT" in the aforementioned Southeast right of way line of Union Wine Road, for the Northwest corner of



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said 68.47 acre tract and the Northeast corner of said 50.00 acre tract, from which a found fence corner post for a Northwest corner of said 119.25 acre tract bears S 44°58'11" W, 24.03 feet;

THENCE with the Southeast right of way line of Union Wine Road and the Northwest line of said 68.47 acre and 119.25 acre tracts, the following two (2) calls:

1. N 44°58'11" E, a distance of 642.02 feet to a wire fence corner post for a corner, and the beginning of a curve;
2. Along a fence generally following the arc of a curve to the right, having a radius of 931.23 feet, an arc length of 244.15 feet and a chord bearing and distance of N 60°22'08" E, 243.45 feet to the POINT OF BEGINNING, containing 68.47 acres of land in Guadalupe County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written November 28, 2023. Revised 11/30/2023 Name change.

Reference survey of said 68.47 acre tract of land prepared this same date.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



Dorothy J. Taylor

Registered Professional Land Surveyor No.6295

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11-30-23

