

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS
CONSENTING TO THE CREATION, AND INCLUSION OF
LAND WITHIN BOTANICAL FARM MUNICIPAL UTILITY
DISTRICT OF GUADALUPE COUNTY**

WHEREAS, the City of New Braunfels, Texas (the "City") has received a request for its consent to the creation of, and inclusion of land within, a municipal utility district (the "District") in the extraterritorial jurisdiction of the City pursuant to Section 54.016, Texas Water Code and Section 42.042, Texas Local Government Code; and

WHEREAS, pursuant to Texas Water Code, Section 54.016, and Texas Local Government Code, Section 42.042, land within the extraterritorial jurisdiction of a city may not be included within a district without the written consent of such city;

WHEREAS, the City has received a Petition for Consent to the Creation of a Municipal Utility District and inclusion of a Property of real property encompassing approximately 250.25 acres of land being more particularly described by metes and bounds in Exhibit "A" and delineated in Exhibit "B" attached hereto (the "Land") into the boundaries of the District;

WHEREAS, all of the Land is located within the extraterritorial jurisdiction of the City; and,

WHEREAS, the City Council of the City of New Braunfels desires to grant its written consent to the creation of the District and the inclusion of the Land within the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF NEW BRAUNFELS, TEXAS, THAT:**

Section 1. The City of New Braunfels, Texas hereby consents to the creation of the District and inclusion of the Land within the District in accordance with Section 54.016, Texas Water Code, and Section 42.042 of the Texas Local Government Code.

Section 2. As a condition of the City's consent to the creation of the District and inclusion of Land within the District, the following conditions shall apply:

1. The District may issue bonds for any purpose authorized by law, including but not limited to the purchase, construction, acquisition, repair extension and improvement of land, easements, works, improvements, plants, equipment, appliances, and other facilities which are authorized by law and necessary to:
 - a. Provide a water supply for municipal uses, domestic uses, and commercial purposes;
 - b. Collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid or composite state;
 - c. Conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operating expenses during construction and interest during construction; and
 - d. Design, acquire, construct, finance, operate, or maintain a road or any improvement in aid of the road if the power to acquire roads is granted to the District pursuant to Section 54.234 of the Texas Water Code.
 - e. To provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law.

Section 3. This Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2026.

NEIL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

EXHIBIT "A"

Metes and Bounds Description of the Land



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 145.70 ACRE TRACT OF LAND

A 145.70 acre tract of land being out of the William Bracken Survey No. 52, Guadalupe County, Texas, also being all of a tract of land called Tract 1, 106.00 acres and all of a tract of land called Tract 2, 40.00 acres recorded in Volume 346, Page 439, in the Deed Records of Guadalupe County, Texas. Said 145.70 acre tract being more fully described as follows:

BEGINNING at a set 1/2" iron pin (stamped "HMT") in the South right of way line of Altwein Lane for the Northern most corner of the herein described 145.70 acre tract, also being the North corner of the above referenced Tract 1, and also being the West corner of a called 106.00 acre tract called Tract 1, recorded in Volume 735, Page 1095, in the Deed Records of Guadalupe County, Texas, from which a found 1/2" iron pin across Altwein Lane, lying in the intersection of Emmons Road and Altwein Lane, bears N 61°51'17" E, a distance of 129.70 feet;

THENCE leaving the right of way of Altwein Lane, along the East line of the herein described tract and the West line of the called 106.00 acre, Tract 1, S 45°39'05" E, a distance of 1940.69 feet to a set 1/2" iron pin (stamped "HMT") for a corner of the herein described tract, also being the East corner of the above referenced Tract 1, and the South corner of the called 106.00 acre, Tract 1 (Vol 735, Pg 1095), and a corner on the North line of the above referenced Tract 2;

THENCE along a the North line of the herein described tract and the above referenced Tract 2, and along the South line of the called 106.00 acre tract, Tract 1 (Vol 735, Pg 1095), N 43°57'27" E, a distance of 1337.11 feet to a found 8" Cedar Fence Post for the Northeast corner of the herein described tract, the West corner of a called 100.00 acres described in Volume 326, Page 48, in the Deed Records of Guadalupe County, Texas, and a corner of the above referenced 106.00 acres (Vol 735, Pg 1095);

THENCE along the East line of the herein described tract and the West line of the called 100.00 acre tract, S 26°40'52" E, a distance of 1561.67 feet to a set 1/2" iron pin (stamped "HMT") for the East corner of the herein described tract, and said Tract 2, 40.00 acres, and also being the Southwest corner of the called 100.00 acres, and lying in the North right of way line of Youngsford Road;

THENCE along the South line of the herein described tract, and with the North right of way line of Youngsford Road the following 4 calls:

1. S 82°34'19" W, a distance of 2360.84 feet to a set 1/2" iron pin (stamped "HMT") for a corner of the herein described tract and the West corner of the above referenced Tract 2 also being the Southeast corner of the above referenced Tract 1;
2. S 79°04'29" W, a distance of 1596.76 feet to a set 1/2" iron pin (stamped "HMT") for a corner;
3. S 81°15'08" W, a distance of 1316.80 feet to a set 1/2" iron pin (stamped "HMT") for a corner;



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4. S 80°25'52" W, a distance of 360.91 feet for a corner lying in the intersection of Youngsford Road and Altwein Lane, from which a found 1/2" iron pin across Youngsford Road, bears N 13°38'05" W, 30.24 feet, and from which a found 1/2" iron pin across Alwein Lane, bears S 46°12'41" E, 40.00 feet, for the West corner of the herein described tract;

THENCE along the North line of the herein described tract and the South right of way line of Altwein Lane N 43°48'24" E, a distance of 3682.44 feet to the POINT OF BEGINNING and containing 145.70 acres of land in Guadalupe County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.

Written October 5, 2022.

Reference survey of said 140.70 acre tract of land prepared this September 30, 2022.

A handwritten signature in blue ink, appearing to read 'Dorothy J. Taylor', is written over a horizontal line.

Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295

10-12-22

S:\Projects\032 - Fred Heimer\032.065 - Nowotny 105.25 & 140.00 Acres on Altwein\Metes & Bounds 140.70 AC.docx



**METES AND BOUNDS DESCRIPTION
OF 106.46 ACRE TRACT**

A 106.46 acre tract of land being out of the Washington D Miller Survey, Abstract No. 232, Guadalupe County, Texas, the J.S. Johnson Survey No. 47, Abstract No. 190, Guadalupe County, Texas, and the Daniel Chandler Survey No. 489, Abstract No. 100, Guadalupe County, Texas, also being that same tract of land called 106.25 acres recorded in Volume 247, Page 552, Deed Records of Guadalupe County, Texas. Said 106.46 acre tract being more fully described as follows:

BEGINNING at an 8" cedar fence post in the North right of way line of Altwein Lane for the East corner of the herein described 106.46 acre tract, and also being the South corner of a called 83.81 acre tract, recorded in Volume 492, Page 891, Deed Records, Guadalupe County, Texas;

THENCE along the North right of way line of Altwein Lane, with the South line of the herein described tract the following 2 calls:

1. S 44°29'05" W, 721.69 feet to a set ½" iron pin (stamped "HMT") for a corner;
2. S 38°45'48" W, 138.91 feet to an 8" cedar fence post in the North right of way line of Altwein Lane for the South corner of the herein described tract, and also being the West corner of a called 160.67 acre tract, recorded in Volume 246, Page 594, Deed Records, Guadalupe County, Texas;

THENCE along the West line of the herein described tract and the East line of the called 160.67 acre tract N 45°54'04" W, 4022.48 feet to a fence post for a corner of the herein described tract, and the North corner of a called 160.67 acre tract, and a corner on the South line of a called 37.40 acre tract, recorded in Volume 248, Page 602, Deed Records, Guadalupe County, Texas;

THENCE along the South line of said 37.40 acre tract N 43°14'35" E, 239.67 feet to a found 6" cedar fence post for a corner of the herein described tract, and the West corner of said 37.40 acre tract;

THENCE along the West line of the herein described tract, and the East line of said 37.40 acre tract, N 45°24'03" W, a distance of 1312.79 feet to 3/" iron pin found for the West corner of the herein described tract, and the North corner of said 37.40 acre tract, and the West corner of the Rathke Burial Ground, described as ¼ acre in Volume 247, Page 552 of the Guadalupe County Deed Records and a corner of a called 33.83 acre tract, called Tract 1, recorded in Document No. 201999001898, Official Public Records, Guadalupe County, Texas;

THENCE along the North line of the herein described tract, and the South line of said 33.83 acre tract passing through the North corner of Rathke Burial Ground, N 44°07'07" E, 899.12 feet to a found 3/8" iron pin found for the North corner of the herein described tract, and the East corner of said 33.83 acre tract, for a point in the South right of way line of Elmons Road, recorded in Volume 143, Page 594, Deed Records, Guadalupe County, Texas;



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THENCE along the South right of way line of Elmons Road, and the East line of the herein described tract, S 46°27'59" E, 204.08 feet, passing through a found 1/2" iron pin (stamped "BLS 2024") for a corner in the South right of way line of Elmons Road, and the North corner of a called 7.85 acre tract, recorded in Volume 492, Page 891, Deed Records, Guadalupe County, Texas, continuing a total of 1310.10 feet along the East line of the herein described tract, and the West line of said 7.85 acre tract to a set 1/2" iron pin (stamped "HMT");

THENCE, along the North line of said 83.81 acre tract, S 43°56'04" W, 308.95 feet to a found 4" cedar fence post for a corner of the herein described tract, and the West corner of said 83.81 acre tract;

THENCE, along the West line of said 83.81 acre tract, and the East line of the herein described tract S 45°59'01" E, 4019.52 feet to the POINT OF BEGINNING and containing 106.46 acres of land in Guadalupe County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.

Written August 24, 2022.

Reference survey of said 106.46 acre tract of land prepared this same date.

A handwritten signature in blue ink, appearing to read "Dorothy J. Taylor", followed by the date "8-24-22" written in blue ink.

Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\032 - Fred Heimer\032.065 - Nowotny 105.25 Acres on Altwein\Metes & Bounds 106.46 AC.docx



86.66 ACRES OF LAND LOCATED IN THE WASHINGTON D MILLER SURVEY, ABSTRACT NO. 232, AND THE DANIEL CHANDLER SURVEY NO. 489, ABSTRACT NO. 100, AND THE JOHNSON SURVEY NO. 47, ABSTRACT NO. 180, ALL OF WHICH ARE LOCATED IN THE OFFICIAL PUBLIC RECORDS OF RUSSELL COUNTY, TEXAS.

THESE LANDS WERE ACQUIRED BY THE STATE OF TEXAS FROM THE LANDS OF THE UNITED STATES OF AMERICA BY ACT OF THE LEGISLATURE OF THE STATE OF TEXAS, AND ARE HEREBY SET APART FOR THE PURPOSE OF BEING OFFERED TO THE PUBLIC BY THE STATE OF TEXAS.

A DEED OF BOND GUARANTEEING THE STATE OF TEXAS IN CONNECTION WITH THE SALE OF THESE LANDS IS FILED IN THE OFFICE OF THE COUNTY CLERK OF RUSSELL COUNTY, TEXAS.

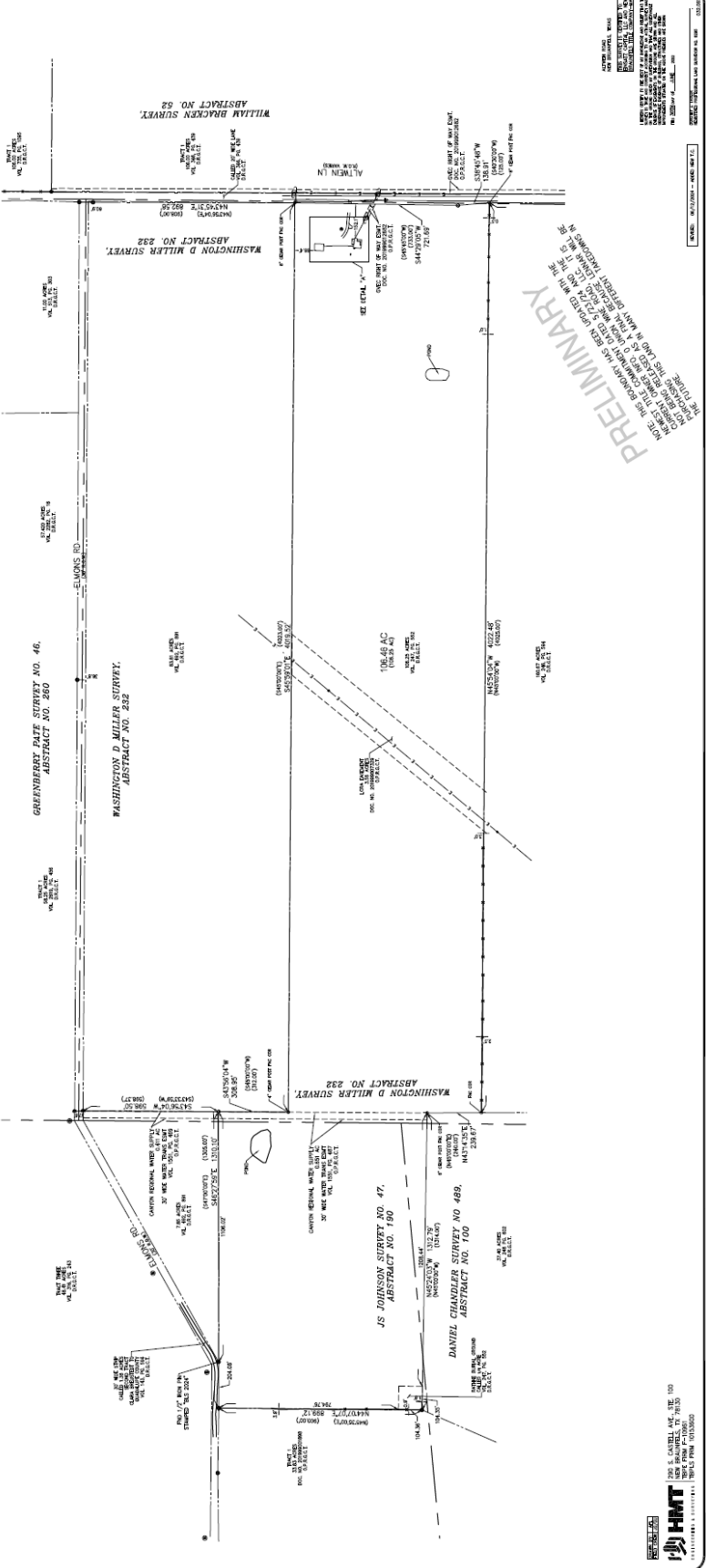
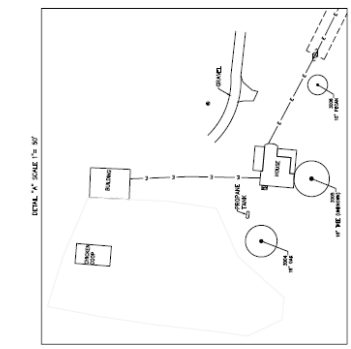
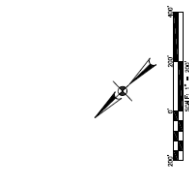
THE STATE OF TEXAS, COUNTY OF RUSSELL, TEXAS.

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for the State of Texas.

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NOTARY PUBLIC

STATE OF TEXAS

COMMISSION EXPIRES _____

STATE OF TEXAS

COUNTY OF RUSSELL

NOTARY PUBLIC

COMMISSION EXPIRES _____