

RESOLUTION NO.2021-R72

RESOLUTION OF CITY OF NEW BRAUNFELS, TEXAS, AMENDING RESOLUTION NO. 38 BY EXTENDING THE DEADLINE FOR NEW BRAUNFELS UTILITIES AND SOUTHSTAR AT MAYFAIR, LP, DEVELOPER, TO EXECUTE A UTILITY AGREEMENT AS A CONDITION PRECEDENT TO THE CREATION OF COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 3, LOCATED IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

WHEREAS, pursuant to Acts 2013, 83rd Leg., R.S., Ch. 1122, Sec. 1 (Chapter 8489 of the Texas Special District Local Laws Code) ("**Enabling Act**"), the Texas Legislature created Comal County Water Improvement District No. 3 ("**District**"), a water control and improvement district created pursuant to Article XVI, Section 59 of the Texas Constitution, with the powers and duties provided by Chapters 49 and 51 of the Texas Water Code;

WHEREAS, the District includes approximately 1,888 acres of real property in Comal County, Texas described in the attached Exhibit A ("**Property**"), which is located partially within the corporate limits and partially within the extraterritorial jurisdiction of the City of New Braunfels, Texas ("**City**");

WHEREAS, pursuant to 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, pursuant to Section 8489.004 of the Enabling Act, the temporary directors of the District may not hold an election confirming the creation of the District until the City has consented by ordinance or resolution to the creation of the District and to the inclusion of land within the District;

WHEREAS, the City and Southstar at Mayfair, LP ("**Developer**") entered into that certain dated ("**Development Agreement**"), which addresses, among other things, the development of the property within the District and the provision of water, wastewater, and other utilities to the District;

WHEREAS, pursuant to Section 8489.004(a)(2) of the Enabling Act, New Braunfels Utilities and Developer may enter into a utility agreement to govern the provision of water and wastewater services to the Property (the "**Utility Agreement**"), without which, the Development Agreement will be null and void;

WHEREAS, pursuant to the Development Agreement, Developer and the District requested the City's consent by resolution to the creation of the District and to the inclusion of the Property within the District under the terms and conditions below; and

WHEREAS, on June 28, 2021, the City Council adopted Resolution No. 38 to grant its consent to the creation of the District contingent upon NBU and the Developer executing a Utility Agreement by October 1, 2021, however, the parties require additional time to negotiate and finalize that Utility Agreement; and

WHEREAS, on September 27, 2021, the City Council amended Resolution No. 38 to grant its consent for an extension to finalize the Utility Agreement by January 1, 2022;

WHEREAS, the City Council desires to extend the deadline for the execution of the Utility Agreement from January 1, 2022 until February 15, 2022.

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

1. That all of the matters and facts set out in the preamble hereof be true and correct.
2. That the City Council of the City hereby specifically gives its written consent, as provided by Texas Local Government Code, Section 42.042 and Texas Special District Local Laws Code, Section 8489.004, to the creation of Comal County Water Improvement District No. 3 and to the inclusion of Property within the District, subject to the following terms and conditions, with amendments indicated using strikethrough font for deletions and underlined font for new language:
 - a. The above consent is contingent on the Developer and New Braunfels Utilities negotiating and executing the Utility Agreement by February 15, 2022.

PASSED AND APPROVED on this 13th day of December. 2021.

CITY OF NEW BRAUNFELS, TEXAS

Rusty Brockman, Mayor

ATTEST:

Caitlin Krobot, City Secretary

Exhibit A

(Property Description)



METES AND BOUNDS DESCRIPTION FOR

A 1232.061 acre, or 53,668,577 square feet more or less, tract of land comprised of the following tracts of land conveyed to the State of Texas for the use and benefit of the Permanent School Fund: all of a called 1015.410 acre tract recorded in Document No. 200506041691, all of a called 85.763 acre tract recorded in Document No. 200506039322, all of a called 28.477 acre tract recorded in Document No. 200506039324, all of a called 27.474 acre tract recorded in Document No. 200506045048, all of a called 1.002 acre tract recorded in Document No. 200506039320, all of a called 20.035 acre tract recorded in Document No. 200506039319 and a portion of a called 74.803 acre tract recorded in Document No. 200506039321 all being recorded in the Official Public Records of Comal County, Texas, out of the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 1232.061 acre tract being described as follows with an overall perimeter boundary description of 1232.118 acres, SAVE AND EXCEPT a 0.057 acre tract conveyed to Crystal Clear Special Utility District by deed recorded in Document No. 201506033214 of the Official Public Records of Comal County, Texas. Said 1232.061 acre tract being more fully described as follows with distances displayed in surface values and with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4233" at the north corner of said 1015.410 acre tract, the west corner of a 39.48 acre tract recorded in Document No. 201706005455 of the Official Public Records of Comal County, Texas and on the southeast right-of-way line of I.H. 35, a variable width public right-of-way;

THENCE: S $45^{\circ}01'02''$ E, departing the southeast right-of-way line of said I.H. 35, with the northeast line of said 1015.410 acre tract and the southwest line of said 39.48 acre tract, a distance of 2148.92 feet to a found 2" iron pipe at the south corner of a 69.569 acre tract recorded in Document No. 9506481804 and the west corner of a 3.643 acre tract recorded in Document No. 200206015903 both of the Official Public Records of Comal County, Texas;

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- THENCE:** S 44°42'41" E, continuing with the northeast line of said 1015.410 acre tract, with the southwest line of said 3.643 acre tract, the southwest line of a 18.092 acre tract recorded in Volume 972, Page 676 of the Official Public Records of Comal County, Texas, the southwest line of Cuatro Amigos Subdivision recorded in Volume 11, Page 100 of the Map and Plat Records of Comal County, Texas and the southwest line of a 18.062 acre tract recorded in Document No. 201606039066 of the Official Public Records of Comal County, Texas, a distance of 1868.23 feet to a found ½" iron rod at the south corner of said 18.062 acre tract and at the west corner of a 11.847 acre tract recorded in Document No. 200706025229 of the Official Public Records of Comal County, Texas;
- THENCE:** S 45°46'15" E, continuing with the northeast line of said 1015.410 acre tract, the southwest line of said 11.847 acre tract, the southwest line of a 27.00 acre tract recorded in Volume 433, Page 473, the southwest line of a 27.00 acre tract recorded in Volume 433, Page 475 and the southwest line of a 27.00 acre tract recorded in Volume 433, Page 471 all of the Deed Records of Comal County, Texas, a distance of 2942.54 feet to a found 60D nail at the south corner of said 27.00 acre tract recorded in Volume 433, Page 471 and at the west corner of a 15.00 acre tract recorded in Volume 862, Page 417 of the Deed Records of Comal County, Texas;
- THENCE:** S 45°35'35" E, continuing with the northeast line of said 1015.410 acre tract and with the southwest line of said 15.00 acre tract, a distance of 307.78 feet to a found ½" iron rod at the north corner of a 125.571 acre tract recorded in Volume 744, Page 126 of the Deed Records of Comal County, Texas;
- THENCE:** Continuing with the northeast line of said 1015.410 acre tract and the northwest and southwest lines of said 125.571 acre tract, the following bearings and distances:
S 47°05'43" W, a distance of 1402.26 feet to a found ½" iron rod;
S 41°06'54" E, a distance of 52.89 feet to a found ½" iron rod with a cap marked "RPLS 4233";
S 29°03'17" W, a distance of 3.81 feet to a found ½" iron rod with a cap (not able to read cap);
S 44°17'49" E, a distance of 760.07 feet to a found ½" iron rod with a cap marked "RPLS 4233";

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S 44°51'35" E, a distance of 2402.27 feet to a found ½" iron rod at the easternmost corner of said 1015.410 acre tract and at the north corner of a 2.318 acre tract recorded in Document No. 200606041143 of the Official Public Records of Comal County, Texas;

THENCE: S 44°32'01" W, with the southeast line of said 1015.410 acre tract, with the northwest line of said 2.318 acre tract and the northwest line of a 2.000 acre tract recorded in Volume 62, Page 862 of the Deed Records of Comal County, Texas, a distance of 634.24 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the west corner of said 2.000 acre tract;

THENCE: S 02°40'51" E, continuing with the southeast line of said 1015.410 acre tract and the southwest line of said 2.000 acre tract, a distance of 89.91 feet to a found ½" iron rod with a cap marked "RPLS 4233" on the north right-of-way line of F.M. 1101, a variable width public right-of-way;

THENCE: Continuing with the southeast line of said 1015.410 acre tract and with the north right-of-way line of said F.M. 1101, the following bearings and distances:

Southwesterly, along a non-tangent curve to the right, said curve having a radius of 3769.80 feet, a central angle of 07°30'14", a chord bearing and distance of S 84°28'40" W, 493.37 feet, for an arc length of 493.73 feet to a found TxDOT Type I monument;

S 88°21'30" W, a distance of 2398.64 feet to a found TxDOT Type I monument;

N 86°18'01" W, a distance of 295.73 feet to a found TxDOT Type I monument;

S 88°41'52" W, a distance of 169.87 feet to a found TxDOT Type I monument;

S 79°07'37" W, a distance of 298.25 feet to a 2.5" steel fence post at the southernmost corner of said 1015.410 acre tract and the east corner of a 123.159 acre tract recorded in Volume 1017, Page 50 of the Official Public Records of Bexar County, Texas;

THENCE: With the southwest line of said 1015.410 acre tract and with the northeast line of said 123.159 acre tract, the following bearings and distances:

N 45°29'24" W, a distance of 1565.07 feet to a found ¼" iron rod;

S 57°49'07" W, a distance of 155.66 feet to a found 4" fence post;

S 57°20'33" W, a distance of 836.86 feet to a found 3/8" iron rod;

N 44°00'14" W, a distance of 507.46 feet to a found 4" fence post;

N 45°05'50" W, a distance of 469.48 feet to a found ½" iron rod at the north corner of said 123.159 acre tract and the east corner of said 85.763 acre tract;

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- THENCE: S 56°54'11" W, with the southeast line of said 85.763 acre tract and with the northwest line of said 123.159 acre tract, a distance of 1110.64 feet to a found ½" iron rod at the south corner of said 85.763 acre tract and at the east corner of said 20.035 acre tract;
- THENCE: S 56°52'51" W, with the southeast line of said 20.035 acre tract and the northwest line of said 123.159 acre tract, a distance of 439.35 feet to a found ½" iron rod at the south corner of said 20.035 acre tract and the east corner of said 27.474 acre tract;
- THENCE: S 56°57'56" W, with the southeast line of said 27.474 acre tract and the northwest line of said 123.159 acre tract, a distance of 320.28 feet to a found 4" fence post at the south corner of said 27.474 acre tract, the west corner of said 123.159 acre tract and on the northeast line of said 74.803 acre tract;
- THENCE: S 44°44'19" E, with the northeast line of said 74.803 acre tract and the southwest line of said 123.159 acre tract, a distance of 292.30 feet to a found 6" fence post at the east corner of said 74.803 acre tract and at the north corner of 49.164 acre tract recorded in Document No. 201506009891 of the Official Public Records of Comal County, Texas;
- THENCE: S 45°09'17" W, thence with the southeast line of said 74.803 acre tract and the northwest line of said 49.164 acre tract, a distance of 1414.55 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the south corner of said 74.803 acre tract, at the west corner of a 3.008 acre tract recorded in Document No. 200606012396 of the Official Public Records of Comal County, Texas and on the northeast right-of-way line of Kohlenberg Road;
- THENCE: N 44°37'40" W, with the southwest line of said 74.803 acre tract and with the northeast right-of-way line of said Kohlenberg Road, a distance of 190.52 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";
- THENCE: Departing the northeast right-of-way line of said Kohlenberg Road, over and across said 74.803 acre tract, the following bearings and distances:
- N 45°22'20" E, a distance of 257.68 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";
- N 47°20'31" E, a distance of 211.97 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";
- N 40°48'54" E, a distance of 166.08 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

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N 45°00'00" E, a distance of 202.97 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 16°17'06" E, a distance of 265.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 38°32'28" E, a distance of 216.40 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 05°48'24" W, a distance of 174.90 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 76°36'27" W, a distance of 126.13 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 61°07'58" W, a distance of 254.47 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 80°55'31" W, a distance of 417.34 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 84°27'38" W, a distance of 433.54 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 05°00'29" E, a distance of 247.64 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 34°19'02" E, a distance of 491.16 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 44°00'23" E, a distance of 345.42 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 37°17'18" W, a distance of 352.26 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

S 45°22'20" W, a distance of 131.95 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" on the northeast right-of-way line of Kohlenberg Road;

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- THENCE: N 44°37'40" W, with the southwest line of said 74.803 acre tract and with the northeast right-of-way line of said Kohlenberg Road, a distance of 983.88 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the south corner of a 1.736 acre tract recorded in Document No. 9706007790 of the Official Public Records of Comal County, Texas;
- THENCE: Departing the northeast right-of-way line of said Kohlenberg Road, continuing with the southwest line of said 74.803 acre tract, and with the southeast, northeast, and northwest lines of said 1.736 acre tract, the following bearings and distances:
N 33°59'21" E, a distance of 411.71 feet to a found 1" iron pipe;
N 68°19'11" W, a distance of 242.15 feet to a found ½" iron rod;
S 22°38'26" W, a distance of 332.11 feet to a found ½" iron rod on the northeast right-of-way line of said Kohlenberg Road;
- THENCE: N 44°37'40" W, continuing with the southwest line of said 74.803 acre tract and the northeast right-of-way line of said Kohlenberg Road, a distance of 399.50 feet to a found TxDOT Type I monument at the south end of the cutback line at the intersection of the northeast right-of-way line of Kohlenberg Road and the southeast right-of-way line of I.H. 35;
- THENCE: With the southeast right-of-way line of I.H. 35, the following bearings and distances:
N 34°42'40" W, a distance of 102.61 feet to a found TxDOT Type I monument;
N 44°50'55" W, a distance of 149.93 feet to a found TxDOT Type I monument;
N 32°04'07" W, a distance of 223.01 feet to a found TxDOT Type I monument;
N 17°46'35" W, a distance of 210.78 feet to a found TxDOT Type I monument;
N 06°33'04" W, a distance of 302.20 feet to a found TxDOT Type I monument;
N 58°14'15" W, a distance of 173.66 feet to a found TxDOT Type I monument at the north end of said cutback line and at the west corner of said 20.035 acre tract;
- THENCE: N 31°26'06" E, with the northwest line of said 20.035 acre tract and the southeast right-of-way line of said I.H. 35, a distance of 1091.64 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the north corner of said 20.035 acre tract and at the west corner of a 3.560 acre tract recorded in Document No. 201006021157 of the Official Public Records of Real Property;

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THENCE: Departing the southeast right-of-way line of said I.H. 35, with the southwest, southeast, and northeast lines of said 3.560 acre tract, the following bearings and distances:

S 45°19'42" E, a distance of 610.43 feet to a found 2.5" fence post;

N 38°13'56" E, a distance of 296.28 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 53°45'14" W, a distance of 631.50 feet to a found ½" iron rod with a cap marked "SINCLAIRE & ASSOC" at the north corner of said 3.560 acre tract and on the southeast right-of-way line of said I.H. 35;

THENCE: N 31°26'06" E, with the southeast right-of-way line of said I.H. 35, a distance of 245.76 feet to a found ½" iron rod with a cap marked "B&A" at the west corner of a 2.35 acre tract recorded in Volume 293, Page 371 of the Deed Records of Comal County, Texas;

THENCE: Departing the southeast right-of-way line of said I.H. 35, with the southwest, southeast, and northeast lines of said 2.35 acre tract, the following bearings and distances:

S 41°20'00" E, a distance of 507.94 feet to a found ½" iron rod;

N 53°32'02" E, a distance of 151.20 feet to a found ½" iron rod;

N 41°10'00" W, a distance of 568.01 feet to a found ½" iron rod at the north corner of said 2.35 acre tract and on the southeast right-of-way line of said I.H. 35;

THENCE: With the southeast right-of-way line of said I.H. 35, with the northwest line of said 85.763 acre tract and the northwest line of said 1015.410 acre tract, the following bearings and distances:

N 31°26'06" E, a distance of 249.71 feet to a found ½" iron rod with a cap marked "RPLS 4233";

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 58°11'09" W, a radius of 22784.30 feet, a central angle of 00°23'01", a chord bearing and distance of N 31°37'21" E, 152.55 feet, for an arc length of 152.55 feet to a found TxDOT Type I monument;

N 31°50'37" E, a distance of 2782.19 feet to a found TxDOT Type I monument;

N 35°25'22" E, a distance of 301.25 feet to a found TxDOT Type I monument;

N 32°04'30" E, a distance of 72.08 feet to a found TxDOT Type I monument;

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Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 58°04'26" W, a radius of 23072.30 feet, a central angle of 01°21'04", a chord bearing and distance of N 31°15'02" E, 544.10 feet, for an arc length of 544.12 feet to a found TxDOT Type I monument;

N 30°23'16" E, a distance of 788.37 feet to a found TxDOT Type I monument;

N 26°57'40" E, a distance of 299.52 feet to a found TxDOT Type I monument;

N 30°28'02" E, a distance of 2033.12 feet to the POINT OF BEGINNING, and containing 1232.118 acres.

**SAVE AND EXCEPT THE FOLLOWING 0.057 ACRE TRACT FROM THE ABOVE
DESCRIBED 1232.118 ACRES**

A 0.057 of an acre, or 2,500 square feet more or less, tract of land being all of that tract of land described in deed recorded in Volume 142, Page 608 of the Official Public Records of Comal County, Texas, being the same tract conveyed to Crystal Clear Special Utility District in Document No. 201506033214 of the Official Public Records of Comal County, Texas, out of the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 0.057 of acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½" iron rod at the north corner of a 2.35 acre tract recorded in Volume 293, Page 371 of the Official Public Records of Comal County, Texas, at the west corner of a 20.035 acre tract recorded in Document No. 200506039319 of the Official Public Records of Comal County, Texas and on the southeast right-of-way line of I.H. 35, a variable width public right-of-way;

THENCE: S 41°10'00" E, departing the southeast right-of-way line of said I.H. 35, with the common line of said 2.35 acre tract and said 20.035 acre tract, a distance of 568.01 feet to a found ½" iron rod at the east corner of said 2.35 acre tract and a northeast corner of a 27.474 acre tract described in Document No. 200506045058 of the Official Public Records of Comal County, Texas;

THENCE: S 40°22'52" E, with the common line of said 20.035 acre tract and said 27.474 acre tract, a distance of 1411.85 feet to set ½" iron rod with a yellow cap marked "Pape-Dawson" and being the POINT OF BEGINNING of herein described tract;

THENCE: N 49°37'08" E, a distance of 50.00 feet to a found ½" iron rod with a cap marked "RPLS 4233";

THENCE: S 40°22'52" E, a distance of 50.00 feet to a found ½" iron rod with a cap marked "RPLS 4233";

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THENCE: S 49°37'08" W, a distance of 50.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: N 40°22'52" W, a distance of 50.00 feet to the POINT OF BEGINNING, and containing 0.057 acres in the Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9205-18 by Pape-Dawson Engineers, Inc.

ACREAGE SUMMARY

1232.118 ACRES - OVERALL PERIMETER BOUNDARY

0.057 ACRE TRACT - SAVE AND EXCEPT

NET ACREAGE = 1,232.061 ACRES

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 16, 2018 REVISED November 2, 2018
JOB NO. 9205-18
DOC. ID. N:\Survey\18-9200-9205-18-Word-9205-18 FN 1232.061 AC docx



Exhibit A



**METES AND BOUNDS DESCRIPTION
FOR**

A 635.033 acre, or 27,662,020 square feet more or less, tract of land comprised of the following tracts of land conveyed to the State of Texas for the use and benefit of the Permanent School Fund: all of a called 236.882 acre tract recorded in Document No. 200606053121, all of a called 227.204 acre tract recorded in Document No. 200606053122 and all of a called 171.030 acre tract recorded in Document No. 200606053123 all of the Official Public Records of Comal County, Texas, out of the Nancy Kenner Survey No. 3, Abstract 306, Comal County, Texas. Said 635.033 acre tract being more fully described as follows, with distances displayed in surface values and with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a point at the east corner of said 171.030 acre tract, the south corner of Goodwin Lane, a variable width public right-of-way, recorded in Document No. 201506046191 of the Map and Plat Records of Comal County, Texas and on the northwest right-of-way line of L.H. 35, a variable width public right-of-way, from which a found $\frac{1}{2}$ " iron rod with a cap marked "Overby-Descamps" bears N $46^{\circ}59'37''$ W, a distance of 0.34 feet;

THENCE: With the southeast line of said 171.030 acre tract, the southeast line of said 227.204 acre tract and the northwest right-of-way line of said L.H. 35, the following bearings and distances:

S $32^{\circ}07'18''$ W, a distance of 2388.71 feet to a found TxDOT Type I monument;

Southwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S $57^{\circ}46'57''$ E, a radius of 11625.20 feet, a central angle of $01^{\circ}39'53''$, a chord bearing and distance of S $31^{\circ}23'07''$ W, 337.77 feet, for an arc length of 337.78 feet to a found TxDOT Type I monument;

S $30^{\circ}27'02''$ W, a distance of 1148.42 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4233";

S $34^{\circ}16'55''$ W, a distance of 300.80 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4233";

S $30^{\circ}26'34''$ W, a distance of 999.80 feet to a found TxDOT Type I monument;

S $26^{\circ}46'03''$ W, a distance of 300.27 feet to a found $\frac{1}{2}$ " iron rod with a cap marked "RPLS 4233";

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S 30°29'55" W, a distance of 49.01 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the south corner of said 236.822 acre tract and the southeast corner of a 9.785 acre tract recorded in Volume 378, Page 799 of the Deed Records of Comal County, Texas;

THENCE: N 46°00'20" W, departing the northwest right-of-way line of said I.H 35, with a southwest line of said 236.822 acre tract and the northeast line of said 9.785 acre tract, a distance of 3310.76 feet to a found ½" iron rod at a reentrant corner of said 236.882 acre tract and the north corner of said 9.785 acre tract;

THENCE: With the southeast line of said 236.822 acre tract, the northwest line of said 9.785 acre tract and the northwest line of a 240.485 acre tract recorded in Volume 762, Page 8 of the Deed Records of Comal County, Texas, the following bearings and distances:

S 44°34'34" W, a distance of 1355.16 feet to a found ½" iron rod;

S 44°24'21" E, a distance of 43.25 feet to a found ½" iron rod;

S 44°30'40" W, a distance of 1741.51 feet to a found ½" iron rod at the south corner of said 236.822 acre tract, at the east corner of Lot 56, Cloud Country Subdivision, Unit 4 recorded in Document No. 201806006375 of the Map and Plat Records of Comal County, Texas and on the northwest line of a 44.290 acre tract recorded in Document No. 200406007834 of the Official Public Records of Comal County, Texas;

THENCE: N 45°23'57" W, departing the northwest line of said 44.290 acre tract, with the southwest line of said 236.822 acre tract, the northeast line of said Cloud Country Subdivision, Unit 4, the northeast line of a 29.74 acre tract recorded in Document No. 201606038737 and the northeast line of a 70.688 acre tract recorded in Document No. 200406000885 both of the Official Public Records of Comal County, Texas, a distance of 3537.31 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the west corner of said 236.822 acre tract, the north corner of said 70.688 acre tract and on the southeast line of Union Pacific Railroad, a variable width right of way;

THENCE: With the northwest line of said 236.822 acre tract and the southeast line of said Union Pacific Railroad, the following bearings and distances:

Northeasterly, along a non-tangent curve to the right, said curve having a radial bearing of S 40°28'17" E, a radius of 5679.65 feet, a central angle of 13°18'55", a chord bearing and distance of N 56°11'10" E, 1316.96 feet, for an arc length of 1319.93 feet to a found ½" iron rod with a cap marked "RPLS 4233";

N 62°51'32" E, a distance of 1677.08 feet to a found ½" iron rod with a cap marked "RPLS 4233";

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635.033 Acres.
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Page 3 of 3

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 27°08'26" W, a radius of 2914.93 feet, a central angle of 20°06'13", a chord bearing and distance of N 52°48'27" E, 1017.54 feet, for an arc length of 1022.78 feet to a found ½" iron rod with a cap marked "RPLS 4233";

N 42°45'17" E, a distance of 385.99 feet to a found ½" iron rod with a cap marked "RPLS 4233" at the north corner of said 227.204 acre tract and the west corner of a 200.211 acre tract recorded in Document No. 201406044928 of the Official Public Records of Comal County, Texas;

THENCE: S 45°58'48" E, departing the southeast line of said Union Pacific Railroad, with the northeast line of said 227.204 acre tract and the southwest line of said 200.211 acre tract, a distance of 2470.91 feet to a found ½" iron rod at the south corner of said 200.211 acre tract and the west corner of said 171.030 acre tract;

THENCE: N 43°09'12" E, with the northwest line of said 171.030 acre tract, the southwest line of said 200.211 acre tract, the southeast line of a 7.46 acre tract recorded in Volume 283, Page 775 of the Deed Records of Comal County, Texas and the southeast right-of-way line of said Goodwin Lane, a distance of 2,596.37 feet to a found 6" wood fence post;

THENCE: N 42°57'35" E, continuing with the northwest line of said 171.030 acre tract and the southeast right-of-way line of said Goodwin Lane, a distance of 1556.75 feet to a found ½" iron rod with a cap marked "Overby-Descamps" at the north corner of said 171.030 acre tract and a reentrant corner of said Goodwin Lane;

THENCE: With the northeast line of said 171.030 acre tract and the southeast right-of-way line of Goodwin Lane, the following bearings and distances:

S 46°50'42" E, a distance of 702.59 feet to a found ½" iron rod with a cap marked "RPLS 4233";

S 46°29'51" E, a distance of 817.53 feet to a found ½" iron rod with a cap marked "RPLS 4233";

S 46°59'37" E, a distance of 722.08 feet to the POINT OF BEGINNING, and containing 635.033 acres in Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9205-18 by Pape-Dawson Engineers, Inc.

PREPARED BY:	Pape-Dawson Engineers, Inc.
DATE:	October 16, 2018
REVISED	November 2, 2018
	December 21, 2018
JOB NO.	9205-18
DOC. ID.	N:\Survey\18\18-9200\9205-18\Word\9205-18 FN 635.033 AC.docx



**PAPE-DAWSON
ENGINEERS**

Exhibit A