

RESOLUTION NO. 2022 - R34

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS CONSENTING TO THE CREATION, AND INCLUSION OF LAND WITHIN, FLYING W MUNICIPAL UTILITY DISTRICT

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, a copy of which request is attached hereto as Exhibit "A" (the "*Petition*"); 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 the inclusion of a tract of real property encompassing approximately 362 acres being more particularly described by metes and bounds and by survey in Exhibit "A" 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 of New Braunfels has adopted a Comprehensive Plan, Envision New Braunfels, that includes policies of encouraging balanced and fiscally responsible land use patterns, utilizing public/private partnerships to guide growth and investment within the City's jurisdictional and extraterritorial limits, balancing available resources in an equitable manner that does not lead to disinvestment in existing development, assuring the long-term fiscal health of New Braunfels and preventing undue fiscal burdens on the City and others, and ensuring that decisions result in outcomes that aid in achieving Envision New Braunfels; and

WHEREAS, the City Council of the City of New Braunfels is amenable to granting its consent to the creation of the District and the inclusion of the Land within the District upon certain conditions.

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. This consent is effective only on the event that the creation of the District complies and is consistent with applicable constitutional, statutory, and regulatory provisions or requirement. The City specifically reserves the right to oppose and protest the creation of the District and the inclusion of the land within the District.

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 petitioner shall enter into a development agreement with the City of New Braunfels.
2. The utility providers shall have the right to review and approve the District's bonds and notes prior to issuance and may place restrictions on the terms and provisions of the District's bonds and notes Issued to provide service to the Land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the District unmarketable.
3. The purposes for which the District may Issue bonds shall be 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 at the time of the adoption of this Resolution 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. to 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.
4. Before the commencement of the construction of any water, sanitary sewer (to include package treatment plants, if authorized), drainage, and road facilities (if authorized) and related improvements to serve the District (the "Facilities") the plans and specifications for the construction of said Facilities shall be provided to the City and approval of such plans and specifications shall be obtained from the City prior to construction. Prior to the construction of any Facilities written notice shall be provided to the City, stating the date that such construction will be commenced. The construction of the Facilities shall be in accordance with the approved plans and specifications. During the progress of the construction and installation of Facilities, the City, or representative thereof, may make on-the-ground inspections. After completion of construction a final copy of all "as-builts" of the Facilities shall be delivered to the City in the form(s) as required by the City.

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

PASSED, ADOPTED AND APPROVED THIS 23RD DAY OF MAY, 2022

ATTEST:

RUSTY BROCKMAN, Mayor

GAYLE WILKINSON, City Secretary

Received 3-18-22
@ 11:29 a.m.

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

THE STATE OF TEXAS §
 §
COUNTY OF COMAL §

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

The undersigned (herein referred to as the "Petitioners"), holders of title to all land within the territory hereinafter described by metes and bounds, and acting pursuant to Section 54.016, Texas Water Code, and Section 42.042, Texas Local Government Code, respectfully petition the City Council of the City of New Braunfels, Texas, for its written consent to the inclusion of land in, and the creation of, a conservation and reclamation district and would respectfully show the following:

I.

The name of the proposed district shall be Flying W Municipal Utility District or some other name as required or permitted by law (the "District").

II.

The land shall be included within the District by creation and organization of the District as provided above. The District shall be organized under the terms and provisions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas, Chapters 49 and 54 of the Texas Water Code, and any special act of the Texas Legislature either creating the District or otherwise applicable thereto, together with all amendments and additions thereto.

III.

The District will contain approximately 362 acres of land, more or less, situated in Comal County, Texas. The lands proposed to be included within the District consists of two separate tracts of real property encompassing approximately 258.9 acres of real property and 103.1 acres of real property, respectively, each of said tracts being more particularly described in Exhibit "A" attached hereto. All of the land to be included within the District is located within the extraterritorial jurisdiction of the City of New Braunfels, Texas.

IV.

Each of the undersigned Petitioners are the owners of land in the proposed District and collectively hold title to all of the lands within the proposed District as indicated by the tax rolls of Comal County, Texas.

V.

The purposes of and the general nature of the work proposed to be done by the District shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

1. provide a water supply for municipal and domestic purposes;
2. collect, transport, process, dispose of and control all domestic or communal wastes whether in fluid, solid, or composite state;
3. gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction and interest during construction;
4. design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and
5. 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.

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 as a master-planned single family and multifamily residential development, an adequate waterworks system, sanitary sewer 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, and 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, and drainage and storm sewer system, and road system, 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 project, 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 \$102,000,000. The project will be financed by the issuance of bonds by the District.

WHEREFORE, the Petitioner respectfully prays that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting the consent to the creation of the District and authorizing the inclusion of the land described herein within the District.

RESPECTFULLY SUBMITTED, this 18 day of March 2022.

PETITIONER:

AGUILAS ROBLES, LLC, a Texas limited liability company

By: **TriOak Development, LLC**, a Texas limited liability company, its Manager

By: [Signature]

Name: Joshua Majors

Title: Manager of TriOak Development, LLC

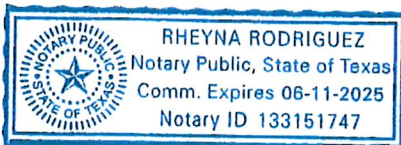
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was acknowledged before me on the 17th day of March, 2022, by JOSH MAJORS, as Petitioner of TriOak Development, LLC, the Manager of Aguilas Robles, LLC, a Texas limited liability company, on behalf of said limited liability company.

(Seal and Expiration)



[Signature]
Notary Public, State of Texas

PETITIONER:

MJD ENDEAVORS, LLC, a Texas limited liability company

By: [Signature]

Name: Justin Davis

Title: Manager

By: [Signature]

Name: David Tidwell

Title: Manager

ACKNOWLEDGEMENTS

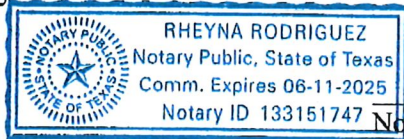
STATE OF TEXAS

COUNTY OF Hays

§
§
§

This instrument was acknowledged before me on the 17th day of March, 2022, by Justin Davis, Manager of MJD Endeavors, LLC, a Texas limited liability company, on behalf of said limited liability company

(Seal and Expiration)



[Signature]
Notary Public, State of Texas

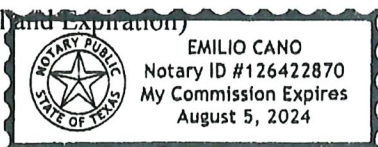
STATE OF TEXAS

COUNTY OF Hays

§
§
§

This instrument was acknowledged before me on the 17 day of March, 2022, by David Tidwell, Manager of MJD Endeavors, LLC, a Texas limited liability company, on behalf of said limited liability company

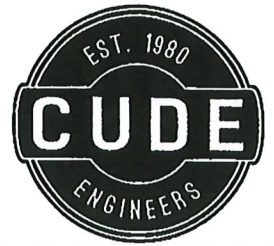
(Seal and Expiration)



[Signature]

Notary Public, State of Texas

Exhibit "A"
Description of Land



**PERIMETER DESCRIPTION
258.9 ACRES OF LAND**

PERIMETER DESCRIPTION OF A 258.9 ACRE TRACT OF LAND, OUT OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NO. 306, COMAL COUNTY TEXAS, AND BEING ALL OF THE FOLLOWING FIVE TRACTS OF LAND: (1) 1.471 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING "W" PROPERTIES, LTD., DATED DECEMBER 11, 2020 AND RECORDED AS DOCUMENT NUMBER 202006056689 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; (2) 4.997 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING "W" PROPERTIES, LTD., DATED DECEMBER 11, 2020 AND RECORDED AS DOCUMENT NUMBER 202006056689 OF SAID OFFICIAL PUBLIC RECORDS; (3) 127.922 ACRES AS DESCRIBED IN A SPECIAL WARRANTY DEED TO FLYING W PROPERTIES, LTD, DATED JULY 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306027574 OF THE OFFICIAL RECORDS OF COMAL COUNTY TEXAS; (4) 114.206 ACRES AS DESCRIBED IN A SPECIAL WARRANTY DEED TO FLYING W PROPERTIES, LTD., DATED JULY 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306027576 OF SAID OFFICIAL RECORDS; (5) 10.000 ACRES AS DESCRIBED IN A GENERAL WARRANTY DEED TO FLYING W PROPERTIES, LTD., DATED OCTOBER 30, 2003 AND RECORDED AS DOCUMENT NUMBER 200306040824 OF SAID OFFICIAL RECORDS; SAID 258.9 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE BASE OF AN OLD WOOD FENCE CORNER POST, AND BEING IN THE NORTHWEST LINE OF F.M. 1102, A CALLED 80 FOOT RIGHT-OF-WAY PER TXDOT MAP R1273-1-2, DATED JULY 26, 1950, FOR THE SOUTH CORNER OF SAID 10.000 ACRE TRACT, ALSO BEING THE EAST CORNER OF THAT CERTAIN TRACT DESCRIBED AS 39.320 ACRES (TRACT NO. 2) IN A SPECIAL WARRANTY DEED TO TLJ RANCH, LP, DATED DECEMBER 30, 2009 AND RECORDED AS DOCUMENT NUMBER 201006004682 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, WITH AN OLD WIRE FENCE AND THE NORTHEAST LINE OF SAID 39.320 ACRE TRACT THE FOLLOWING FOUR (4) COURSES; FOR REFERENCE A NEW GAME FENCE STANDS NEAR AND TO THE NORTHEAST AND RUNS GENERALLY PARALLEL WITH SAID OLD WIRE FENCE:

1. N 47°03'55" W 754.60 FEET WITH THE WEST LINE OF SAID 10.000 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE WEST CORNER OF SAID 10.000 ACRE TRACT AND FOR A WESTERLY SOUTHWEST CORNER OF SAID 114.206 ACRE TRACT,
2. N 46°58'31" W 60.36 FEET WITH THE SOUTHWEST LINE OF SAID 114.206 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND,
3. N 46°09'36" W 933.97 FEET TO A 60D NAIL FOUND,
4. N 46°07'56" W 579.85 FEET TO AN OLD T-POST FOUND FOR THE OSTENSIBLE NORTH CORNER OF SAID 39.320 ACRE TRACT;

THENCE, N 46°27'38" W 826.33 FEET WITH SAID OLD WIRE FENCE AND THE NORTHEAST LINE OF THAT CERTAIN TRACT DESCRIBED AS 73.227 ACRES (TRACT NO. 1) IN SAID TLJ RANCH DEED, TO A 3-1/2 INCH IRON PIPE FENCE CORNER POST FOUND FOR A SOUTHEASTERLY CORNER OF SAID 127.922 ACRE TRACT; FOR REFERENCE, A 60D NAIL IN THE TOP OF AN OLD CEDAR FENCE CORNER POST FOUND FOR AN ANGLE POINT IN THE SOUTHEAST LINE OF SAID 127.922 ACRE TRACT BEARS N 47°12'05" W 42.19 FEET;

THENCE, CONTINUING WITH SAID OLD WIRE FENCE, THE NORTHEAST LINE OF SAID 73.227 ACRE TRACT, AND WITH THE SOUTHWEST LINE OF SAID 127.922 ACRE TRACT THE FOLLOWING FIVE (5) COURSES:

1. S 80°02'03" W 35.31 FEET TO A RAIL ROAD SPIKE IN THE TOP OF A 4 INCH IRON PIPE FENCE CORNER POST FOUND,
2. N 46°48'08" W 286.49 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
3. N 50°54'07" W 472.58 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
4. S 42°51'11" W 719.79 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND,
5. N 43°31'42" W 1892.31 FEET TO A 4 INCH PIPE FENCE CORNER POST FOUND IN THE SOUTHEAST LINE OF LOT 148 OF HAVENWOOD AT HUNTERS CROSSING UNIT TWO SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 200606040000 OF SAID OFFICIAL RECORDS, FOR THE WEST CORNER OF SAID 127.922 ACRE TRACT;

THENCE, WITH A GAME FENCE, AND WITH THE SOUTHEAST LINES OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT TWO AND HAVENWOOD AT HUNTERS CROSSING UNIT THREE SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 200606046131 OF SAID OFFICIAL RECORDS, THE FOLLOWING FIVE (5) COURSES:

1. N 43°40'26" E, PASSING AN IRON ROD WITH ALUMINUM CAP INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNER OF LOT 149 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT TWO, AT 277.87 FEET PASSING AN IRON ROD WITH ALUMINUM CAP INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNER OF LOT 177 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE, AND CONTINUING FOR A TOTAL DISTANCE OF 360.63 FEET TO A POINT IN THE FENCE LINE,
2. N 43°40'35" E 879.10 FEET, PASSING IRON RODS WITH ALUMINUM CAPS INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNERS OF LOTS 179, 181, AND 182 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE TO A 15 INCH OAK TREE FOUND IN THE FENCE LINE AT THE SOUTHEAST TERMINATION OF OAK BLUFF TRAIL,
3. N 44°05'20" E 355.20 FEET, PASSING IRON RODS WITH ALUMINUM CAPS INSCRIBED "PRO-TECH ENG 2219" FOUND ONLINE FOR THE SOUTH CORNERS OF LOTS 183, 184, AND 185 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE, TO A DEAD 8 INCH OAK TREE FOUND IN THE FENCE LINE,
4. N 45°00'23" E 10.90 FEET TO A 10 INCH CEDAR TREE FOUND IN THE FENCE LINE,
5. N 44°02'32" E 650.92 FEET TO A 3 INCH PIPE FENCE CORNER POST FOUND AT THE EAST CORNER OF LOT 188 OF SAID HAVENWOOD AT HUNTERS CROSSING UNIT THREE SUBDIVISION, FOR THE NORTH CORNER OF SAID 127.922 ACRE TRACT, AND BEING IN THE SOUTHWEST LINE OF THAT CERTAIN TRACT DESCRIBED AS 164.537 ACRES IN A SPECIAL WARRANTY DEED TO FLYING W

PROPERTIES, LTD. DATED MARCH 28, 2000 AND RECORDED AS DOCUMENT NUMBER 200006011446 OF SAID OFFICIAL RECORDS;

THENCE, WITH THE SOUTHWEST LINE OF SAID 164.537 ACRE TRACT AND ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, THE FOLLOWING SEVEN (7) COURSES:

1. S 65°12'22" E 292.01 FEET ALONG OR NEAR A WIRE FENCE TO A 1/2 INCH IRON ROD WITH RED PLASTIC CAP INSCRIBED "CUDE" SET NEAR A PIPE FENCE CORNER POST,
2. S 46°32'49" E 695.33 FEET ALONG OR NEAR A WIRE FENCE TO A 1/2 INCH IRON ROD FOUND,
3. S 46°24'54" E, AT 795 FEET PASSING THROUGH AN OPEN PORTION OF A CROSS FENCE, LEAVING ABOVE SAID WIRE FENCE, AND CONTINUING INTO OPEN FIELD FOR A TOTAL DISTANCE OF 1429.16 FEET TO A 1/2 INCH IRON ROD FOUND,
4. S 46°18'47" E 124.19 FEET TO A 1/2 INCH IRON ROD WITH RED CAP INSCRIBED "CUDE" SET FOR THE EAST CORNER OF SAID 127.922 ACRE TRACT, SAME BEING THE NORTH CORNER OF SAID 114.206 ACRE TRACT,
5. S 46°18'47" E, AT 1340 FEET PASSING A CROSS FENCE, AND CONTINUING FOR A TOTAL DISTANCE OF 1895.57 FEET TO A 1/2 INCH IRON ROD FOUND,
6. S 46°20'35" E 901.64 FEET TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE NORTH CORNER OF SAID 4.997 ACRE TRACT,
7. S 46°33'48" E 60.91 FEET WITH THE NORTHEAST LINE OF SAID 4.997 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTH CORNER OF SAID 164.537 ACRE TRACT, AND FOR THE WEST CORNER OF THAT CERTAIN TRACT DESCRIBED AS 5.776 ACRES IN A SPECIAL WARRANTY DEED TO SAM RUSSELL CALDER, DATED APRIL 5, 2014 AND RECORDED AS DOCUMENT NUMBER 201806020584 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, S 46°49'33" E 313.24 FEET ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, AND WITH THE COMMON LINE OF SAID 5.776 ACRE TRACT AND SAID 4.997 ACRE TRACT TO A 60D NAIL FOUND AT THE BASE OF A CEDAR TREE AND IN THE FENCE LINE FOR THE NORTH CORNER OF SAID 1.471 ACRE TRACT;

THENCE, WITH THE NORTHEAST LINE OF SAID 1.471 ACRE TRACT THE FOLLOWING THREE (3) COURSES:

1. S 49°52'40" E 199.46 FEET ALONG OR NEAR THE NORTHEAST LINE OF THE NANCY KENNER SURVEY NUMBER 3, ABSTRACT NUMBER 306, AND WITH THE SOUTHWEST LINE OF SAID 5.776 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE NORTH CORNER OF THAT CERTAIN TRACT DESCRIBED AS 0.497 ACRES IN A WARRANTY DEED WITH VENDOR'S LIEN TO VANESSA VAJDOS, DATED AUGUST 18, 2006 AND RECORDED AS DOCUMENT NUMBER 200606035699 OF SAID OFFICIAL RECORDS,
2. S 40°06'35" W 109.99 FEET WITH THE NORTHWEST LINE OF SAID 0.497 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND FOR THE WEST CORNER OF SAID 0.497 ACRE TRACT,
3. S 49°46'25" E 187.13 FEET WITH THE SOUTHWEST LINE OF SAID 0.497 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND IN THE CURVING NORTHWEST LINE OF F.M. 1102, BEING THE SOUTH CORNER OF SAID 0.497 ACRE TRACT, AND THE EAST CORNER OF SAID 1.471 ACRE TRACT;

THENCE, WITH THE NORTHWEST LINE OF SAID F.M. 1102 THE FOLLOWING SEVEN (7) COURSES:

1. 69.76 FEET WITH THE SOUTHEAST LINE OF SAID 1.471 ACRE TRACT AND WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1870.10 FEET AND A CHORD THAT BEARS S 53°45'53" W 69.76 FEET TO A TXDOT TYPE 1 CONCRETE MONUMENT FOUND,
2. S 54°30'00" W 53.40 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTH CORNER OF SAID 1.471 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 4.997 ACRE TRACT;
3. S 54°30'00" W 200.14 FEET WITH THE SOUTHEAST LINE OF SAID 1.471 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "KOLODZIE SURVEYING" FOUND FOR THE SOUTH CORNER OF SAID 4.997 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 114.206 ACRE TRACT,
4. S 54°42'00" W 706.77 FEET WITH THE SOUTHEAST LINE OF SAID 114.206 ACRE TRACT TO A 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "BRYN SURVEYING" FOUND FOR THE SOUTH CORNER OF SAID 114.206 ACRE TRACT, SAME BEING THE EAST CORNER OF SAID 10.000 ACRE TRACT;
5. S 54°40'20" W 52.29 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT TO 1/2 INCH IRON ROD WITH YELLOW CAP INSCRIBED "BRYN SURVEYING" FOUND,
6. 310.55 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT AND WITH A CURVE TO THE LEFT HAVING A RADIUS OF 5769.70 FEET AND A CHORD THAT BEARS S 53°05'05" W 310.51 FEET TO A 1/2 INCH IRON ROD FOUND,
7. S 51°22'14" W 201.91 FEET WITH THE SOUTHEAST LINE OF SAID 10.000 ACRE TRACT TO THE POINT OF BEGINNING.

BEARINGS CITED HEREON BASED ON GRID NORTH TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE (NAD83). THIS PERIMETER DESCRIPTION IS A PART OF AND ACCOMPANIES A SKETCH OF THIS SURVEY. THE FIELDWORK WAS COMPLETED ON OCTOBER 28, 2021.

Brett A. Butts NOVEMBER 2, 2011

BRETT A. BUTTS
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6254
 CUDE ENGINEERS
 12301 RESEARCH BLVD, BUILDING V, SUITE 160
 AUSTIN, TX 78759
 TBPELS FIRM NO. 10048500
 TBPE FIRM NO. 455
 JOB NO. 03678.000



DESCRIPTION OF A 103.1 ACRE TRACT OF LAND
SITUATED IN THE NANCY KENNER SURVEY NO. 3, ABSTRACT NO. 306
COMAL COUNTY, TEXAS

BEING a 103.1 acre tract of land situated in the Nancy Kenner Survey No. 3, Abstract No. 306 and being all of a called 73.227 acre tract of land described as Tract 1 and being a portion of a called 39.320 acre tract of land described as Tract 2 in an instrument to TLJ Ranch, LP recorded in Document No. 201006004682 of the Official Public Records of Comal County, Texas (O.P.R.C.C.), said 103.1 acre tract of land described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found on the Northwest right-of-way line of FM 1102 (Called 80-feet wide) and being the most Southerly corner of a called 10.000 acre tract described in an instrument to Flying W. Properties, Ltd. recorded in Document No. 200306040824, O.P.R.C.C. and being the most Easterly corner of said 39.320 acre tract and an Easterly Southeast corner of the herein described tract;

THENCE, South 51° 54' 40" West, along and with the Northwest right-of-way line of said FM 1102, a distance of 60.74 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set for a Southerly Southeast corner of the herein described tract;

THENCE, North 47° 03' 31" West, over and across said 39.320 acre tract, being 60-feet to the West of and parallel to the common line of said 39.320 acre tract and said 10.000 acre tract, a distance of 757.79 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set for an interior corner of the herein described tract;

THENCE, South 42° 56' 29" West, continuing over and across said 39.320 acre tract, a distance of 698.79 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set on the Southwest line of said 39.320 acre tract and the Northeast line of a called 68.90 acre tract of land described in an instrument to Highbridge Consultants LLC recorded in Document No. 202106002169, O.P.R.C.C., and being a Southerly Southwest corner of the herein described tract;

THENCE, North 48° 24' 48" West, along and with the Southwest line of said 39.320 acre tract and the Northeast line of said 68.90 acre tract, a distance of 1,561.20 feet to a 5/8-inch iron rod found on the Southeast line of said 73.227 acre tract, and being the most Westerly corner of said 39.320 acre tract and an interior corner of the herein described tract;

THENCE, South 42° 48' 58" West, along and with the Northwest line of said 68.90 acre tract and a Southeast line of said 73.227 acre tract, a distance of 471.42 feet to a 1/2-inch iron rod with cap stamped "Overby-Descamps" found for the most Southerly corner of said 73.227 acre tract and being the most Easterly corner of Lot 77 of HAVENWOOD AT HUNTERS CROSSING UNIT ONE, a subdivision recorded in Document No. 200606015745, Map and Plat Records of Comal County, Texas (M.P.R.C.C.);

THENCE, along and with the Southwest line of said 73.227 acre tract and the Northeast line of said HAVENWOOD AT HUNTERS CROSSING UNIT ONE, the following nine (9) bearings and distances:

- 1) North 48° 23' 33" West, a distance of 306.46 feet to a 6-inch fence post found for corner;
- 2) North 47° 54' 13" West, a distance of 270.21 feet to a calculated point for corner, from which a found 1/2-inch iron rod with cap stamped "Precision Surveyors" bears North 54°34' East, 1.09 feet;

- 3) North 48° 00' 48" West, at a distance of 87.95 feet passing a 1/2-inch iron rod with cap stamped "Pro-tech" found for the most Northerly corner of Lot 78 and the most Easterly corner of Lot 89 of said HAVENWOOD AT HUNTERS CROSSING UNIT ONE, and continuing for a total distance of 185.73 feet to a T-Post found for corner;
- 4) North 47° 43' 21" West, at a distance of 232.22 feet passing a 1/2-inch iron rod with cap stamped "Pro-tech" found for the most Northerly corner of Lot 89 and the most Easterly corner of Lot 90 of said HAVENWOOD AT HUNTERS CROSSING UNIT ONE, and continuing a total distance of 557.82 feet to a T-Post found for corner;
- 5) North 47° 19' 15" West, a distance of 254.25 feet to a T-Post found for corner;
- 6) North 47° 16' 18" West, at a distance of 410.17 feet passing a 1/2-inch iron rod with cap stamped "Pro-tech" found for the most Northerly corner of Lot 102 and the most Easterly corner of Lot 113 of said HAVENWOOD AT HUNTERS CROSSING UNIT ONE, and continuing a total distance of 428.03 feet to a 1/2-inch iron rod found for corner;
- 7) North 46° 56' 25" West, a distance of 274.76 feet to a 1/2-inch iron rod with cap stamped "RPLS 4907" found for corner;
- 8) North 46° 51' 43" West, a distance of 329.25 feet to a T-Post found for corner;
- 9) North 46° 51' 22" West, a distance of 38.15 feet to a 1/2-inch iron rod with cap stamped "Pro-tech" found for the most Northerly corner of Lot 114 of said HAVENWOOD AT HUNTERS CROSSING UNIT ONE, and being the most Easterly corner of Lot 131 of HAVENWOOD AT HUNTERS CROSSING UNIT TWO, a subdivision recorded in Document No. 200606040000, M.P.R.C.C.;

THENCE, North 46° 51' 03" West, along and with the Southwest line of said 73.227 acre tract and the Northeast line of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, a distance of 390.70 feet to a T-Post found for corner;

THENCE, North 46° 49' 33" West, continuing along and with the Northeast line of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, at a distance of 269.32 feet passing a 1/2-inch iron rod with cap stamped "Pro-tech" found for the most Northerly corner of Lot 132 and being the most Easterly corner of Lot 143 of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, and continuing a total distance of 468.39 feet to a 1/2-inch iron rod with cap stamped "Sherwood" found for the most Southerly corner of Lot 144 and an angle point on the East line of said Lot 143 of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, and being the most Westerly corner of said 73.227 acre tract and the herein described tract;

THENCE, North 43° 40' 51" East, along and with a North line of said 73.227 acre tract and being a Southeasterly line of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, at a distance of 172.38 feet passing a 1/2-inch iron rod with cap stamped "Pro-tech" found for the common South corner of Lot 144 and Lot 145 of said HAVENWOOD AT HUNTERS CROSSING UNIT TWO, and continuing a total distance of 655.61 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set for the most Northerly corner of said 73.227 acre tract and the herein described tract, and being the most Westerly corner of a called 127.922 acre tract described in an instrument to Flying W. Properties, Ltd. recorded in Document No. 200306027574, O.P.R.C.C.;

THENCE, along and with the common lines of said 73.227 acre tract and said 127.922 acre tract, the following five (5) bearings and distances:

- 1) South 43° 32' 48" East, a distance of 1,892.21 feet to a 1/2-inch iron rod with cap stamped "Kolodize Surveying" found for a Southerly corner of said 127.922 acre tract and being an interior corner of said 73.227 acre tract and the herein described tract;
- 2) North 42° 52' 06" East, a distance of 719.83 feet to a 1/2-inch iron rod with cap stamped "Kolodize Surveying" found for an interior corner of said 127.922 acre tract and being a lower North corner of said 73.227 acre tract and the herein described tract;
- 3) South 50° 54' 06" East, a distance of 472.70 feet to a 1/2-inch iron rod with cap stamped "Kolodize Surveying" found for an angle point;
- 4) South 46° 47' 36" East, a distance of 286.34 feet to a Railroad Spike found in a 4-inch pipe post for a Southerly corner of said 127.922 acre tract;
- 5) North 79° 45' 26" East, a distance of 35.50 feet to a Fence post found for a Southerly corner of said 127.922 acre tract and being an angle point on the West line of a called 114.206 acre tract described in an instrument to Flying W. Properties, Ltd recorded in Document No. 200306027576, O.P.R.C.C., from which a 60D Nail found in a fence post marking a common corner of said 127.922 acre tract and said 114.206 acre tract bears North 47°22'00" West, a distance of 42.14 feet;

THENCE, South 46° 32' 55" East, along and with the common line of said 73.227 acre tract and said 114.206 acre tract, a distance of 826.44 feet to a calculated point on the West line of said 114.206 acre tract and being the common East corner of said 73.227 acre and 39.320 acre tract of land, from which a 5/8-inch iron rod found sticking out of the ground 3 feet bears South 43°20' West, a distance of 1.20 feet;

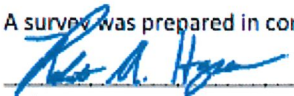
THENCE, South 45° 59' 11" East, along and with the common line of said 39.320 acre tract and said 114.206 acre tract, a distance of 579.85 feet to a 1/2-inch iron rod found for corner;

THENCE, South 46° 09' 37" East, continuing along and with the common line of said 39.320 acre tract and said 114.206 acre tract, a distance of 933.98 feet to a 1/2-inch iron rod found for corner;

THENCE, South 47° 03' 31" East, continuing along and with the common line of said 39.320 acre tract and said 114.206 acre tract, at a distance of 60.36 feet passing a 1/2-inch iron rod with cap stamped "Kolodize Surveying" found for the most Westerly corner of said 10.000 acre tract, and continuing a total distance of 815.10 feet to the **POINT OF BEGINNING** and containing 103.1 acres of land.

Bearing orientation is based upon the Texas Coordinate System, South Central Zone 4204, North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.00. Measurements are in U.S. Survey Feet.

A survey was prepared in conjunction with this metes and bounds description.


Robert A. Harper, RPLS No. 6582
Summit Geomatics, Inc.
4603 N Stahl Park, Suite 103
San Antonio, Texas 78217
TBPELS Firm No. 10194657



