

RESOLUTION NO. 2022 - R35

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS CONSENTING TO THE CREATION, AND INCLUSION OF LAND WITHIN, COMAL COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

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 637.72 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 id 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. 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.
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

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

EXHIBIT "A"

02-23-22P03:01 RCVD

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 "*Petitioner*"), holder 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 petitions 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 Comal County Municipal Utility District No. 3 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 637.72 acres of land, more or less, situated in Comal County, Texas. The land proposed to be included within the District is described in **Exhibit "A"** attached hereto and is located within the extraterritorial jurisdiction of the City of New Braunfels, Texas. All of the territory proposed to be included may properly be included in the District.

IV.

The undersigned is the owner of and holds 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 uses, domestic uses and commercial 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, multi-family and commercial growth. There is not now available within the area, which will be developed as a master-planned single-family residential and commercial 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 \$70,000,000.00. 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 7 day of Feb, 2022.

PETITIONER:

306 PROPERTIES, LP, a Texas limited partnership

By: **306 PROPERTIES GP, LLC**, a Texas limited liability company, its General Partner

By: [Signature]
Name: DAVID R. BURCH
Title: Member

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF Comal §

This instrument was acknowledged before me on the 7 day of Feb, 2022, by David Burch, member of 306 Properties GP, LLC, a Texas limited liability company and General Partner of 306 Properties, LP, a Texas limited partnership, on behalf of said limited partnership.

(Seal and Expiration)

[Signature]
Notary Public, State of Texas

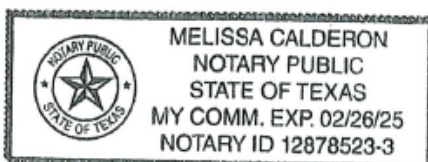


Exhibit "A"



STATE OF TEXAS
COUNTY OF COMAL

**FIELD NOTE DESCRIPTION
OF A
637.72 ACRE TRACT OF LAND**

Being a 637.72 acre tract of land lying in the D. Bradford Survey No. 9, Abstract No. 36 and the G. Lawrence Survey No. 8, Abstract No. 359, Comal County, Texas, said 637.72 acre tract being all of a 45.00 acre tract of land as described in a Warranty Deed to 306 Properties, LP, dated May 22, 2018, and recorded in Document No. 201806019920, being all of a 94.89 acre tract of land as described in a Warranty Deed to 306 Properties, LP, dated May 22, 2018, and recorded in Document No. 201806019921, all of a 180.000 acre tract of land as described in a Warranty Deed with Vendor's Lien to 306 Properties, LP, dated February 8, 2007, and recorded in Document No. 200706006148, and also being all of a 317.86 acre tract of land described in a Warranty Deed to 306 Properties, LP, dated January 30, 2006, and recorded in Document No. 200606004009, all of the Official Records of Comal County, Texas; said 637.72 acre tract of land being more particularly described as follows:

BEGINNING: at a 1/2" iron rod found in the west right-of-way line of F.M. 306 for the southeast corner of the aforementioned 94.89 acre tract and the northeast corner of the replat of lots 1A-1E & 2A-2C, River Oaks, Unit 1, recorded in Volume 6, Page 179, Map and Plat Records Comal County, Texas, and the southeast corner of the herein described 637.72 acre tract;

THENCE: leaving the west right-of-way line of F.M. 306, along the south line of the aforementioned 94.89 acre tract, the north lines of the aforementioned Lots 1A through 1E, River Oaks Unit 1, and the north line of Lots 3, 5, 7, and 9 of River Oaks Subdivision as recorded in Volume 5, Pages 44-45, Map and Plat Records of Comal County, Texas, S88°35'21"W, a distance of 3,485.78 feet (Record - S88°35'24"W~3,485.74') to a 3" diameter pipe post found for the southwest corner of said 94.89 acre tract, an interior corner of said Lot 9, and the southwest corner of the herein described 637.72 acre tract;

THENCE: along the southwest line of the aforementioned 94.89 acre tract, the northeast line of the aforementioned Lot 9, and the northeast line of Lots 1 and 3 of River Oaks Ranch Unit 3, recorded in Volume 5, Pages 239-240, Map and Plat Records of Comal County, Texas, N46°16'27"W (Record - N46°16'28"E~1,014.38'/N45°33'51"E~123.97'), passing a 1/2" iron rod with yellow cap found for the west corner of said 94.89 acre tract and the south corner of the aforementioned 180.000 acre tract at a distance of 1,014.38 feet, a total distance of 1,138.35 feet to a 3/8" iron rod found for the north corner of said Lot 3 and the east corner of 60' wide unimproved, unnamed street for an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned unnamed street, N46°32'02"W a distance of 8.66 feet (Record - N43°46'59"W~7.89') to a 1/2" iron rod found for an angle point, and N46°21'09"W, a distance of 51.36 feet (Record - N45°49'37"W~52.14') to a 3/8" iron rod found for the north corner of the aforementioned unnamed street, the east corner of Lot 5 of the aforementioned River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;

- THENCE:** containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 5, N46°22'10"W, a distance of 424.86 feet (Record – N45°43'16"W~424.77') to a 3/8" iron rod found for the north corner of said Lot 5, the east corner of Lot 7 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 7, N46°19'49"W, a distance of 338.57 feet (Record – N45°39'45"W~338.48') to a 4" cedar post found for an angle point, and N46°35'02"W, a distance of 18.09 feet (Record – N46°40'47"W~18.30') to a 3/8" iron rod found for the north corner of said Lot 7, the east corner of Lot 9 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 9, N46°24'06"W, a distance of 325.90 feet (Record – N45°43'39"W~325.66') to a 3/8" iron rod found for the north corner of said Lot 9, the east corner of Lot 11 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 11, N46°27'07"W, a distance of 300.00 feet (Record – N45°48'55"W~300.11') to a 3/8" iron rod found for the north corner of said Lot 11, the east corner of Lot 13 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000, the northeast line of the aforementioned Lot 13 and the northeast line of Lot 15 of the aforementioned River Oaks Unit 3, N46°59'21"W, a distance of 20.29 feet (Record – N45°16'20"W~20.76') to a 3/8" iron rod found for an angle point, and N46°06'47"W, a distance of 300.89 feet (Record – N45°29'38"W~300.29') to a 3/8" iron rod found for an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 15, N46°27'05"W, a distance of 277.28 feet (Record – N45°50'05"W~277.45') to a 3/8" iron rod found for the north corner of Lot 15, the east corner of Lot 17 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 and the northeast line of the aforementioned Lot 17, N46°29'38"W, a distance of 299.97 feet (Record – N45°47'11"W~299.74') to a cotton spindle found for the north corner of said Lot 17, the east corner of Lot 19 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;
- THENCE:** containing along the southwest line of the aforementioned 180.000 and the northeast line of the aforementioned Lot 19, N46°16'29"W, a distance of 156.63 feet (Record – N45°37'57"W~156.78') to a 1/2" iron rod with plastic cap stamped "Eagle Survey" found for an angle point, and N46°23'02"W a distance of 131.08 feet (Record – N45°47'29"W~131.15') to a 3/8" iron rod found for the north corner of Lot 19, the east corner of Lot 21 of said River Oaks Unit 3, and an angle point of the herein described 637.72 acre tract;

THENCE: containing along the southwest line of the aforementioned 180.000 acre tract and the northeast line of the aforementioned Lot 21, N46°32'46"W, a distance of 329.66 feet (Record – N45°53'01"W~329.47') to a 3/8" iron rod found for the north corner of said Lot 21, the east corner of Lot 23 of said River Oaks Unit 3, and angle point of the herein described 637.72 acre tract;

THENCE: containing along the southwest line of the aforementioned 180.000, the northeast line of the aforementioned Lot 23, and the northeast line of Lot 25 of River Oaks Unit 3 the following six (6) courses and distances:

N46°42'21"W, a distance of 326.78 feet (Record – N46°04'00"W~327.44') to a 2" cedar post found for an angle point of the herein described 637.72 acre tract,

N51°18'27"W, a distance of 79.13 feet (Record – N51°14'11"W~78.99') to a point, said point evidenced by a hole in the ground where a tree had been removed for an angle point of the herein described 637.72 acre tract,

N40°49'02"W, a distance of 97.04 feet (Record – N40°37'19"W~95.45') to a twin 7" Elm Tree found for an angle point of the herein described 637.72 acre tract,

N47°30'17"W, a distance of 90.11 feet (Record – N45°55'36"W~86.46') to a metal "T" post found for an angle point of the herein described 637.72 acre tract,

N46°23'48"W, a distance of 307.25 feet (Record – N45°57'46"W~189.67'/N46°07'18"W~119.28') to a 6" cedar post found for an angle point of the herein described 637.72 acre tract, and

N46°33'17"W a distance of 499.36 feet (Record – N45°53'07"W~504.77') to a 1/2" iron rod found in the southeast line of Lot 162 of River Chase Unit 2 as recorded in Volume 13, Pages 114-118, Map and Plat Records of Comal County, Texas, for the west corner of said 180.000 acre tract, the north corner of Lot 25 River Oaks Unit 3, and the west corner of the herein described 637.72 acre tract;

THENCE: along the northwest line of the aforementioned 180.00 acre tract, and the southeast line of the aforementioned Lot 162, N43°17'19"E, a distance of 502.13 feet (Record – N44°11'41"E~504.37') to a 1/2" iron rod found for the east corner of said Lot 162, the south corner of Lot 147 of said River Chase Unit 2, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northwest line of the aforementioned 180.00 acre tract and the southeast line of the aforementioned Lot 147, N43°35'35"E, a distance of 343.98 feet (Record – N44°15'02"E~343.56') to a 3/8" iron rod found for an angle point, and N43°45'11"E, passing a 1/2" iron rod with aluminum cap found for the east corner of said Lot 147 and the south corner of the terminus of Westshire Lane at a distance of 460.95 feet, and also passing a 1/2" iron rod found for the south corner of Lot 124 of said River Chase Unit 2 and the east corner of the terminus of said Westshire Lane at a distance of 521.04 feet, a total distance of 549.18 feet (Record – N44°22'13"E~549.66') to a point for an angle point of said Lot 124, of the aforementioned 317.86 acre tract, and of the herein described 637.72 acre tract;

- THENCE:** continuing along the northwest line of the aforementioned 317.86 acre tract, the southeast line of the aforementioned Lot 124 and the southeast line of Lot 125 of the aforementioned River Chase Unit 2, N43°33'41"E, a distance of 350.22 feet (Record – N44°10'40"E~350.22') to point for an angle point of said 317.86 acre tract, Lot 125, and of the herein described 637.72 acre tract;
- THENCE:** continuing along the northwest line of the aforementioned 317.86 acre tract, the southeast line of the aforementioned Lot 125, the southeast line of Lot 126 and 127 of the aforementioned River Chase Unit 2, N43°41'37"E, a distance of 619.95 feet (Record – N44°10'23"E~616.95') to 13" Cedar Tree found for an angle point of said 317.86 acre tract, Lot 127, and of the herein described 637.72 acre tract;
- THENCE:** continuing along the northwest line of the aforementioned 317.86 acre tract, the southeast line of the aforementioned Lot 127, and the southeast line of Lot 121 of the aforementioned River Chase Unit 2, N43°33'00"E, a distance of 295.64 feet (Record – N44°32'39"E~296.11') to a 1/2" iron rod with plastic cap stamped "PRECISION SURVEYING" found for an angle point of said 317.86 acre tract, of said Lot 121, an angle point of the herein described 637.72 acre tract;
- THENCE:** continuing along the northwest line of the aforementioned 317.86 acre tract and the southeast line of the aforementioned Lot 121, N44°01'02"E, passing a 1/2" iron rod found for the east corner of Lot 121 River Chase Unit 2 and the south corner of the terminus of Survista Lane at a distance of 334.27 feet, also passing a 1/2" iron rod found for the south corner of Lot 20 of said River Chase Unit 2 and the east corner of the terminus of said Survista Lane at a distance of 394.05 feet, a total distance of 545.62 feet (Record – N44°33'12"E~545.62') to a point for an angle point of said 317.86 acre tract, of said Lot 120 and of the herein described 637.72 acre tract;
- THENCE:** continuing along the northwest line of the aforementioned 317.86 acre tract, the southeast line of the aforementioned Lot 120, and the southeast line of Lot 116 of the aforementioned River Chase Unit 2, the following seven (7) courses and distances:
- N44°55'21"E, a distance of 36.53 feet (Record – N45°00'02"E~36.73') to a 60 "d" nail found in a cedar stump for an angle point,
- N27°22'16"E, a distance of 41.97 feet (Record – N24°51'17"E~40.18') to a 36" Live Oak Tree found for an angle point,
- N07°39'44"W, a distance of 16.28 feet (Record – N05°20'19"W~15.93') to a 20" Live Oak Tree found for an angle point,
- N53°30'23"E, a distance of 45.05 feet (Record – N53°33'32"E~44.39') to a 16" Elm Tree found for an angle point,
- N50°44'58"E, a distance of 112.25 feet (Record – N51°31'13"E~113.20') to a point for an angle point,
- N43°54'54"E, a distance of 323.31 feet (Record – N44°28'58"E~323.31') to a point for an angle point, and

N43°40'41"E, a distance of 254.11 feet (Record – N44°14'45"E~254.11') to 1/2" iron rod found for an angle corner of said Lot 116, the west corner of Lot 115 of River Chase Unit 1 as recorded in Volume 13, Pages 20-23, Map and Plat Records of Comal County, Texas, the north corner of said 317.86 acre tract, and the north corner of the herein described 637.72 acre tract;

THENCE: along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned River Oaks Unit 1, S46°43'54"E, a distance of 567.63 feet (Record – S46°05'13"E~567.75') to a 1/2" iron rod with aluminum cap found for the south corner of the aforementioned Lot 115, the west corner of Lot 114 of the aforementioned River Oaks Unit 1, and S46°46'11"E, a distance of 449.51 feet (Record – S46°06'05"E~449.27') to a 1/2" iron rod found for the south corner of said Lot 114, the west corner of Lots 29 and 30, Block 7, Texas Country Estates Unit 2 as recorded in Document No. 200806015205, Official Public Records of Comal County, Texas, an angle point of said 317.86 acre tract and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned Texas Country Estates Unit 2, S46°36'26"E, a distance of 480.55 feet (Record – S46°01'15"E~481.05') to a 1/2" iron rod found, and S46°26'32"E, a distance of 741.51 feet (Record – S45°45'32"E~741.06') to a concrete post found for the south corner of Lot 35 of said Texas Country Estates Unit 2, the west corner of Lot 1 of Texas Country Estates Unit 1 as recorded in Volume 12, Pages 389-390, Map and Plat Records of Comal County, Texas, for an angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned Lot 1, S46°25'40"E, a distance of 305.63 feet (Record – S45°44'40"E~305.63') to a cotton spindle found for the south corner of said Lot 1, the west corner of Lot 2 of the aforementioned Texas Country Estates Unit 1, an angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned Lot 2, S46°22'39"E, a distance of 180.81 feet (Record – S45°45'10"E~180.89') to a 1/2" iron rod found for the south corner of said Lot 2, the west corner of Lot 3 of the aforementioned Texas Country Estates Unit 1, an angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest lines of Lot 3, Lot 4, and Lot 5 of the aforementioned Texas Country Estates Unit 1, S46°23'29"E, a distance of 533.11 feet (Record – S45°40'48"E~193.88', S45°45'00"E~195.54', S45°45'42"E~143.61') to a 1/2" iron rod found for an angle point, and S46°21'26"E, a distance of 51.58 feet (Record – S45°38'53"E~51.57') to a 1/2" iron rod found for the south corner of said Lot 5, the west corner of Lot 6 of the aforementioned Texas Country Estates Unit 1, an angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned Lot 6, S46°23'20"E, a distance of 194.78 feet (Record – S45°45'19"E~194.89') to a 1/2" iron rod found for the south corner of said Lot 6, the west corner of Lot 7 of the aforementioned Texas Country Estates Unit 1, and angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest line of the aforementioned Lot 7, S46°35'02"E, a distance of 255.96 feet (Record – S46°56'03"E~255.93') to a 1/2" iron rod found for the south corner of said Lot 7, the west corner of Lot 6 of Redland Mesa Unit 1 as recorded in Volume 12, Page 79, Map and Plat Records of Comal County, Texas, an angle point of said 317.86 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the northeast line of the aforementioned 317.86 acre tract and the southwest lines of Lots 1 through Lot 6 of the aforementioned Redland Mesa Unit One the following six (6) courses and distances:

S46°18'48"E, a distance of 398.72 feet (Record – S45°48'46"E~172.98' / S45°31'16"E~224.42') to a 4" cedar post found for an angle point,

S46°35'05"E, a distance of 398.16 feet (Record – S45°50'41"E~398.74') to a 4" cedar post found for an angle point,

S46°23'54"E, a distance of 399.83 feet (Record – S46°00'09"E~398.95') to a 4" cedar post found for an angle point,

S46°47'10"E, a distance of 397.21 feet (Record – S45°56'29"E~398.74') to a 1/2" iron rod found for the southwest corner of Lot 2, the west corner of Lot 1, and for an angle point, and

S46°34'29"E, a distance of 534.52 feet (Record – S46°55'27"E~534.61') to a 1/2" iron rod found, and S49°40'49"E, a distance of 395.92 feet (Record – S49°01'50"E~395.89') to a 1/2" iron rod found in the west right-of-way line of the aforementioned F.M. 306 for the northeast corner of said 317.86 acre tract, the south corner of said Lot 1, and the northeast corner of the herein described 637.72 acre tract;

THENCE: along the west right-of-way line of the aforementioned F.M. 306 and the east line of the aforementioned 317.86 acre tract, S04°35'17"E, a distance of 331.16 feet (Record – S04°01'51"E~332.18') to a Texas Department of Transportation Type II concrete monument with brass disc, and S02°58'48"E, a distance of 652.33 feet (Record – S02°17'00"E~651.71') to a 1/2" iron rod found for the most easterly southeast corner of said 317.86 acre tract, the northeast corner of Lot 1 of the Lackey Subdivision as recorded in Volume 8, Page 399, Map and Plat Records of Comal County, Texas, and a southeast corner of the herein described 637.72 acre tract;

THENCE: leaving the west right-of-way line of the aforementioned F.M. 306, along a south line of the aforementioned 317.86 acre tract and the north line of the aforementioned Lot 1, N73°24'38"W, a distance of 381.22 feet (Record – N72°43'33"W~381.57') to a 1/2" iron rod found for an interior corner of said 317.86 acre tract, the northwest of said Lot 1, and an interior corner of the herein described 637.72 acre tract;

THENCE: along an east line of the aforementioned 317.86 acre tract and the west line of the aforementioned Lot 1, S16°32'11"W, a distance of 209.28 feet (Record – S17°13'46"W~209.31') to a 3" diameter pipe post found in the north line of the aforementioned 45.00 acre tract for a southeast corner of said 317.86 acre tract, the southwest corner of said Lot 1, and an interior corner of the herein described 637.72 acre tract;

THENCE: along the north line of the aforementioned 45.00 acre tract and the south line of the aforementioned Lot 1, S73°27'03"E, a distance of 455.04 feet (Record – S73°34'48"E) to a 1/2" iron rod found in the west right-of-way line of the aforementioned F.M. 306 for the northeast corner of said 45.00 acre tract, the southeast corner of said Lot 1, and a northeast corner of the herein described 637.72 acre tract;

THENCE: along the west right-of-way line of the aforementioned F.M. 306 and the east line of the aforementioned 45.00 acre tract, S02°58'57"E, a distance of 312.31 feet (Record – S02°58'32"E~312.25') to a Texas Department of Transportation Type I concrete monument (busted at ground) found for an angle point, and S02°50'40"E, a distance of 211.74 feet (Record – S02°41'57"E~211.78') to a 1/2" iron rod with plastic cap stamped "B&A RPLS 2633" for the southeast corner of said 45.00 acre tract, the most easterly northeast corner of the aforementioned 94.89 acre tract, and an angle point of the herein described 637.72 acre tract;

THENCE: continuing along the west right-of-way line of the aforementioned F.M. 306 and the east line of the aforementioned 94.89 acre tract, S02°48'47"E, a distance of 600.38 feet (Record – S02°51'50"E~600.41') to the **PLACE OF BEGINNING** and containing 637.72 acres of land.

- Notes:
1. Basis of Bearing based on the Texas Coordinate System, South Central Zone (4204) NAD 83.
 2. A survey drawing of even date accompanies this Field Note Description.
 3. Record calls taken from Document No. 200606004009, Document No. 200706006148, Document No. 201806019921, and Document No. 201806019920, all of the Official Public Records of Comal County, Texas, and River Chase Unit 2 recorded in Volume 13, Pages 114-118, Map and Plat Records of Comal County, Texas.

I, Paul L. Myers, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my supervision in January 2022.




Paul L. Myers
Registered Professional Land Surveyor
No. 6490 – State of Texas

Job #22008
January 28, 2022
PLM