

RESOLUTION NO. 2023-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONSENTING TO THE CREATION AND DIVISION OF GARFIELD MUNICIPAL UTILITY DISTRICT NO. 1 AND OTHER MATTERS RELATED THERETO; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to House Bill No. 3612, Acts of the 78th Legislature, Regular Session, Ch. 776, Texas Session Law Services 2003 (as amended from time to time, the "Creation Legislation"), the Texas Legislature approved the creation of a conservation and reclamation district over approximately 3,030.926 acres of land (as more particularly described in the Creation Legislation, the "Land") located partially in the extraterritorial jurisdiction of the City of Bastrop, Texas (the "City") in Bastrop County, Texas known as Garfield Municipal Utility District No. 1 (the "District") and the division of such District in to two or more contiguous districts (each, a "Subsequent District" and collectively, the "Subsequent Districts"), subject, in each case, to the approval of the City; and

WHEREAS, the City has received the Petition for Consent to the Creation of a Municipal Utility District attached as **Exhibit "A"** to this Resolution (the "Petition") requesting the City's consent to and approval of the creation and division of the District in accordance with the Creation Legislation, as amended, and to the acquisition by the District, and any Subsequent District, of road powers under Section 54.234 of the Texas Water Code, as amended; and

WHEREAS, the City desires to grant the Petition subject to the terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

SECTION 1. The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein; and

SECTION 2. The City hereby grants the Petition and, in accordance with Section 42.042 of the Texas Local Government Code, Section 54.016 of the Texas Water Code, and the Creation Legislation, specifically gives its written consent to and approval of the creation of the District over the Land. The City's consent to the creation of the District will expire on the date that is ten years after the date of this Resolution if, as of such ten-year anniversary date, the creation of the District has not been confirmed by the voters within the District at an election called for such purpose in accordance with Section 49.102 of the Texas Water Code. The City further consents to: (a) the division of the District into two or more contiguous Subsequent Districts as provided in the Creation Legislation; (b) the annexation and exclusion of areas within the Land between or among Subsequent Districts in order to conform the boundaries of the Subsequent Districts to the eventual development plan for the Land; and (c) the acquisition by the District, and/or any Subsequent District, of road powers under Section 54.234 of the Texas Water Code. No further action on the part of the City will be required to evidence the City's consent to the foregoing, but the City agrees to provide specific resolutions confirming such consent and approval if requested to do so.

SECTION 3. The City acknowledges that, in order to complete the confirmation of the

creation of the District in accordance with applicable law, the deadline in Section 12 of the Creation Legislation will need to be extended, and the City hereby consents to, approves, and supports the amendment of the Creation Legislation to extend or delete the deadline by which the District must hold its confirmation and initial directors election.

SECTION 4. The development standards for development of any portion of the Land within the District or any Subsequent District, including connectivity with adjacent land, will be established by subsequent tri-party development agreement(s) between the City, Bastrop County, and the owner(s) of the applicable portion of the Land at the time that development is proposed by the owner(s). No portion of the Land may be final platted, or subdivided for purposes of laying out single family residential lots of five acres or less, until a tri-party development agreement with the City and Bastrop County is in place for such portion of the Land. However, for the avoidance of doubt, the requirements of this Section 4 will not apply to any portion of the Land excluded or removed from the District or any Subsequent District.

SECTION 5. The Mayor and City Secretary are hereby authorized to execute any documents necessary to effectuate this Resolution.

SECTION 6. The City's consent is specifically limited to the matters contained in this Resolution and nothing herein will otherwise abrogate, diminish, or otherwise alter any rights, powers, privileges, functions, or authority of the City granted to it by the laws of the State, including, but not limited to, Chapter 42 of the Texas Local Government Code and Chapter 54 of the Texas Water Code, related to the creation of municipal utility districts in the City's extraterritorial jurisdiction.

SECTION 7. The City Council of the City hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

SECTION 8. This resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Bastrop, Texas, on the 13th day of June, 2023.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

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

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

The undersigned (the "Petitioner"), holding title to a majority in value of the land described by metes and bounds on Exhibit "A", which is attached hereto and incorporated herein for all purposes (the "Land"), and acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, respectfully petitions the City Council of the City of Bastrop, Texas (the "City") for its written consent to the creation of Garfield Municipal Utility District No. 1 (the "District"), a municipal utility district created over the Land by the Texas Legislature pursuant to House Bill No. 3612, Acts of the 78th Legislature, Regular Session, Ch. 776, Texas Session Law Services 2003 (the "Creation Legislation"), and, in support of this Petition, would show the following:

I.

The District was created subject to the approval of the City and will be organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution, the Creation Legislation, and Chapters 49 and 54 of the Texas Water Code. The District will have all the rights, powers, privileges, authority, and functions conferred by and be subject to all duties imposed by the Creation Legislation, the Texas Water Code, and the general laws of the State of Texas, each as amended. It is proposed that the District will acquire road powers under the authority of Article III, Section 52 of the Texas Constitution and Section 54.234 of the Texas Water Code, as amended.

II.

The District contains approximately 3,030.926 acres of land, more or less, situated in Bastrop County, Texas. The Land is partially located within the extraterritorial jurisdiction of the City.

III.

The Petitioner holds title to and is the owner of a majority in value of the Land, as indicated by the tax rolls of the Central Appraisal District of Bastrop County, Texas. The only lienholder on the Land, Rabo AgriFinance LLC, has consented to the creation of the District as evidenced by the Certificate of Lienholder's Consent attached as Exhibit B.

IV.

The general nature of the work proposed to be done by the District, as contemplated at the present time, is the design, construction, acquisition, improvement, extension, financing, and issuance of bonds: (i) for maintenance, operation, and conveyance of an adequate and efficient water works and sanitary sewer system for domestic and commercial purposes; (ii) for maintenance, operation, and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (iii) for conveyance of roads and improvements in aid of roads; (iv) for maintenance, operation, and conveyance of park and recreational facilities; and (v) for maintenance, operation, and conveyance of such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the District is created.

V.

There is a necessity for the above-described work because there is not now available within the area an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, roadway system, or parks and recreational facilities system to serve the Land, which is proposed to be developed for residential and commercial uses. The health and welfare of the present and future inhabitants of the area and adjacent areas require the purchase, design, construction, acquisition, ownership, operation, repair, improvement, and extension of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, roadway system, parks and recreational facilities system, and other facilities and systems. A public necessity, therefore, exists for the creation of the District in order to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement, and extension of a waterworks system, sanitary sewer system, drainage and storm sewer system, roadway system, parks and recreational facilities system, and other facilities and systems to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

A preliminary investigation has been made to determine the cost of the proposed District's project, and it is now estimated by the Petitioner, from such information as is available at this time, that such cost will be approximately \$621,000,000.00.

VII.

The Petitioner, by submission of this Petition, requests the City's consent to the creation of the District, to the inclusion of the Land within the District, to the division of the District into two or more contiguous districts (each, a "Subsequent District") in accordance with the Creation Legislation, to the annexation and exclusion of areas within the Land between or among Subsequent Districts in order to conform the boundaries of the Subsequent Districts to the eventual development plan for the Land, and to the acquisition by the District and/or any Subsequent District of road powers under Section 54.234 of the Texas Water Code.

VIII.

The Petitioner requests that this petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the City's consent to and approval of the creation of the District, the inclusion of the Land within the District, the division of the District into two or more Subsequent Districts in accordance with the Creation Legislation, the annexation and exclusion of areas within the Land between or among Subsequent Districts in order to conform the boundaries of the Subsequent Districts to the eventual development plan for the Land, and the acquisition by the District and/or any Subsequent District of road powers under Section 54.234 of the Texas Water Code.

* * *

EXECUTED to be effective as of the 7th day of December, 2022.

[signature page follows]

PETITIONER:

CARR FAMILY PARTNERSHIP, LTD.,
a Texas limited partnership

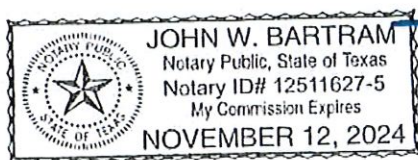
By: Carr GP LLC, a Texas limited liability
company, General Partner

By: C. Randall Carr
C. Randall Carr, Co-Manager

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 2nd day of November, 2022 by, C. Randall Carr, Co-Manager of Carr GP LLC, a Texas limited liability company, General Partner of Carr Family Partnership, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership.

(SEAL)



John W. Bartram
Notary Public, State of Texas

EXHIBIT "A"

DESCRIPTION OF THE LAND

Tract 1: Being a 1,435.190 acre tract or parcel of land out of the JOSE ANTONIO NAVARRO SURVEY, A-53, in Bastrop County, Texas, consisting of (a) a 718.549 acre tract or parcel of land, being all of that 769.524 acre tract or parcel of land described by metes and bounds in **Exhibit "A-1"**, attached hereto and incorporated herein by reference, **SAVE, LESS AND EXCEPT** the 28.941 acre tract or parcel of land described by metes and bounds in **Exhibit "A-2"**, attached hereto and incorporated herein by reference; and **LESS, SAVE AND EXCEPT** a 22.034 acre portion of that 120.00 acre tract or parcel of land described by metes and bounds in **Exhibit "A-3"**, attached hereto and incorporated herein by reference; and (b) a 716.641 acre tract or parcel of land described by metes and bounds in **Exhibit "A-4"**, attached hereto and incorporated by reference;

Tract 2: Being an 786.864 acre tract or parcel of land out of the JOSE ANTONIO NAVARRO SURVEY, A-53 in Bastrop County, Texas, consisting of all that 951.10 acre tract or parcel of land described by metes and bounds in **Exhibit "A-5"**, attached hereto and incorporated herein by reference, **SAVE, LESS AND EXCEPT** the 66.27 acre portion thereof located in Travis County, Texas, and **LESS, SAVE AND EXCEPT** a 97.966 acre portion of that 120.00 acre tract or parcel of land described by metes and bounds in **Exhibit "A-3"**, attached hereto and incorporated herein by reference;

Tract 3: Being a 808.872 acre tract or parcel of land out of the ISAAC LINDSEY SURVEY, A-226, and the REUBEN GAGE SURVEY, A-31, in Bastrop County, Texas, described by metes and bounds in **Exhibit "A-6"**, attached hereto and incorporated herein by reference.

EXHIBIT "A-1"

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS 70602

FIELD NOTES FOR TRACT NO. 1, A 769.524 ACRE TRACT OUT OF A 1489 ACRE TRACT IN THE JOSE ANTONIO NAVARRO SURVEY IN BASTROP COUNTY, TEXAS.

Being a 769.524 acre tract or parcel of land out of and being a part of the JOSE ANTONIO NAVARRO SURVEY, A-53, in Bastrop County, Texas, and being a part of that certain 1489 acre tract described in a deed from Ellis Brejcha and wife, Claudia Brejcha to Clyde Nelson and Wesley Nelson, dated July 19, 1961, recorded in Vol. 154, Page 568, Bastrop County Deed Records. Herein described 769.524 acre tract or parcel being the same tract or parcel described as Tract No. 1 in a deed from Wesley Clyde Nelson, et ux, to Will Thurman, Jr., recorded in Vol. 337, Page 153, Bastrop County Deed Records. Herein described 769.524 acre tract or parcel being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4 inch iron rod found at a fence corner at the intersection of the west line of the before mentioned 1489 acre tract with the north line of the Austin-Cedar Creek Road (Pearce Lane), the southeast corner of P.R. Donnelly 506 acre tract described in a deed recorded in Vol. 208, Page 741, Bastrop County Deed Records for the southwest corner of this tract. Said point being the southeast corner of Elm Ridge, Phase 1-A, a subdivision of a portion of the said 506 acre tract and being recorded in Plat Cabinet No. 2, Page 302B, Bastrop County Plat Records.

THENCE with the west line, as fenced, of the said 1489 acre tract, the east line of Elm Ridge, Phase 1-A and Elm Ridge, Phase 1-B, N 30 deg 24 min 02 sec E, 3026.39 feet to an 3/4 inch iron pipe found at a fence corner, the northeast corner of the Elm Ridge, Phase 1-B same being the southeast corner of that certain 951.10 acre tract described in a deed from NCBN Texas National Bank to Robert C. Carr, dated September 27, 1991, recorded in Vol. 612, Page 225, Bastrop County Deed Records for an angle corner of this tract.

THENCE continuing with the west line, as fenced, of the said 1489 acre tract, the lower east line of the Carr 951.10 acre tract, N 30 deg 49 min 37 sec E, 3067.79 feet to an 1/2 inch iron rod found at a fence corner, the occupied northwest corner of the said 1489 acre tract, an interior corner of the Carr 951.10 acre tract for the northwest corner of this tract.

THENCE with the north line, as fenced, of the said 1489 acre tract, a upper south line of the Carr 951.10 acre tract, S 59 deg 44 min 23 sec E, 627.45 feet to an 5/8 inch iron rod found at a fence corner, the upper southeast corner of the Carr 951.10 acre tract same being the southwest corner of that certain 121.758 acre tract described in a deed from Robert Scharfer to Jack Roth recorded in Vol. 450, Page 212, Bastrop County Deed Records, for an angle corner of this tract.

THENCE continuing with the north line, as fenced, of the said 1489 acre tract, the south line of the Roth 121.758 acre tract, and a upper south line of the T.J. Caldwell 1145.5 acre tract described in a deed recorded in Vol. 103, Page 161, Bastrop County Deed Records, S 59 deg 28 min 21 sec E, at approx. 1880.6 feet pass the southeast corner of the Roth 121.758 acre tract, a upper southwest corner of the Caldwell 1145.5 acre tract, in all 4652.49 feet to a 5/8 inch iron rod found at a fence corner, the northeast corner of the said 1489 acre tract, an interior corner of the Caldwell 1145.5 acre tract, for the most northerly northeast corner of this tract.

THENCE with the east line, as fenced, of the said 1489 acre tract, a west line of the Caldwell 1145.5 acre tract, S 30 deg 53 min 41 sec W, 4410.46 feet to an 5/8 inch iron rod found at a fence corner; S 56 deg 58 min 04 sec E, 1325.85 feet to an 5/8 inch iron rod found at a fence corner; S 30 deg 53 min 46 sec W, 258.60 feet to an 1/2 inch iron rod found at a fence corner; S 48 deg 40 min 14 sec E, 84.15 feet to an 1/2

1/2 inch iron rod found at a fence corner; S 30 deg 58 min 24 sec W, 680.41 feet to an 3/4 inch iron pipe found at a fence corner, the most southerly southwest corner of the Caldwell 1145.5 acre tract, the northwest corner of the Star Ranch 2181.28 acre tract described in a deed recorded in Vol. 211, Page 197, Bastrop County Deed Records for an angle corner of this tract.

THENCE continuing with the east line, as fenced, of the said 1489 acre tract, the west line, as fenced, of the Star Ranch 2181.28 acre tract, S 35 deg 06 min 34 sec W, 287.13 feet to an 3/8 inch iron rod found at a fence corner where same intersects the north line of the before mentioned Austin-Cedar Road (Pearce Lane), for the southeast corner of this tract.

THENCE with the north line of the Austin-Cedar Road (Pearce Lane), N 66 deg 06 min 03 sec W, 200.87 feet to an 3/8 inch iron rod found; N 71 deg 12 min 32 sec W, 465.12 feet to an 5/8 inch iron rod found; N 65 deg 56 min 10 sec W, 692.14 feet to an 5/8 inch iron rod found; N 68 deg 31 min 53 sec W, 525.57 feet to an 1/2 inch iron rod found; N 64 deg 09 min 44 sec W, 1334.80 feet to an 1/2 inch iron rod found; N 37 deg 52 min 04 sec W, 425.24 feet to an 1/2 inch iron rod found; N 53 deg 21 min 07 sec W, 200.39 feet to an 1/2 inch iron rod found; N 56 deg 58 min 14 sec W, 427.71 feet to an 1/2 inch iron rod found; N 64 deg 06 min 42 sec W, 2431.40 feet to the POINT OF BEGINNING, containing 769.524 acres of land, less and except that certain 0.517 acre tract described in a deed from Will Thurman, Jr., to Aqua Water Supply Corp. recorded in Vol. 365, Page 620, Bastrop County Deed Records. Said 0.517 acre tract being included in the description of the before described 769.524 acre tract and being more particularly described by metes and bounds as follows;

COMMENCING for reference at a 3/8 inch iron rod found at the northeast corner of the before described 769.524 acre tract and an interior corner of the Caldwell 1145.5 acre tract.

THENCE with the north line of the said 769.524 acre tract, N 59 deg 28 min 21 sec W, 2791.62 feet to a point.

THENCE at right angles with a 1 1/2 line, S 30 deg 31 min 39 sec W, 1231.39 feet to a 3/8 inch iron rod set for the POINT OF BEGINNING, the northeast corner of this tract.

THENCE S 14 deg 57 min 15 sec W, 150.00 feet to a 1/2 inch iron rod found for the southeast corner of this tract.

THENCE N 75 deg 02 min 45 sec W, 150.00 feet to a 1/2 inch iron rod found for the southwest corner of this tract.

THENCE N 14 deg 57 min 15 sec E, 150.00 feet to a 5/8 inch iron rod set for the northwest corner of this tract.

THENCE S 75 deg 02 min 45 sec E, 150.00 feet to the POINT OF BEGINNING, containing 0.517 acres of land.

Dale L. Olson
Dale L. Olson
Registered Professional
Land Surveyor
Reg. No. 1753

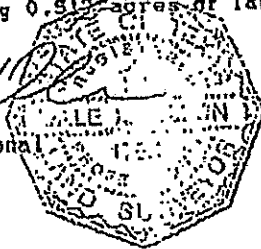


EXHIBIT "A-2"

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5470 DASTROP, TEXAS 78022

FIELD NOTES FOR A-28.941 ACRE TRACT IN THE JOSE ANTONIO NAVARRO SURVEY
IN DASTROP COUNTY, TEXAS.

Being a 28.941 acre tract or parcel of land out of and being a part of the JOSE ANTONIO NAVARRO SURVEY, A-53, in Dastrop County, Texas, and being a part of that certain 769.524 acre tract described as Tract One in a deed from Franklin Federal Bancorp to Robert C. Carr, dated November 14, 1993, recorded in Vol. 690, Page 425, Dastrop County Deed Records, herein described as 28.941 acre tract or parcel being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 1/2 inch iron rod found at a fence corner, the northwest corner of the said 769.524 acre tract, an interior corner of that certain 951.10 acre tract described in a deed from NCNB Texas National Bank to Robert C. Carr, dated September 27, 1991, recorded in Vol. 612, Page 225, Dastrop County Deed Records.

THENCE with the west line of the said 769.524 acre tract, a lower east line of the said 951.10 acre tract, S 70 deg 49 min 37 sec W, 2197.90 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING, the northwest corner of this tract.

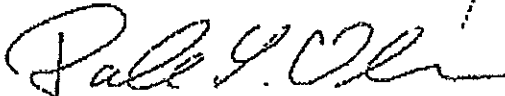
THENCE S 59 deg 18 min 11 sec E, 1059.77 feet to a 5/8 inch iron rod set for the northeast corner of this tract.

THENCE S 29 deg 03 min 11 sec W, 1170.36 feet to a 5/8 inch iron rod set for the southeast corner of this tract.

THENCE N 59 deg 10 min 11 sec W, 1093.77 feet to a 5/8 inch iron rod set in the west line of the before mentioned 769.524 acre tract, the east line of Elm Ridge, Phase 1-B, a subdivision as recorded in Plat Cabinet 2, Page 301A-302A, Dastrop County Plat Records for the southwest corner of this tract.

THENCE with the west line of the said 769.524 acre tract, the east line of Elm Ridge, Phase 1-B, N 30 deg 26 min 02 sec E, 300.00 feet to a 3/4 inch iron rod found at a fence corner, the northeast corner of Elm Ridge, Phase 1-B, the southeast corner of the before mentioned Carr 951.10 acre tract for an angle corner of this tract.

THENCE with the west line of the said 769.524 acre tract, the lower east line of the Carr 951.10 acre tract, N 30 deg 49 min 37 sec E, 869.89 feet to the POINT OF BEGINNING, containing 28.941 acres of land.



Dale L. Olson
Registered Professional
Land Surveyor
Reg. No. 1733

EXHIBIT "A-3"

**EXHIBIT A
TO PLANT SALES ROYALTY AGREEMENT**

LEGAL DESCRIPTION: BEING 120.000 ACRES OF LAND LYING IN AND SITUATED OUT OF THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT 53 IN BASTROP COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN REMAINDER PORTION OF A 769.524 ACRE TRACT (TRACT 2) OF LAND CONVEYED TO CARR FAMILY PARTNERSHIP, LTD. BY DEED RECORDED IN VOLUME 736, PAGE 233 AND THAT CERTAIN 951.10 ACRE TRACT OF LAND CONVEYED TO ROBERT C. CARR BY DEED RECORDED IN VOLUME 612, PAGE 225, ALL RECORDED IN THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS; SAID 120.000 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN FEBRUARY, 2000:

BEGINNING at an iron rod found in the west line of said 769.524 acre tract and the east line of the Elm Ridge Subdivision, Phase 1-B, a subdivision recorded in Cabinet 2, Page 301-A of the Plat Records of Bastrop County, Texas, for the southwest corner of that certain 28.941 acre tract conveyed to the City of Austin, Texas by deed recorded in Volume 707, Page 158 of said official records and an ell corner hereof from which an iron pipe found in the west line of said 28.941 acre tract for the southeast corner of said 951.10 acre tract and the northeast corner of said Elm Ridge Subdivision bears North 27°15'38" East a distance of 300.29 feet;

THENCE South 62°25'47" East a distance of 1093.58 feet along the south line of the said 28.941 acre tract to an iron rod found for the southeast corner of the said 28.941 acre tract and an interior corner hereof;

THENCE North 25°57'55" East a distance of 1170.38 feet along the east line of the said 28.941 acre tract to an iron rod found for the northeast corner of the said 28.941 acre tract and an interior corner hereof;

THENCE North 62°26'06" West a distance of 1060.18 feet along the north line of the said 28.941 acre tract to an iron rod found in the east line of the said 951.10 acre tract for the northwest corner of the said 28.941 acre tract and an interior corner hereof;

THENCE South 27°43'05" West a distance of 869.54 feet along the common line of the said 28.941 acre tract and said 951.10 acre tract to said iron pipe found for the common corner of said 951.10 acre tract, said 28.941 acre tract, said Elm Ridge Subdivision, and hereof;

THENCE along the common line of said 951.10 acre tract and said Elm Ridge Subdivision North 62°25'42" West a distance of 782.90 feet to an iron rod found for an angle point and North 62°25'03" West a distance of 1817.11 feet to an iron rod set for the southwest corner hereof;

THENCE North 27°43'05" East a distance of 1641.30 feet to an iron rod set for the northwest corner hereof;

THENCE South 62°25'13" East a distance of 2599.71 feet to an iron rod set in the common line of said 951.10 acre and said 769.524 acre tracts for an ell corner hereof;

THENCE South 27°41'45" West a distance of 143.05 feet along said common line to an iron rod set for an interior corner hereof;

THENCE South 62°25'13" East a distance of 1141.24 feet to an iron rod set for the northeast corner hereof;

THENCE South 25°57'55" West a distance of 1899.08 feet to an iron rod set for the southeast corner hereof;

THENCE North 62°25'47" West a distance of 1195.92 feet to an iron rod set in the common line of said Elm Ridge Subdivision and said 769.524 acre tract for an ell corner hereof;

THENCE North 27°16'46" East a distance of 100.00 feet along said common line to the POINT OF BEGINNING and containing 120.000 acres of land, more or less, and as shown on map prepared herewith.

EXHIBIT "A-4"

DALE L. OLSON
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS 79602

FIELD NOTES FOR TRACT NO. 2, A 716.641 ACRE TRACT OUT OF A 1489 ACRE TRACT IN THE JOSE ANTONIO NAVARRO SURVEY IN BASTROP COUNTY, TEXAS.

Being a 716 acre tract or parcel of land out of and being a part of the JOSE ANTONIO NAVARRO SURVEY, A-53, in Bastrop County, Texas, and being a part of that certain 1489 acre tract described in a deed from Ellis Brejcha and wife, Claudio Brejcha to Clyde Nelson and Wesley Nelson, dated July 19, 1961, recorded in Vol. 154, Page 569, Bastrop County Deed Records. Herein described 716.641 acre tract or parcel being the same tract described as Tract No. 2 in a deed from Wesley Clyde Nelson, et ux, to Will Thurman, Jr., recorded in Vol. 337, Page 153, Bastrop County Deed Records. Herein described 716.641 acre tract or parcel being more particularly described by metes and bounds as follows;

BEGINNING at a 3/4 inch iron pipe found at a fence corner in the occupied south line of the before mentioned JOSE ANTONIO NAVARRO SURVEY, the occupied north line of the REUBEN GAGE SURVEY, the north line of Thousand Oaks, a subdivision in the said same being the southwest corner of the Star Ranch 2181.28 acre tract described in a deed recorded in Vol. 211, Page 197, Bastrop County Deed Records for the southeast corner of this tract.

THENCE with the south line, as fenced, of the JOSE ANTONIO NAVARRO SURVEY, the north line of the REUBEN GAGE SURVEY, a north line of Thousand Oaks, the before mentioned subdivision, the south line of the said 1489 acre tract, as fenced, N 57 deg 28 min 05 sec W, 1775.81 feet to a 5/8 inch iron rod found at a fence corner, the occupied northwest corner of the REUBEN GAGE SURVEY, the northeast corner of the ISAAC LINDSEY SURVEY, for an angle corner of this tract.

THENCE continuing with the south line, as fenced, of the JOSE ANTONIO NAVARRO SURVEY, the south line, as fenced, of the said 1489 acre tract, the occupied north line of the ISAAC LINDSEY SURVEY, N 44 deg 51 min 59 sec W, 22.04 feet to an 5/8 inch iron rod found; N 59 deg 29 min 33 sec W, 4243.31 feet to a 1/2 inch iron rod found at a fence corner, the occupied northwest corner of the ISAAC LINDSEY SURVEY, the occupied northeast corner of the MICHAEL GREEN SURVEY, the northeast corner of Charro Estates, a subdivision in the said MICHAEL GREEN SURVEY, as recorded in Plat Cabinet 1, Page 63-B for an angle corner of this tract.

THENCE continuing with the south line, as fenced, of the JOSE ANTONIO NAVARRO SURVEY, the south line of the said 1489 acre tract, the occupied north line of the MICHAEL GREEN SURVEY, the north line of Charro Estates, N 59 deg 44 min 59 sec W, 621.07 feet to a 1/2 inch iron rod found at a fence corner in the east line of the Charles Graham 583.070 acre tract surveyed by the undersigned in 1976, the occupied southwest corner of the said 1489 acre tract, an angle corner of Charro Estates for the southwest corner of this tract.

THENCE with the west line, as fenced, of the said 1489 acre tract, the west line of the Charles Graham 583.070 acre tract, N 30 deg 27 min 23 sec E, 2677.44 feet to a steel fence corner post; S 55 deg 51 min 00 sec E, 23.76 feet to a steel fence corner post; N 29 deg 52 min 54 sec E, 1852.29 feet to a 1/2 inch iron rod found in the south line of the Austin-Cedar Creek Road (Pearce Lane), the northeast corner of the Charles Graham 583.070 acre tract, for the northwest corner of this tract.

THENCE with the south line of the Austin-Cedar Creek Road (Pearce lane), S 64 deg 09 min 16 sec E, 2387.68 feet to a 1/2 inch iron rod found; S 56 deg 24 min 03 sec E, 619.18 feet to a 1/2 inch iron rod found; S 50 deg 39 min 41 sec E, 79.14 feet to a 1/2 inch iron rod found; S 46 deg 53 min 18 sec E, 97.29 feet to a 1/2 inch iron rod found; S 35 deg 29 min 54 sec E, 202.53 feet to an iron rod 1/2 inch iron rod found; S 42 deg 01 min 24 sec E, 120.46 feet to a 1/2 inch iron rod found; S 60 deg 26 min 10 sec E, 285.70 feet to an 5/8 inch iron rod found; S 70 deg 20 min 31 sec E, 88.00 feet to a 3/4 inch iron rod

found; S 64 deg 27 min 52 sec E, 1,000.19 feet to a 5/8 inch iron rod
found; S 68 deg 56 min 31 sec E, 326.59 feet to a 5/8 inch iron rod
found; S 66 deg 00 min 39 sec E, 742.01 feet to a 1/2 inch iron rod
found; S 69 deg 11 min 51 sec E, 362.16 feet to a 5/8 inch iron rod
found; S 71 deg 22 min 18 sec E, 173.67 feet to a 5/8 inch iron rod
found; S 60 deg 47 min 04 sec E, 69.60 feet to a 5/8 inch iron rod found
at a fence corner where same intersects the east line of the said 1489
acre tract, the west line of the before mentioned Star Ranch 2181.28
acre tract for the northeast corner of this tract.

THENCE with the west line, as fenced, of the Star Ranch 2181.28
acre tract, the east line of the said 1489 acre tract, S 30 deg 53 min
30 sec W, 4983.66 feet to the POINT OF BEGINNING, containing 716.641
acres of land.

Dale L. Olson

Dale L. Olson
Registered Professional
Land Surveyor
Reg. No. 1753

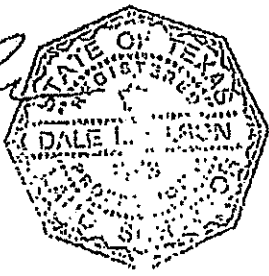


EXHIBIT "A-5"

951.10 ACRE TRACT
TRAVIS AND BASTROP COUNTIES

A DESCRIPTION OF A 951.10 ACRE TRACT OF LAND OUT OF THE JOSE ANTONIO NAVARRO GRANT, IN TRAVIS AND BASTROP COUNTIES, TEXAS AND BEING COMPRISED OF THE FOLLOWING FOUR (4) TRACTS OF LAND: FIRST TRACT 9.01 ACRES, SECOND TRACT 141.52 ACRES, THIRD TRACT 561.24 ACRES, AND FOURTH TRACT 240.25 ACRES ALL BEING DESCRIBED IN A GENERAL WARRANTY DEED FROM LEWIS N. LITTLE TO NCBN TEXAS NATIONAL BANK AS RECORDED IN VOLUME 10874, PAGE 1964 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found being the intersection of the east right-of-way line of Bastrop County Road No. 21; and the south right-of-way line of State Highway No. 71 as described in Volume 125, Page 114 of the Deed Records of Travis County, Texas, said iron rod being the northwest corner of said 9.01 acre tract;

THENCE N 82 44'36" E, with the south right-of-way line of said State Highway No. 71, the north line of said 9.01 acre tract, a distance of 106.99 feet to a broken concrete monument found for corner;

THENCE S 56 47'12" E, continuing with said south right-of-way line and the north line of said 9.01 acre tract, a distance of 550.52 feet to a 3/4-inch rebar set for the northeast corner of said 9.01 acre tract;

THENCE S 30 18'48" W, with the east line of said 9.01 acre tract, a distance of 615.20 feet to a 1/2-inch rebar set for the southeast corner of said 9.01 acre tract same being the northeast corner of said 141.52 acre tract;

THENCE S 30 40'09" W, with the east line of said 141.52 acre tract, a distance of 3030.36 feet to a 1/2-inch rebar set;

THENCE S 30 26'39" W, continuing with the east line of said 141.52 acre tract, a distance of 6637.23 feet to a 1/2-inch rebar found for the southeast corner of said 141.52 acre tract;

THENCE N 59 44'24" W, with the south line of said 141.52 acre tract, a distance of 627.59 feet to a 1/2-inch rebar found for the southwest corner of said 141.52 acre tract same being the northwest corner of a 769.524 acre tract conveyed to Will Thurman, Jr. as recorded in Volume 337, Page 153 of the Deed Records of Bastrop County, Texas;

THENCE S 30 42'56" W, with the east line of said 562.24 acre tract, and the west line of said 769.524 acre tract, a distance of 3068.02 feet to a 1-1/2 inch iron pipe found for the southeast corner of said 562.24 acre tract same being the northeast corner of Elm Ridge Phase 1-B, a subdivision recorded in Cabinet 2, Page 301-A of the Plat Records of Bastrop County, Texas;

THENCE N 59 18'30" W, with the south line of said 562.24 acre tract, passing a brass monument found stamped "Lower Colorado River Authority" at a distance of 3022.11 feet, and continuing with the south line of said 562.24 acre tract for a total distance of 3422.49 feet to a 1/2-inch iron rod found for the southwest corner of said 562.24 acre tract same being the northwest corner of a 1.80 acre tract conveyed to Billy G. Radford and Pat L. Poehl as recorded in Volume 132, Page 724 of the Deed Records of Bastrop County, Texas;

THENCE N 30 46'24" E, with the west line of said 562.24 acre tract, a distance of 3931.98 feet to a 3/4-inch iron rod found for the southeast corner of a 19.82 acre tract conveyed to Charles C. Johnstone as recorded in Volume 7753, Page 184 of the Deed Records of Travis County, Texas;

THENCE N 30 35'08" E, continuing with the west line of said 562.24 acre tract, being the east line of said 19.82 acre tract and also continuing with the east line of a 20.00 acre tract conveyed to Charles Johnstone as recorded in Volume 7753, Page 194 for a distance of 976.77 feet to a 3/4-inch iron rod found being the northeast corner of said 20.00 acre tract;

THENCE N 30 34'29" E, continuing with the west line of said 562.24 acre tract, a distance of 2350.23 feet to a 1/2-inch iron rod found for the northwest corner of said 562.24 acre tract;

THENCE S 59 09'56" E, with the north line of said 562.24 acre tract, the south line of the remainder of a 66.00 acre tract conveyed to Gwen Ericson as recorded in Volume 7465, Page 141 of the Deed Records of Travis County, Texas, for a distance of 1147.35 feet to a 1/2-inch iron rod found for the southwest corner of said 240.25 acre tract;

THENCE N 30 40'00" E, with the west line of said 240.25 acre tract, a distance of 4636.76 feet to a 3/4-inch rebar found for the northwest corner of said 240.25 acre tract said rebar being in the south line of a 19.43 acre tract conveyed to Patti J. Higginbotham as recorded in Volume 10689, Page 481 of the Deed Records of Travis County, Texas;


THENCE S 59 30'16" E, with the north line of said 240.25 acre tract, passing at 1207.06 feet a 1-1/2 inch iron pipe found marking the Travis/Bastrop County Line, and continuing for a total distance of 2246.51 feet to a 1-1/4-inch iron pipe found for the northeast corner of said 240.25 acre tract same being the southeast corner of a 6.00 acre tract conveyed to Gordon and Velda V. Griffin as recorded in Volume 561, Page 610 of the Deed Records of Bastrop County, Texas;

THENCE N 30 36'07" E, with the west line of said 141.52 acre tract and continuing with the west line of said 9.01 acre tract, a distance of 1513.41 feet to the POINT OF BEGINNING and containing 951.10 acres of land more or less.

I, Michael Snyder, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

7/31/90

Date


Michael Snyder, Registered
Professional Land Surveyor
State of Texas - No. 4648

K.C. Engineering
2800 Industrial Terrace
Austin, Texas 78759
(512) 636-4040

File:951ac/disc 3

EXHIBIT "A-6"

TRACT ONE: 908.872 acres of land, more or less, being out of and a part of the ISAAC LINDSEY SURVEY, A-226 and REUBEN GAGE SURVEY, A-31, Bastrop County, Texas; said 908.872 acres being more particularly described by notes and bounds

COPY

Being a 908.872 acre tract or parcel of land out of and being a part of the ISAAC LINDSEY SURVEY, A-226, and the REUBEN GAGE SURVEY, A-31, in Bastrop County, Texas, and being a part of that certain 1613.989 acre tract in the ISAAC LINDSEY, REUBEN GAGE, MIRIAM DEALES, and MICHAEL GREEN SURVEYS described in a deed from W.D. Moore, Jr., and Sylvia Moore-Fowler to The Bastrop 1600, an Arizona Partnership, dated Jan. 8, 1985, recorded in Vol. 357, Page 376, Bastrop County Deed Records. Herein described tract being all of that certain 199.1 acre tract described in a deed from Alameda W. Carter, individually and an independent executrix of the Estate of Arthur E. Carter, deceased, to James L. Moore, et al, dated Jan. 4, 1947, recorded in Vol. 120, Page 596, Bastrop County Deed Records; and being a part of that certain 1735 acre tract described as Lot 1-289 acres, Lot 4-152.4 acres, Lot 5-205.3 acres, Lot 7-191.6 acres, Lot 8-250.5 acres, Lot 10-191.6 acres, Lot 11-250.5 acres, Lot 16-199.6 acres, said tracts being described in a Divorce Judgment recorded in Vol. 139, Page 20, Bastrop County Deed Records. Said tracts being a part of the subdivision of the Mark Young Ranch, according to the map of said subdivision as recorded in the deed Records of Bastrop County, Texas. Herein described 908.872 acre tract or parcel being more particularly described by notes and bounds, as follows:

BEGINNING at an iron rod found at a fence corner in the occupied southeast corner of the DANIEL GRAY SURVEY, the most easterly corner of the before mentioned ISAAC LINDSEY SURVEY, the northwest line of the before mentioned REUBEN GAGE SURVEY, the most northerly east corner of the said 1613.989 acre tract for the most northerly corner of this tract. Said point being a north corner of Thousand Oaks, a subdivision as recorded in Plat Cabinet 1, Page 129A-133B, Bastrop County Plat Records and being the most easterly corner of Lot 16 of the before mentioned Mark Young Ranch Subdivision.

THENCE with a upper southeast line of the said 1613.989 acre tract, the northwest line of Thousand Oaks, the southeast line of Lot 16 of said Mark Young Ranch Subdivision, S 45° 52' 29" W, 2685.32 feet to an iron rod found; S 45° 39' 25" W, 674.60 feet to an iron rod found; S 45° 40' 30" W, 1579.00 feet to an iron rod found at the occupied southeast corner of Lot 16, the east corner of Lot 12 of said Mark Young Ranch Subdivision, an angle corner of the said 1613.98 acre tract for an angle corner of this tract.

THENCE continuing with the upper southeast line of the said 1613.989 acre tract, the northwest line of Thousand Oaks, the southeast line of said Lot 12, S 45° 28' 53" W, 1054.06 feet to an iron rod found at a fence corner, the most westerly corner of Thousand Oaks, the most northerly corner of Lot 10 of said Mark Young Ranch Subdivision, an interior corner of the said 1613.989 acre tract for an interior corner of this tract.

THENCE with the southwest line of Thousand Oaks, the northeast line of Lots 10 and 11 of Mark Young Ranch Subdivision, a lower northeast line of the said 1613.989 acre tract, S 44° 47' 10" E, 3764.01 feet to an iron rod found at the most southerly east corner of the said 1613.989 acre tract for the most southerly east corner of this tract.

THENCE with the southeast line of the said 1613.989 acre tract, S 45° 00' 00" W, 4641.20 feet to an iron rod found for the most southerly corner of this tract.

TRACT I (cont.)

112

COPY

THENCE crossing said 1613.989 acre tract, N 44° 47' 30" W, 3807.00 feet to an iron rod found in a northwest line of same, the occupied southeast line of the MIRAM BEALES SURVEY, the northwest line of the REUBEN GAGE SURVEY, the northwest line of Lot 7 of the Mark Young Ranch Subdivision for the most southerly west corner of this tract. THENCE with the occupied southeast line of the MIRAM BEALES SURVEY, the northwest line of said Lot 7, N 45° 15' 01" E, 519.50 feet to an iron rod found at the east corner of the Ranch Subdivision, the south corner of Forest Lakes Subdivision, S 82° 08' 40" E, 34.74 feet to an iron rod found; N 44° 50' 13" E, 1112.95 feet to an iron rod found at the north corner of Lot 7, the west corner of Lot 10 of said Mark Young Ranch Subdivision, the east corner of Forest Lakes Subdivision, the south corner of Esccondido Subdivision, an angle corner of the said 1613.989 acre tract for an angle corner of this tract.

THENCE continuing with the southeast line, as fenced, of the MIRAM BEALES SURVEY and Esccondido Subdivision, the northwest line of the REUBEN GAGE SURVEY, N 45° 18' 09" E, 759.68 feet to an iron rod found; N 45° 13' 55" E, 1231.00 feet to an iron rod found; N 45° 06' 13" E, 681.68 feet to an iron rod found; N 10° 00' 21" E, 52.14 feet to an iron rod found; N 45° 08' 33" E, 328.00 feet to an iron rod found; N 45° 31' 19" E, 980.72 feet to an iron rod found at a fence corner in the southwest line of Lot 16 of said Mark Young Ranch Subdivision, the most easterly corner of Esccondido Subdivision, an interior corner of the said 1613.989 acre tract for an interior corner of this tract.

THENCE with the northeast line of Esccondido Subdivision, the southwest line, as fenced, of Lots 16 and 15 of Mark Young Ranch Subdivision, N 44° 51' 25" W, 3950.58 feet to an iron rod found at a fence corner in the southeast line of Charro Estates Subdivision, the occupied west corner of Lot 15, a west corner of the said 1613.989 acre tract for a west corner of this tract.

THENCE with the southeast line of Charro Estates, N 43° 08' 40" E, 414.45 feet to an iron rod found; N 27° 18' 33" W, 29.88 feet to an iron rod found; N 43° 32' 45" E, 385.65 feet to an iron rod found; N 45° 03' 46" E, 806.14 feet to an iron rod found; N 55° 12' 54" E, 197.21 feet to an iron rod found; N 44° 23' 45" E, 1526.67 feet to an iron rod found; N 40° 40' 42" E, 450.50 feet to an iron rod found in the southwest line of the before mentioned DANIEL GRAY SURVEY, the northeast line of the ISAAC LINDSEY SURVEY, the most northerly corner of the said 1613.989 acre tract for the most northerly corner of this tract.

THENCE with the southwest line, as fenced, of the DANIEL GRAY SURVEY, the northeast line of the ISAAC LINDSEY SURVEY, and said 1613.989 acre tract, the northeast line of Lots 15 and 16 of the Mark Young Ranch Subdivision, S 60° 31' 19" E, 4243.31 feet to an iron rod found, S 45° 54' 23" E, 22.04 feet to the POINT OF BEGINNING, containing 808.672 acres.

