

**CITY OF BASTROP, TX**  
**RESOLUTION NO. R-2024-99**

**DENIAL OF EXTRATERRITORIAL JURISDICTION RELEASE**

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS  
DENYING THE RELEASE OF LAND FROM THE CITY'S  
EXTRATERRITORIAL JURISDICTION AND PROVIDING  
FOR FINDINGS OF FACT, REPEALER, SEVERABILITY,  
EFFECTIVE DATE, PROPER NOTICE, AND MEETING.**

- WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop ("City") has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS**, pursuant to Texas Senate Bill 2038 passed by the Texas State Legislature in the 88<sup>th</sup> Legislative Session, Texas Local Government Code Chapter 42 allows for the release of an area from the City's extraterritorial jurisdiction ("ETJ") by petition of landowners or by election; and
- WHEREAS**, pursuant to Texas Local Government Code Section 42.102, a resident of an area or the owners of the majority in value of an area in the City's ETJ may file a petition with the City Secretary for the area to be released from the ETJ; and
- WHEREAS**, pursuant to Texas Local Government Code Section 42.152, a resident of an area in the City's ETJ may request the City to hold an election to vote on the question of whether to release the area from the City's ETJ by filing a petition with the City Secretary; and
- WHEREAS**, the City Council has received petitions for multiple properties to be released from the ETJ, a list of which is included in **Exhibit A**; and
- WHEREAS**, the City Council received a petition from CTX HWY 21, LP on June 13, 2024, for the release of a certain tract of land ("Property"), which Property is more accurately described in **Attachment 1**, which is attached hereto and incorporated herein; and

**WHEREAS,** the City Council received a petition from CTX SPE 4, LP, the designated representative of Westside Mesa, LLC, on May 13, 2024, for the release of a certain tract of land (“Property”), which Property is more accurately described in **Attachment 2**, which is attached hereto and incorporated herein; and

**WHEREAS,** *The City of Grand Prairie v. The State of Texas*, D-1-GN-23-007785, has been filed in the 261<sup>st</sup> District Court of Travis County, Texas, and challenges Senate Bill 2038 as an unconstitutional delegation of legislative authority (among other legal defects) and seeks to render the bill void and unenforceable in its entirety; and

**WHEREAS,** the above-named properties are part of, or adjacent, to the Garfield Municipal Utility District, a development that is critical to the City’s current and/or future development; and

**WHEREAS,** due to the nature of the lawsuit and the legitimate interests of our community, the City elects to reserve its rights to enforcement of regulations in the ETJ, until the conclusion of the pending litigation; and

**WHEREAS,** The City’s ETJ has traditionally been regarded by the City as an important component of our comprehensive planning efforts, including land use, development, capital improvements (infrastructure), and the extension of utilities; and

**WHEREAS,** the City is inclined to proceed in a deliberate, cautious manner when considering whether to release an area pursuant to new legislation that is currently undergoing a legal challenge.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bastrop, Texas:

**Section 1. Findings of Fact:** The foregoing recitals are incorporated into this resolution (“Resolution”) by reference as findings of fact as if expressly set forth word-for-word herein.

**Section 2. Release Denied:** The Petitions are hereby considered verified; however, the Properties as described in the Petitions included as **Attachments 1-2** are denied and shall not be released from the City’s ETJ pending the outcome of the *City of Grand Prairie v. The State of Texas* litigation.

**Section 3. Repealer:** To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby

repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.


**Section 4. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

**Section 5. Effective Date:** This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.

**Section 6. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED on First Reading** by the City Council of the City of Bastrop, on this, the 23<sup>rd</sup> day of July 2024.

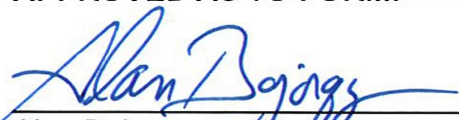
**APPROVED:**

by:  \_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

 \_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

 \_\_\_\_\_  
Alan Bojorquez, City Attorney

**Exhibit "A"**

**List of Property Owners and Legal Description of Properties  
of Which Release Has Been Denied**

<b>Property Owner(s)</b>	<b>Legal Description of Property</b>	<b>Attachment</b>
CTX HWY 21, LP	A 267.792-acre tract of land out of the Reuben Gage Survey, Abstract No. 31, Bastrop County, Texas; being all of a called 261.430-acre tract of land described as Tract 1 as conveyed to CTX HWY 21, LP, by Warranty Deed with Vendor's Lien recorded in Document Number 202216695 of the Official Public Records of Bastrop County, Texas being all of a called 6.362-acre tract of land as conveyed to CTX HW 21, LP, by Special Warranty Deed 100' ROW recorded in Document Number 202221197 of the Official Public Records of Bastrop County, Texas, being a portion of a 100-foot wide unimproved Right-of-Way as dedicated by Volume 427, Page 848 of the Official Public Records of Bastrop County, Texas, and being a portion of Lots 7, 8, 10 and 11 of Mark Young Ranch, a subdivision as referenced in Volume 52, Page 351 of the Deed Records of Bastrop County, Texas.	Attachment 1
CTX SPE 4, LP	A 135.047-acre tract of land out of the Reuben Gage Survey, Abstract No. 31, the Hiram Beales Survey, Abstract No. 12, and the Isaac Lindsey Survey, Abstract No. 226, all of Bastrop County, Texas; being a portion of a called 808.872-acre tract of land as conveyed to Freddie Wayne Hoskins, Trustee of the Hoskins Grantor Retained Annuity Trust by warranty Deed recorded in Document Number 200411085 of the Official Public Records of Bastrop County, Texas, and being a portion of Lot 7 and Lot 10 of Mark Young Ranch, a subdivision as referenced in Volume 52, Page 351 of the Deed Records of Bastrop County, Texas.	Attachment 2

**PETITION FOR RELEASE OF AN AREA FROM A MUNICIPALITY'S  
EXTRATERRITORIAL JURISDICTION**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF BASTROP                 §

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

CTX HWY 21, LP, a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Subchapter D, Chapter 42, Texas Local Government Code, together with all amendments and additions thereto, respectfully petitions this Honorable City Council to release the 267.792 acres of land described by metes and bounds in **Exhibit A** and shown on the map attached as **Exhibit B** (the "Land"), attached hereto and incorporated herein for all purposes, from the extraterritorial jurisdiction of the City of Bastrop, Texas (the "City"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

**I.**

The Petitioner holds fee simple title to the Land, and hereby represents that it owns a majority in value of the Land to be released from the extraterritorial jurisdiction of the City as indicated by the certificate of ownership provided by the Bastrop Central Appraisal District, attached hereto as **Exhibit C**.

**II.**

The Petitioner represents that the Land is not located within five (5) miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted.

**III.**

The Petitioner represents that the Land has not been voluntarily annexed into the extraterritorial jurisdiction of a municipality that is located in a county (a) in which the population grew by more than fifty percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; and (b) that has a population of greater than 240,000.

**IV.**

The Petitioner represents that the Land is not within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million

that is (a) within 15 miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted; and (b) in a county with a population of more than two million.

V.

The Petitioner represents that the Land is not in an area designated as an industrial district under Section 42.944 of the Texas Local Government Code.

VI.

The Petitioner represents that the Land is not in an area subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City immediately release the Land from its extraterritorial jurisdiction, as required by Section 42.105(c) of the Texas Local Government Code, as it exists today and from any future expansions of the City's extraterritorial jurisdiction whether by annexation or pursuant to Section 42.021 of the Texas Local Government Code. If the City fails to release the Land from its extraterritorial jurisdiction by the later of forty-five (45) days from the date it receives this petition or the next meeting of the City's governing body that occurs after the 30<sup>th</sup> day after the date the City receives this petition, the Land shall be released from the City's extraterritorial jurisdiction by operation of law.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on June 11th, 2024.

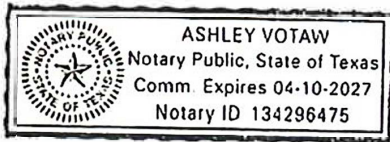
CTX HWY 21, LP  
a Texas limited partnership

By: 5Star Family GP, LLC  
a Texas limited liability company  
its General Partner

By: [Signature]  
Name: T. Craig Benson  
Title: Managing Partner  
DOB: 1/31/62  
Residence Address: 1415 Wathen  
Ave Austin, TX  
Date of Signing: 6/11/24

THE STATE OF TEXAS                   §  
   §  
COUNTY OF Travis                   §

This instrument was acknowledged before me on June 11th, 2024, by T. Craig Benson, Managing Partner of 5Star Family GP, LLC, a Texas limited liability company and General Partner of CTX HWY 21, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.



[Signature]  
Notary Public, State of Texas

(NOTARY SEAL)

**Attachments:**

- Exhibit A:** Description of the Land
- Exhibit B:** Map of the Land
- Exhibit C:** Certificate of Ownership

METES & BOUNDS DESCRIPTIONS

FIELD NOTES FOR A 267.792 ACRE TRACT OF LAND OUT OF THE REUBEN GAGE SURVEY, ABSTRACT NO. 31, BASTROP COUNTY, TEXAS; BEING ALL OF A CALLED 261.430 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 AS CONVEYED TO CTX HWY 21, LP BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 202216695 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, BEING ALL OF A CALLED 6.362 ACRE TRACT OF LAND AS CONVEYED TO CTX HWY 21, LP BY SPECIAL WARRANTY DEED 100' ROW RECORDED IN DOCUMENT NUMBER 202221197 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, BEING A PORTION OF A 100-FOOT WIDE UNIMPROVED RIGHT-OF-WAY AS DEDICATED BY VOLUME 427, PAGE 848 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING A PORTION OF LOTS 7, 8, 10 AND 11 OF MARK YOUNG RANCH, A SUBDIVISION AS REFERENCED IN VOLUME 52, PAGE 351 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 267.792 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod with cap stamped "BGE Inc" set on the southeast line of THE RANCH, a subdivision recorded in Cabinet 1, Page 74-B of the Plat Records of Bastrop County, Texas, at the most westerly corner of the above described CTX HWY 21 Tract 1, and at the most northerly corner of a called 100.842 acre tract of land described as Tract 1 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in Document Number 202114074 of the Official Public Records of Bastrop County, Texas, for the most westerly corner of the herein described tract, from which a found 1/2-inch iron rod bears N 46°52'57" W a distance of 2.59 feet, and from which a found 1/2-inch iron pipe bears S 43°03'13" W a distance of 321.19 feet;

THENCE, with a northwest line of said CTX HWY 21 Tract 1 and the southeast line of said THE RANCH, N 43°08'04" E a distance of 314.84 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an exterior corner of said CTX HWY 21 Tract 1, and at the most westerly corner of a called 135.047 acre tract of land described as Tract 2 as conveyed to CTX SPE 4, LP by Warranty Deed with Vendor's Lien recorded in said Document Number 202216695 of the Official Public Records of Bastrop County, Texas, for an exterior corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "BGE Inc" set at the most easterly corner of said THE RANCH, at the most southerly corner of FOREST LAKES, a subdivision recorded in Cabinet 1, Page 164-A of the Plat Records of Bastrop County, Texas, and at the most southerly terminus of Lakeview Drive (50 feet wide) as dedicated by said FOREST LAKES, bears N 43°08'04" E a distance of 204.63 feet;

THENCE, departing the southeast line of said THE RANCH, with the north line of said CTX HWY 21 Tract 1 and the south line of said CTX SPE 4 Tract, the following six (6) courses:

- 1) S 84°51'25" E a distance of 407.47 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 2) N 77°52'25" E a distance of 373.22 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 3) N 27°47'35" E a distance of 215.08 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an exterior corner of said CTX HWY 21 Tract 1, and at an interior corner of said CTX SPE 4 Tract, for an exterior corner of the herein described tract;



- 4) S 62°12'25" E a distance of 1,071.49 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an interior corner of said CTX HWY 21 Tract 1, and at an exterior corner of said CTX SPE 4 Tract, for an interior corner of the herein described tract;
- 5) N 60°51'43" E a distance of 490.04 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point; and
- 6) N 43°03'50" E a distance of 2,814.94 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on the southwest line of THOUSAND OAKS, a subdivision recorded in Cabinet 1, Page 129-A of the Plat Records of Bastrop County, Texas, at the most northerly corner of said CTX HWY 21 Tract 1, and at the most easterly corner of said CTX SPE 4 Tract, for the most northerly corner of the herein described tract, from which a 1/2-inch iron rod found at the most southerly corner of Lot 53 and the most westerly corner of Lot 52, both of said THOUSAND OAKS, bears N 47°03'28" W a distance of 206.43 feet;

THENCE, with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said THOUSAND OAKS, S 47°03'28" E a distance of 1,016.21 feet to a 3/8-inch iron rod found at the most southerly corner of Lot 48 and the most westerly corner of Lot 47, both of said THOUSAND OAKS, for an angle point;

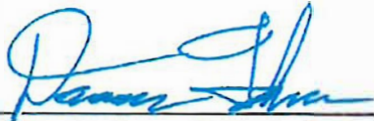
THENCE, continuing with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said THOUSAND OAKS and partly with the southwest line of AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, a subdivision recorded in Cabinet 6, Sheet 28A of the Plat Records of Bastrop County, Texas, S 46°46'54" E a distance of 770.36 feet to a 3/8-inch iron rod found for an angle point;

THENCE, continuing with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, S 46°27'13" E a distance of 342.84 feet to a fence post found at the most easterly corner of said CTX HWY 21 Tract 1, and at the most northerly corner of a called 587.274 acre tract of land described as Tract 3 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in said Document Number 202114074 and Correction Instruments as to a Recorded Original Instrument recorded in Document Numbers 202216447 and 202216495, all of the Official Public Records of Bastrop County, Texas, for the most easterly corner of the herein described tract, from which a 1/2-inch iron rod found at the most southerly corner of said AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, bears S 46°52'02" E a distance of 1,345.39 feet;

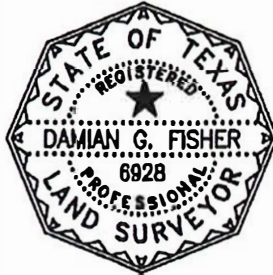
THENCE, generally along a fence, with the southeast line of said CTX HWY 21 Tract 1 and the northwest line of said Cedar Creek East Tract 3, S 42°54'02" W a distance of 4,643.68 feet to a 1/2-inch iron rod found at the most southerly corner of said CTX HWY 21 Tract 1, and at the most easterly corner of a called 121.000 acre tract of land described as Tract 2 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in said Document Number 202114074 of the Official Public Records of Bastrop County, Texas, for the most southerly corner of the herein described tract, from which a found 3/8-inch iron rod bears N 38°41'24" W a distance of 0.68 feet, and from which a 1/2-inch iron rod with cap stamped "BGE Inc" found on the north line of a called 141.079 acre tract of land as conveyed to NEU Community Creekside LLC by Special Warranty Deed recorded in Document Number 202207532 of the Official Public Records of Bastrop County, Texas, at a common corner of the remainders of said Cedar Creek East Tract 2 and said Cedar Creek East Tract 3, bears S 43°02'33" W a distance of 2,032.33 feet;

THENCE, generally along a fence, with the southwest line of said CTX HWY 21 Tract 1 and the northeast line of said Cedar Creek East Tract 2, N 46°52'57" W, pass a 1/2-inch iron rod with cap stamped "BGE Inc" set on the south line of said 100-foot wide unimproved right-of-way, at an exterior corner of said CTX HWY 21 Tract 1, at the most southerly corner of the above described CTX HWY 21 6.362 acre tract, and at the northeast corner of said Cedar Creek East Tract 2 at a distance of 476.83 feet, and continuing on generally along a fence, with the southwest line of said CTX HWY 21 6.362 acre tract and over and across said 100-foot wide unimproved right-of-way, pass a 1/2-inch iron rod with cap stamped "BGE Inc" set on the north line of said 100-foot wide unimproved right-of-way, at an exterior corner of said CTX HWY 21 Tract 1, at the most westerly corner of said CTX HWY 21 6.362 acre tract, and at the most easterly corner of said Cedar Creek East Tract 1 at a distance of 588.33 feet, and continuing on generally along a fence, with the southwest line of said CTX HWY 21 Tract 1 and the northeast line of said Cedar Creek East Tract 1 for a total distance of 3,804.30 feet to the **POINT OF BEGINNING** and containing 267.792 acres of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on February 8, 2022 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone 4203.



Damian G. Fisher RPLS No. 5777  
BGE, Inc.  
101 West Louis Henna Blvd, Suite 400  
Austin, Texas 78728  
Telephone: (512) 879-0400  
TBPLS Licensed Surveying Firm No. 10106502

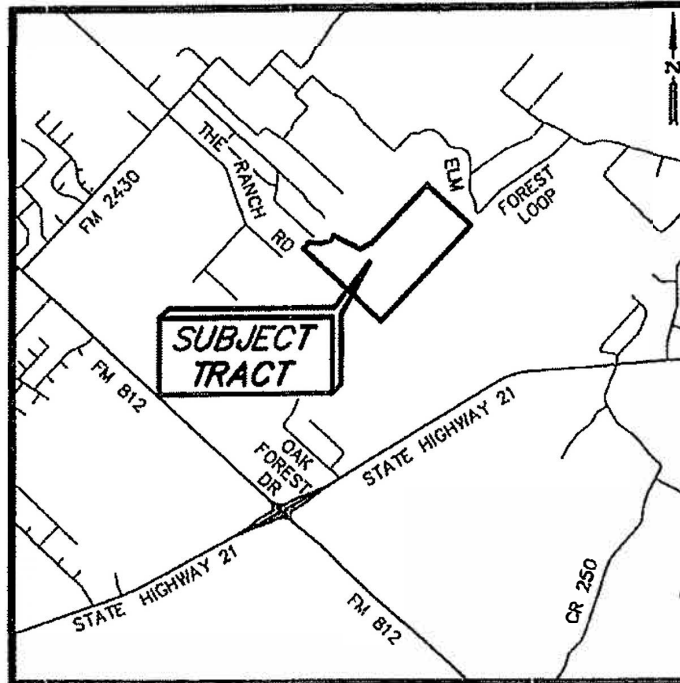


10/25/2022

Date

Client: NEU Communities  
Date: June 8, 2022  
Revised: October 25, 2022  
Job No: 9989-00

EXHIBIT B



NOT TO SCALE

LOCATION MAP  
BASTROP ETJ RELEASE  
267.792 ACRES



**BGE, Inc.**

101 West Louis Henna Blvd., Suite 400  
Austin, Texas 78728

Tel: 512-879-0400 • [www.bgeinc.com](http://www.bgeinc.com)

TBPELS Registration No. F-1046

TBPELS Licensed Surveying Firm No. 10106502

EXHIBIT C

BASTROP CENTRAL APPRAISAL DISTRICT

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS           §  
  §  
COUNTY OF BASTROP     §

I, the undersigned, hereby certify that I have examined the appraisal rolls of Bastrop County, Texas, and find that, as of June 3, 2024, the property described and attached hereto, is assessed on the appraisal rolls of Bastrop County, Texas, for the tax year 2024 in the name(s) of:

CTX HWY 21 LP

OWNER/ACCOUNT	ACREAGE	VALUE
41808	261.43	\$ 2,268,882
UN-OPENED ROAD	6.362	\$ 0

CERTIFIED this 3rd day of June, 2024.

By: *Faun Cullens*

Name: Faun Cullens

Title: Chief Appraiser

METES & BOUNDS DESCRIPTIONS

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THENCE, with a northwest line of said CTX HWY 21 Tract 1 and the southeast line of said THE RANCH, N 43°08'04" E a distance of 314.84 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an exterior corner of said CTX HWY 21 Tract 1, and at the most westerly corner of a called 135.047 acre tract of land described as Tract 2 as conveyed to CTX SPE 4, LP by Warranty Deed with Vendor's Lien recorded in said Document Number 202216695 of the Official Public Records of Bastrop County, Texas, for an exterior corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "BGE Inc" set at the most easterly corner of said THE RANCH, at the most southerly corner of FOREST LAKES, a subdivision recorded in Cabinet 1, Page 164-A of the Plat Records of Bastrop County, Texas, and at the most southerly terminus of Lakeview Drive (50 feet wide) as dedicated by said FOREST LAKES, bears N 43°08'04" E a distance of 204.63 feet;

THENCE, departing the southeast line of said THE RANCH, with the north line of said CTX HWY 21 Tract 1 and the south line of said CTX SPE 4 Tract, the following six (6) courses:

- 1) S 84°51'25" E a distance of 407.47 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 2) N 77°52'25" E a distance of 373.22 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 3) N 27°47'35" E a distance of 215.08 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an exterior corner of said CTX HWY 21 Tract 1, and at an interior corner of said CTX SPE 4 Tract, for an exterior corner of the herein described tract;

- 4) S 62°12'25" E a distance of 1,071.49 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an interior corner of said CTX HWY 21 Tract 1, and at an exterior corner of said CTX SPE 4 Tract, for an interior corner of the herein described tract;
- 5) N 60°51'43" E a distance of 490.04 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point; and
- 6) N 43°03'50" E a distance of 2,814.94 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on the southwest line of THOUSAND OAKS, a subdivision recorded in Cabinet 1, Page 129-A of the Plat Records of Bastrop County, Texas, at the most northerly corner of said CTX HWY 21 Tract 1, and at the most easterly corner of said CTX SPE 4 Tract, for the most northerly corner of the herein described tract, from which a 1/2-inch iron rod found at the most southerly corner of Lot 53 and the most westerly corner of Lot 52, both of said THOUSAND OAKS, bears N 47°03'28" W a distance of 206.43 feet;

THENCE, with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said THOUSAND OAKS, S 47°03'28" E a distance of 1,016.21 feet to a 3/8-inch iron rod found at the most southerly corner of Lot 48 and the most westerly corner of Lot 47, both of said THOUSAND OAKS, for an angle point;

THENCE, continuing with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said THOUSAND OAKS and partly with the southwest line of AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, a subdivision recorded in Cabinet 6, Sheet 28A of the Plat Records of Bastrop County, Texas, S 46°46'54" E a distance of 770.36 feet to a 3/8-inch iron rod found for an angle point;

THENCE, continuing with the northeast line of said CTX HWY 21 Tract 1 and the southwest line of said AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, S 46°27'13" E a distance of 342.84 feet to a fence post found at the most easterly corner of said CTX HWY 21 Tract 1, and at the most northerly corner of a called 587.274 acre tract of land described as Tract 3 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in said Document Number 202114074 and Correction Instruments as to a Recorded Original Instrument recorded in Document Numbers 202216447 and 202216495, all of the Official Public Records of Bastrop County, Texas, for the most easterly corner of the herein described tract, from which a 1/2-inch iron rod found at the most southerly corner of said AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, bears S 46°52'02" E a distance of 1,345.39 feet;

THENCE, generally along a fence, with the southeast line of said CTX HWY 21 Tract 1 and the northwest line of said Cedar Creek East Tract 3, S 42°54'02" W a distance of 4,643.68 feet to a 1/2-inch iron rod found at the most southerly corner of said CTX HWY 21 Tract 1, and at the most easterly corner of a called 121.000 acre tract of land described as Tract 2 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in said Document Number 202114074 of the Official Public Records of Bastrop County, Texas, for the most southerly corner of the herein described tract, from which a found 3/8-inch iron rod bears N 38°41'24" W a distance of 0.68 feet, and from which a 1/2-inch iron rod with cap stamped "BGE Inc" found on the north line of a called 141.079 acre tract of land as conveyed to NEU Community Creekside LLC by Special Warranty Deed recorded in Document Number 202207532 of the Official Public Records of Bastrop County, Texas, at a common corner of the remainders of said Cedar Creek East Tract 2 and said Cedar Creek East Tract 3, bears S 43°02'33" W a distance of 2,032.33 feet;

THENCE, generally along a fence, with the southwest line of said CTX HWY 21 Tract 1 and the northeast line of said Cedar Creek East Tract 2, N 46°52'57" W, pass a 1/2-inch iron rod with cap stamped "BGE Inc" set on the south line of said 100-foot wide unimproved right-of-way, at an exterior corner of said CTX HWY 21 Tract 1, at the most southerly corner of the above described CTX HWY 21 6.362 acre tract, and at the northeast corner of said Cedar Creek East Tract 2 at a distance of 476.83 feet, and continuing on generally along a fence, with the southwest line of said CTX HWY 21 6.362 acre tract and over and across said 100-foot wide unimproved right-of-way, pass a 1/2-inch iron rod with cap stamped "BGE Inc" set on the north line of said 100-foot wide unimproved right-of-way, at an exterior corner of said CTX HWY 21 Tract 1, at the most westerly corner of said CTX HWY 21 6.362 acre tract, and at the most easterly corner of said Cedar Creek East Tract 1 at a distance of 588.33 feet, and continuing on generally along a fence, with the southwest line of said CTX HWY 21 Tract 1 and the northeast line of said Cedar Creek East Tract 1 for a total distance of 3,804.30 feet to the **POINT OF BEGINNING** and containing 267.792 acres of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on February 8, 2022 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone 4203.



Damian G. Fisher RPLS No. 5777  
BGE, Inc.  
101 West Louis Henna Blvd, Suite 400  
Austin, Texas 78728  
Telephone: (512) 879-0400  
TBPLS Licensed Surveying Firm No. 10106502



10/25/2022

Date

Client: NEU Communities  
Date: June 8, 2022  
Revised: October 25, 2022  
Job No: 9989-00

PETITION FOR RELEASE OF AN AREA FROM A MUNICIPALITY'S  
EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS                   §  
  §  
COUNTY OF BASTROP                 §

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

**CTX SPE 4, LP**, a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Subchapter D, Chapter 42, Texas Local Government Code, together with all amendments and additions thereto, respectfully petitions this Honorable City Council to release the 135.047 acres of land described by metes and bounds in **Exhibit A** and shown on the map attached as **Exhibit B** (the "Land"), attached hereto and incorporated herein for all purposes, from the extraterritorial jurisdiction of the City of Bastrop, Texas (the "City"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

I.

The Petitioner holds fee simple title to the Land, and hereby represents that it owns a majority in value of the Land to be released from the extraterritorial jurisdiction of the City as indicated by the certificate of ownership provided by the Bastrop Central Appraisal District, attached hereto as **Exhibit C**.

II.

The Petitioner represents that the Land is not located within five (5) miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted.

III.

The Petitioner represents that the Land has not been voluntarily annexed into the extraterritorial jurisdiction of a municipality that is located in a county (a) in which the population grew by more than fifty percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; and (b) that has a population of greater than 240,000.

IV.

The Petitioner represents that the Land is not within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million



that is (a) within 15 miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted; and (b) in a county with a population of more than two million.

V.

The Petitioner represents that the Land is not in an area designated as an industrial district under Section 42.944 of the Texas Local Government Code.

VI.

The Petitioner represents that the Land is not in an area subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City immediately release the Land from its extraterritorial jurisdiction, as required by Section 42.105(c) of the Texas Local Government Code, as it exists today and from any future expansions of the City's extraterritorial jurisdiction whether by annexation or pursuant to Section 42.021 of the Texas Local Government Code. If the City fails to release the Land from its extraterritorial jurisdiction by the later of forty-five (45) days from the date it receives this petition or the next meeting of the City's governing body that occurs after the 30<sup>th</sup> day after the date the City receives this petition, the Land shall be released from the City's extraterritorial jurisdiction by operation of law.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on June 11th, 2024.

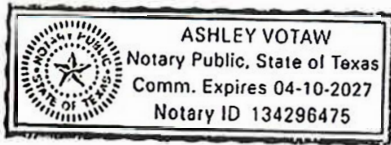
**CTX SPE 4, LP**  
a Texas limited partnership

By: CTX Capital Partners, LLC  
a Delaware limited liability company  
its General Partner

By:   
Name: T. Craig Benson  
Title: Managing Partner  
DOB: 1/31/62  
Residence Address: 1415 Wathen  
Ave Austin, TX  
Date of Signing: 6/11/24

THE STATE OF TEXAS                   §  
   §  
COUNTY OF Travis                   §

This instrument was acknowledged before me on June 11th, 2024, by T. Craig Benson Managing Partner of CTX Capital Partners, LLC, a Delaware limited liability company and General Partner of CTX SPE 4, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.



  
Notary Public, State of Texas

(NOTARY SEAL)

**Attachments:**

- Exhibit A:** Description of the Land
- Exhibit B:** Map of the Land
- Exhibit C:** Certificate of Ownership

METES & BOUNDS DESCRIPTIONS

FIELD NOTES FOR A 135.047 ACRE TRACT OF LAND OUT OF THE REUBEN GAGE SURVEY, ABSTRACT NO. 31, THE HIRAM BEALES SURVEY, ABSTRACT NO. 12, AND THE ISAAC LINDSEY SURVEY, ABSTRACT NO. 226, ALL OF BASTROP COUNTY, TEXAS; BEING A PORTION OF A CALLED 808.872 ACRE TRACT OF LAND AS CONVEYED TO FREDDIE WAYNE HOSKINS, TRUSTEE OF THE HOSKINS GRANTOR RETAINED ANNUITY TRUST BY WARRANTY DEED RECORDED IN DOCUMENT NUMBER 200411085 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING A PORTION OF LOT 7 AND LOT 10 OF MARK YOUNG RANCH, A SUBDIVISION AS REFERENCED IN VOLUME 52, PAGE 351 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 135.047 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found on the northwest line of the above described Hoskins Tract and the southwest right-of-way line of Privada Drive (50 feet wide) as shown on the plat of ESCONDIDO, a subdivision recorded in Cabinet 1, Page 66-A of the Plat Records of Bastrop County, Texas, at the most easterly corner of Lot 20 of said ESCONDIDO, for the most northerly corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, leaving the southeast line of said ESCONDIDO, over and across said Hoskins Tract and with the apparent southwest right-of-way line of said Privada Drive, S 47°24'40" E a distance of 31.39 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on a southeast line of said Hoskins Tract and the northwest line of THOUSAND OAKS, a subdivision recorded in Cabinet 1, Page 129-A of the Plat Records of Bastrop County, Texas, at the intersection with the southeast right-of-way line of Elm Forest Loop (called 12 varas wide) as recorded in Volume 55, Page 223 of the Deed Records of Bastrop County, Texas, and as shown on said ESCONDIDO and said THOUSAND OAKS, for an exterior corner of the herein described tract;

**THENCE**, with a southeast line of said Hoskins Tract and the northwest line of said THOUSAND OAKS, S 43°23'38" W a distance of 65.41 feet to a 1/2-inch iron rod found at an interior corner of said Hoskins Tract, and at the most westerly corner of said THOUSAND OAKS, for an interior corner of the herein described tract;

**THENCE**, with the northeast line of said Hoskins Tract and the southwest line of said THOUSAND OAKS, S 46°56'10" E a distance of 1,427.18 feet to a 1/2-inch iron rod found at the most southerly corner of Lot 53 and the most westerly corner of Lot 52, both of said THOUSAND OAKS, for an angle point;

**THENCE**, continuing with the northeast line of said Hoskins Tract and the southwest line of said THOUSAND OAKS, S 47°03'28" E a distance of 206.43 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the most easterly corner of the herein described tract, from which a 3/8-inch iron rod found at the most southerly corner of Lot 48 and the most westerly corner of Lot 47, both of said THOUSAND OAKS, bears S 47°03'28" E a distance of 1,016.21 feet;

**THENCE**, leaving the southwest line of said THOUSAND OAKS, over and across said Hoskins Tract, S 43°03'50" W a distance of 2,814.94 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;

THENCE, continuing over and across said Hoskins Tract, S 60°51'43" W a distance of 490.04 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the most southerly corner of the herein described tract;

THENCE, continuing over and across said Hoskins Tract, N 62°12'25" W a distance of 1,071.49 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an interior corner of the herein described tract;

THENCE, continuing over and across said Hoskins Tract, S 27°47'35" W a distance of 215.08 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;

THENCE, continuing over and across said Hoskins Tract, S 77°52'25" W a distance of 373.22 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;

THENCE, continuing over and across said Hoskins Tract, N 84°51'25" W a distance of 407.47 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on the northwest line of said Hoskins Tract and the southeast line of Lot 22, THE RANCH, a subdivision recorded in Cabinet 1, Page 74-B of the Plat Records of Bastrop County, Texas, for the most westerly corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "BGE Inc" set at the most westerly corner of said Hoskins Tract, and at the most northerly corner of a called 100.842 acre tract of land described as Tract 1 as conveyed to Cedar Creek East LP by Special Warranty Deed recorded in Document Number 2021 14074 of the Official Public Records of Bastrop County, Texas, bears S 43°08'04" W a distance of 314.84 feet;

THENCE, with the northwest line of said Hoskins Tract and the southeast line of said THE RANCH, N 43°08'04" E a distance of 204.63 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at the most easterly corner of said THE RANCH, at the most southerly corner of FOREST LAKES, a subdivision recorded in Cabinet 1, Page 164-A of the Plat Records of Bastrop County, Texas, and at the most southerly terminus of Lakeview Drive (50 feet wide) as dedicated by said FOREST LAKES, for an angle point, from which a found flagged 3/8-inch iron rod extruding from the ground bears N 38°18'55" W a distance of 2.42 feet;

THENCE, continuing with the northwest line of said Hoskins Tract, S 84°13'54" E a distance of 34.74 feet to 1/2-inch iron rod with cap stamped "BGE Inc" set at an angle point, from which a found flagged t-post bears N 40°56'38" W a distance of 2.76 feet;

THENCE, continuing with the northwest line of said Hoskins Tract, N 42°44'59"E a distance of 1,113.08 feet to a 1/2-inch iron rod found at the most southerly corner of said ESCONDIDO, for an angle point;

THENCE, continuing with the northwest line of said Hoskins Tract and the southeast line of said ESCONDIDO the following eight (8) courses:

- 1) N 43°11'44" E a distance of 720.41 feet to an 8-foot tall 10-inch by 10-inch concrete pillar found at the most easterly corner of Lot 39 of said ESCONDIDO, and at the most southerly terminus of Escondido Drive (50 feet wide) as dedicated by said ESCONDIDO, for an angle point;
- 2) N 43°40'05"E a distance of 48.94 feet to a 5/8-inch iron rod found at the most easterly terminus of said Escondido Drive, and at the most southerly corner of Lot 29 of said ESCONDIDO, for an angle point;

- 3) N 43°09'00" E a distance of 456.59 feet to a 5/8-inch iron rod found for an angle point;
- 4) N 43°03'58" E a distance of 629.59 feet to a 1/2-inch iron rod found for an angle point;
- 5) N 43°30'21" E a distance of 145.94 feet to a 1/2-inch iron rod found at the most easterly corner of said Lot 29, and at the most southerly corner of Lot 20 of said ESCONDIDO, for an angle point;
- 6) N 43°01'51" E a distance of 681.62 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 7) N 07°13'53" E a distance of 52.30 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point; and
- 8) N 43°23'23" E a distance of 328.55 feet to the **POINT OF BEGINNING** and containing 135.047 acres of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on February 8, 2022 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone 4203.



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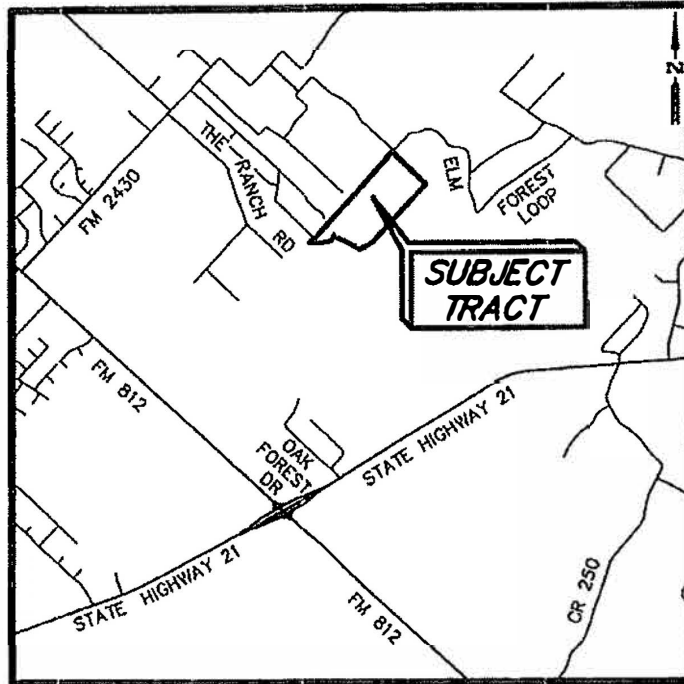


6/15/2022

Date

Client: CTX Management Holdings  
 Date: June 15, 2022  
 Job No: 9827-00

EXHIBIT B



NOT TO SCALE

LOCATION MAP  
BASTROP ETJ RELEASE  
135.047 ACRES



**BGE, Inc.**  
101 West Louis Henna Blvd. Suite 400  
Austin, Texas 78728  
Tel: 512-879-0400 • [www.bgeinc.com](http://www.bgeinc.com)  
TBPELS Registration No. F-1046  
TBPELS Licensed Surveying Firm No. 10106502

EXHIBIT C

BASTROP CENTRAL APPRAISAL DISTRICT

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS           §  
  §  
COUNTY OF BASTROP    §

I, the undersigned, hereby certify that I have examined the appraisal rolls of Bastrop County, Texas, and find that, as of June 3, 2024, the property described and attached hereto, is assessed on the appraisal rolls of Bastrop County, Texas, for the tax year 2024 in the name(s) of:

CTX SPE 4 LP

OWNER/ACCOUNT	ACREAGE	VALUE
8729059	135.047	\$ 1,333,730

CERTIFIED this 3rd day of June, 2024.

By: *Faun Cullens*  
Name: Faun Cullens  
Title: Chief Appraiser

METES & BOUNDS DESCRIPTIONS

FIELD NOTES FOR A 135.047 ACRE TRACT OF LAND OUT OF THE REUBEN GAGE SURVEY, ABSTRACT NO. 31, THE HIRAM BEALES SURVEY, ABSTRACT NO. 12, AND THE ISAAC LINDSEY SURVEY, ABSTRACT NO. 226, ALL OF BASTROP COUNTY, TEXAS; BEING A PORTION OF A CALLED 808.872 ACRE TRACT OF LAND AS CONVEYED TO FREDDIE WAYNE HOSKINS, TRUSTEE OF THE HOSKINS GRANTOR RETAINED ANNUITY TRUST BY WARRANTY DEED RECORDED IN DOCUMENT NUMBER 200411085 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING A PORTION OF LOT 7 AND LOT 10 OF MARK YOUNG RANCH, A SUBDIVISION AS REFERENCED IN VOLUME 52, PAGE 351 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 135.047 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found on the northwest line of the above described Hoskins Tract and the southwest right-of-way line of Privada Drive (50 feet wide) as shown on the plat of ESCONDIDO, a subdivision recorded in Cabinet 1, Page 66-A of the Plat Records of Bastrop County, Texas, at the most easterly corner of Lot 20 of said ESCONDIDO, for the most northerly corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, leaving the southeast line of said ESCONDIDO, over and across said Hoskins Tract and with the apparent southwest right-of-way line of said Privada Drive, S 47°24'40" E a distance of 31.39 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on a southeast line of said Hoskins Tract and the northwest line of THOUSAND OAKS, a subdivision recorded in Cabinet 1, Page 129-A of the Plat Records of Bastrop County, Texas, at the intersection with the southeast right-of-way line of Elm Forest Loop (called 12 varas wide) as recorded in Volume 55, Page 223 of the Deed Records of Bastrop County, Texas, and as shown on said ESCONDIDO and said THOUSAND OAKS, for an exterior corner of the herein described tract;

**THENCE**, with a southeast line of said Hoskins Tract and the northwest line of said THOUSAND OAKS, S 43°23'38" W a distance of 65.41 feet to a 1/2-inch iron rod found at an interior corner of said Hoskins Tract, and at the most westerly corner of said THOUSAND OAKS, for an interior corner of the herein described tract;

**THENCE**, with the northeast line of said Hoskins Tract and the southwest line of said THOUSAND OAKS, S 46°56'10" E a distance of 1,427.18 feet to a 1/2-inch iron rod found at the most southerly corner of Lot 53 and the most westerly corner of Lot 52, both of said THOUSAND OAKS, for an angle point;

**THENCE**, continuing with the northeast line of said Hoskins Tract and the southwest line of said THOUSAND OAKS, S 47°03'28" E a distance of 206.43 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the most easterly corner of the herein described tract, from which a 3/8-inch iron rod found at the most southerly corner of Lot 48 and the most westerly corner of Lot 47, both of said THOUSAND OAKS, bears S 47°03'28" E a distance of 1,016.21 feet;

**THENCE**, leaving the southwest line of said THOUSAND OAKS, over and across said Hoskins Tract, S 43°03'50" W a distance of 2,814.94 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;



THENCE, continuing over and across said Hoskins Tract, S 60°51'43" W a distance of 490.04 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the most southerly corner of the herein described tract;

THENCE, continuing over and across said Hoskins Tract, N 62°12'25" W a distance of 1,071.49 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an interior corner of the herein described tract;

THENCE, continuing over and across said Hoskins Tract, S 27°47'35" W a distance of 215.08 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;

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THENCE, with the northwest line of said Hoskins Tract and the southeast line of said THE RANCH, N 43°08'04" E a distance of 204.63 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at the most easterly corner of said THE RANCH, at the most southerly corner of FOREST LAKES, a subdivision recorded in Cabinet 1, Page 164-A of the Plat Records of Bastrop County, Texas, and at the most southerly terminus of Lakeview Drive (50 feet wide) as dedicated by said FOREST LAKES, for an angle point, from which a found flagged 3/8-inch iron rod extruding from the ground bears N 38°18'55" W a distance of 2.42 feet;

THENCE, continuing with the northwest line of said Hoskins Tract, S 84°13'54" E a distance of 34.74 feet to 1/2-inch iron rod with cap stamped "BGE Inc" set at an angle point, from which a found flagged t-post bears N 40°56'38" W a distance of 2.76 feet;

THENCE, continuing with the northwest line of said Hoskins Tract, N 42°44'59" E a distance of 1,113.08 feet to a 1/2-inch iron rod found at the most southerly corner of said ESCONDIDO, for an angle point;

THENCE, continuing with the northwest line of said Hoskins Tract and the southeast line of said ESCONDIDO the following eight (8) courses:

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- 2) N 43°40'05" E a distance of 48.94 feet to a 5/8-inch iron rod found at the most easterly terminus of said Escondido Drive, and at the most southerly corner of Lot 29 of said ESCONDIDO, for an angle point;

- 3) N 43°09'00" E a distance of 456.59 feet to a 5/8-inch iron rod found for an angle point;
- 4) N 43°03'58" E a distance of 629.59 feet to a 1/2-inch iron rod found for an angle point;
- 5) N 43°30'21" E a distance of 145.94 feet to a 1/2-inch iron rod found at the most easterly corner of said Lot 29, and at the most southerly corner of Lot 20 of said ESCONDIDO, for an angle point;
- 6) N 43°01'51" E a distance of 681.62 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point;
- 7) N 07°13'53" E a distance of 52.30 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point; and
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6/15/2022

Date

Client: CTX Management Holdings  
 Date: June 15, 2022  
 Job No: 9827-00