

ORDINANCE NO. 145

**AN ORDINANCE AUTHORIZING THE EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION ("ETJ") TO INCLUDE APPROXIMATELY 273.284 ACRES IN THE CITY'S ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR DEVELOPMENT AGREEMENT GOVERNANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of Umland, Texas ("Umland") desires to expand its ETJ; and

**WHEREAS**, the owners of land described in the Extraterritorial Jurisdiction Annexation Petition attached as Exhibit "A" filed a valid petition with the City for inclusion of the land into the City's ETJ;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Umland, Texas:

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Umland, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**II. INCLUSION OF LAND IN ETJ**

1. The petition attached as Exhibit "A" is hereby approved and granted.
2. The City of San Marcos has released the land area described in Exhibit "B" from its extraterritorial jurisdiction ("San Marcos Release Area") Umland hereby expands its ETJ to include the land area described in Exhibit "A" ("Land Area").
3. The official map and ETJ boundaries of the City of Umland shall be amended and revised so as to include the Land Area.
4. The City Administrator is hereby instructed to include this Ordinance in the records of the City and file a certified copy of this Ordinance and attachments with the Caldwell County Clerk and other proper entities.
5. The City Administrator is hereby instructed to have maps depicting the new Umland ETJ boundaries prepared.
6. The Mayor or the Mayor Pro Tem of the City of Umland is hereby authorized to execute any documents necessary or appropriate for the approval and implementation of this Ordinance.

**III. INCLUSION OF LAND IN DEVELOPMENT AGREEMENT**

The owner's petition requested the Land Area described in Exhibit "A" become subject to that certain Development Agreement dated October 17, 2013 ("Development Agreement") between Walton Texas, LP, a Texas limited partnership, Walton Caldwell Ranch, LP, a Delaware limited partnership, and WCR Development Sub, LP, a Delaware limited partnership and City of Umland. The Land Area shall be subject to and governed by the terms and conditions of the Development Agreement.

**IV. EFFECTIVE DATE**

This Ordinance shall be effective and the expansion of the Uhland ETJ achieved herein shall be final and complete upon the release by San Marcos of the San Marcos Release Area.

**V. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or *ultra vires* by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**VI. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** as of the 7 day of January, 2014, by the City Council of the City of Uhland, Texas.

**THE CITY OF UHLAND, TEXAS**

Glenn Smith  
Printed Name: Glenn Smith  
Title: Mayor

**ATTEST:**

Karen Gallagher  
Karen Gallagher, City Administrator

**EXHIBIT "A"**

EXTRATERRITORIAL JURISDICTION

ANNEXATION PETITION

STATE OF TEXAS

§  
§  
§

COUNTY OF CALDWELL

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF UHLAND  
FOR ANNEXATION OF PROPERTY TO THE CITY'S EXTRATERRITORIAL  
JURISDICTION

**WHEREAS**, Walton Texas, LP, a Texas limited partnership ("*Walton Texas*"), Walton Caldwell Ranch, LP, a Delaware limited partnership ("*Walton Ranch*"), and WCR Development Sub, a Delaware limited partnership ("*WCR Development*") are the owners of land described on Exhibit "A" ("*Land A*");

**WHEREAS**, Walton Texas and Walton TX Austin Land LP, an Alberta limited partnership ("*Walton Austin*"), are the owners of the land described on Exhibit "B" attached hereto ("*Land B*");

**WHEREAS**, Walton Texas, Walton Ranch, WCR Development, and Walton Austin are collectively referred to herein as the "*Owners*";

**WHEREAS**, the Owners' collective fee title ownership interest in Land A and Land B, including any fee title ownership to the centerline of any adjacent roadways, whether public or private, are referred to herein as the "*Lands*";

**WHEREAS**, Owners seeks and consent to the annexation of the Land by the City of Umland, Texas ("*City*") into the City's extraterritorial jurisdiction ("*ETJ*");

**WHEREAS**, Owner requests the Land become subject to that certain Development Agreement dated October 17, 2013 ("*Development Agreement*") between Walton Texas, Walton Ranch, and WCR Development and City of Umland. The Owners agree that all such Land shall be subject to the terms and conditions of the Development Agreement. The development regulations contained in the Development Agreement shall apply to the development of the Land to the extent allowed by law.

**NOW THEREFORE**, the Owners by this Petition:

**Section One:** Request the City Council of Umland to commence proceedings to annex into the ETJ of the City, all of the portions of the Land that are not already part of the ETJ of the City.

**Section Two:** Requests the City Council of Umland to acknowledge the Development Agreement to apply to the development of the Land in the City's ETJ.

*"Walton Texas"*

Walton Texas, LP, a Texas limited partnership

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

By: Walton International Group, Inc., a Nevada corporation, its Manager

By: [Signature]  
Name: Gordon Price  
Its: Authorized Signatory

By: [Signature]  
Name: Matt Heister  
Its: Authorized Signatory

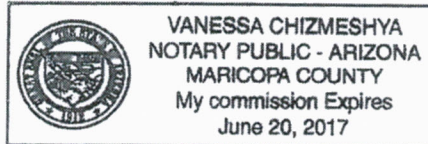
STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA    )        ss.

The foregoing instrument was acknowledged before me on December 19, 2013, by Gordon Price and Matt Heister, each an Authorized Signatory of Walton International Group, Inc., a Nevada corporation, as Manager of Walton Texas GP, LLC, a Texas limited liability company, as General Partner of Walton Texas, LP, a Texas limited partnership in the capacity herein stated.

[Signature]  
Notary Public

Vanessa Chizmeshya  
Printed Name

June 20, 2017  
My commission expires:



**"Walton Ranch"**

Walton Caldwell Ranch, LP, a Delaware limited partnership

By: Walton Caldwell Ranch GP, LLC, a Delaware limited liability company, its General Partner

By: Walton Land Management (USA), Inc., a Delaware corporation, its Manager

By: [Signature]  
Name: Matt Heister  
Its: Authorized Signatory

By: [Signature]  
Name: Gordon Price  
Its: Authorized Signatory

STATE OF Arizona )  
 )  
COUNTY OF Maricopa )

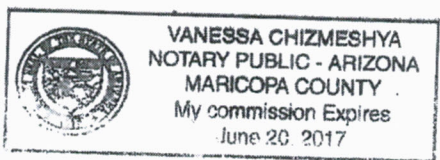
ss.

The foregoing instrument was acknowledged before me on December 19 2013, by Gordon A. Price and Matt Heister, each an Authorized Signatory of Walton Land Management (USA), Inc., a Delaware corporation, as Manager of Walton Caldwell Ranch GP, LLC, a Delaware limited liability company, as General Partner of Walton Caldwell Ranch, LP, a Delaware limited partnership in the capacity herein stated.

[Signature]  
Notary Public

Vanessa Chizmeshya  
Printed Name

June 20, 2017  
My commission expires:



***"WCR Development"***

WCR Development SUB, LP, a Delaware limited partnership

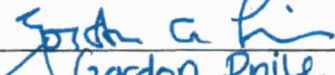
By: Walton Caldwell Ranch Development GP, LLC, a Delaware limited liability company, its General Partner

By: Walton Caldwell Ranch Development, LP, a Delaware limited partnership, its Manager

By: Walton Caldwell Ranch GP, LLC, a Delaware limited liability company, its General Partner

By: Walton Land Management (USA), Inc., a Delaware corporation, its Manager

By:   
Name: Matt Frester  
Its: Authorized Signatory

By:   
Name: Gordon Prile  
Its: Authorized Signatory

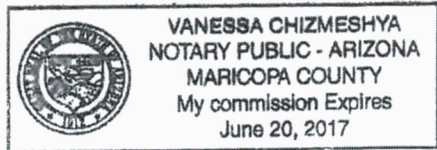
STATE OF Arizona )  
 )  
COUNTY OF Maricopa ) ss.

The foregoing instrument was acknowledged before me on December 11 2013, by Matt Feister and Gordon Price, each an Authorized Signatory of Walton Land Management (USA), Inc., a Delaware corporation, as Manager of Walton Caldwell Ranch GP, LLC, a Delaware limited liability company, as General Partner of WCR Development SUB, LP, a Delaware limited partnership, in the capacity herein stated.

[Signature]  
Notary Public

Vanessa Chizmeshya  
Printed Name

June 20, 2017  
My commission expires:



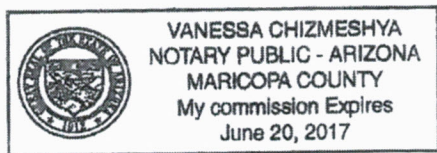
STATE OF Arizona )  
 )  
COUNTY OF Maricopa ) ss.

The foregoing instrument was acknowledged before me on December 11 2013, by Matt Feister and Gordon Price, each an Authorized Signatory of Walton Caldwell Ranch Development, LP, a Delaware limited partnership, as Manager of Walton Caldwell Ranch Development GP, LLC, a Delaware limited liability company, as General Partner of WCR Development SUB, LP, a Delaware limited partnership, in the capacity herein stated.

[Signature]  
Notary Public

Vanessa Chizmeshya  
Printed Name

June 20, 2017  
My commission expires:



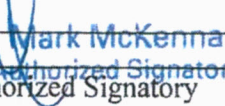


**"Walton Austin"**

Walton TX Austin Land Limited Partnership, an Alberta limited partnership

By: Walton TX Austin Land Corporation, an Alberta corporation, its General Partner

By:  KENNETH H. PHILLIPS  
Name: Authorized Signatory  
Its: Authorized Signatory

By:  Mark McKenna  
Name: Authorized Signatory  
Its: Authorized Signatory

PROVINCE OF ALBERTA            )  
  )    ss.  
CITY OF CALGARY                 )

On this 20<sup>th</sup> day of December, 2013, before me, a Notary Public in and for said Province of Alberta, personal appeared Ken Phillips and Mark McKenna to me personally known, who by me duly sworn (or affirmed), did say that each of them is an Authorized Signatory of Walton TX Austin Land Corporation, and Alberta (Canada) corporation and the General Partner of Walton TX Austin Land Limited Partnership, and Alberta (Canada) limited partnership, and that said instrument was signed on behalf of said General Partner by authority of its Authorized Signatories, and said acknowledged said instrument to be the free act and deed of said General Partner for and on behalf of the said limited partnership.

IN WITNESS WHEREOF, I have hereunto set my and affixed my seal the day and year last above written.


  
Notary Public in and for the Province of Alberta  
BENJAMIN J. ROOTMAN  
Barrister & Solicitor

EXHIBIT A  
EXHIBIT A

240.777 ACRES  
CALDWELL VALLEY  
WALTON TEXAS, LP

FN. NO. 13-545 (MJJ)  
DECEMBER 17, 2013  
BURY JOB NO. RO103932-10004

**DESCRIPTION**

OF A 240.777 ACRE TRACT OF LAND OUT OF THE THOMAS YATES SURVEY, ABSTRACT NO. 313, SITUATED IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 405.35 ACRE TRACT OF LAND HAVING BEEN CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 579, PAGE 211; A PORTION OF THAT CERTAIN 151.60 ACRE TRACT OF LAND HAVING BEEN CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 584, PAGE 282; AND ALSO ALL OF THAT CERTAIN 51.88 ACRE TRACT OF LAND HAVING BEEN CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 584, PAGE 287, ALL OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS; SAID 240.777 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a point in the southerly right-of-way line of State Highway 21 (R.O.W. varies), being the northeasterly corner of that certain 12 acre tract of land conveyed to Atanacio Garcia by deeds of record in Volume 293, Page 233 and Volume 293, Page 235 of said Official Public Records, being the northwesterly corner of said 51.88 acre tract, for the northwesterly corner hereof;

**THENCE**, along the southerly right-of-way line of State Highway 21, being the northerly line of said 51.88 acre tract of land, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) Along a curve to the right having a radius of 5691.07 feet, a central angle of  $02^{\circ}55'02''$ , an arc length of 289.75 feet, and a chord which bears  $N59^{\circ}35'31''E$ , a distance of 289.72 feet to the end of said curve;
- 2)  $N61^{\circ}01'34''E$ , a distance of 297.84 feet to the northwesterly corner of that certain 2.0 acre tract of land conveyed to Jim Mattox, Trustee called "Second tract" by deed of record in Volume 197, Page 926 of said Official Public Records, being the northeasterly corner of said 51.88 acre tract of land, for an angle point hereof;

**THENCE**, leaving the southerly right-of-way line of State Highway 21, in part along the common line of said 51.88 acre tract and said 2.00 acre tract and in part along the common line of said 151.60 acre tract and said 2.00 acre tract, for a portion of the northerly line hereof, the following four (4) courses and distances

- 1)  $S43^{\circ}27'56''E$ , a distance of 102.64 feet to an angle point;
- 2)  $S41^{\circ}14'23''E$ , a distance of 228.76 feet to the southwesterly corner of said 2.00 acre tract;

FN NO. 13-545(MJJ)  
DECEMBER 17, 2013  
PAGE 2 OF 4

- 3) N54°32'16"E, a distance of 260.76 feet to the southeasterly corner of said 2.00 acre tract;
- 4) N35°28'38"W, a distance of 295.72 feet to a point in the southerly right-of-way line of State Highway 21, being the common northerly corner of said 2.00 acre tract and said 151.60 acre tract, for an angle point hereof;

**THENCE**, N60°58'38"E, along the southerly right-of-way line of State Highway 21, being a portion of the northerly line of said 151.60 acre tract, for a portion of the northerly line hereof, a distance of 1049.17 feet to the northwesterly corner of that certain 1.38 acre tract of land conveyed to Elaine Miranda by deed of record in Volume 320, Page 95 of said Official Public Records, being an angle point in the northerly line of said 151.60 acre tract, for an angle point hereof;

**THENCE**, in part along the common line of said 151.60 acre tract and said 1.38 acre tract and continuing in part along the common line of said 151.60 and an unrecorded subdivision, for a portion of the irregular northern line hereof, the following three (3) courses and distances:

- 1) S26°33'39"E, a distance of 792.85 feet to an angle point;
- 2) S26°44'40"E, a distance of 761.39 feet to an angle point;
- 3) S26°27'09"E, a distance of 522.11 feet to an angle point;

**THENCE**, in part along the common line of said 151.60 acre tract and an unrecorded subdivision and continuing in part along the common line of said 151.60 and that certain 13.022 acre tract of land conveyed to Jack & Turner by deed of record in Volume 404, Page 279 of said Official Public Records, for a portion of the irregular northerly line hereof, a distance of the following two (2) courses and distances:

- 1) N63°28'33"E, a distance of 1473.53 feet to an angle point;
- 2) S89°30'38"E, a distance of 37.13 feet to the southeasterly corner of said 13.022 acre tract, for an angle point hereof;

**THENCE**, in part along the common line of said 405.35 acre tract of land and said 13.022 acre tract, for a portion of the irregular northerly line hereof, a distance of the following two (2) courses and distance:

- 1) N18°40'57"W, a distance of 680.24 feet to an angle point;
- 2) N33°11'31"W, a distance of 10.81 feet to an angle point;

EXHIBIT A  
EXHIBIT A

FN NO. 13-545(MJJ)  
DECEMBER 17, 2013  
PAGE 3 OF 4

**THENCE**, leaving the easterly line of said 13.022 acre tract, over and across said 405.35 acre tract, for a portion of the irregular northerly line hereof, the following four (4) courses and distance;

- 1) S66°12'51"E, a distance of 128.24 feet to an angle point;
- 2) S71°59'17"E, a distance of 508.46 feet to an angle point;
- 3) S38°50'28"E, a distance of 1168.97 feet to an angle point;
- 4) S41°36'36"E, a distance of 818.00 feet to a point in the northerly line of that certain 119.0 acre tract of land conveyed to Helen Sue Vogues by deed record in Volume 117, Page 72 of said Official Public Records, being the southerly line of said 405.35 acre tract for the southeasterly corner hereof;

**THENCE**, in part along the common line of said 119.0 acre tract and said 405.35 acre tract and continuing in part along the common line of said 151.60 and that certain 496.41 acre tract of land conveyed to Jerry Lee Burkland by deed of record in Volume 557, Page 300 of said Official Public Records, for a portion of the southerly line hereof, the following five (5) courses and distances;

- 1) S48°17'51"W, a distance of 872.77 feet to an angle point;
- 2) S48°35'27"W, a distance of 81.93 feet to an angle point;
- 3) S48°17'56"W, a distance of 1245.94 feet to an angle point;
- 4) S48°19'02"W, a distance of 518.91 feet to an angle point;
- 5) N42°05'29"W, a distance of 745.02 feet to the southeasterly corner of said 51.88 acre tract, for an angle point hereof;

**THENCE**, S48°24'39"W, along the common line of said 51.88 acre tract and said 496.41 acre tract, for a portion of the southerly line hereof, a distance of 565.08 feet to the southeasterly corner of that certain 99.726 acre tract of land conveyed to Leonard C. Anton by deed of record in Volume 113, Page 487 of said Official Public Records, being the southwesterly corner of said 51.88 acre tract, for the southwesterly corner hereof;

**THENCE**, leaving the northerly line of said 496.41 acre tract, in part along the common line of said 99.726 acre tract and said 51.88 acre tract and continuing in part along the common line of said 99.726 and said 12 acre tract, for the westerly line hereof, the following five (5) courses and distances:

- 1) N42°04'12"W, a distance of 2554.43 feet to an angle point;
- 2) S48°20'49"W, a distance of 56.97 feet to an angle point;

EXHIBIT A  
EXHIBIT A


FN NO. 13-545 (MJJ)  
DECEMBER 17, 2013  
PAGE 4 OF 4

- 3) N41°59'09"W, a distance of 379.80 feet to an angle point;
- 4) N47°02'42"E, a distance of 57.01 feet to an angle point;
- 5) N42°11'49"W, a distance of 1056.08 feet to the **POINT OF BEGINNING**, containing an area of 240.777 acres (1,165,359 sq. ft.) of land, more or less, within these metes and bounds.

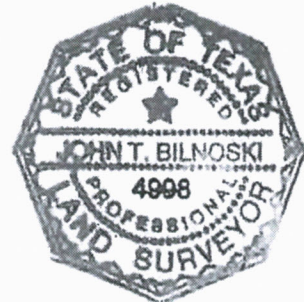
**BEARING BASIS:** THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.

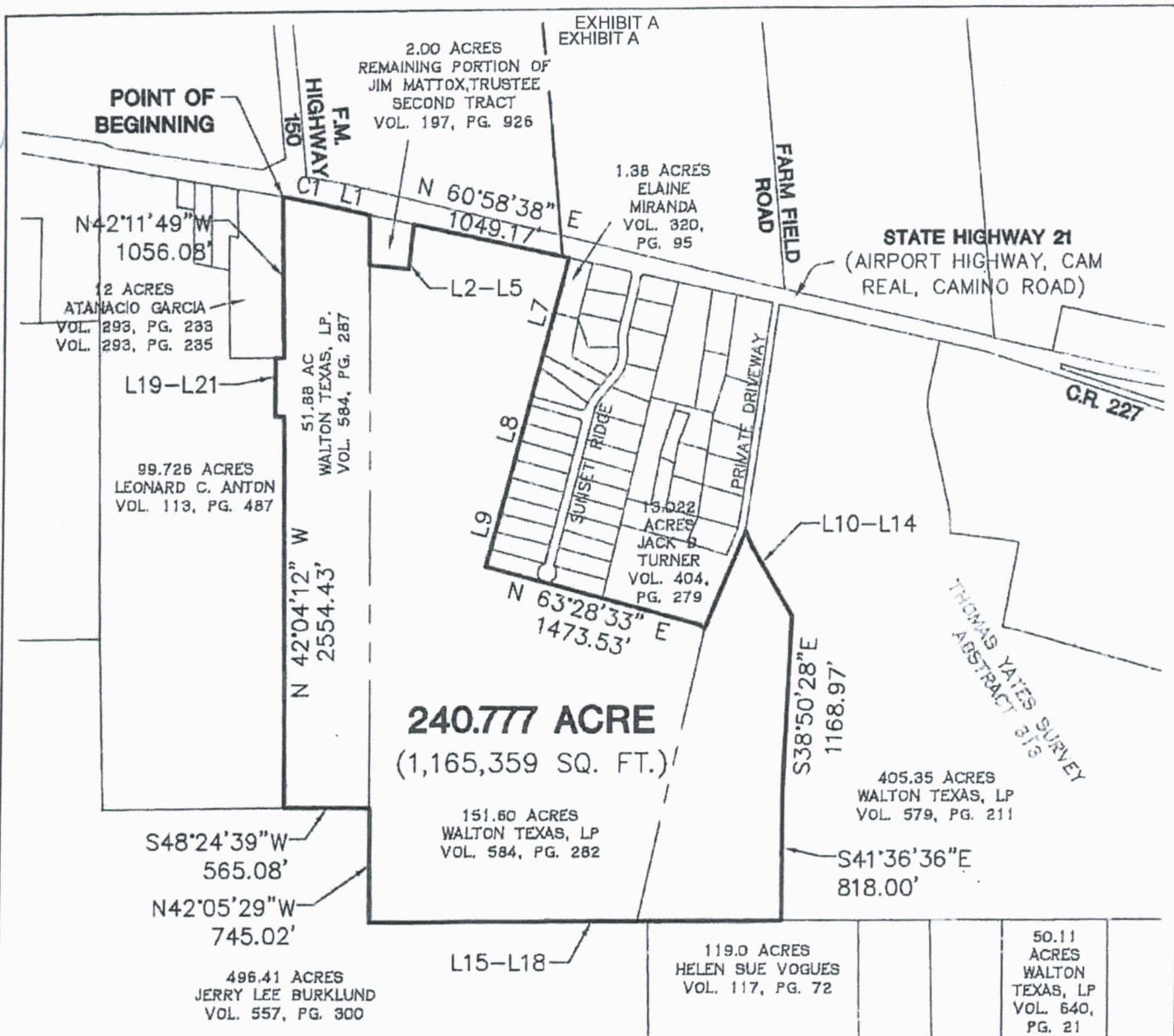
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

BURY-AUS, INC.  
221 W. SIXTH STREET, SUITE 600  
AUSTIN, TEXAS 78701

  
\_\_\_\_\_  
JOHN T. BILNOSKI,  
R.P.L.S. NO. 4998  
STATE OF TEXAS

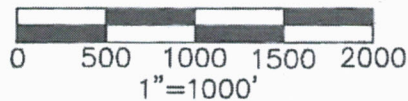
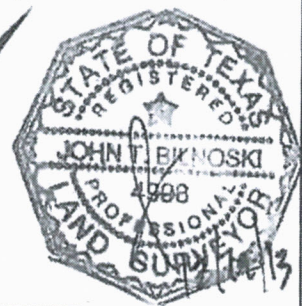
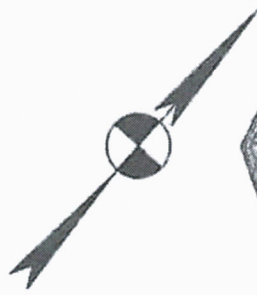
12/19/13  
DATE





**BEARING BASIS NOTE:**

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.



**BURY**

221 West Sixth Street, Suite 600  
 Austin, Texas 78701  
 Tel. (512) 328-0011 Fax (512) 328-0325  
 TBPE # F-1048 TBPLS # F-10107500  
 Copyright © 2013

**BOUNDARY EXHIBIT OF**

OF A 240.777 ACRE TRACT OF LAND OUT OF THE THOMAS YATES SURVEY, ABSTRACT NO. 313, BEING ALL OR A PORTION OF THOSE CERTAIN 405.35 ACRE, 151.60 ACRE AND 51.88 ACRE TRACTS OF LAND CONVEYED TO WALTON TEXAS, LP BY DEEDS OF RECORD IN VOLUME 579, PAGE 211, VOLUME 584, PAGE 282 AND VOLUME 584, PAGE 287 ALL OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

**WALTON TEXAS, LP**

DATE: 12/17/13 FILE: H:\103932\004-CALDWELL VALLEY\103932004EX9.DWG FN No.: FN13-545(MJJ) DRAWN BY: MJJ PROJ. No: R0103932-10004

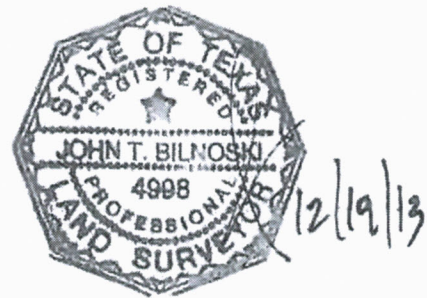
H:\103932\004-Caldwell Valley\103932004EX9.dwg Dec 17, 13 11:25 AM by Page 2 of 6

EXHIBIT A  
EXHIBIT A

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N61°01'34"E	297.84'
L2	S43°27'56"E	102.64'
L3	S41°14'23"E	228.76'
L4	N54°32'16"E	260.76'
L5	N35°28'38"W	295.72'
L7	S26°33'39"E	792.85'
L8	S26°44'40"E	761.39'
L9	S26°27'09"E	522.11'
L10	S89°30'38"E	37.13'
L11	N18°40'57"W	680.24'
L12	N33°11'31"W	10.81'

LINE TABLE		
NO.	BEARING	DISTANCE
L13	S66°12'51"E	128.24'
L14	S71°59'17"E	508.46'
L15	S48°17'51"W	872.77'
L16	S48°35'27"W	81.93'
L17	S48°17'56"W	1245.94'
L18	S48°19'02"W	518.91'
L19	S48°20'49"W	56.97'
L20	N41°59'09"W	379.80'
L21	N47°02'42"E	57.01'

CURVE TABLE					
NO.	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	289.75'	5691.07'	2°55'02"	289.72	N59° 35' 31"E



<h1>BURY</h1> <p>221 West Sixth Street, Suite 600 Austin, Texas 78701 Tel. (512) 328-0011 Fax (512) 328-0325 TBPE # F-1048 TBPLS # F-10107500 Copyright © 2013</p>	<h2>BOUNDARY EXHIBIT OF</h2> <p>OF A 240.777 ACRE TRACT OF LAND OUT OF THE THOMAS YATES SURVEY, ABSTRACT NO. 313, BEING ALL OR A PORTION OF THOSE CERTAIN 405.35 ACRE, 151.60 ACRE AND 51.88 ACRE TRACTS OF LAND CONVEYED TO WALTON TEXAS, LP BY DEEDS OF RECORD IN VOLUME 579, PAGE 211, VOLUME 584, PAGE 282 AND VOLUME 584, PAGE 287 ALL OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.</p>		<h2>WALTON TEXAS, LP</h2>	
	DATE: 12/17/13	FILE: H:\103932\004-CALDWELL VALLEY\103932004EX9.DWG		FN No.: FN13-545(MJJ)

32.507 ACRES  
CALDWELL VALLEY  
WALTON TEXAS, LP

FN. NO. 13-544(MJJ)  
DECEMBER 17, 2013  
BURY JOB NO. R0103932-10004

**DESCRIPTION**

OF A 32.507 ACRE TRACT OF LAND OUT OF THE ELBERT HINES SURVEY, ABSTRACT NO. 123, SITUATED IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 312.48 ACRE TRACT OF LAND HAVING BEEN CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 568, PAGE 119 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS; SAID 32.507 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, at a 1/2 inch iron rod with cap stamped "HINKLE" found in the southerly line of said 312.48 acre tract, being the northeasterly corner of that certain 151.08 acre tract of land conveyed to Terrell T. McGee and wife, Opal H. McGee by deed of record in Volume 469, Page 671 of said Official Public Records and the northwesterly corner of that certain 152.008 acre tract of land conveyed to Bryant L. Hohertz and wife, Veleria G. Hohertz by deed of record in Volume 459, Page 639 of said Official Public Records;

**THENCE**, S48°27'00"W, along a portion of the northerly line of said 151.08 acre tract, being a portion of the southerly line of said 312.48 acre tract, a distance of 677.86 feet to a point in the curving easterly San Marcos ETJ Line, for the **POINT OF BEGINNING**, and southeasterly corner hereof;

**THENCE**, S48°27'00"W, continuing along a portion of the northerly line of said 151.08 acre tract, being a portion of the southerly line of said 312.48 acre tract, for the southerly line hereof, a distance of 315.61 feet to a 60d nail with cap stamped "HINKLE" found at the southeasterly corner of that certain 180.57 acre tract of land conveyed to H.A. Guettler and wife, Ella Guettler by deed of record in Volume 328, Page 403 of said Official Public Records, being the southwesterly corner of said 312.48 acre tract, for the southwesterly corner hereof;

**THENCE**, N41°23'40"W, leaving the northerly line of said 151.08 acre tract, along the common line of said 180.57 acre tract and said 312.48 acre tract, a distance of 2386.40 feet to a 1/2 inch iron with cap stamped "HINKLE" found in the southerly line of County Road 228 (a.k.a. Farmers Road) (R.O.W. varies), being the northeasterly corner of said 180.57 acre tract and the northwesterly corner of said 312.48 acre tract, for the northwesterly corner hereof;

**THENCE**, N48°24'40"E, along the southerly line of County Road 228, being a portion of the northerly line of said tract 312.48, for the northerly line hereof, a distance of 816.07 feet to a point in the curving easterly San Marcos ETJ line, for the northeasterly corner hereof, from which a 1/2 inch iron rod with cap stamped "HINKLE" found in the southerly line of County Road 228 bears, N48°24'40"E, a distance of 3204.20 feet;




FN NO. 13-544 (MJJ)  
DECEMBER 17, 2013  
PAGE 2 OF 2

**THENCE**, leaving the southerly line of County Road 228, over and across said 312.48 acre tract, along said curving easterly San Marcos ETJ line, for the easterly line hereof, along a curve to the right having a radius of 18480.00 feet, a central angle of  $07^{\circ}34'16''$ , an arc length of 2441.96 feet, and a chord which bears  $S29^{\circ}33'37''E$ , a distance of 2440.18 feet to **POINT OF BEGINNING**, containing an area of 32.507 acres (1,416,000 sq. ft.) of land, more or less, within these metes and bounds.

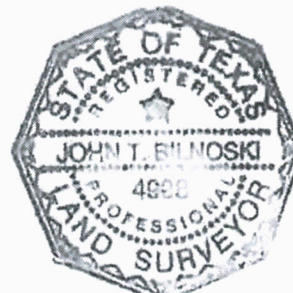
**BEARING BASIS:** THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND.

BURY-AUS, INC.  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701

  
\_\_\_\_\_  
JOHN T. BILNOSKI  
R.P.L.S. NO. 4998  
STATE OF TEXAS

12/19/13  
DATE



**LEGEND**

- CAP 1/2" IRON ROD w/CAP STAMPED "HINKLE" FOUND
- ▲ 60d NAIL w/CAP STAMPED "HINKLE" FOUND

496.41 ACRES  
JERRY LEE BURKLUND  
VOL. 557,  
PG. 300

119.0 ACRES  
HELEN SUE VOGUES  
VOL. 117, PG. 72

49.97 ACRES  
ROBERT A. SCHMIDT  
VOL. 528,  
PG. 505

158.31 AC.  
WALTON TEXAS, LP  
VOL. 597,  
PG. 41

REMAINING PORTION  
60.350 ACRES  
FLORENCE M. HOLZ VICKERY  
VOL. 88,  
PG. 313

2.070 ACRES  
ELIDA NAVA  
VOL. 561,  
PG. 347

91.2638 ACRES  
CLEO L. KRIEG  
VOL. 149, PG. 219

**COUNTY ROAD 228**  
(FARMERS ROAD)  
(R.O.W. VARIES)

**32.507 ACRE**  
(1,416,000 SQ. FT.)

180.57 ACRES  
H. A. GUETTLER  
AND WIFE, ELLA GUETTLER  
VOL. 328, PG. 403

312.48 ACRES  
WALTON TEXAS, LP  
VOL. 568, PG. 119

ELBERT HINES  
SURVEY  
ABSTRACT NO. 123

REMAINING PORTION 17.69 ACRES  
VOL. 192, PG. 649

**POINT OF BEGINNING**

151.08 ACRES  
TERRELL T. MCGEE  
AND WIFE  
OPAL H. MCGEE  
VOL. 469, PG. 671

**POINT OF COMMENCEMENT**

152.008 ACRES  
BRYANT L. HOHERTZ  
AND WIFE  
VELERIA G. HOHERTZ  
VOL. 459, PG. 639

682.21 ACRES  
WALTON TEXAS, LP  
VOL. 591, PG. 449

**LINE TABLE**

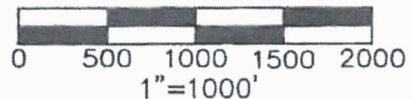
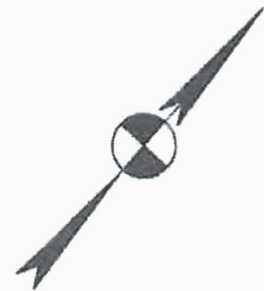
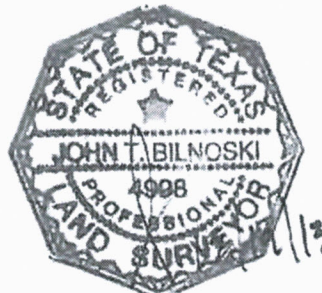
NO.	BEARING	DISTANCE
L1	S48°27'00"W	677.86'
L2	S48°27'00"W	315.61'
L3	N48°24'40"E	816.07'

**CURVE TABLE**

NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	07°34'16"	18480.00'	2441.96'	2440.18'	S29°33'37"E

**BEARING BASIS NOTE:**

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4304), NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND REFERENCED TO LCRA GPS CONTROL MONUMENTS.



**BURY**

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE # F-1048 TBPLS # F-10107500  
Copyright © 2013

**BOUNDARY EXHIBIT OF**

OF A 32.507 ACRE TRACT OF LAND OUT OF THE ELBERT HINES SURVEY, ABSTRACT NO. 123, SITUATED IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 312.48 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP BY DEED OF RECORD IN VOLUME 568, PAGE 119 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

**WALTON TEXAS, LP**

**EXHIBIT "B"**

EXHIBIT " B "

LEGAL DESCRIPTION

1714.4 ACRES  
CITY OF SAN MARCOS  
ETJ RELEASE

FN. NO. 13-526(MJJ)  
DECEMBER 6, 2013  
BPI JOB NO. RO103932-10029

DESCRIPTION

OF 1714.4 ACRES OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY ABSTRACT NO. 398, THE THOMAS YATES SURVEY, ABSTRACT NO. 313 AND THE ELBERT HINES SURVEY, ABSTRACT NO. 123, SITUATED IN CALDWELL COUNTY, TEXAS; BEING ALL OF OR A PORTION OF THE FOLLOWING CALDWELL COUNTY PARCELS OF LAND AS IDENTIFIED BY TAX ID NUMBERS AS FOLLOWS:

16431, 37926, 16395, 16396, 16397, 16412, 16435, 16438, 16437,  
16407, 16385, 15074, 16433, 15088, 16392, 15087, 15069, 38993,  
38994, 38992, 38995, 38991, 38996, 38990, 38997, 38989, 38998,  
38999, 38987, 39000, 38986, 39001, 38985, 39002, 36990, 38984,  
39003, 38983, 32340, 39004, 32948, 39005, 38982, 39006, 60982,  
38981, 39007, 33670, 34411, 39008, 38980, 38979, 16419, 37927,  
15086, 55438, 16410, 35242, 16421, 32518, 42783 AND 16409;

SAID 1714.4 ACRES OF LAND ALSO INCLUDES A PORTION OF THE FOLLOWING EXISTING PUBLIC RIGHTS-OF-WAY: STATE HIGHWAY 21 (AIRPORT HIGHWAY, CAMINO REAL, CAMINO ROAD), AND COUNTY ROAD 228 (FARMERS ROAD) AS USED ON-THE-GROUND WHICH ARE CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAID 1714.4 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a point in the northerly line of State Highway 21 and the intersection of the prolongation of the easterly line of Misty Lane, being the most northwesterly corner hereof;

**THENCE**, along the northerly line of State Highway 21, for the northerly line hereof, the following two (2) courses and distances:

- 1) N56°41'13"E, a distance of 3528.52 feet to an angle point;
- 2) N61°24'02"E, a distance of 2352.44 to a point of curvature of a non-tangent curve to the left, for the northeasterly corner hereof;

**THENCE**, leaving the northerly line of State Highway 21, over and across State Highway 21 and also over and across said Thomas Yates Survey, for a portion of the irregular easterly line hereof, the following four (4) courses and distances:

- 1) Along a non-tangent curve to the left, having a radius of 2681.00 feet, a central angle of 58°47'15", an arc length of 2750.80 feet, and a chord which bears, S56°17'37"E, a distance of 2631.72 feet to the end of said curve, for the end of said curve;

- 2) S38°50'28"E, a distance of 921.61 feet to an angle point;
- 3) S41°35'49"E, a distance of 1600.60 feet to the point of curvature of a non-tangent curve to the right;
- 4) Along said curve having a radius of 18465.00 feet, a central angle of 39°16'59", an arc length of 12659.99 feet, and a chord which bears, S21°34'40"E, a distance of 12413.48 feet to a point in the easterly line of Misty Lane, for the most southerly corner hereof;


**THENCE**, N41°30'45"W, along the easterly line of Misty Lane, for a portion of the westerly line hereof, crossing Farmers Road, a distance of 8716.77 feet to a point in the northerly line of Farmers Road, for an angle point hereof;

**THENCE**, S48°02'13"W, along the northerly line of Farmers Road, for a portion of the westerly line hereof, a distance of 2206.02 feet to a point at the intersection of the easterly line of Misty Lane with the northerly line of Farmers Road, for an angle point hereof;

**THENCE**, N41°22'22"W, leaving the northerly line of Farmers Road, along the easterly line of Misty Lane, for a portion of the westerly line hereof, a distance of 9065.04 feet to the **POINT OF BEGINNING**, containing an area of 1714.4 acres of land, more or less, within these metes and bounds.

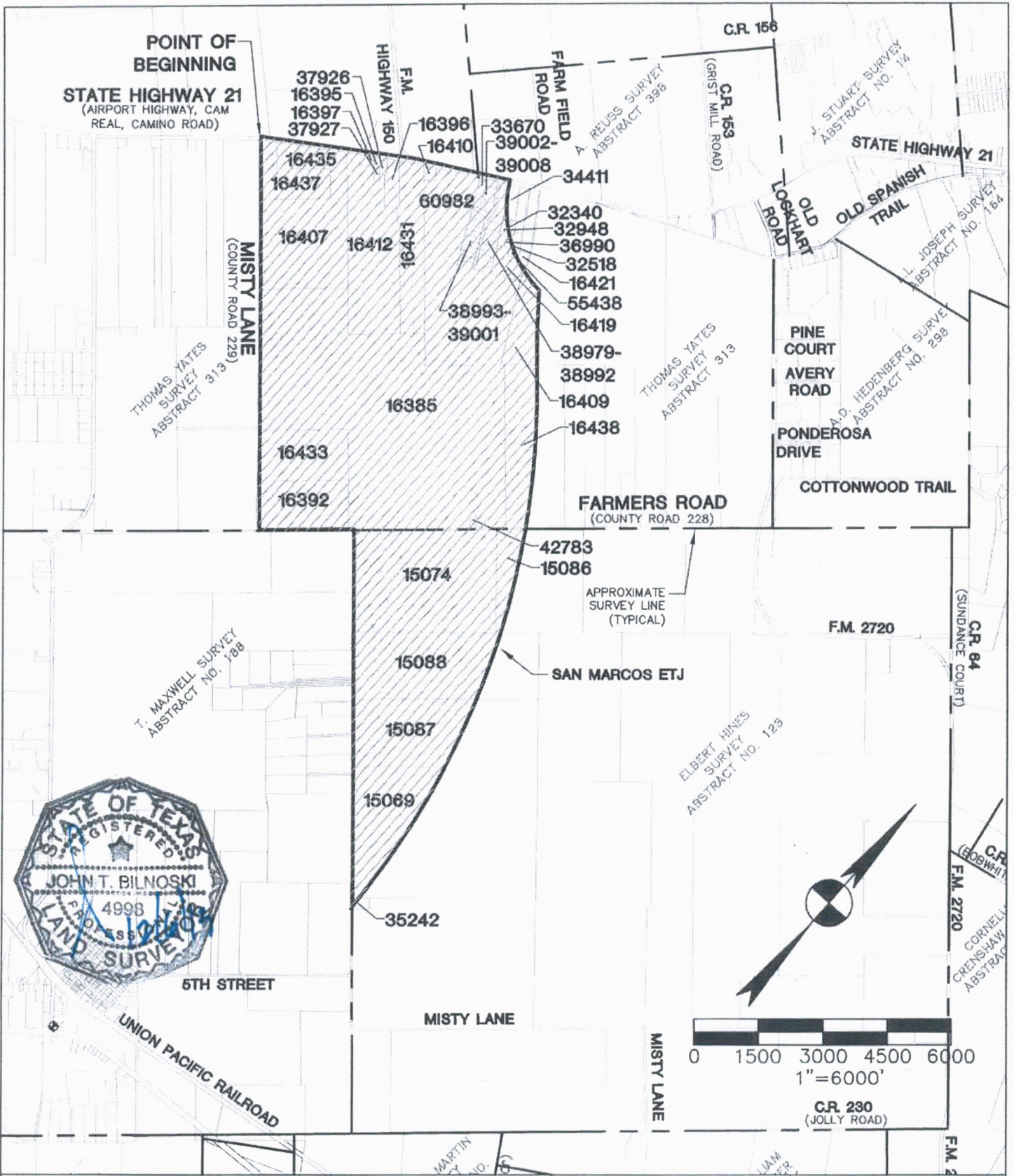
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

BURY-AUS, INC.  
221 W. SIXTH STREET, SUITE 600  
AUSTIN, TEXAS 78701

  
\_\_\_\_\_  
JOHN T. BILNOSKI,  
R.P.L.S. NO. 4998  
STATE OF TEXAS

12/4/13  
DATE





# BURY

221 West Sixth Street, Suite 600  
 Austin, Texas 78701  
 Tel. (512) 328-0011 Fax (512) 328-0325  
 TBPE # F-1048 TBPLS # F-10107500  
 Copyright © 2013

## EXHIBIT B

**SKETCH TO ACCOMPANY DESCRIPTION**  
 OF A 1714.4 ACRE TRACT OF LAND, SITUATED IN THE CITY OF  
 SAN MARCOS, CALDWELL COUNTY, TEXAS.

## CITY OF SAN MARCOS ETJ RELEASE