

ORDINANCE 2020-01-30-0072

**AUTHORIZING THE CITY OF SAN ANTONIO'S EXECUTION OF A 30-YEAR DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FAIR OAKS MOSAIC TBY, LLC AND SA KOSTA BROWNE, LTD., OWNERS OF THE APPROXIMATELY 226.544 ACRES OF LAND, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BEYER PATH AND FM 2538 IN THE EXTRATERRITORIAL JURISDICTION ("ETJ") OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.**

\* \* \* \* \*

**WHEREAS**, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., the (Owners) own approximately 226.544 acres of land, generally located southwest of the intersection of Beyer Path and FM 2538 in the extraterritorial jurisdiction (ETJ) of the City San Antonio, Bexar County, Texas, more particularly described and depicted in **Exhibits "A" and "B"** enclosed in **Attachment "A"**, which is attached hereto and incorporated herein for all purpose; and

**WHEREAS**, on October 11, 2019, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., the (Owners) and SA Love and Trust, LLC (Developer), petitioned Bexar County to create a Public Improvement District ("PID"), to later be named the Clearwater Creek Special Improvement District pursuant to Chapter 382 of the Texas Local Government Code, a copy of said petition being attached hereto as **Attachment "A"**, and requested the City's consent to the County's creation of the PID and the County's delegation of certain powers and duties with respect thereto, which the City granted by resolution on January 30, 2020; and

**WHEREAS**, in order to protect the City of San Antonio's (City)'s infrastructural interests in the ETJ, the City Council found that it was prudent to condition the City's consent to the creation of the PID on the Owner's execution of a submission of a development agreement containing mutually agreeable terms relating to the development of the property, voluntary annexation at the end of the term of the development agreement and the services to be provided to the area by the City in the event of annexation by the City, pursuant to Chapters 43 and 212 of the Texas Local Government Code; and

**WHEREAS**, the City and Owners have agreed to the terms contained in the development agreement attached hereto as **Attachment "B"**, which the City finds to be just and reasonable and in the best interest of the City of San Antonio; **NOW THEREFORE:**

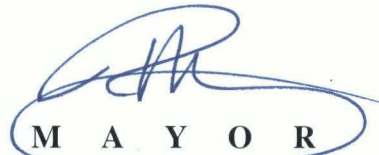
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or his designee is authorized to execute a development agreement between the City of San Antonio and Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., owners of the property described in **Exhibits "A" and "B"** to **Attachment "A"**, a copy of which is attached hereto as **Attachment "B"**, containing the terms and conditions governing the development of the PID property, preserving the extraterritorial status of the

PID property during the term of the Development Agreement, and establishing the Development Agreement as a voluntary petition for annexation providing the City with the option of annexing the PID property in the event of default of the Development Agreement by the Owner, the developer, or a subsequent owner or end-buyers of properties developed within the PID in the future or upon the termination date of the Development Agreement; and any and all other terms and conditions the City Manager finds to be in the City's best interest.

**SECTION 2.** The City Council of the City of San Antonio ordains that its consent to the County's creation of the PID shall remain in effect so long as the Owners execute the development agreement prior to, but no later than thirty (30) days after the date the County creates the District and comply with the terms of the development agreement.

**PASSED AND APPROVED on this 30<sup>th</sup> day of January, 2020.**




**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**



\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Andrew Segovia, City Attorney



# City of San Antonio

## City Council

January 30, 2020

**Item: 36B**

**File Number: 20-1492**

**Enactment Number:**

**2020-01-30-0072**

Ordinance approving a 30-year Development Agreement with the land owners of the Clearwater Creek Special Improvement District consisting of Fair Oaks Mosaic TBY, LLC, SA Kosta Browne, Ltd. and the developer, SA Love and Trust, LLC.

passed

**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,  
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

JYW  
01/30/2020  
Item No. 36B

**ATTACHMENT "A"**  
Petition for Creation of a Public Improvement District



KENNETH W BROWN, AICP  
DANIEL ORTIZ  
JAMES B. GRIFFIN



112 E. PECAN STREET  
SUITE 1360  
SAN ANTONIO, TEXAS 78205  
TELEPHONE 210.299.3704  
BROWNORTIZ.LAW

JAMES MCKNIGHT  
NINA PRADO  
CAROLINE McDONALD  
KEVIN DEANDA

PAUL M. JUAREZ  
OF COUNSEL

October 17, 2019

Manuel Leal  
Manager of Governmental Affairs  
Bexar County Governmental Affairs Office  
101 W. Nueva, Suite 901  
San Antonio, Texas, 78205

**VIA Hand Delivery**

**RE: Petition for Creation of a Public Improvement District**, in accordance with Chapter 382 of the Texas Local Government Code, for Property Generally Located Southwest of the Intersection of Beyer Path and FM 2538 (approximately 226.544 acres), in the Extra-Territorial Jurisdiction (“ETJ”) of the City of San Antonio, Bexar County, Texas (“Subject Property”); *Our File No. 9538.024.*

Dear Mr. Leal:

On behalf of the Petitioners, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., (through its General Partner SA Kosta Browne GP, LLC) (Applicants and Property Owners) and SA Love and Trust, LLC (Applicant and Developer) we are respectfully submitting the enclosed Petition and Application to the Commissioners Court of Bexar County, requesting the creation of a public improvement district, to be named the “Clearwater Creek Special Improvement District,” and the inclusion of the Subject Property therein, all as further described in the Petition and Application. Please find enclosed a full summary of attached documents in the “Table of Contents” and Proposed Timeline for Creation.

Please do not hesitate to contact our office should you have any questions or need any additional information in connection with this matter.

Thank you,

BROWN & ORTIZ, P.C.

BY: \_\_\_\_\_  
Caroline McDonald

Enclosures: As Stated

CC: The Honorable County Judge and Commissioners Court of Bexar County, Texas

Office of the City Clerk of the City of San Antonio, Texas

City Council of the City of San Antonio, Texas

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KENNETH W BROWN, AICP  
 DANIEL ORTIZ  
 JAMES B. GRIFFIN



JAMES MCKNIGHT  
 NINA PRADO  
 CAROLINE McDONALD  
 KEVIN DEANDA

PAUL M. JUAREZ  
 OF COUNSEL

112 E. PECAN STREET  
 SUITE 1360  
 SAN ANTONIO, TEXAS 78205  
 TELEPHONE 210.299.3704  
 BROWNORTIZ.LAW

**CLEARWATER CREEK PID  
 DRAFT TIMELINE**

Meet with County Commissioner and with City of San Antonio Staff	<b>August 1<sup>st</sup> – October 4<sup>th</sup></b>
Submit Petition for PID to County	<b>October 11<sup>th</sup></b>
Negotiate Development Agreements w/ City	<b>October 12<sup>th</sup> – November 8<sup>th</sup></b>
County Meeting to Approve Resolution of Intent ( <i>hold a hearing to consider and accept the petition and adopt a resolution of intent to establish the PID</i> )	<b>November 19<sup>th</sup></b> ( <i>County's internal deadline is November 6<sup>th</sup></i> )
Planning Commission Meeting ( <i>consideration of a formal recommendation for a City resolution granting consent to the establishment of the PID and a City ordinance approving the development agreement</i> )	<b>December 11<sup>th</sup></b> ( <i>City's internal deadline is November 26<sup>th</sup></i> )
City Council Meeting ( <i>adopt a resolution granting consent to the establishment of the PID and an ordinance approving a development agreement</i> )	<b>December 12<sup>th</sup></b> ( <i>City's internal deadline is November 27<sup>th</sup></i> )
County Meeting to Create PID and Appoint Board of Directors ( <i>the County must approve an order establishing the PID and appointing the PID Board</i> )	<b>January 7<sup>th</sup></b> ( <i>County's internal deadline is December 23<sup>rd</sup></i> )
Board of Directors Organizational Meeting to Call Election *Other items are required by Board post-election (e.g. approval of finance agreement)	<b>January 8<sup>th</sup> – January 31<sup>st</sup></b>
Last Day for Board to Call and Election	<b>February 14, 2020</b>
Election to Confirm PID and Approve Taxes and Bonds & Voters Affidavits Signed ( <i>note that there are numerous election requirements, which are not included herein</i> )	<b>May 2, 2020</b>
Board Meeting to Canvass Election Results	<b>May 6, 2020</b>

**EXHIBIT 1**



KENNETH W BROWN, AICP  
DANIEL ORTIZ  
JAMES B. GRIFFIN

PAUL M. JUAREZ  
OF COUNSEL



112 E. PECAN STREET  
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BROWNORTIZ.LAW

JAMES MCKNIGHT  
NINA PRADO  
CAROLINE McDONALD  
KEVIN DEANDA

RECEIVED

OCT 11 2019

BEXAR COUNTY CLERK

VIA Hand Delivery *[Signature]*

October 11, 2019

Lucy Adame-Clark  
Bexar County Clerk  
Office of the Bexar County Clerk  
100 Dolorosa, Suite 104  
San Antonio, Texas, 78205

RE: Petition for Creation of a Public Improvement District, in accordance with Chapter 382 of the Texas Local Government Code, for Property Generally Located Southwest of the Intersection of Beyer Path and FM 2538 (approximately 226.544 acres), in the Extra-Territorial Jurisdiction ("ETJ") of the City of San Antonio, Bexar County, Texas ("Subject Property"); *Our File No. 9583.024.*

Dear Ms. Adame-Clark:

On behalf of the Petitioners, Fair Oaks Mosaic TBY, LLC, and SA Kosta Browne, Ltd (through its General Partner – SA Kosta Browne GP, LLC) we are respectfully submitting the enclosed Petition to the Commissioners Court of Bexar County, requesting the creation of a public improvement district to be named the "Clearwater Creek Special Improvement District," and the inclusion of the Subject Property therein, all as further described in the Petition. Please find enclosed:

1. A signed Petition;
2. A signed and sealed boundary description in the form of Metes and Bounds (**Exhibit "A"**);
3. A signed a sealed Survey Map (**Exhibit "B"**); and
4. A signed affidavit by the Petitioners (**Exhibit "C"**).

Please do not hesitate to contact our office should you have any questions or need any additional information in connection with this Petition.

Thank you,

BROWN & ORTIZ, P.C.

BY: \_\_\_\_\_  
Caroline McDonald

Enclosures: As Stated

CC: The Honorable County Judge and Commissioners Court of Bexar County, Texas

Office of the City Clerk of the City of San Antonio, Texas

City Council of the City of San Antonio, Texas

**SCANNED**

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED  
THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

**TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS**

The undersigned petitioners (“Petitioners”), acting pursuant to the provisions of Chapter 382 of the Texas Local Government Code, as amended (the “Code”), submit this petition (“Petition”) to the Commissioners Court of Bexar County, Texas, to request the creation of a public improvement district, within the extraterritorial jurisdiction (“ETJ”) of the City of San Antonio (“City”), Bexar County, Texas (“County”). Specifically, the Petitioners request that the County create a public improvement district and include the property described in **Exhibit “A”** and **Exhibit “B”** attached hereto (“Subject Property”) within such public improvement district. In support of this Petition, the Petitioners present the following:

**Section 1. Petitioner.** In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioners constitute: the owners representing more than 50% of the appraised value of taxable real property proposed to be included within the public improvement district proposed in this Petition.

Attached to this Petition is a sworn statement of the Petitioners, affirming the Petitioners are collectively the holders of fee simple title to more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the District (as defined below) and are collectively the owners representing more than fifty-percent (50%) of all record owners of property within the proposed District or own taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District. The Petitioners request for, and consent to, the creation of the District, as set forth in this Petition. The sworn statements of the Petitioners are attached hereto as **Exhibit “C”** and incorporated herein for all purposes.

**Section 2. Name.** A public improvement district is being requested, which shall be named the “Clearwater Creek Special Improvement District” (referred to herein as the “District”).

**Section 3. Boundaries.** The proposed boundaries of the District shall include the Subject Property, which is more particularly described in **Exhibit “A”** and **Exhibit “B”** attached hereto and incorporated herein for all purposes. The total acreage of the District is approximately 226.544 acres total. None of the land to be included in the District is within the corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City and in the County.

**Section 4. General Nature of the Proposed Public Improvements.** The Petitioners request that the County create a public improvement district and authorize it to engage in economic development projects and grant to the District the powers requested in this Petition. The District proposes to enter into development agreements as are deemed advisable to promote state and local economic development and to stimulate residential and commercial activity in the District. The general nature of the work proposed to be done may include, but is not limited to, onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, and drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage – including an onsite package plant), the improvement and construction of water, sanitary sewer,



drainage, dry utilities (gas and electric), detention ponds, storm sewer, impact fees for capacity, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical engineering costs, environmental inspection/testing/ and remediation costs, well plugging costs, demolition costs, water and sewer impact fees, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements. Further, the public improvements financed by the District may include any public improvements in compliance with Chapter 382 and in accordance with the governing laws.

**Section 5. Estimated Cost of the Proposed Construction of the Public Improvements.** The total estimated capital cost is approximately \$49,486,792. Such costs can be partially offset with the imposition of taxes and the issuance of bonds by the District, as further described herein.

**Section 6. Nature of the District & Authority.** The District is expressly requested pursuant to Chapter 382 of the Code. The District shall be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, 382, and 383 of the Code, and for the purposes of creating a program for economic development as provided in Section 52, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws.

The Petitioners specifically request:

- (1) that the County authorize the District to exercise the powers granted under Chapter 382 of the Code;
- (2) that the County delegate to the District all powers that the County is granted pursuant to Chapter 382; and
- (3) that the County authorize the District to engage in economic development projects, as the District may enter into development agreements which are deemed advisable to promote state and local economic development and to stimulate business and commercial activity in the District.

**Section 7. Road Improvements.** The Petitioners request that the County designate and approve the proposed onsite and offsite road improvements as a "Road Improvement Project" and designate and approve such Road Improvement Project as a targeted economic development project, which is of an economic benefit to the District, to the Subject Property within the District, and to the County.

**Section 8. Advisory Board.** As authorized by the Code, an advisory board may be established by the County to develop and recommend an improvement plan. However, an improvement plan is not necessary or applicable, as the Petitioners do not propose that the District be granted with the power to impose assessments.

**Section 9. Management of the District & Board of Directors.** The Petitioners specifically request that the County appoint a seven (7) member Board of Directors to govern the District and approve their respective terms in accordance with Section 382.051 of the Code, as the population of the District is less than 1,000 persons. The Petitioners also request that the County delegate to the District's Board of Directors



the County's powers and duties provided by Chapter 382 of the Code, in order for the Board of Directors to oversee, manage, and govern the District to the fullest extent authorized by the Code.

**Section 10. Taxes and Bonds.** The Petitioners request that County authorize the District to accomplish its purposes and the costs of services and improvements by imposing an ad valorem tax. The District shall also have the authority to issue bonds, negotiate promissory notes, and other District obligations, as further described herein.

The Petitioners specifically request:

- (1) that the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments;
- (2) that the County grant the District authority to impose an ad valorem tax to accomplish the economic development purposes prescribed by Section 52a, Article III, of the Texas Constitution;
- (3) that the County grant the District authority, in accordance with Section 382.152 of the Code, to issue bonds, negotiable promissory notes and other District obligations, which may be secured by District revenue or any type of District taxes, or any combination of taxes and revenue pledged to the payment of bonds; and
- (4) that the County grant the District authority as provided in Sections 382.158 and 382.159 of the Code, regarding borrowing and repayment of costs, respectively.

In regard to the proposed tax rates, the Petitioners specifically request that the County authorize the District to impose an ad valorem tax not to exceed the City's tax rate.

**Section 11. Method of Assessment.** The Petitioners do not propose that the District be granted the power to impose assessments, and accordingly, the Petitioners are not required to present a Service Plan, an Assessment Plan (including a method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioners request that the District's proposed improvement be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments.

**Section 12. Method of Assessment.** Approval and creation of the District will not obligate the County to provide any funds to finance the proposed public improvements. All costs of the District shall be paid by and apportioned to the District, and not to the County, as a whole.

**Section 13. Advisability and Feasibility of the District & Best Interests of the County.** The District and its proposed improvements and economic development projects appear feasible and are necessary and advisable for the economy of the District and the County. Additionally, the County may create a public improvement district if the County determines it is in the best interest of the County. The area comprising the District is not presently developed, and therefore, the proposed District is necessary to pay for or finance public improvements and economic development within the District. Furthermore, the District will serve the public purpose of promoting and encouraging new residential development in the District and the County, which will encourage employment and economic activity within the District and the County. As such, the County's creation of the District is in the best interest of the County, as the District and the proposed improvements confer a special benefit on the District, the Subject Property within the District, and the County.

**Section 14. Filing with County Clerk.** This Petition will be filed with the County Clerk in support of the creation of the District, as described herein.

**Section 15. Prayer.** This Petition requests that the County create the District, include the Subject Property therein, and grant to the District the powers requested in the Petition. The Petitioners pray that this Petition

be heard and the Commissioners Court sets a hearing date, publishes notice of, conducts a hearing, makes certain findings, and enters an Order creating the District in a manner authorized under Chapter 382 of the Code and as described herein.

*Signatures on the Following Pages*

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the County create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 30<sup>th</sup> day of September, 2019.

**PETITIONER:**

SA Kosta Browne, Ltd.,  
a Texas Limited Partnership

BY: Its General Partner  
SA Kosta Browne GP, LLC  
A Texas Limited Liability Company

BY: \_\_\_\_\_  
Thomas B. Yantis, Member

**ACKNOWLEDGMENT**

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

This instrument was acknowledgment before me on this 30<sup>th</sup> day of September, 2019, by Thomas B. Yantis, Member of SA Kosta Browne GP, LLC., a Texas Limited Liability Company, general partner of SA Kosta Browne Ltd., a Texas Limited Partnership, on behalf of said limited partnership.



Sarah Thompson  
Notary Public, State of Texas  
Printed Name of Notary: Sarah Thompson  
Commission Expiration: 12/3/21

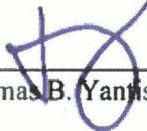


Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the County create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 30<sup>th</sup> day of September, 2019.

**PETITIONER:**

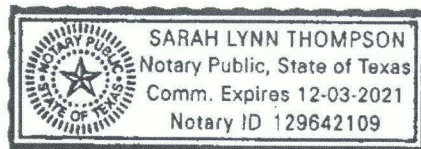
Fair Oaks Mosaic TBY, LLC,  
a Texas Limited Liability Company


BY:   
Thomas B. Yantis, Manager

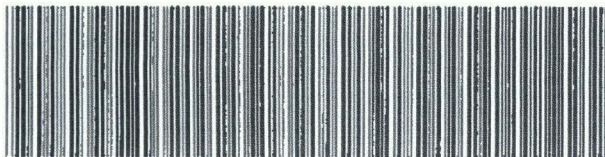
**ACKNOWLEDGMENT**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

This instrument was acknowledgment before me on this 30<sup>th</sup> day of September, 2019, by Thomas B. Yantis, Manager of Fair Oaks Mosaic TBY, LLC, a Texas Limited Liability Company, on behalf of such company.



  
Notary Public, State of Texas  
Printed Name of Notary: Sarah Thompson  
Commission Expiration: 12/3/21



\*VG-76-2019-20190205910\*

**File Information**

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20190205910  
**Recorded Date:** October 11, 2019  
**Recorded Time:** 3:28 PM  
**Total Pages:** 13  
**Total Fees:** \$70.00

**\*\* THIS PAGE IS PART OF THE DOCUMENT \*\***

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:  
10/11/2019 3:28 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk

**EXHIBIT A**



POLITICAL DESCRIPTION of a 226.544 acre tract of land situated in the E. Gortari Survey No. 2, Abstract 5 and the M.J. Rodriguez Survey No. 3, Abstract 17, Bexar County, Texas and out of a 242.562 acre tract conveyed unto SA Kosta Browne, Ltd., and Fair Oaks Mosaic TBY, LLC by warranty deed recorded in Doc. No. 20180253543, Bexar County Official Public Records; in all, said 226.544 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found on the southwest right-of-way line of FM 2538 (an 80' wide state highway) coincident with the common east corner of a 1.147 acre tract of land conveyed unto L. Prentiss Cammack by warranty deed recorded in Volume 17914, Page 1034, said Real Property Records and a north corner of said 242.562 acre tract for a north corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, along the southwest line of said FM 2538, South 70° 29' 32" East, 1,654.77 feet to a calculated point for the common north corner of a 57.736 acre tract as shown by court order to Pamela Suzanne Luensmann Griffin recorded in Volume 16626, Page 2397, said Real Property Records and the east corner of said 242.562 acre tract for the easternmost corner of the herein described tract of land from whence a TXDOT Type I concrete monument bears South 70° 29' 32" East, 57.01 feet;

THENCE, along the northwest line of said 57.736 acre tract, South 60° 00' 34" West, at 1,523.03 feet pass a 1" iron pipe found, at approximately 2,176 feet pass the north corner of an 88.176 acre tract conveyed unto Alvin H. and Josephine Koepf by warranty deed recorded in Volume 6200, Page 1851, said Real Property Records, in all, a total distance of 3,845.07 feet to a ½" iron rod found for an angle point in the southeast line of the herein described tract of land;

THENCE, continuing along said southeast line, South 59° 55' 18" West, 2,281.99 feet to a fence corner post found on the northeast line of a 59.76 acre tract of land conveyed unto Michael William Elliot, et al by warranty deed recorded in Volume 15176, Page 673, said Real Property Records coincident with the southernmost corner of the herein described tract of land;

THENCE, along the northeast line of said 59.76 acre tract, North 29° 54' 52" West, at 240.89 feet pass a ¼" iron rod found at the east corner of a 10 acre tract conveyed unto Paula L. Maples by affidavit of heirship recorded in Volume 13007, Page 833, said Real Property Records, in all, a total distance of 528.89 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, along the northwest line of said 10 acre tract, South 60° 07' 12" West, 640.96 feet to a calculated angle point of the herein described tract of land from whence a 1" iron pipe (leaning) found at the east corner of a 37.265 acre tract conveyed unto Geraldine Zunker Scheel by warranty deed recorded in Volume 13328, Page 1296, said Real Property Records bears South 60° 07' 12" West, 581.47 feet;

THENCE, across said 242.562 acre tract, the following courses:

North 29° 58' 16" West, 793.41 feet to a calculated point,  
North 31° 53' 27" West, 172.28 feet to a calculated point,

North 35° 37' 30" West, 174.06 feet to a calculated point, and

North 39° 22' 30" West, 70.94 feet to a calculated point on the southeast line of the remaining portion of a 126.2 acre tract conveyed unto Vernon E. Winkelmann described in deed recorded in Volume 1927, Page 33, said Real Property Records for the west corner of the herein described tract of land from whence a 1" iron pipe found on the southeast line of said remaining portion of a 126.2 acre tract common with north corner of said 37.265 acre tract bears South 60° 11' 28" West, 546.52 feet;

THENCE, along the south east line of said 126.2 acre tract, North 60° 11' 28" East, 676.67 feet to an iron pipe and South 29° 54' 52" East, 20.47 feet to a calculated point on the southeast line of a private road for a reentrant corner of the herein described tract of land;

THENCE, along the southeast line of a private road, North 60° 10' 02" East, 2303.28 feet to a 1" pipe found for an angle point in the northwest line of the herein described tract of land;

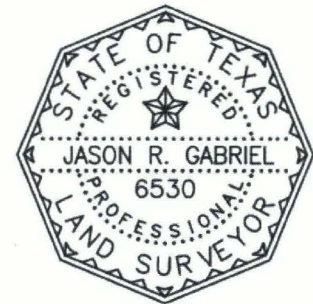
THENCE, continuing along the southeast line of said private road, North 60° 22' 23" East, 2295.64 feet, to a ½" iron rod found for the west corner of a 1.50 acre tract conveyed unto Eugene H. Bielke, et al by warranty deed recorded in Volume 3154, Page 1641, said Real Property Records for a north corner of said 242.562 acre tract and the herein described tract of land;

THENCE, South 29° 27' 35" East, at 306.23 feet pass a ½" iron rod found at the west corner of said 1.147 acre tract, in all a total distance of 430.60 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, North 60° 23' 42" East, 455.19 feet to the POINT OF BEGINNING.

Containing in all, 9,868,244 square feet or 226,544 acres, more or less. Bearings are referenced to NAD83, 2011 adjustment for Texas State Plane Coordinates, South Central Zone 4204.

This document was prepared under 22 TAC §663.21, and 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 those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Jason R. Gabriel, RPLS  
Texas No. 6530

**EXHIBIT B**





JYW  
01/30/2020  
Item No. 36B

**ATTACHMENT "B"**  
Development Agreement