

A RESOLUTION **2008-04-17-0017R**

DENYING THE PETITION OF BP 1766 SAN ANTONIO, LTD., OWNERS OF 1,766 ACRES OF LAND KNOWN AS "THE HILLS OF CASTLE ROCK", FOR THE CITY OF SAN ANTONIO TO MAKE AVAILABLE WATER AND SANITARY SEWER SERVICES AND REFUSING CONSENT FOR THE CREATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OF UP TO THREE MUNICIPAL UTILITY DISTRICTS OVER THE PROPERTY, LOCATED IN MEDINA AND BANDERA COUNTIES, LARGELY IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

* * * * *

WHEREAS, in September 2006, City staff was invited by property owners BP 1766 San Antonio, Ltd., to a preliminary introduction of a mixed-use development project located in Medina and Bandera Counties, along State Highway 16, 12 miles northwest of Loop 1604, encompassing approximately 1,766 acres of land known as "The Hills of Castle Rock" (the "Project"), 1,200 acres of which is in the extraterritorial jurisdiction of the City of San Antonio; and

WHEREAS, in May 2007, City staff was advised by the San Antonio Water System staff that the Project was again under discussion; and

WHEREAS, in August 2007, City staff received from the property owners a request to consent to the creation of a water reclamation district for the Project, and further discussions led to the clarification of the proposed Project, which was for the creation by the Texas Commission on Environmental Quality of up to three Municipal Utility Districts, and for the execution of a utility service agreement for water services with SAWS, which would govern the construction of the water system, as the builder would own and operate a wastewater treatment facility, and would build a 7.5 mile pipeline to connect the development to the closest SAWS line, without oversizing to attempt to limit sprawl; and

WHEREAS, the Project includes the construction of up to 2,700 homes, retail and office spaces, tree preservation areas, an elementary school site to be donated to the local school district, 20% impervious cover, a wastewater treatment plant that would pump the wastewater approximately three miles north of the Project to the wastewater treatment plant, where the wastewater will be discharged into the San Geronimo creek, which downstream crosses into the Edwards Aquifer Recharge Zone; and

WHEREAS, on December 4, 2007, the San Antonio Water System Board of Trustees, after hearing citizens of the community voice their concerns over the proposed Project, and after lengthy deliberation, declined to enter into a Utility Service Agreement which would have committed SAWS to provide water for the Project, citing concerns over the density of the Project, the sensitive geographical conditions of the land, the possible contamination of the Trinity Aquifer and Edwards Aquifer Recharge Zone, the planned on-site waste treatment system, the negative impact the Project would have on the environment and wildlife in the area, and that the construction of over 7.5 miles of new pipeline could lead to urban sprawl; and

WHEREAS, on December 21, 2007, the City of San Antonio received an original petition from the property owners for the City's consent to make available water and sanitary sewer services and for the creation by TCEQ of up to three MUDs for the Project area; and

WHEREAS, the City Council supports the SAWS board action to refuse the retail provision of water services to the Project, refuses to make available the water and sanitary sewer services and further does not consent to the creation by TCEQ of the MUDs; and

WHEREAS, the City Council understands that these actions by SAWS and the City are but two steps in a statutory process, and that now the landowners may petition TCEQ for the creation of the MUDs; and

WHEREAS, the City Council believes that a hearing by the TCEQ on the petition to create up to three MUDs for the Hills of Castle Rock Project is necessary because of the SAWS Board of Trustees' decision not to provide retail water services to the area and the City of San Antonio's objections to the creation of the districts, and authorizes staff to proceed with seeking a public hearing with TCEQ for that purpose; and

WHEREAS, the City Council anticipates that TCEQ shall grant the hearing, and, upon review and analysis of SAWS' and the City's positions, will find that the district(s) should not be created over all, some, or none of the land, and understands that TCEQ may also deny the petition for the creation of the MUDs if TCEQ does not find that the petition conforms to the statutory requirements of Section 54.015 of the Texas Water Code or that the Project is not feasible, practicable, necessary, or a benefit to the land in the district;
NOW THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Refusal to Grant Consent. The City Council of the City of San Antonio denies the petition of property owners BP 1766 San Antonio, Ltd., to the City to make available water and sanitary sewer services and refuses its consent to the petition for the creation by TCEQ of up to three municipal utility districts for the Project known as "The Hills of Castle Rock", encompassing approximately 1,766 acres in Medina and Bandera Counties, in the extraterritorial jurisdiction of the City of San Antonio, for the reasons stated above in the recitals, which are incorporated in their entirety by reference into this Section. A copy of the petition is attached as Exhibit 1, and a map of the Project is attached as Exhibit 2.

SECTION 2. Support for SAWS Board. The City Council supports the SAWS Board's action to refuse the retail provision of water services to the Project.

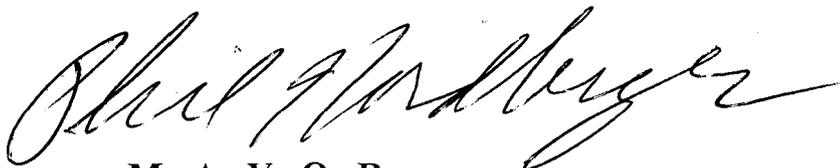
SECTION 3. Authorization for Staff to Oppose MUD Creation. The City Council authorizes City staff to oppose the creation of the MUDs by TCEQ, and to seek a public hearing by TCEQ on the creation of the MUDs, upon submission of the petitions to TCEQ by the applicants.

SECTION 4. Incorporation of Recitals. The statements set forth in the recitals of this Resolution are true and correct, and are incorporated as a part of this Resolution.

SECTION 5. Severability. If any provision of this Resolution or the application of this Resolution to any circumstance shall be held to be invalid, the remainder of this Resolution and the application of this Resolution to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared in this Resolution, and this Resolution would have been enacted without such invalid provision.

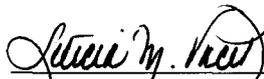
SECTION 6. Effective Date: This Resolution is effective immediately upon the receipt of eight (8) affirmative votes.

PASSED AND APPROVED this 17th day of April 2008.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

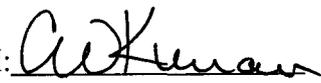
APPROVED AS TO FORM: 
for City Attorney

EXHIBIT 1

LAW OFFICES OF
KAUFMAN & ASSOCIATES, INC.
Suite 1250
100 Houston Street
SAN ANTONIO, TEXAS 78205-1457
TEL: (210) 227-2000 FAX: (210) 227-2001

December 21, 2007

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Ms. Leticia M. Vacek
City Clerk
City of San Antonio
City Hall
100 S. Flores
San Antonio, Texas 78205

Via hand delivery

Re: Petition to the City of San Antonio to Make Available Water and Sanitary Sewer Service

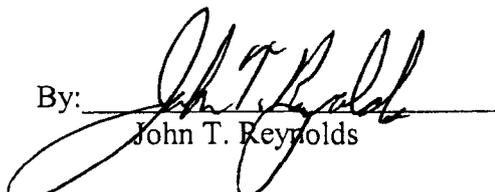
Dear Ms. Vacek:

BP 1766 San Antonio, Ltd. hereby delivers to the City of San Antonio its original Petition to the City of San Antonio to Make Available Water and Sanitary Sewer Service, which is enclosed with this letter.

Very truly yours,

KAUFMAN & ASSOCIATES, INC.

By: _____


John T. Reynolds

PETITION TO THE CITY OF SAN ANTONIO
TO MAKE AVAILABLE WATER AND
SANITARY SEWER SERVICE

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TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
SAN ANTONIO, TEXAS:

The undersigned (herein the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petitions the City Council of the City of San Antonio, Texas (the "City"), to make available water and sanitary sewer service and would show the following:

I.

The Petitioner is the owner of 1168.291 acres of land (the "Land") located in the City's extraterritorial jurisdiction. On August 16, 2007, the Petitioner requested the City's consent to create up to three municipal utility districts on the Land (the "Districts").

II.

The Petitioner requested the City's consent to create the Districts under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

III.

The Land proposed by the Petitioner to be included in the Districts consists of two tracts described by metes and bounds in **Exhibit A**, which is attached hereto and incorporated herein for all purposes. All of the Land is within the extraterritorial jurisdiction of the City and wholly within Medina County. All of the Land may properly be included in the Districts.

IV.

The Petitioner holds fee simple title to the Land. The Petitioner hereby represents that it owns a majority in value of the Land.

V.

The Petitioner represents that the only lienholder on the Land is American Bank of Texas, and that there are no residents on the Land. The lienholder has consented to the filing of this Petition with the City.

VI.

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The Petitioner submitted a written request for the City's consent to create the Districts on August 16, 2007, and more than 90 days have passed since the filing of the request with the City. The City has failed or refused to grant its consent to the Petitioner's request for the creation of the Districts.

VII.

Pursuant to Section 54.016(b) the Petitioner requests that the City approve a mutually agreeable contract to provide water and sanitary sewer service to the Land and such contract be approved by the City and executed by the Petitioner within the time period provided in 54.016(c).

VIII.

In the alternative, the Petitioner requests that the City consent to the creation of up to three municipal utility districts pursuant to the petition filed with the City by the Petitioner on August 16, 2007.

WHEREFORE, the Petitioner prays that this petition be heard and that the City Council duly pass and approve an ordinance or resolution approving a mutually agreeable contract providing for water or sanitary sewer service to the Land or in the alternative that the City consent to the creation of up to three Districts and authorize the inclusion of the Land described herein within the Districts.

RESPECTFULLY SUBMITTED this 11th day of December, 2007.

BP 1766 SAN ANTONIO, LTD.

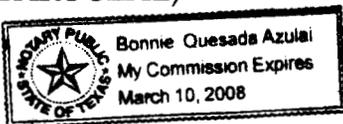
By: BP 1766 San Antonio GP, LLC,
Its general partner

By: *Shaul Baruch*
Shaul Baruch, Manager

THE STATE OF TEXAS §
 §
COUNTY OF Collin §

This instrument was acknowledged before me on the 11th day of December, 2007, by Shaul Baruch, as Manager of BP 1766 San Antonio GP, LLC, a Texas limited liability company, the general partner of BP 1766 San Antonio, Ltd., a Texas limited partnership, on behalf of said BP 1766 San Antonio GP, LLC and said BP 1766 San Antonio, Ltd.

(NOTARY SEAL)



Bonnie Quesada Azulai
Notary Public in and for the State of Texas

Attachment:
Exhibit A – Legal Description of the Land

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Exhibit A

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TRACT 1

Field notes of a 1168.291 acres of land consisting of a Tract 1-990.952 acre tract of land, Tract 2 – 177.339 acre tract of land in Medina County, Texas and being out of the Comanche Creek Irrigation Co. Survey No. 125, Abstract 294, the Jesus Gomez Survey No. 126, Abstract No. 1380, the H.H. Crain Survey No. 127, Abstract No. 1371, the George S. Kelley Survey No. 245, Abstract No. 2510, the Mrs. S. E. Thompson Survey No. 139, Abstract No. 1475, the Manual Leal Survey No. 244, Abstract No. 639, the Pedro Medina Survey No. 243, Abstract No. 674, the Julia A. Tompson Survey No. 753, Abstract No. 1958, the Logan Vandever Survey No. 185, Abstract No. 988 and the G. W. Brooks Survey No. 136, Abstract No. 1436 and being that tract called 1700 acres and recorded in Volume 75, Page 513 of the Official Public Records of Medina County, Texas and being more particularly described by metes and bounds in two tracts as follows:

Point of Commencement at an iron pin found in the southwest line of State Highway 16 for the northeast corner of the 1700 acre tract and the southeast corner of Oak Country Subdivision recorded in Volume 6, Page 97 of the Plat Records of Bandera County, Texas.

Thence with the southwest line of State Highway 16 and the northeast line of the 1700 acre tract as follows:

S 37° 36' 15" E. 493.82 feet to a Texas Department of Transportation (TXDOT) Monument found at an angle point.

S 34° 06' 10" E. 166.79 feet to a TXDOT monument found at an angle.

S 26° 38' 10" E. 167.15 feet to a TXDOT monument found at an angle.

S 23° 09' 02" E. 537.72 feet to a TXDOT monument found at an angle.

S 25° 37' 01" E. 209.94 feet to a TXDOT monument found at an angle.

S 36° 10' 22" E. 210.07 feet to a TXDOT monument found at an angle.

S 38° 41' 34" E. 559.25 feet to calculated point for the insection of the ETJ line with the northeast line of the 1700 acre tract for the northeast corner of the tract described herein and the Point of Beginning,

Thence with the southwest line of State Highway 16 and the northeast line of the 1700 acre tract as follows:

S 38° 41' 34" E. 136.81 feet to a TXDOT monument found at an angle.

S 22° 02' 56" E. 104.52 feet to a TXDOT monument found at an angle.

S 38° 43' 59" E. 349.79 feet to a TXDOT monument found at an angle.

N 51° 27' 50" E. 29.94 feet to a TXDOT monument found at an angle.

S 38° 39' 41" E. 416.62 feet to a ½" iron pin found for the beginning point of a curve to the left.

Southeasterly with a curve to the left, having a radius of 766.20 feet, central angle of 20°22'33" an arc distance of 272.48 feet (Chord Bears: S 37° 45' 45" E. 271.05 feet) to a TXDOT monument found at an angle point.

S 48° 13' 48" E. 190.40 feet to a TXDOT monument found at an angle.

S 55° 32' 50" E. 22.98 feet to an iron pin found for a lower northeast corner of this tract and the 1700 acre tract and the northwest corner of a 28.76 acre tract recorded in Volume 402, Page 1182 of the Official Public Records of Medina County, Texas.

Thence with the east line of the 1700 acre tract and the west line of the 28.76 acre tract and a 30.51 acre tract of record in Volume 465, Page 542 of the Official Public Records of Medina County, Texas as follows:

S 00° 46' 53" W. 1729.26 feet to a fence post found for the southwest corner of the 28.76 acre tract and the northwest corner of the 30.51 acre tract.

S 00° 23' 38" W. 885.44 feet to a fence post found for the southwest corner of the 30.51 acre tract and an interior corner of this tract and the 1700 acre tract.

Thence N 89° 03' 03" E. 838.06 feet with a north line of this tract and the 1700 acre tract and the south line of the 30.51 acre tract to a ½" iron pin found for the lower northeast corner of this tract and the 1700 acre tract and a northwest corner of a 74.615 acre tract designated as Tract 1 conveyed to James and

Johnny Clay Johnson of record in Volume 249, Page 193 of the Official Records of Medina County, Texas.

Thence with the east line of this tract and the 1700 acre tract and the west line of the 74.615 acre tract and the west line of an 850.0 acre tract of land conveyed to Eddpran Partnership, LTD. of record in Volume 286, Page 821 of the Official Public Records of Medina County, Texas as follows:

S 01° 32' 29" E. 2019.57 feet to a fence post found at an angle.
S 01° 43' 03" E. 394.01 feet to a fence post found at an angle.
S 02° 27' 30" W. 684.96 feet to a fence post found at an angle.
S 36° 18' 35" E. 54.18 feet to a fence post found at an angle.
S 13° 43' 51" E. 61.87 feet to a fence post found at an angle
S 04° 42' 07" E. 84.84 feet to a fence post found at an angle.
S 34° 44' 19" W. 57.91 feet to a fence post found at an angle.
S 16° 11' 18" W. 23.25 feet to a fence post found at an angle in the 1700 acre tract and for the southwest corner of the 74.615 acre tract and the northwest corner of the 850.0 acre tract.
S 85° 41' 35" W. 91.98 feet to a fence post found at an angle.
S 13° 20' 17" E. 103.74 feet to a fence post found at an angle.
S 21° 18' 53" E. 80.33 feet to a fence post found at an angle.
S 02° 18' 56" W. 400.53 feet to a fence post found for the upper southeast corner of the 1700 acre tract and this tract and for an interior corner of the 850.0 acre tract.

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Thence with the south line of this tract and the 1700 acre tract and the north line of the 850.0 acre tract as follows:

S 82° 52' 34" W. 202.86 feet to fence post at an angle point.
N 85° 40' 47" W. 346.25 feet to a fence post at an angle point.
S 87° 30' 10" W. 414.26 feet to a fence post at an angle point.
S 88° 22' 31" W. 430.62 feet to an iron pin found in the north Right of Way line of Park Road 37.

Thence with the south line of this tract and the 1700 acre tract and the north right of way line of Park Road 37 as follows:

Westerly along the arc of a curve to the left having a radius of 750.91 feet, a central angle of 18° 54' 45" a distance of 247.86 feet (Chord Bears: N 80° 48' 33" W. 246.74 feet) to an iron pin found at the end of said curve.

S 89° 46' 39" W. 718.13 feet to an iron pin found at an angle point.

N 89° 35' 03" W. 471.50 feet to an iron pin set at the beginning of a curve to the right.

Westerly along the arc of a curve to the right, passing an interior corner of the 1700 acre tract, having a radius of 728.94 feet, a central angle of 21° 49' 23" a distance of 277.64 feet (Chord Bears: N 78° 40' 33 W. 275.97 feet) to an iron pin found at the end of said curve.

Thence with the south line of this tract and the north Right of Way line of Park Road 37 as follows:

N 67° 45' 48" W, 588.53 feet to an iron pin set at the beginning of a curve to the right.

Westerly along the arc of a curve to the right having a radius of 1110.92 feet, a central angle of 10° 16' 59" a distance of 199.38 feet (Chord Bears: N 62° 36' 37 W. 199.11 feet) to an iron pin found at the end of said curve.

N 57° 31' 09" W. 281.50 feet to an iron pin found at the beginning of a curve to the left.

Westerly along the arc of a curve to the left having a radius of 254.38 feet, a central angle of 45° 00' 25" a distance of 199.82 feet (Chord Bears: N 80° 01' 50 W. 194.72 feet) to an iron pin found at a point of compound curvature.

Westerly along the arc of said compound curve to the left having a radius of 344.71 feet, a central angle of 18° 05' 04" a distance of 108.80 feet (Chord Bears: S 68° 23' 53 W. 108.35 feet) to an iron pin set at the end of said curve.

S 59° 54' 14" W. 4.09 feet to an iron pin set at the beginning of a curve to the right.

Southwesterly along the arc of a curve to the right having a radius of 728.94 feet, a central angle of 09° 21' 32" a distance of 119.07 feet (Chord Bears: S 64° 00' 54" W. 118.94 feet) to an iron pin set at the end of said curve.

S 68° 39' 03" W. 355.53 feet to an iron pin found at an angle point.

S 72° 09' 55" W. 370.49 feet to an iron pin found at an angle point

S 76° 40' 00" W. 197.38 feet to an iron pin found at an angle point.

S 80° 28' 41" W. 140.30 feet to an iron pin FUND at the beginning of a curve to the left.
 Southwesterly along the arc of a curve to the left having a radius of 321.48 feet, a central angle of 53° 18' 58" a distance of 299.15 feet (Chord Bears: S 53° 26' 27" W. 288.47 feet) to an iron pin set at the end of said curve.

S 26° 59' 55" W. 3.78 feet to an iron pin found at the beginning of a curve to the right.
 Southwesterly along the arc of a curve to the right having a radius of 374.29 feet, a central angle of 20° 15' 18" a distance of 132.32 feet (Chord Bears: S 37° 32' 42" W. 131.63 feet) to an iron pin found at the end of said curve.

S 47° 39' 08" W. 1.71 feet to an iron pin found at the beginning of a curve to the left.
 Southwesterly along the arc of a curve to the left having a radius of 671.67 feet, a central angle of 13° 05' 01" a distance of 153.38 feet (Chord Bears: S 41° 07' 12" W. 153.04 feet) to an iron pin set at the end of said curve.

S 34° 35' 12" W. 136.85 feet to an iron pin found at an angle point.
 S 59° 15' 13" W. 163.50 feet to an iron pin found at an angle point.
 S 83° 55' 42" W. 185.49 feet to an iron pin found at the beginning of a curve to the right.
 Southwesterly along the arc of a curve to the left having a radius of 751.20 feet, a central angle of 10° 08' 11" a distance of 132.90 feet (Chord Bears: S 78° 46' 15" W. 132.72 feet) to an iron pin found at the end of said curve.

S 73° 41' 55" W. 710.49 feet to an iron pin found at the beginning of a curve to the left.
 Southwesterly along the arc of a curve to the left having a radius of 1076.74 feet, a central angle of 10° 52' 26" a distance of 204.35 feet (Chord Bears: S 68° 43' 43" W. 204.04 feet) to an iron pin set at the end of said curve.

S 62° 52' 16" W. 214.37 feet to a ½" iron pin found at the beginning of a curve to the left.
 Southwesterly along the arc of a curve to the left having a radius of 1076.74 feet, a central angle of 21° 05" a distance of 438.84 feet (Chord Bears: S 51° 12' 16" W. 435.81 feet) to an iron pin found at the end of said curve.

S 39° 34' 34" W. 94.39 feet to an iron pin found at the beginning of a curve to the left.
 Southwesterly along the arc of a curve to the left having a radius of 459.41 feet, a central angle of 18° 05' 05" a distance of 150.89 feet (Chord Bears: S 30° 06' 10" W. 150.21 feet) to an iron pin set at the end of said curve.

S 20° 39' 04" W. 49.49 feet to an iron pin found at an angle point.
 S 41° 28' 41" W. 179.38 feet to an iron pin found at an angle point.
 S 62° 15' 16" W, 163.36 feet to an iron pin found at the beginning of a curve to the right.
 Southwesterly along the arc of a curve to the right having a radius of 848.35 feet, a central angle of 05° 29' 51" a distance of 81.40 feet (Chord Bears: S 64° 48' 13" W. 81.37 feet) to an iron pin found in the west line of the 1700 acre tract for the southwest corner of this tract and being the southeast corner of Lot 14 Big Valley Unit 3 recorded in Volume 6, Page 46 of the Plat Records of Medina County, Texas.

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Thence with the west line of this tract and the 1700 acre tract and the east line of the Big Valley Unit 3 and Big Valley Unit 1 of record in Volume 5, Page 31 and Big Valley Unit 2 of record in Volume 6, Page 17 of the Plat Records of Medina County, Texas as follows:

N 00° 33' 06" W. 205.98 feet with the east line of Lot No. 14 to a ½" iron pin found for the east common corner between said Lot No. 14 and Lot No. 13.

N 01° 15' 47" W. 124.66 feet with the east line of said Lot No. 13 to a ½" iron pin found for the east common corner between said Lot No. 13 and Lot No. 6.

N 00° 34' 45" W. 197.28 feet with the east line of said Lot No. 6 to the east common corner between said Lot No. 6 and Lot No. 5.

N 00° 51' 39" W. 269.69 feet with the east line of said Lot No 5 to a ½" iron pin found for the east common corner between said Lot No. 5 and Lot No. 4.

N 01° 18' 00" W. 65.19 feet with the east line of said Lot No. 4 to a ½" iron pin for the east common corner between said Lot No. 4 and Lot No. 13 of Big Valley, Unit 1.

N 01° 14' 10" W. 187.82 feet with the east line of said Lot No. 13 to a ½" iron pin found for the east common corner between said Lot No. 13 and Lot No. 12.

N 01° 20' 25" W. 591.57 feet with the east line of said Lot No. 12 to a ½" iron pin found for the east common corner between said Lot No. 12 and Lot No. 11.

N 01° 13' 36" W. 120.32 feet with the east line of said Lot No. 11 to a ½" iron pin found for the east common corner between said Lot No. 11 and Lot No. 10.

N 01° 35' 09" W. 262.14 feet with the east line of said Lot No. 10 to the east common corner between said Lot No. 10 and Lot No. 9.
 N 02° 19' 18" W. 270.24 feet with the east line of said Lot No. 9 to a ½" iron pin found for the east common corner between said Lot No. 9 and Lot No. 8.
 N 01° 05' 29" W. 118.22 feet with the east line of said Lot No. 8 to a ½" iron pin found to the east common corner between said Lot No. 8 and Lot No. 7.
 N 00° 45' 02" W 60.46 feet with the east line of said Lot No. 7 to a 1/2" iron pin found for the east common corner between said Lot No. 7 and Lot No. 6.
 N 00° 43' 12" W. 99.54 feet with the east line of said Lot No. 6 to a ½" iron pin found for the east common corner between said Lot No. 6 and Lot No. 5.
 N 00° 28' 23" W. 249.81 feet with the east line of said Lot No. 5 to a ½" iron pin found the east common corner between said Lot No. 5 and Lot No. 4, and
 N 00° 35' 55" W. 39.45 feet with the east line of said Lot No. 4 to a calculated point for the northwest corner of the tract described herein.

Thence across the 1700 acre tract and with the ETJ line, with a arc of a curve to the right having a radius of 26400.00 feet, an arc of 9270.69 feet, delta of 20°07'12" and a chord that bears N 45° 48' 01" P 9223.13 feet to the place of beginning and containing 990.952 acres of land according to a survey on the ground on June 16, 2005 by Baker Surveying, Inc.

TRACT 2

Field notes of a 177.339 acre tract of land situated in Medina County, Texas out of the Jesus Gomez Survey No. 126, Abstract No. 1380 and the H. H. Crain Survey No. 127, Abstract No. 1371 and the S. E. Thompson Survey No. 139, Abstract No. 1475, Medina County and being part of that tract called 1700 acres recorded in Volume 75, Page 513 of the Official Public Records of Medina County, Texas and the 0.03 of an acre tract of land recorded in Volume 286, Page 821 of the Official Public Records of Medina County, Texas and being more particularly described by metes and bounds as follows: Note: All iron pins set are ½" rebar with a yellow plastic cap stamped "Baker Survey".

Beginning at a Texas Department of Transportation (TXDOT) Monument found for the northeast corner of this tract and the northwest corner of a 850.0 acre tract recorded in Volume 286, Page 821 of the Official Public Records of Medina County, Texas.

Thence S 01° 58' 02" E. 849.69 feet with the east line of this tract and the 1700 acre tract and the west line of the 850.00 acre tract to a ½" iron pin found for the northernmost southeast corner of this tract and being an interior corner of the 850.0 acre tract.

Thence S 89° 20' 17" W. 2666.93 feet an upper south line of this tract and the 1700 acre tract and a north line of the 850.0 acre tract to a ½" iron pin found for an interior corner of this tract and a north corner of the 850.0 acre tract.

Thence S 00° 44' 17" E. 1719.33 feet with the east line of this tract and the 1700 acre tract and the west line of the 850 acre tract to a ½" iron pin found for the southernmost southeast corner of the 1700 acre tract and the north corner of the 0.03 of an acre tract.

Thence S 00° 33' 00" E. 43.85 feet with the east line of this tract and the 0.03 of an acre tract and the west line of 850.0 acre tract to a ½" iron pin found for southeast corner of this tract and the 0.03 of an acre tract and the northeast corner of a 769.18 acre tract conveyed to Nell Ann Scott and recorded in Volume 158, Page 56 of the Official Public Records of Medina County, Texas.

Thence N 56° 42' 39" W. 80.58 feet with the south line of the 0.03 of an acre tract and this tract and the north line of the 769.18 acre tract to a 60d nail found in the south line of the 1700 acre tract for the west corner of the 0.03 of an acre tract.

Thence with the south line of this tract and the 1700 acre tract and the north line of the 769.18 acre tract as follows:

N 57° 04' 37" W. 116.80 feet to a ½" iron pin set at an angle point.

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N 56° 13' 05" W. 9.75 feet to an 8" wood post found at an angle point.
 S 81° 55' 53" W. 9.79 feet to a ½" iron pin found at an angle point.
 S 81° 35' 10" W. 446.35 feet to a ½" iron pin found at an angle point.
 S 82° 00' 50" W. 6.25 feet to a ½" iron pin found at an angle point.
 N 89° 47' 40" W. 13.51 feet to a ½" iron pin found at an angle point.
 N 89° 50' 48" W. 1061.98 feet to a ½" iron pin found at an angle point.
 N 89° 17' 40" W. 954.22 feet to a ½" iron pin found for the southwest corner of this tract and the 1700 acre tract and being the southeast corner of a 21.085 acre tract recorded in Volume 436, Page 1049 of the Official Public Records of Medina County, Texas.

07 DEC 21 PM 2: 14

Thence N 00° 17' 23" W. 921.97 feet with the west line of this tract and the 1700 acre tract and the east line of the 21.085 acre tract to a ½" iron pin found in the south line of Park Road 37 for the northwest corner of this tract and the northeast corner of the 21.085 acre tract.

Thence with the north line of this tract and the south line of Park Road 37 as follows:

Northeasterly with the arc of a curve to the left having a radius of 916.47 feet, a central angle of 07° 14' 31" an arc distance of 115.84 feet (Chord Bears N 65° 26' 34" E. 115.76 feet to the end of said curve.

N 62° 16' 29" E. 163.27 feet to the point of the beginning of a curve to the left.

Northeasterly with the arc of said curve to the left having a radius of 321.48 feet, a central angle of 41° 46' 09" an arc distance of 234.36 feet (Chord Bears N 41° 32' 41" E. 229.21 feet to the end of said curve.

N 20° 31' 02" E. 49.51 feet to the beginning of a curve to the right.

Northeasterly along the arc of a curve to the right having a radius of 389.41 feet, a central angle of 18° 54' 36" an arc distance of 128.52' (Chord Bears: N 30° 10' 24" E. 127.94' feet) to an iron pin found at the end of said curve.

N 39° 31' 45" E. 94.23 feet to an iron pin set at the beginning of a curve to the right.

Northeasterly along the arc of a curve to the right having a radius of 1006.74 feet, a central angle of 23° 20' 27" an arc distance of 410.12 feet (Chord Bears: N 51° 13' 31" E. 407.29 feet) to an iron pin found at the end of said curve.

N 62° 55' 41" E. 214.19 feet to an iron pin set at the beginning of a curve to the right.

Northeasterly along the arc of a curve to the right having a radius of 1009.02 feet, a central angle of 10° 52' 56" an arc distance of 191.64 feet (Chord Bears: N 68° 20' 58" E. 191.36 feet) to an iron pin set at the end of said curve.

N 73° 46' 46" E. 710.30 feet to an iron pin set at the beginning of a curve to the right.

Northeasterly along the arc of a curve to the right having a radius of 681.20 feet, a central angle of 10° 08' 33" an arc distance of 120.59 feet (Chord Bears: N 78° 51' 49" E 120.43 feet) to an iron pin set at the end of said curve.

N 83° 55' 32" E. 185.06 feet to an iron pin set at the beginning of a curve to the left.

Northeasterly along the arc of a curve to the left having a radius of 264.18 feet, a central angle of 49° 46' 57" an arc distance of 222.54 feet (Chord Bears: N 59° 15' 30" E. 222.39 feet) to an iron pin with Grogan cap found at the en of said curve.

N 34° 36' 26" E. 136.66 feet to an iron pin set at the beginning of a curve to the right.

Northeasterly along the arc of a curve to the right having a radius of 601.62 feet, a central angle of 13° 05' 35" an arc distance of 137.48 feet (Chord Bears: N 41° 08' 25" E. 137.18 feet) to an iron pin set at the end of said curve.

N 47° 40' 25" E. 1.69 feet to an iron pin set at the beginning of a curve to the left.

Northeasterly along the arc of a curve to the left having a radius of 444.26 feet, a central angle of 20° 16' 15" an arc distance of 157.18 feet (Chord Bears: N 37° 33' 56" E. 156.36 feet) to an iron pin set at the end of said curve.

N 27° 37' 09" E. 3.68 feet to an iron pin set at the beginning of a curve to the right.

Southerly along the arc of a curve to the right having a radius of 251.48 feet, a central angle of 53° 24' 10" an arc distance of 234.39 feet (Chord Bears: N 53° 53' 21" E. 226.00 feet) to an iron pin set at the end of said curve.

N 80° 28' 21" E. 142.52 feet to an iron pin set at an angle point.

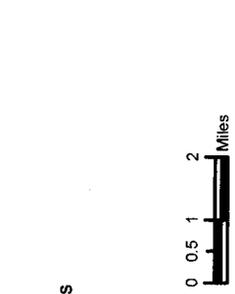
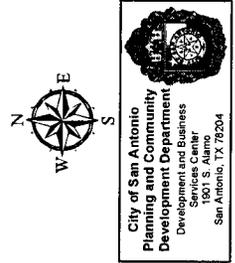
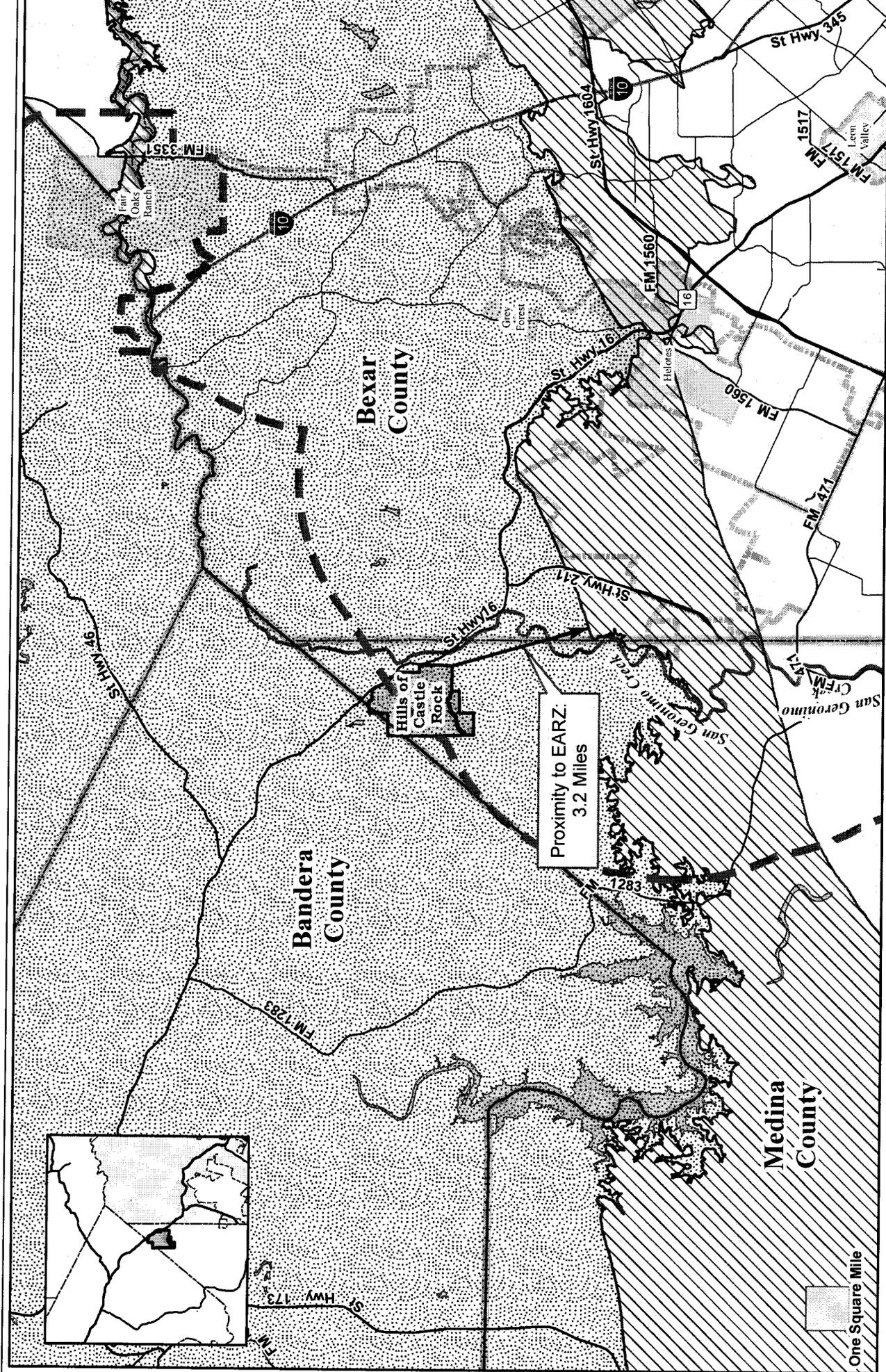
N 76° 43' 46" E. 202.13 feet to an iron pin set at an angle point.

N 72° 03' 20" E. 375.31 feet to an iron pin set at an angle point.

N 68° 44' 15" E. 357.87 feet to an iron pin set at the beginning of a curve to the left.

Northeasterly along the arc of a curve to the left having a radius of 798.94 feet, a central angle of

EXHIBIT 2



- Legend**
- Hills of Castle Rock
 - Edwards Aquifer Recharge Zone
 - COSA City Limits
 - Adjacent Counties
 - Edwards Aquifer Contributing Zone
 - ETJ

Hills of Castle Rock

One Square Mile

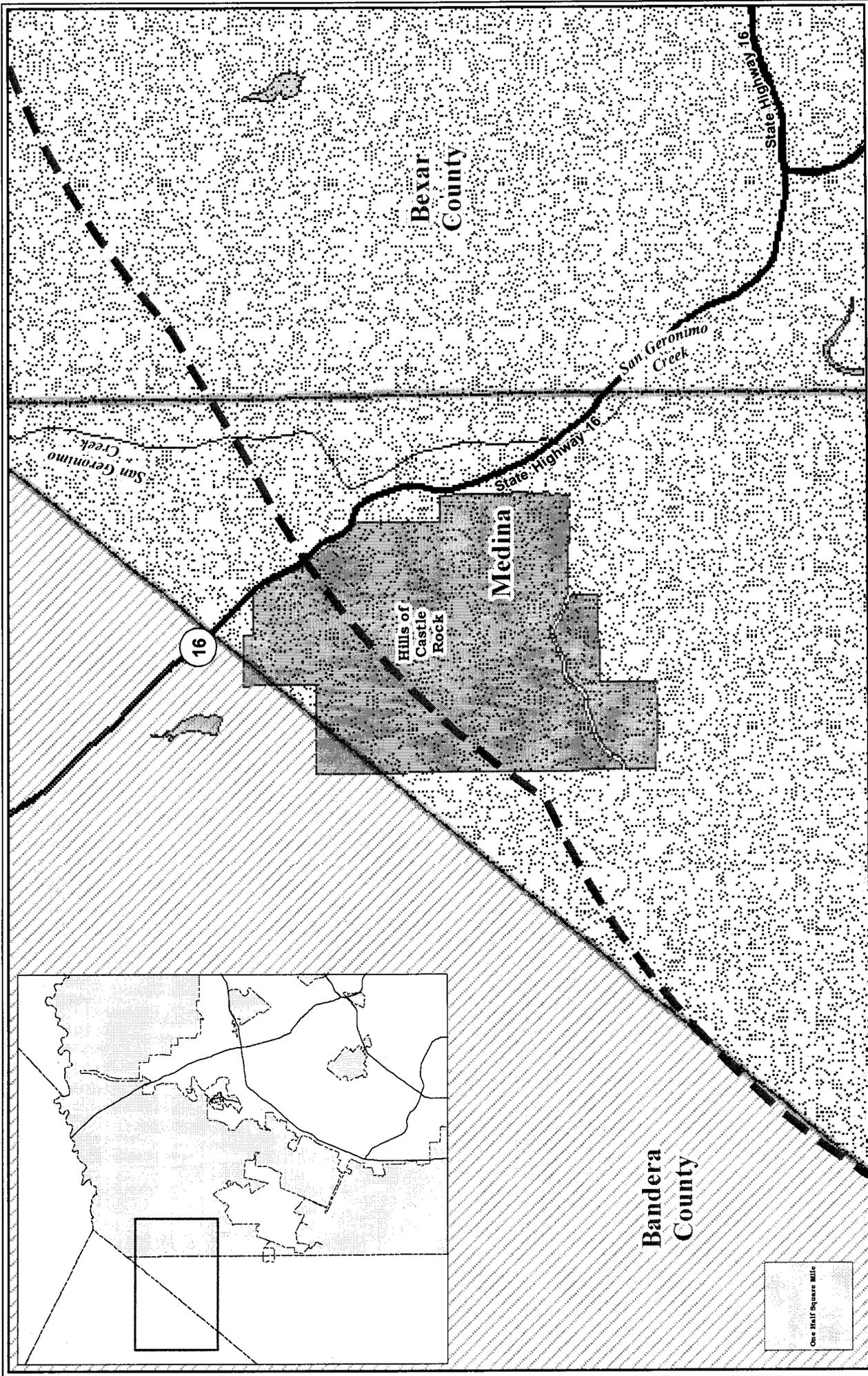
One Square City of San Antonio, Escondido, OES, Bexar, Medina, P11, Bexar, Approved (04/01/07)

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Map Last Edited: March 20, 2008

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Legend

-  Hills of Castle Rock
-  Edwards Aquifer Contributing Zone
-  Trinity Aquifer
-  Extraterritorial Jurisdiction
-  Adjacent Counties

Hills of Castle Rock

