

Christina Bourque

From: PUBCOMMENT-OCC
Sent: Wednesday, January 25, 2023 12:17 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016150001
Attachments: All Exhibits (C2817414)1.pdf

RFR
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From: madair@branscomblaw.com <madair@branscomblaw.com>
Sent: Wednesday, January 25, 2023 9:59 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016150001

REGULATED ENTY NAME RICHTER RANCH WWTP

RN NUMBER: RN111485595

PERMIT NUMBER: WQ0016150001

DOCKET NUMBER:

COUNTY: WILSON

PRINCIPAL NAME: HK REAL ESTATE DEVELOPMENT LLC

CN NUMBER: CN605645944

FROM

NAME: Mary Adair

EMAIL: madair@branscomblaw.com

COMPANY: Branscomb Law

ADDRESS: 4630 N LOOP 1604 W Suite 206
SAN ANTONIO TX 78249-1373

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FAX:

COMMENTS: Freasier LLC, ("Freasier") is submitting this Request for Reconsideration and amending its request for a contested case hearing. Freasier understands flooding is not within the regulatory authority of the Texas Commission on Environmental Quality ("TCEQ"). While the terms flooding and inundation were used in the original request, the real

issue is not that of flooding but rather the mischaracterization of the watercourse route described in HK Real Estate Development, LLC's Domestic Wastewater Permit Application for Texas Pollutant Discharge Elimination System Permit for Richter Ranch Wastewater Treatment Plant (the "Application") and the draft of Permit WQ0016150001 (the "Permit"). Freasier, whose address is 6880 US Hwy 181 N, Floresville, Texas 78114, and whose telephone number is (830) 393-0083, owns approximately 300 acres that will be adversely and materially affected in a manner different from the general public if the Permit is issued as described below. The applicant for the Permit is HK Real Estate Development LLC ("Applicant"). Freasier's property, with an address of 4005 US Hwy 181 N, Floresville, Texas 78114 and 3815 US Hwy 181 N, Floresville, Texas 78114, and being more fully described in Exhibit A, attached hereto and incorporated for all purposes (the "Property"), is located less than one mile away from the proposed treatment facility. Freasier has owned the affected Property since 1998. The Application and Permit state that up to 180,000 gallons (approximately half an acre foot of water) per day of treated water will be discharged from the Richter Ranch Wastewater Treatment Facility (the "Facility") into Sandpit Creek and will then flow to the Upper San Antonio River, Segment No. 1911 of the San Antonio River Basin (the "San Antonio River"). The main concern with the Application is that the watercourse shown in the Application indicates that Sandpit Creek, the point of delivery of discharge, connects to the Upper San Antonio River. In fact, that is not the case. An earthen berm, photographs of which are attached hereto as Exhibit B, that was constructed by an adjacent landowner many years ago, likely in the 1950s, altered the course of Sandpit Creek so that it no longer connects to the San Antonio River. Instead, the earthen berm forces Sandpit Creek's current route to abruptly end on the Property without connecting to another watercourse. Topographical surveys, attached hereto as Exhibit C-1 and C-2, show that Sandpit Creek ends well within the Property before crossing the Southern Pacific Railroad. The topographical surveys also show that approximately 984 feet separate the end of Sandpit Creek from the San Antonio River. Additionally, USGS Topographical Maps from 1961, 1985, and 2022, being attached as Exhibit D-1 thru D-3, all clearly show that Sandpit Creek ends prior to connecting to the San Antonio River. Because Sandpit Creek no longer connects to the San Antonio River, the Application and the Permit mischaracterize the route of Sandpit Creek. Freasier has found no evidence of any published USGS topographical map that shows a connection between Sandpit Creek and the San Antonio River. The Applicant included a version of the 2019 USGS Topographical Map with Applicant's notations that show the location of the Facility and the proposed discharge route as Appendix F in the Application, which is also attached hereto as Exhibit E-1. The 2019 USGS Topographical Map obtained by Freasier from USGS, attached hereto as Exhibit E-2, clearly shows that Sandpit Creek does not connect to the San Antonio River. According to Section 309.12 of Title 30 of the Texas Administrative Code, the Texas Commission on Environmental Quality ("TCEQ") may consider active geologic processes, including alterations to the surface estate, and the flow path to points of discharge when determining whether to issue a permit for a new wastewater treatment facility. The topographical surveys and the USGS Topographical Maps show that the Application and the Permit mischaracterize the watercourse of the proposed discharge route. Currently, Sandpit Creek is for all practical purposes a dry creek bed, with the exception of extreme times of rain. Sandpit Creek only flows during rain events that produce 8 inches or more of rain over several days. If TCEQ grants the Permit without reconsidering the proposed discharge route and the mischaracterization of the watercourse, treated water that is discharged into Sandpit Creek will ultimately end up on the Property and not the San Antonio River. Additionally, with a continuous discharge of 180,000 gallons of treated water per day, the surface of the Property will be altered in such a way that Freasier will permanently lose the use and enjoyment of the Property. Freasier is an affected person and will be adversely affected in a manner not common to the general public because the Application and the Permit mischaracterize the watercourse within the proposed discharge route. The Application and Permit fail to take into account the earthen berm, which was constructed by an adjacent landowner, and how it has altered the route of Sandpit Creek in such a way that it no longer connects with the San Antonio River. In fact, it appears that the 2019 USGS Topographical Map attached as Appendix F to the Application depicting the discharge route is wholly inaccurate and may have been an attempt to illustrate the continuation of a watercourse that does not exist. Freasier believes Applicant is aware of the mischaracterization of the watercourse within the proposed discharge route. James Freasier, an owner of Freasier LLC, spoke with one of Applicant's representatives at the Property in 2022. A week later, Mr. Freasier escorted Applicant's surveyors onto the Property and allowed them access to survey the Property over the course of two days. Mr. Freasier not only pointed out the earthen berm to the surveyors, but he also explained that Sandpit Creek ends within the Property. One of the surveyors commented to Mr. Freasier that he did not need to see elevations because he could tell the discharge of the water would end on the Property. If the Applicant truly believed that the Sandpit Creek feeds the San Antonio River, Freasier wonders why Applicant conducted any investigation on the Property. Because the Application and the Permit mischaracterizes the watercourse of the discharge

route based on Applicant's notations on the 2019 USGS Topographical Map, and because Sandpit Creek does not, in fact, connect with the San Antonio River, Freasier submits this Request for Reconsideration and affirms its request for a contested case hearing.

Exhibit A
Legal Description

BEING a 35.89 acre tract and a 38.39 acre tract of land within the S. & J. Arocha Grant, A-1, Wilson County, Texas; being the land described in conveyances to Carolyn Christy and Gerald L. Rutkowski of record in Volume 675, Page 364, Volume 697, Page 227; Volume 723, Page 547; Volume 723, Page 549; Volume 734, Page 782 and Volume 734, Page 784, Deed Records of Wilson County, Texas, and Volume 947, Page 863, Official Public Records of Wilson County, Texas, and being more particularly described as follows:

35.89 Acre tract

BEGINNING at a set 1/2 inch iron pin at the intersection of the northerly line of the S.A. & A.P. R.R. R.O.W. described in Volume "N", Page 172, Wilson County Deed Records, and the northwesterly line of the Christy and Rutkowski land for the westerly corner of this tract and a southerly corner of the Alton Lee Schellhase land described in Volume 934, Page 748 and Volume 905, Page 141, Wilson County Official Public Records.

THENCE N 48-18-48 E, with the common line of the Schellhase land and of this tract, generally along fence, 1554.12 feet to a found iron pin for the westerly corner of the Amadeo Garcia land described in Volume 243, Page 88, Wilson County Deed Records, and a northerly corner of this tract.

THENCE S 57-37-55 E, with the common line of the Garcia land and of this tract, 210.0 feet to a found 1/2 inch iron pin for a common corner of said lands.

THENCE N 47-45-10 E, continuing with said common line, 512.41 feet to a found 1/2 inch iron pin for a northerly corner of this tract on the southwesterly R.O.W. of U. S. Hwy. 181.

THENCE S 45-49-34 E, with the southwesterly R.O.W. of U. S. Hwy. 181, distance of 495.53 feet to a found concrete R.O.W. monument for an angle point.

THENCE S 47-08-40 E, continuing with said Hwy, R.O.W., 197.11 feet to a found iron pin for the east corner of this tract and a north corner of the John B. Chadwick land described in Volume 222, Page 308, Wilson County Deed Records.

THENCE S 48-07-00 W, (record bearing-Volume 620, Page 114) with the common line of the Chadwick land and of this tract, 1643.73 feet to a found iron pin on the northeast line of the Union Pacific Railroad R.O.W.

THENCE N 72-36-46 W, with said railroad R.O.W., 1040.99 feet to the POINT OF BEGINNING, containing 35.89 acres of land, more or less.

38.39 Acre Tract

BEGINNING at a set 1/2 inch iron pin at the intersection of the southwest line of the Union Pacific Railroad R.O.W. and the southeast line of the Christy and Rutkowski lands, for the east corner of this tract and a north corner of the John B. Chadwick land described in Volume 222, Page 308, Wilson County Deed Records.

THENCE with the common line of the Chadwick land and of this tract, generally along fence,

S 49-33-17 W, distance of 94.82 feet;

S 48-46-08 W, distance of 1058.76 feet;

S 48-18-41 W, distance of 621.87 feet;

S 47-17-09 W, distance of 384.80 feet;
S 45-33-48 W, distance of 429.14 feet to the easterly bank of the San Antonio River.

THENCE with the meanders of said bank of the San Antonio River,
N 08-57-06 W, distance of 41.30 feet;
N 10-00-16 W, distance of 112.96 feet;
N 19-31-56 W, distance of 114.66 feet;
N 03-35-50 W, distance of 92.29 feet;
N 11-04-10 W, distance of 98.86 feet;
N 09-07-00 E, distance of 77.87 feet;
N 16-00-15 E, distance of 150.60 feet;
N 21-23-42 E, distance of 119.32 feet;
N 18-35-15 E, distance of 137.58 feet;
N 27-05-19 E, distance of 148.50 feet;
N 20-45-09 E, distance of 93.42 feet;
N 03-51-56 E, distance of 130.27 feet;
N 12-24-32 E, distance of 79.54 feet;
N 17-30-44 E, distance of 53.59 feet to a found iron pin for the northwesterly corner of this tract and a south corner of the Alton Lee Schellhase land described in Volume 934, Page 748, Wilson County official Public Records.

THENCE N 48-23-36 E, with the common line of the Schellhase land and of this tract, generally along fence, 984.87 feet to a corner post on the southwest R.O.W. of the aforementioned railroad R.O.W.

THENCE S 72-36-43 E, with said railroad R.O.W., 1038.19 feet to the POINT OF BEGINNING containing 38.39 acres of land, more or less.

BEING 53.70 acres of land out of a 250.5 acre tract as recorded in Volume 222, Page 308 of the Deed Records of Wilson County, Texas and being out of Subdivision Number 3, of the S. & J. Orocha 8 League Grant in Wilson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod in the southerly right-of-way of Highway 181 for the most northerly corner of this tract said point also being the most easterly corner of a 35.89 acre tract as recorded in Volume 1000, Page 370 of the Official Records of Public Property of Wilson County, Texas;

THENCE with the south right-of-way of 181, the following courses:

South 47° 25' 09" East, a distance of 556.47 feet with the south right-of-way of Highway 181 to a fence post for an angle point;
South 47° 22' 06" East, a distance of 47.21 feet to a fence post for an angle point;
South 43° 25' 45" East, a distance of 435.96 feet to a fence post for an angle point;
South 40° 36' 10" East, a distance of 331.17 feet to a fence post for an angle point;
South 36° 44' 18" East, a distance of 46.32 feet to a fence post for an angle point;
South 35° 56' 44" East, a distance of 606.98 feet to a fence post for an angle point;
South 35° 36' 14" East, a distance of 302.39 feet to a fence post for an angle point;
South 35° 27' 08" East, a distance of 222.03 feet to a set 1/2" iron rod with yellow "ACES" cap at a fence post said point being the most easterly corner of this tract and the most westerly corner of a 90.63 acre tract as recorded in Volume 535, Page 24 of the Deed Records of Wilson County, Texas;

THENCE South 48° 52' 35" West, a distance of 133.74 feet to a set 1/2" iron rod with yellow "ACES" cap for a point of curvature said point being in the northerly right-of-way of the Southern Pacific Transportation Company Railroad right-of-way;

THENCE curving to the left with a radius of 1698.90 feet, a central angle of 14° 46' 42", an arc length of 438.20 and a chord bearing and distance of North 65° 13' 22" West, 436.99 to a set 1/2" iron rod with yellow "ACES" cap for a point of tangency;

THENCE North 72° 36' 43" West, a distance of 2,496.26 feet to a found 1/2" iron rod for the most westerly corner of this tract said point also being the most southerly corner of a 39.89 acre of the aforementioned 35.89 acre tract;

THENCE North 48° 07' 00" East, a distance of 1,643.74 feet to the **POINT OF BEGINNING** and containing 53.70 acres of land, more or less, in Wilson county, Texas.

BEING 177.27 acres of land out of a 250.5 acre tract as recorded in Volume 222, Page 308 of the Deed Records of Wilson County, Texas and being out of Subdivision Number 3, of the S. & J. Orocha 8 League Grant in Wilson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a set PK nail in a stump on the northerly bank of the San Antonio River for the most southwesterly corner of this tract said point also being the most southerly corner of the 38.41 acre tract as recorded in Volume 1000, Page 370 of the Official Public Records of Wilson County, Texas and being the most southwesterly corner of the aforementioned 250.5 acre tract;

THENCE North 45° 33' 48" East, a distance of 429.14 feet to a fence post for an angle point;

THENCE North 47° 17' 09" East, a distance of 384.80 feet to a angle point;

THENCE North 48° 18' 41" East, a distance of 621.87 feet to a angle point;

THENCE North 48° 46' 08" East, a distance of 1,058.76 feet to a angle point;

THENCE North 49° 33' 17" East, a distance of 94.59 feet to a found 1/2" iron rod for the most northerly corner of this tract said point also being the most easterly corner of the aforementioned 38.41 acre tract and being in the southerly right-of-way of the Southern Pacific Transportation Company Railroad right-of-way;

THENCE South 72° 36' 43" East, a distance of 2,559.39 feet with said right-of-way to a set 1/2" iron rod with yellow "ACES" cap for a point of curvature;

THENCE curving to the right with a radius of 1,598.90 feet, a central angle of 13° 36' 20", an arc length of 379.68 feet to a found 1/2" iron rod said point being the most northeasterly corner of this tract;

THENCE South 47° 57' 54" West, a distance of 1,639.56 feet to a fence post for an angle point;

THENCE South 46° 06' 44" West, a distance of 1,135.51 feet to a fence post for an angle point;

THENCE South 29° 40' 24" West, a distance of 97.45 feet to a set 1/2" iron rod with yellow "ACES" cap for the most southeasterly corner of this tract said point being on the northerly bank of the San Antonio River then with the meanders of the San Antonio River, the following bearings and distances:

South 89° 59' 57" West, a distance of 326.41 feet;

South 89° 34' 38" West, a distance of 323.00 feet;

North 79° 43' 50" West, a distance of 91.45 feet;
North 59° 49' 32" West, a distance of 161.44 feet;
North 44° 06' 44" West, a distance of 257.60 feet;
North 72° 02' 43" West, a distance of 479.57 feet;
North 76° 05' 14" West, a distance of 602.47 feet;
North 58° 10' 39" West, a distance of 315.93 feet;
North 42° 48' 25" West, a distance of 98.03 feet;
North 29° 01' 35" West, a distance of 393.74 feet to the **POINT OF BEGINNING** and
containing 177.27 acres of land, more or less, in Wilson County, Texas.

Exhibit B
Photos of Earthen Berm

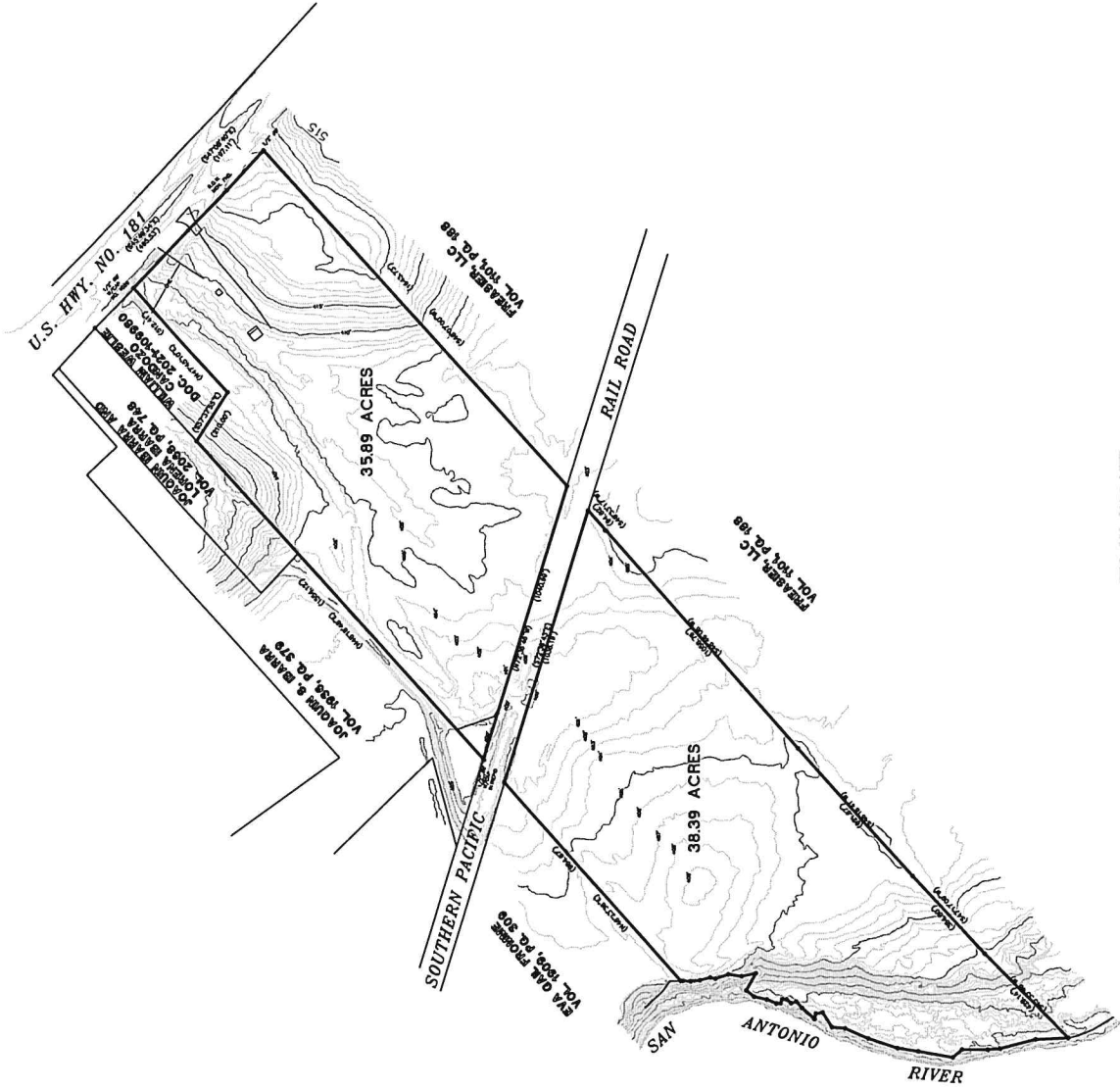


Exhibit C
Topographical Surveys

S. & J. AROCHA GRANT
 ABSTRACT NO. 1



SCALE 1" = 300'



THIS MAP WAS PREPARED BY THE U.S. GEOLOGICAL SURVEY AND IS NOT A LEGAL DOCUMENT. IT IS SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS OF THE FEDERAL LAND POLICY ACT, 43 U.S.C. 1701-1705, AND THE FEDERAL LAND MANAGEMENT POLICY ACT, 43 U.S.C. 1601-1605. THE U.S. GEOLOGICAL SURVEY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR IN THIS MAP.

EXHIBIT

Exhibit D-1
1961 USGS Topographical Map Showing Sandpit Creek

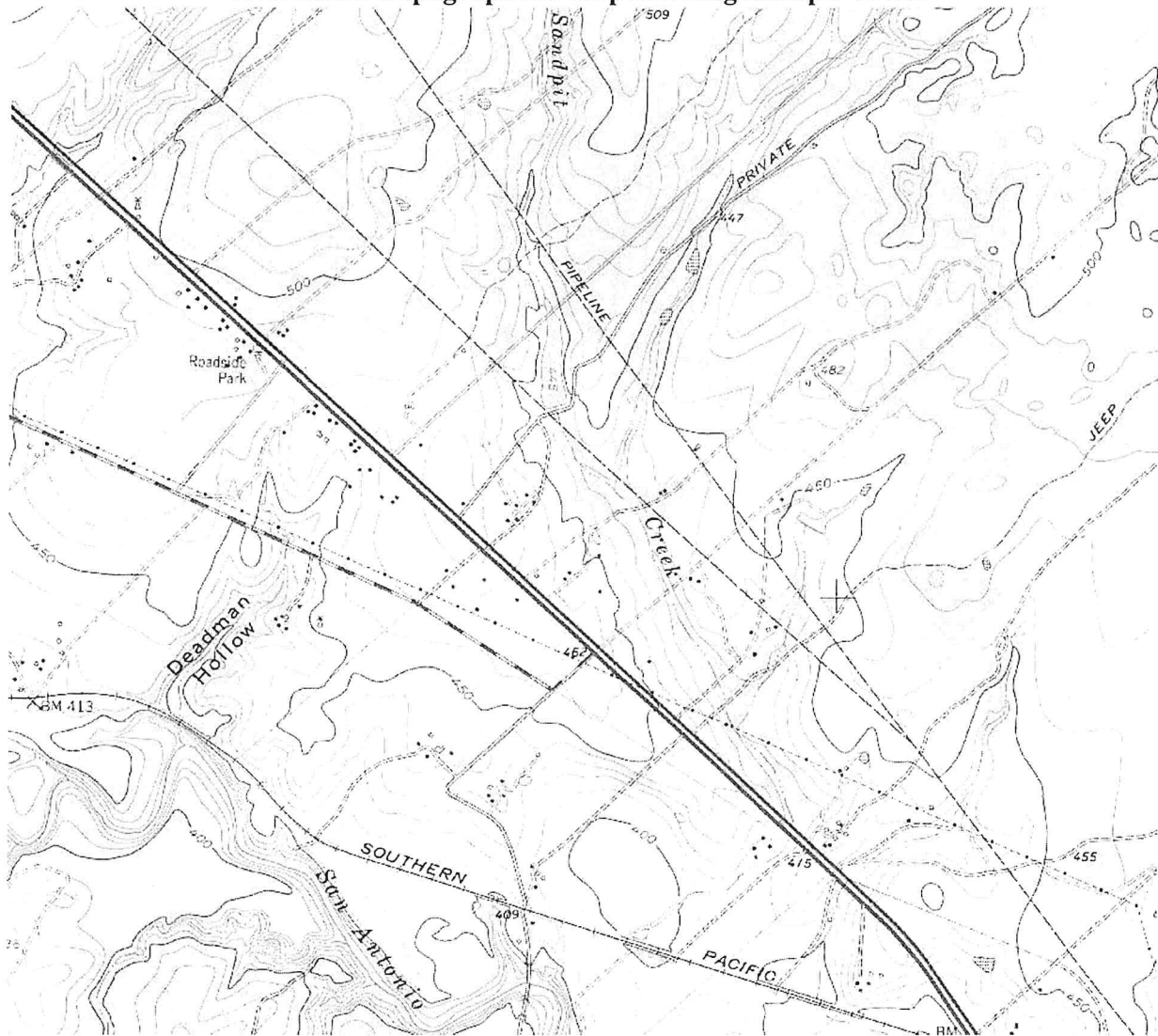


Exhibit D-2
1985 USGS Topographical Map Showing Sandpit Creek

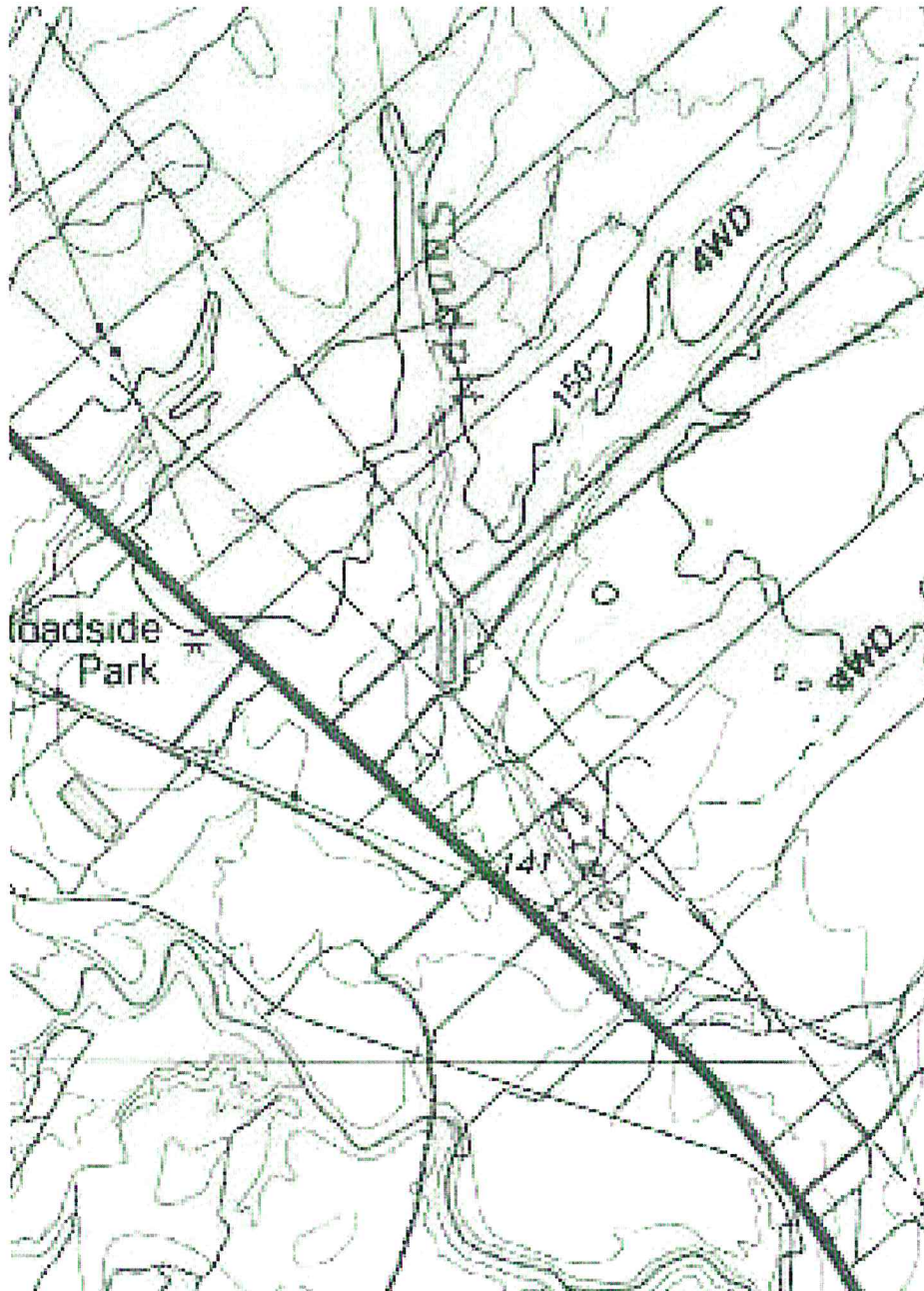
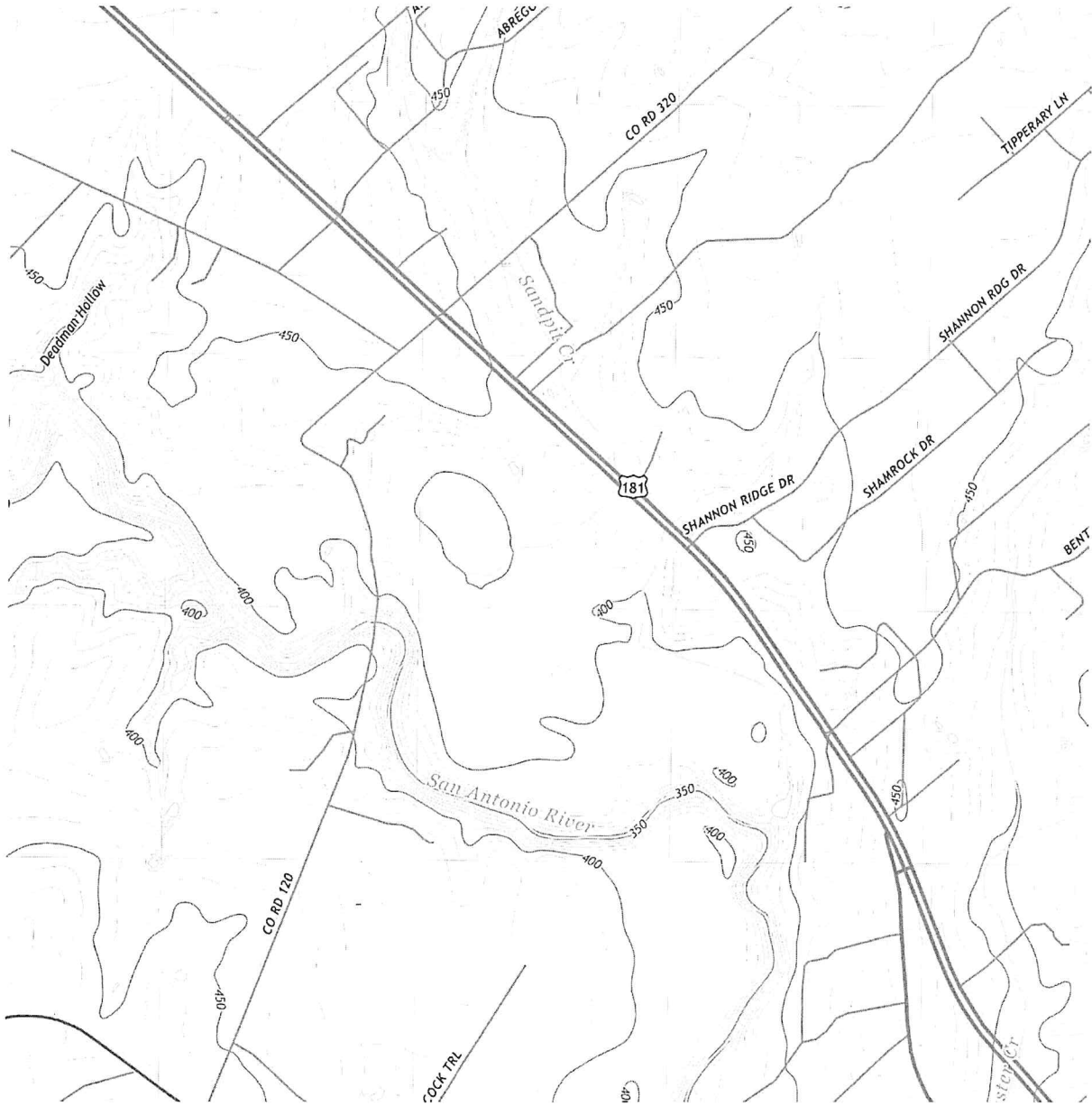


Exhibit D-3
2022 USGS Topographical Map Showing Sandpit Creek



Exhibit E-2
2019 USGS Topographical Map without Applicant's Notations



Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, October 20, 2022 10:39 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016150001
Attachments: Public Comment Exhibits (C2767963).pdf

PM
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From: madair@branscomblaw.com <madair@branscomblaw.com>
Sent: Wednesday, October 19, 2022 3:01 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016150001

REGULATED ENTY NAME RICHTER RANCH WWTP

RN NUMBER: RN111485595

PERMIT NUMBER: WQ0016150001

DOCKET NUMBER:

COUNTY: WILSON

PRINCIPAL NAME: HK REAL ESTATE DEVELOPMENT LLC

CN NUMBER: CN605645944

FROM

NAME: Mary Adair

EMAIL: madair@branscomblaw.com

COMPANY: Branscomb Law

ADDRESS: 4630 N LOOP 1604 W Suite 206
SAN ANTONIO TX 78249-1373

PHONE: 2105985409

FAX:

COMMENTS: This comment is being submitted on behalf of Freasier LLC ("Freasier"), whose address is 6880 US Hwy 181 N, Floresville, Texas 78114, and whose telephone number is (830) 393-0083, owns approximately 300 acres that will be adversely and materially affected in a manner different from the general public if Permit WQ0016150001 (the "Permit")

is issued. The applicant for the Permit is HK Real Estate Development LLC ("HK Real Estate"). At this time, Freasier is requesting a public meeting be held to allow the public to ask TCEQ and HK Real Estate questions regarding the Application and Permit and to submit additional formal comments. Additionally, Freasier is formally requesting a contested case hearing regarding the Permit. Freasier's property, with an address of 4005 US Hwy 181 N, Floresville, Texas 78114 and 3815 US Hwy 181 N, Floresville, Texas 78114, and being more fully described in Exhibit A, attached hereto and incorporated for all purposes (the "Property"), is located less than one mile away from the proposed treatment facility. The Permit will authorize HK Real Estate to discharge up to 180,000 gallons (approximately half an acre foot of water) per day of treated water from the Richter Ranch Wastewater Treatment Facility to Sandpit Creek and ultimately to the Upper San Antonio River. Sandpit Creek is usually a dry creek bed. An earthen berm constructed many years ago by the adjacent landowner now forces water onto the Property from Sandpit Creek, when it is running, resulting in flooding to approximately 100 acres of the Property. The flooding creates a swamp like bog on the Property. Any crops growing on the Property would be ruined, and Freasier's cattle ranching and show cattle operations (conducted on all of the Property) would be adversely and negatively impacted. Specifically, the projected daily amount of treated water that will be discharged into Sandpit Creek will flood numerous cattle pens, the barn immediately adjacent to Sandpit Creek, and the fields near the berm area. Freasier's veterinarian also has concerns that the cattle's exposure to pathogens in the treated wastewater will negatively impact the health of Freasier's cattle. Additional pertinent information concerns concrete drains under Highway 181. There are two concrete drains on the Property that go under Highway 181. One concrete drain is located at Sandpit Creek and the other is located near the Freasier home on the Property. Both concrete drains have unique fencing gates that allow water to flow to the drains but also protect Freasier's cattle through a construction that prevents them entering the drains and, thus, exiting the Property. A constant heavy flow of treated water will almost certainly create damage to if not a failure of the unique construction of the fencing gates, resulting in the release of cattle if not injury or death to the cattle. Further, if 180,000 gallons of treated water is discharged daily into Sandpit Creek pursuant to the Permit, the flooding will cause Freasier to lose the use and enjoyment of approximately half of the Property as stated above, as well as the use and enjoyment of the remaining Property as their home. Constant concerns with flooding of their Property, the health and safety of their cattle and the noxious or nuisance odors created by the treated water will adversely affect Freasier in a manner not common to the general public. As to the Application itself, HK Real Estate stated in its Domestic Wastewater Permit Application for a Texas Pollutant Discharge Elimination System Permit (the "Application") that "effluent will be discharged into Sandpit Creek. The effluent will then flow South to the San Antonio River (Segment 1911)." The Permit also states that treated water will be discharged "to Sandpit Creek, thence to the Upper San Antonio River...." According to the USGS quadrant map on the San Antonio River Authority's website, attached as Exhibit B and incorporated herein for all purposes, Sandpit Creek does not connect with the Upper San Antonio River, but instead ends on the Property. Several hundred feet separate Sandpit Creek from the Upper San Antonio River. HK Real Estate is incapable of abiding by the discharge terms of the Permit because Sandpit Creek does not connect with the Upper San Antonio River and instead ends on the Property. If it is determined that Sandpit Creek does connect with the Upper San Antonio River, the discharge of the additional treated water will likely cause the Upper San Antonio River to overflow its banks and flood additional portions of the Property. The Upper San Antonio River has overflowed its banks twice in the past 20 years. The daily discharge of 180,000 gallons of treated water into the Upper San Antonio River will likely increase the frequency of the Upper San Antonio River overflowing its banks. As stated above, when the Upper San Antonio River does overflow its banks, it makes the home located on the Property inaccessible, endangers crops on the Property, and threatens the lives of Freasier's cattle, all of which adversely affect Freasier in a manner not common to the general public. Lastly, the Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater stated that the Application would be available for viewing and copying at Floresville City Hall. The entire Application was not available at Floresville City Hall, with said missing pertinent information and exhibits. Because of this, Freasier has not received sufficient notice of the contents of the Application that is the basis of the Permit. Portions of the Application that were provided by Floresville City Hall show that HK Real Estate determined the wastewater treatment facility would be located outside of the 100-year flood plain. The accuracy of whether the facility will be outside the 100-year flood plain is being called into question based on a review of the available Application.

Exhibit A
Legal Description

BEING a 35.89 acre tract and a 38.39 acre tract of land within the S. & J. Arocha Grant, A-1, Wilson County, Texas; being the land described in conveyances to Carolyn Christy and Gerald L. Rutkowski of record in Volume 675, Page 364, Volume 697, Page 227; Volume 723, Page 547; Volume 723, Page 549; Volume 734, Page 782 and Volume 734, Page 784, Deed Records of Wilson County, Texas, and Volume 947, Page 863, Official Public Records of Wilson County, Texas, and being more particularly described as follows:

35.89 Acre tract

BEGINNING at a set 1/2 inch iron pin at the intersection of the northerly line of the S.A. & A.P. R.R. R.O.W. described in Volume "N", Page 172, Wilson County Deed Records, and the northwesterly line of the Christy and Rutkowski land for the westerly corner of this tract and a southerly corner of the Alton Lee Schellhase land described in Volume 934, Page 748 and Volume 905, Page 141, Wilson County Official Public Records.

THENCE N 48-18-48 E, with the common line of the Schellhase land and of this tract, generally along fence, 1554.12 feet to a found iron pin for the westerly corner of the Amadeo Garcia land described in Volume 243, Page 88, Wilson County Deed Records, and a northerly corner of this tract.

THENCE S 57-37-55 E, with the common line of the Garcia land and of this tract, 210.0 feet to a found 1/2 inch iron pin for a common corner of said lands.

THENCE N 47-45-10 E, continuing with said common line, 512.41 feet to a found 1/2 inch iron pin for a northerly corner of this tract on the southwesterly R.O.W. of U. S. Hwy. 181.

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THENCE S 72-36-43 E, with said railroad R.O.W., 1038.19 feet to the POINT OF BEGINNING containing 38.39 acres of land, more or less.

BEING 53.70 acres of land out of a 250.5 acre tract as recorded in Volume 222, Page 308 of the Deed Records of Wilson County, Texas and being out of Subdivision Number 3, of the S. & J. Orocha 8 League Grant in Wilson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod in the southerly right-of-way of Highway 181 for the most northerly corner of this tract said point also being the most easterly corner of a 35.89 acre tract as recorded in Volume 1000, Page 370 of the Official Records of Public Property of Wilson County, Texas;

THENCE with the south right-of-way of 181, the following courses:

South 47° 25' 09" East, a distance of 556.47 feet with the south right-of-way of Highway 181 to a fence post for an angle point;
South 47° 22' 06" East, a distance of 47.21 feet to a fence post for an angle point;
South 43° 25' 45" East, a distance of 435.96 feet to a fence post for an angle point;
South 40° 36' 10" East, a distance of 331.17 feet to a fence post for an angle point;
South 36° 44' 18" East, a distance of 46.32 feet to a fence post for an angle point;
South 35° 56' 44" East, a distance of 606.98 feet to a fence post for an angle point;
South 35° 36' 14" East, a distance of 302.39 feet to a fence post for an angle point;
South 35° 27' 08" East, a distance of 222.03 feet to a set 1/2" iron rod with yellow "ACES" cap at a fence post said point being the most easterly corner of this tract and the most westerly corner of a 90.63 acre tract as recorded in Volume 535, Page 24 of the Deed Records of Wilson County, Texas;

THENCE South 48° 52' 35" West, a distance of 133.74 feet to a set 1/2" iron rod with yellow "ACES" cap for a point of curvature said point being in the northerly right-of-way of the Southern Pacific Transportation Company Railroad right-of-way;

THENCE curving to the left with a radius of 1698.90 feet, a central angle of 14° 46' 42", an arc length of 438.20 and a chord bearing and distance of North 65° 13' 22" West, 436.99 to a set 1/2" iron rod with yellow "ACES" cap for a point of tangency;

THENCE North 72° 36' 43" West, a distance of 2,496.26 feet to a found 1/2" iron rod for the most westerly corner of this tract said point also being the most southerly corner of a 39.89 acre of the aforementioned 35.89 acre tract;

THENCE North 48° 07' 00" East, a distance of 1,643.74 feet to the **POINT OF BEGINNING** and containing 53.70 acres of land, more or less, in Wilson county, Texas.

BEING 177.27 acres of land out of a 250.5 acre tract as recorded in Volume 222, Page 308 of the Deed Records of Wilson County, Texas and being out of Subdivision Number 3, of the S. & J. Orocha 8 League Grant in Wilson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a set PK nail in a stump on the northerly bank of the San Antonio River for the most southwesterly corner of this tract said point also being the most southerly corner of the 38.41 acre tract as recorded in Volume 1000, Page 370 of the Official Public Records of Wilson County, Texas and being the most southwesterly corner of the aforementioned 250.5 acre tract;

THENCE North 45° 33' 48" East, a distance of 429.14 feet to a fence post for an angle point;

THENCE North 47° 17' 09" East, a distance of 384.80 feet to a angle point;

THENCE North 48° 18' 41" East, a distance of 621.87 feet to a angle point;

THENCE North 48° 46' 08" East, a distance of 1,058.76 feet to a angle point;

THENCE North 49° 33' 17" East, a distance of 94.59 feet to a found 1/2" iron rod for the most northerly corner of this tract said point also being the most easterly corner of the aforementioned 38.41 acre tract and being in the southerly right-of-way of the Southern Pacific Transportation Company Railroad right-of-way;

THENCE South 72° 36' 43" East, a distance of 2,559.39 feet with said right-of-way to a set 1/2" iron rod with yellow "ACES" cap for a point of curvature;

THENCE curving to the right with a radius of 1,598.90 feet, a central angle of 13° 36' 20", an arc length of 379.68 feet to a found 1/2" iron rod said point being the most northeasterly corner of this tract;

THENCE South 47° 57' 54" West, a distance of 1,639.56 feet to a fence post for an angle point;

THENCE South 46° 06' 44" West, a distance of 1,135.51 feet to a fence post for an angle point;

THENCE South 29° 40' 24" West, a distance of 97.45 feet to a set 1/2" iron rod with yellow "ACES" cap for the most southeasterly corner of this tract said point being on the northerly bank of the San Antonio River then with the meanders of the San Antonio River, the following bearings and distances:

South 89° 59' 57" West, a distance of 326.41 feet;

South 89° 34' 38" West, a distance of 323.00 feet;

North 79° 43' 50" West, a distance of 91.45 feet;
North 59° 49' 32" West, a distance of 161.44 feet;
North 44° 06' 44" West, a distance of 257.60 feet;
North 72° 02' 43" West, a distance of 479.57 feet;
North 76° 05' 14" West, a distance of 602.47 feet;
North 58° 10' 39" West, a distance of 315.93 feet;
North 42° 48' 25" West, a distance of 98.03 feet;
North 29° 01' 35" West, a distance of 393.74 feet to the **POINT OF BEGINNING** and
containing 177.27 acres of land, more or less, in Wilson County, Texas.

Exhibit B
USGS Quadrant Map Showing Sandpit Creek

