



Control Number: 42934



Item Number: 40

Addendum StartPage: 0

RECEIVED

DOCKET NO. 42934

2016 JUN 21 PM 2:45

APPLICATION OF MANVILLE §
WATER SUPPLY CORPORATION §
AND LAKESIDE WATER CONTROL §
AND IMPROVEMENT DISTRICT 2C §
FOR APPROVAL OF A SERVICE §
AGREEMENT IN TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK

OF TEXAS

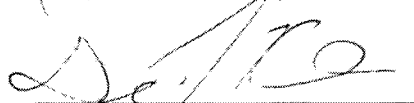
**LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2C'S
RESPONSE TO STAFF'S FIRST REQUEST FOR INFORMATION QUESTION NOS.
STAFF 1-1 THROUGH STAFF 1-8**

Pursuant to 16 Tex. Admin. Code ("TAC") § 22.144, comes now Lakeside Water Control and Improvement District No. 2C (the "District"), by and through its undersigned attorneys of record, and files this Response to the Public Utility Commission ("Commission") Staff's First Request for Information Question Nos. Staff 1-1 through Staff 1-8. This response may be treated by all parties as if was filed under Oath.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



DAVID J. KLEIN
State Bar No. 24041257
dklein@lglawfirm.com

CHRISTIE DICKENSON
State Bar No. 24037667
cdickenson@lglawfirm.com

ATTORNEYS FOR LAKESIDE WATER
CONTROL AND IMPROVEMENT DISTRICT
NO. 2C

40

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 21st day of June 2016 to the parties of record.



David J. Klein

DOCKET NO. 42934

**LAKESIDE WCID NO. 2C'S RESPONSE TO
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-8**

Staff 1-1 Please provide a copy of the service agreement given to customers in the proposed service area.

RESPONSE: Pursuant to the Professional Services Agreement between the District and the City of Pflugerville, as amended, the City renders customer services to the District's retail water and wastewater customers at the direction of the District. Accordingly, the service agreement that customers in the proposed service area would complete is attached hereto as Attachment 1.

Prepared by: David Klein
Sponsored by: David Wang, President

Staff 1-2 Please provide a facility map of the proposed service area that shows distribution and transmission lines, as well as the location of the interconnect with Manville WSC. Please ensure that the map is large enough to show the lines clearly.

RESPONSE: Attached hereto as Attachment 2 is a facility map of the proposed service area that shows the distribution and transmission lines, as well as the location of the interconnect with Manville WSC. A cd-rom including an electronic copy of the map is also provided in Attachment 2.

Prepared by: David Klein
Sponsored by: Keith Collins, P.E.

Staff 1-3 Please provide the water supply contract between Manville WSC and Lakeside Water Control and Improvement District (WCID) 2C. If previously provided, please identify where the contract is located in the application. Also, please provide the contracted amount of purchase water allowed to be purchased by Lakeside WCID 2C per month from Manville WSC. If the contract is not individualized for each Lakeside WCID 1, 2A, 2B, 2C and 2D please provide total connection counts, existing and proposed, and total contracted amount and verify that the contracted amount will be enough to provide 0.6 gallons per minute per connection.

RESPONSE: Please see Attachment G, Consent and Agreement of Manville Water Supply Corporation for Wholesale Water Service to the Property, to the District's CCN application filed May 22, 2015. See also Attachment 3, which includes the amendments to such contract.

Prepared by: David Klein
Sponsored by: David Wang, President

Staff 1-4 Please provide the current (active) connection count and the overall proposed connection count for Lakeside WCID 2C in the proposed service area.

RESPONSE: Attached hereto as Attachment 4 is the "Lakeside WCID 2C Monthly Operations Report" for March, 2016. This Report provides the number of active water accounts (535) and number of wastewater accounts (532). The approximate overall connection count for the proposed service area is 1,294.

Also:

- a) For customers being served in the proposed service area, please state which entity the customers have retail service agreements with.

RESPONSE: The customers have retail service agreements with the District.

- b) If customers in the proposed area have retail service agreements with entities other than Lakeside WCID 2C, please state if these customers will be requested to sign new customer service agreements with Lakeside WCID 2C if the CCN application is approved.

RESPONSE: The customers have agreements with the District; no new agreements necessary.

- c) Upon issuance of the CCN to Lakeside WCID 2C, describe changes, if any, of the following items for the customers within the proposed service area:
 - i. Water Service Provider

RESPONSE: None. The District will continue to provide retail water service to its existing and future customers

- ii. Wastewater Service Provider

RESPONSE: None. The District will continue to provide retail wastewater service to its existing and future customers.

- iii. Rates for Water and Wastewater Service

RESPONSE: None. The District will continue to charge the same retail water and wastewater rates, adopted by the Board of Directors of the District, to its existing and future customers.

- iv. Billing Provider

RESPONSE: None. The District will continue to issue bills to the District's existing and future customers. As previously noted, the City of Pflugerville issues the invoices on behalf of the City pursuant to the Professional Services Agreement, as amended.

Prepared by: David Klein
Sponsored by: David Wang, President

Staff 1-5 Please state which entity (Lakeside WCID 2C, Pflugerville or Manville) is responsible for TCEQ monthly, quarterly, and annual drinking water compliance sampling in the proposed service area.

RESPONSE: Lakeside WCID No. 2C, as the retail public utility service provider, is responsible for TCEQ monthly, quarterly, and annual drinking water compliance sampling the proposed service areas. This is performed by the City of Pflugerville on behalf of the District pursuant to the Professional Services Agreement between such parties, as amended.

Prepared by: David Klein
Sponsored by: David Wang, President

Staff 1-6 Please provide written proof that the water, wastewater, and professional services contracts filed in this docket between Manville WSC, Kelly Lane Utility, City of Pflugerville, and Lakeside WCID 2C, are still current, true and correct.

RESPONSE: Attached hereto as Attachment 4 are District records indicating payment amounts due to Manville WSC (as the wholesale water supplier to the District) and the City of Pflugerville (as the wholesale wastewater services provider to the District), which demonstrate that the District and such entities are performing their obligations under such agreements. To be clear, the City of Pflugerville purchased the (wastewater) assets of Kelly Lane Utility and have assumed the obligations of Kelly Lane to provide wholesale wastewater services to the District.

Prepared by: David Klein
Sponsored by: David Wang, President

Staff 1-7 Approval letters were submitted with this application showing plans for water were approved for The Park at Blackhawk II, The Estates of Rowe Lane, Speidel Drive Phase 1, The Park at Blackhawk II Phase 2A and The Park at Blackhawk II Phase 2B under Manville WSC, Public Water System (PWS) ID 2270033. Please provide plan approval letters showing approval under Lakeside WCID No. 2C for the water plans pertaining to this area.

RESPONSE: The requested approval letters were not filed under Lakeside WCID No. 2C. At the time TCEQ approval was requested, the District did not yet have a public water system, and such letters were filed under the Manville WSC PWS number. Having secured a PWS authorization, the District intends to work with the TCEQ to address this paperwork issue, to the extent the TCEQ deems necessary.

Prepared by: David Klein
Sponsored by: Keith Collins, P.E.

Staff 1-8 Approval letters were submitted with this application showing plans for wastewater were approved for The Park at Blackhawk II Phase 1, Speidel Drive Phase 1, Pflugerville North Wastewater Interceptor, The Estates of Rowe Lane – Section 1 & Section 2, The Park at Blackhawk II Phase 2 and The Park at Blackhawk II – Jakes Hill Road & Martin Lane under Kelly Lane Utility Discharge Permit No. 13219-001. Please provide plan approval letters showing approval under Lakeside WCID No. 2C for the wastewater plans pertaining to this area.

RESPONSE: The requested approval letters were not filed under Lakeside WCID No. 2C. At the time TCEQ approval was requested, the District did not yet have a public water system, and such letters were filed under the Manville WSC PWS number. Having secured a PWS authorization, the District intends to work with the TCEQ to address this paperwork issue, to the extent the TCEQ deems necessary.

Prepared by: David Klein
Sponsored by: Keith Collins, P.E.

Attachment 1

City of Pflugerville
100 E. Main St., Ste. 100
Pflugerville, TX 78660
Phone: (512) 990-6100
Fax: (512) 251-5768



Utility Billing Department
P.O. Box 589
Pflugerville, TX 78691
utilitybilling@pflugervilletx.gov
www.pflugervilletx.gov

AUTOMATIC DRAFT APPLICATION FOR NEW CUSTOMERS

Please Print

UTILITY ACCOUNT INFORMATION

Name _____ Service Address _____
Billing Address (if different) _____ Service Start Date _____
Phone # _____
Driver's License # _____ State _____ Phone # _____
Copy of Valid ID Required**
Email Address _____ Subscribe to Electronic Newsletter: Yes ☐ No ☐
Request Car Identification: Yes ☐ No ☐ Subscribe to Paperless Billing: Yes ☐ No ☐
Need Trash Cart Ordered? Yes ☐ No ☐ Need Recycle Cart Ordered? Yes ☐ No ☐ Please allow 7 business days for cart delivery.
(if applicable) (if applicable)

OPTION 1: AUTOMATIC DRAFT FROM VISA, MASTERCARD OR DEBIT CARD

Complete this section only if drafting from credit or debit card.

Card Type: VISA ☐ M/C ☐ DEBIT CARD ☐ Name on Card _____
Card Number _____ Expiration Date _____ Billing Zip Code _____

OPTION 2: AUTOMATIC DRAFT FROM CHECKING OR SAVINGS

Complete this section only if drafting from checking or savings account.

A voided check or bank documentation with routing number is required for drafts from checking or savings accounts

Bank Name _____ Bank Account # _____ Checking ☐ Savings ☐
Bank Phone # _____ Bank Routing # _____

If you are a new City of Pflugerville customer enrolling in the automatic draft program in lieu of placing a utility deposit, you must remain on the program for one full year unless the account is closed prior to one year. If you are a new water customer, a one-time \$25.00 connection fee will appear on your first utility bill. Failure to remain on the automatic draft program for one full year or the return or decline of a draft for any reason, will result in a deposit charge to your utility account. Your signature on this application signifies your agreement to remain on the draft program for one full year or until the account is closed. X INITIAL HERE
I authorize the City of Pflugerville to draft the account indicated above to pay my monthly utility bill. I understand that my bank account will be drafted for the total amount due, one to three business days before the due date. I understand that I must continue to make payments as usual until "Paid By Draft" appears on my City of Pflugerville Utility Bill. Failure to do so could result in late fees.
I understand that this draft will remain in effect until the City of Pflugerville has received written notification of its termination and that this bank draft service may be terminated upon receipt of notification for insufficient funds or it declined or returned for any reason. I also understand that if a draft is returned for insufficient funds or is declined or returned for any reason, a deposit charge will be applied to my utility account. I understand that it is my responsibility to notify the city of any change to my account number or expiration date.

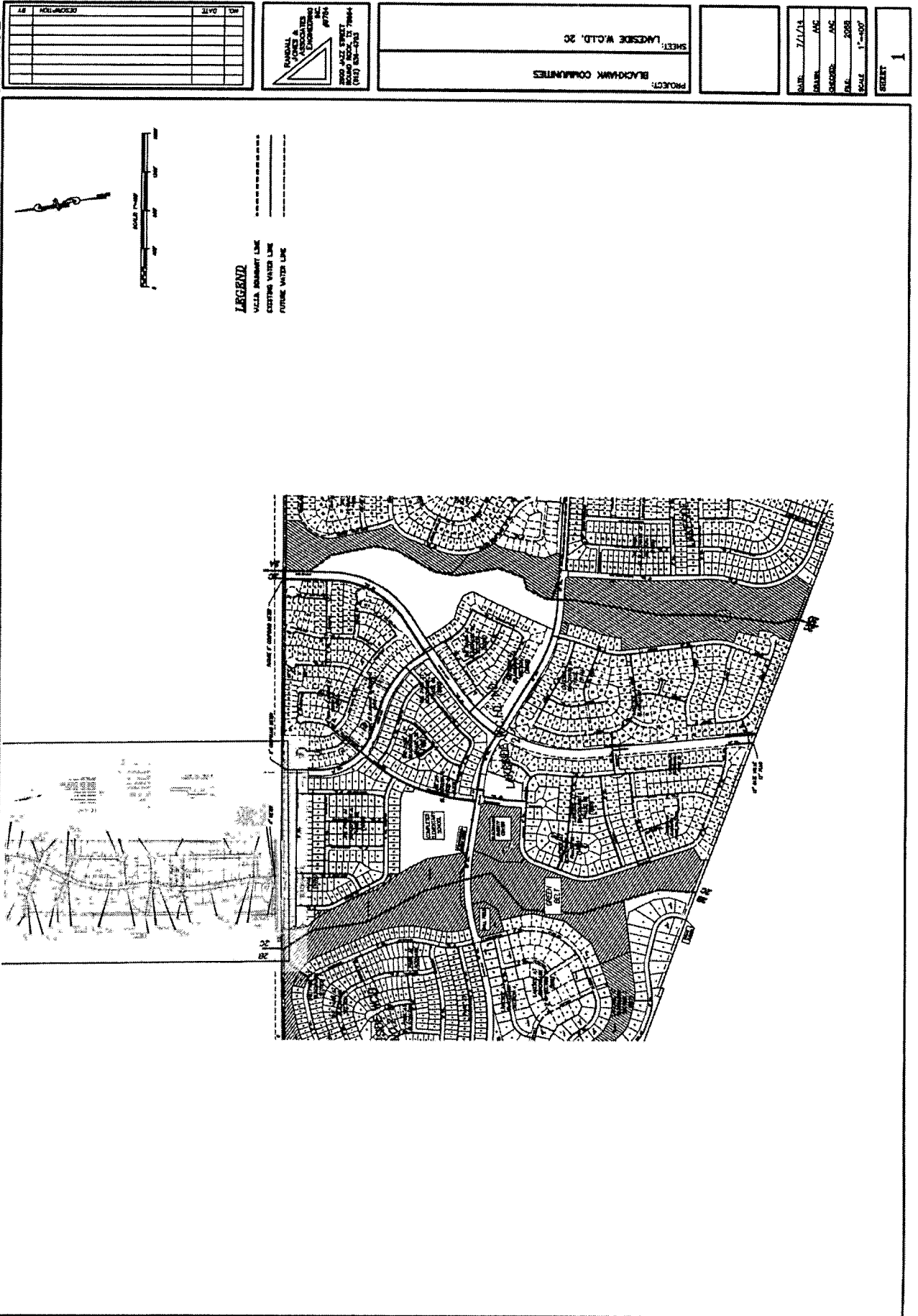
SIGN HERE _____

Date _____

COPY OF DRIVER'S LICENSE REQUIRED WITH APPLICATION

FOR OFFICE USE ONLY

Account Number _____ Date Application Received _____
Trash/Recycle Cart Ordered _____ Comments/Instructions _____
City Representative _____ Date _____



Lakeside WCID No. 2C-PUC Docket No. 42934
Attachment 2 – Facility Map
June 21, 2016

**CONSENT AND AGREEMENT OF MANVILLE WATER SUPPLY
CORPORATION FOR WHOLESALE WATER SERVICE TO PROPERTY**

Tiemann Land and Cattle Development, Inc. ("TLCD") and Manville Water Supply Corporation ("Manville") previously entered into that certain "Agreement for Providing Wholesale Water Service" dated October 7, 1996 (referred to herein as the "Wholesale Agreement"), concerning a certain 1113.57 acre tract of land (the "Land") located in Williamson and Travis Counties, Texas

The Wholesale Agreement defines the term "Service Area" to mean "all of the area within the boundaries of the Land, and also means and includes areas outside the boundaries of the Land that the parties hereto may mutually agree to provide Service to under this Agreement."

The 162.477-acre tract of land described on the attached Exhibit A (the "Reserve at West Creek") and the 20.325-acre tract of land described on the attached Exhibit B (the "Randig Property") have been included within the boundaries of Lakeside Water Control and Improvement District No. 2D, pursuant to a consent agreement between Rowe Lane Development, Ltd. and the City of Pflugerville, Texas. Rowe Lane Development, Ltd. has requested that Manville consent and agree to include the Reserve at West Creek and the Randig Property as part of the Service Area under the Wholesale Agreement.

CONSENT AND AGREEMENT

1. In consideration of the revenues that Manville will receive from the provision of wholesale water service to additional land under the terms of the Wholesale Agreement, and subject to the terms and conditions of the Wholesale Agreement, Manville hereby consents and agrees to include the properties described on the attached Exhibits A and B as part of the Service Area under the Wholesale Agreement. Rowe Lane Development, Ltd. agrees to comply with the terms and conditions of the Wholesale Agreement with regard to these properties.
2. The quantity of water supply capacity authorized under Section 3.1 of the Wholesale Agreement shall be increased to allow an additional 653 LUEs of wholesale water supply to the Reserve at West Creek.
3. The 653 LUEs of wholesale water supply capacity for the Reserve at West Creek shall be provided by Manville for use by Lakeside Water Control and Improvement District No. 2D in providing retail water service to the Reserve at West Creek within the boundaries of the district and the rights to such capacity may be assigned by Rowe Lane Development, Ltd. to the district.
4. The parties may execute this instrument in separate counterparts, each of which when so executed shall be an original and all of which shall constitute but one and the same document.

Executed to be effective as of January 11, 2007.

MANVILLE WATER SUPPLY CORPORATION

By: 
Tony Graf, Manager

ROWE LANE DEVELOPMENT, LTD.

By: Tiemann Land and Cattle Development, Inc.

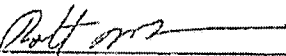
By: 
Robert M. Tiemann, President

Exhibit A

Property:

172.36 acre tract as described in Exhibit "A-1" situated in the James P. Kemp Survey No. 12, Abstract No. 462 and the John L. Bray Survey No. 10, Abstract No. 73, conveyed to Eagle Point Community, Ltd., by deed recorded in Document No. 2001206536 of the Official Public Records of Travis County, Texas attached hereto.

save and except

1.447 acre tract being a part of the James P. Kemp Survey No. 12, Abstract No. 462, and being a part of that 172.33 acre tract of land conveyed to Eagle Point Community, Ltd., by deed recorded in Document No. 2001206536 of the Official Public Records of Travis County, Texas as described in Exhibit "A-2".

8.436 acre tract being a part of the James P. Kemp Survey No. 12, Abstract No. 462 and the John L. Bray Survey No. 10, Abstract No. 73, and being a part of that 172.33 acre tract of land conveyed to Eagle Point Community, Ltd., by deed recorded in Document No. 2001206536 of the Official Public Records of Travis County, Texas as described in Exhibit "A-3".

Exhibit A-1

172.38 Acres

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES P. KEMP SURVEY No. 12, ABSTRACT No. 462 AND THE JOHN L. GRAY SURVEY No. 10, ABSTRACT No. 73, AND BEING ALL OF THAT 172.33 ACRE TRACT OF LAND CONVEYED TO EAGLE POINT COMMUNITY, LTD., BY DEED RECORDED IN DOCUMENT No. 2001206536 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at a $\frac{1}{4}$ " iron rod set in the Southwesterly Line of Cele Road and in the Northwest Line of that 5.47 Acre Tract of land conveyed to M. J. Helne and Janell G. Helne by deed recorded in Document No. 1999115806 of the Official Public Records of Travis County, Texas, the same being the Southeast Corner of that 0.595 Acre Tract of land conveyed to Travis County for Road Right-of-way by deed recorded in Document No. 1999033594 of the Official Public Records of Travis County, Texas, and the East Corner of the said 172.33 Acre Tract, from which point a $\frac{1}{2}$ " iron rod found for the Northwest Corner of the said 5.47 Acre Tract bears N.30°18'35"E., 10.00 feet;

THENCE S.30°18'36"W., along the East Line of the said 172.33 Acre Tract, the same being the West Line of the said 5.47 Acre Tract, a distance of 250.93 feet to a $\frac{1}{2}$ " iron rod found for the West Corner of the 5.47 Acre Tract and a corner of that 148.30 Acre Tract of land conveyed to Mikran, Ltd., by deed recorded in Document No. 1999115601 of the Official Public Records of Travis County, Texas;

THENCE along the Common Line of the 173.22 Acre Tract and the said 148.30 Acre Tract the following three courses:

1. S.30°18'36"W., a distance of 702.46 feet to a $\frac{1}{2}$ " iron rod found;
2. N.69°40'17"W., a distance of 967.89 feet to a $\frac{1}{2}$ " iron rod found;
3. S.30°19'52"W., a distance of 1786.33 feet to a $\frac{1}{4}$ " iron rod set for a corner in the Southerly Line of the said 172.33 Acre Tract and for a corner in the Northerly Line of that 158.1 Acre Tract of land conveyed to Edmund A. Randig and Doreen E. Randig by deed recorded in Volume 6870, Page 2077 of the Deed Records of Travis County, Texas;

THENCE S.30°19'52"W., along the Common Line of the 172.33 Acre Tract and the 158.1 Acre Tract, a distance of 34.77 feet to a fence post for the Most Southerly Corner of the said 172.33 Acre Tract;

THENCE N.59°39'30"W., along the Common Line of the said 172.33 Acre Tract and the 158.1 Acre Tract, a distance of 2470.62 feet to a $\frac{1}{2}$ " iron rod found in the Easterly Line of Weiss Lane, for the Most Westerly Corner of the 172.33 Acre Tract from which point a cross cut in concrete found bears N.59°39'30"W., 10.00 feet;

THENCE along the Northwesternly and Northeastly Line of the said 172.33 Acre Tract, the same being Southeastly and Southwestly Line of that 0.730 Acre Tract in the said deed recorded in Document No. 1999033594 and also the Southeastly Line of Weiss Lane and the Southwestly Line of Cele Road, the following five courses:

1. N.30°21'45"E., a distance of 2436.14 feet to a $\frac{1}{2}$ " iron rod found and to a point on a non-tangent curve to the right;

172.36 Acres

2. Northeasterly along the arc of said curve, a distance of 200.84 feet (said curve having a radius of 537.40 feet, a central angle of $21^{\circ}24'46''$ and a chord bearing $N.41^{\circ}03'43"E$, 199.67 feet) to a $1/2$ " iron rod found;
3. $N.51^{\circ}44'44"E$, a distance of 76.34 feet to an $1/2$ " iron rod found and to a point on a non-tangent curve to the right;
4. Easterly along the arc of said curve, a distance of 93.14 feet (said curve having a radius of 78.31 feet, a central angle of $68^{\circ}03'47''$ and a chord bearing $N.85^{\circ}52'48"E$, 87.75 feet) to a $1/2$ " iron rod found;
5. $S.60^{\circ}02'59"E$, a distance of 365.07 feet to a $1/2$ " iron rod set for the Southeastly Corner of the said 0.730 Acre Tract in the Northwesterly Line of that 5.10 Acre Tract of land conveyed to Calvin G. C. Hamann and Vera Lee Hamann by deed recorded in Volume 13225, Page 1895 of the Real Property Records of Travis County, Texas from which point a 1" iron pipe found for the Northwest Corner of the said 5.10 Acre Tract bears.

THENCE along the Common Line of 172.33 Acre Tract and the said 5.10 Acre Tract the following four courses:

1. $S.26^{\circ}21'09"W$, a distance of 393.29 feet to a $1/2$ " iron rod found;
2. $S.30^{\circ}25'51"W$, a distance of 200.14 feet to a $1/2$ " iron rod found;
3. $S.59^{\circ}36'38"E$, a distance of 316.00 feet to a $1/2$ " iron rod set;
4. $N.30^{\circ}23'22"E$, a distance of 674.85 feet to a $1/2$ " iron rod found for the Most Westerly Corner of the said 0.595 Acre Tract of land conveyed to Travis County for Right-of-way in the Southeastly Line of the said 5.10 Acre Tract from which point a $1/2$ " iron rod found for the Most Easterly Corner of the said 5.10 Acre Tract bears $N.30^{\circ}23'22"E$, 10.00 feet.

THENCE $S.60^{\circ}02'08"E$, along the Northwesterly Line of the 172.33 Acre Tract and the Southeastly Line of the said 0.595 Acre Tract, a distance of 2590.11 feet to the said Point of Beginning.

Containing 172.36 acres, more or less.

John K. Weigand
 J. Kenneth Weigand
 Registered Professional Land Surveyor No. 5741
 State of Texas



RJ Surveying, Inc.
 1212 East Braker Lane
 Austin, Texas 78753

Exhibit A-2

1.447 Acres

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES P. KEMP SURVEY No. 12, ABSTRACT No. 462, AND BEING A PART OF THAT 172.33 ACRE TRACT OF LAND CONVEYED TO EAGLE POINT COMMUNITY, LTD., BY DEED RECORDED IN DOCUMENT No. 2001206536 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at a 1/2" iron rod found in the North Line of that 158.1 Acre Tract of Land conveyed to Edmund A. Randig and Doreen Randig by deed recorded in Volume 6870, Page 2077 of the Deed Records of Williamson County, Texas, the same being the Southeast Corner of that 0.730 Acre Tract of land conveyed to Travis County for right of way for Weiss Lane by deed recorded in Document No. 1999033594 of the Official Public Records of Williamson County, Texas, and also being the Southwest Corner of the said 172.33 Acre Tract;

THENCE N.30°21'45"E., along the West Line of the said 172.33 Acre Tract, the same being the East Line of Weiss Lane as described in the said deed recorded in Document No. 1999033594, a distance of 2365.68 feet to the Point of Beginning;

THENCE continue along the West Line of the said 172.33 Acre Tract and the East Line of Weiss Lane the following four courses:

1. N.30°21'45"E. a distance of 50.45 feet to a 1/2" iron rod found and to a point on a non-tangent curve to the right;
2. Northeasterly along the arc of said curve, a distance of 200.84 feet (said curve having a radius of 537.40 feet, a central angle of 21°24'46" and a chord bearing N.41°03'43"E., 199.67 feet) to a 1/2" iron rod found;
3. N.51°44'44"E. a distance of 76.34 feet to a 1/2" iron rod found and to a point on a non-tangent curve to the right;
4. Easterly along the arc of said curve, a distance of 93.14 feet (said curve having a radius of 78.31 feet, a central angle of 68°08'47" and a chord bearing N.85°52'48"E., 87.75 feet) to a 1/2" iron rod found in the South Line of Cele Road as described in the said deed recorded in Document No. 1999033954;

THENCE S.60°02'59"E., along the North Line of the 172.33 Acre Tract and the South Line of Cele Road, a distance of 102.82 feet;

THENCE crossing the said 172.33 Acre Tract the following six courses:

1. S.30°20'02"W. a distance of 252.00 feet;
2. N.74°55'39"W. a distance of 96.88 feet;
3. S.81°24'46"W. a distance of 65.28 feet;

1.447 Acres

4. S.72°16'09"W. a distance of 66.12 feet;
5. N.20°23'36"W. a distance of 39.89 feet;
6. S.69°35'30"W. a distance of 33.05 feet to the said Point of Beginning.

Containing 1.447 acres, more or less.

John H. Weigand OCT. 14, 2005
J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

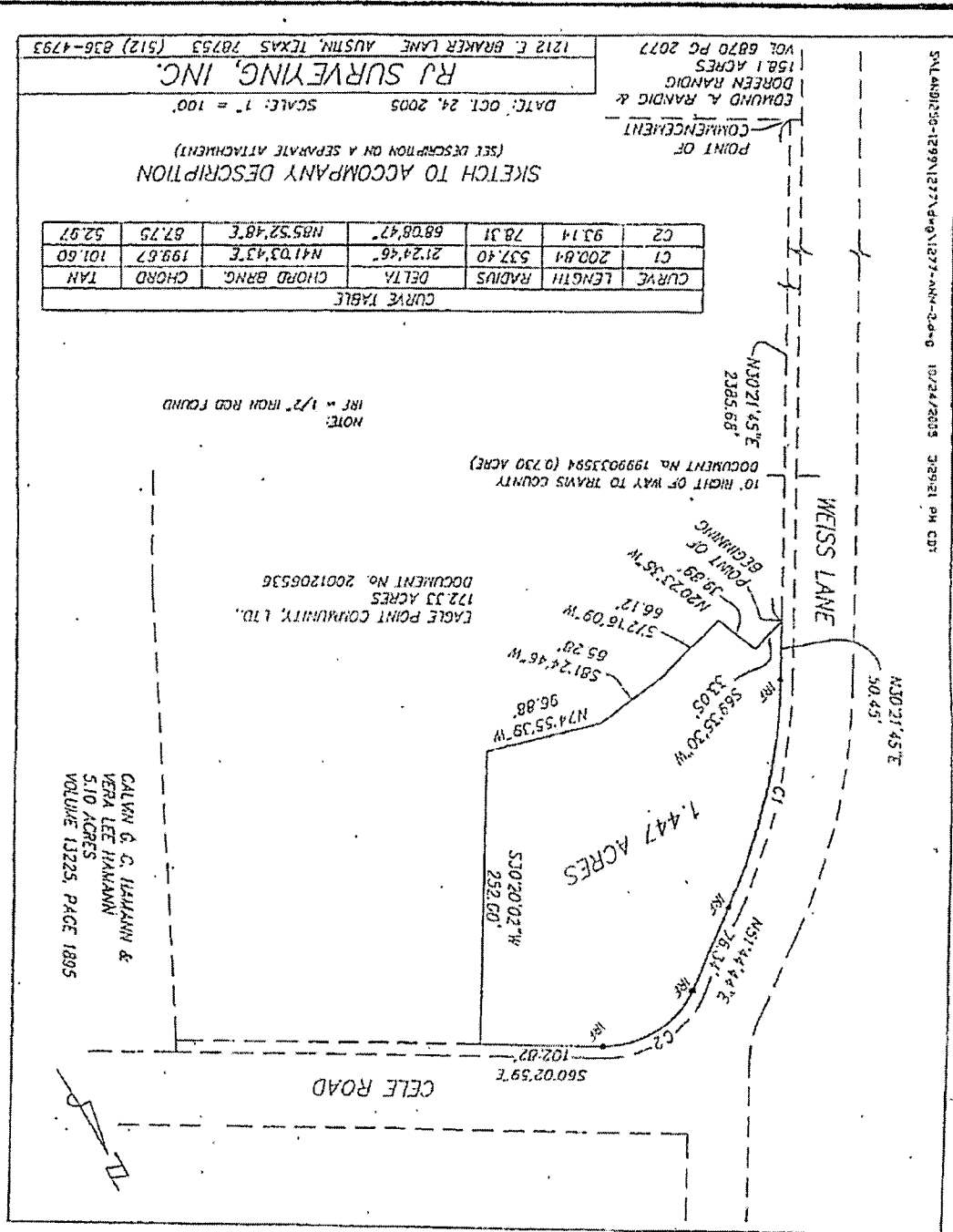


Exhibit A-3

8.436 Acres

DESCRIPTION:

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES P. KEMP SURVEY No. 12, ABSTRACT No. 462 AND THE JOHN L. BRAY SURVEY No. 10, ABSTRACT No. 73, AND BEING A PART OF THAT 172.33 ACRE TRACT OF LAND CONVEYED TO EAGLE POINT COMMUNITY, LTD., BY DEED RECORDED IN DOCUMENT No. 2001206536 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at a $\frac{1}{8}$ " iron rod found in the North Line of that 158.1 Acre Tract of Land conveyed to Edmund A. Randig and Doreen Randig by deed recorded in Volume 6870, Page 2077 of the Deed Records of Williamson County, Texas, the same being the Southeast Corner of that 0.730 Acre Tract of land conveyed to Travis County for right of way for Weiss Lane by deed recorded in Document No. 1999033594 of the Official Public Records of Williamson County, Texas, and also being the Southwest Corner of the said 172.33 Acre Tract;

THENCE N.30°21'45"E., along the West Line of the said 172.33 Acre Tract, the East Line of the said 0.730 Acre Tract and the East Line of Weiss Lane, a distance of 882.13 feet;

THENCE S.13°00'45"E., crossing the said 172.33 Acre Tract, a distance of 1213.18 feet to the South Line of the 172.33 Acre Tract and the North Line of the said 158.1 Acre Tract;

THENCE N.59°39'30"W., along said South Line, a distance of 833.17 feet to the said Point of Beginning.

Containing 8.436 acres, more or less.

John K. Weigand 10-24-2005
A. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

S:\LAND\1250-1239\1277\1277-ANN-1.dwg



Exhibit B

20.325 Acres

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JOHN BRAY SURVEY No. 10, ABSTRACT No. 73, AND BEING A PART OF THAT 158.10 ACRE TRACT OF LAND CONVEYED TO EDMUND A. RANDIG AND WIFE, DOREEN S. RANDIG, BY DEED RECORDED IN VOLUME 6870, PAGE 2077 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 73.70 ACRE TRACT OF LAND CONVEYED TO EDMUND A. RANDIG AND WIFE, DOREEN RANDIG, BY DEED RECORDED IN VOLUME 5959, PAGE 2265 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a cotton spindle set in a concrete drainage apron in the easterly fenced line of Weiss Lane, the same being the Northwest Corner of that 65.15 Acre Tract of land conveyed to PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION by deed recorded in Document No. 2004180177 of the Official Public Records of Travis County, Texas

THENCE N.30°27'33"E., along the said East Line of Weiss Lane, a distance of 1430.55 feet to a cross cut in concrete found for the Southwest Corner of that 0.730 Acre Tract of land conveyed to Travis County for right of way by deed recorded in Document No. 1999033594 of the Official Public Records of Travis County, Texas, in the North Line of the said 158.10 Acre Tract;

THENCE S.59°39'45"E., along the South Line of the said 0.730 Acre Tract and the North Line of the said 158.10 Acre Tract, a distance of 10.00 feet to a 1/2" iron rod found for the Southwest Corner of that 172.33 Acre Tract of land conveyed to Eagle Point Community, Ltd., by deed recorded in Document No. 2001206536 of the Official Public Records of Travis County, Texas;

THENCE S.59°39'30"E., along the North Line of the said 158.10 Acre Tract, the same being the South Line of the said 172.33 Acre Tract, a distance of 2310.62 feet to the Point of Beginning;

THENCE continue S.59°39'30"E., along said North Line, a distance of 160.00 feet to a fence post;

THENCE N.30°19'52"E., along a common line of the said 158.10 Acre Tract and the 172.33 Acre Tract, a distance of 34.77 feet to a 1/2" iron rod set in the North Line of the John Bray Survey;

THENCE S.68°55'06"E., along the North Line of the said 158.10 Acre Tract, the same being the North Line of the John Bray Survey, a distance of 814.29 feet to a 1/2" iron rod set for the Northeast Corner of the 158.10 Acre Tract and the Northwest Corner of the said 73.70 Acre Tract;

THENCE S.59°31'29"E., along the North Line of the said 73.70 Acre Tract, a distance of 86.00 feet;

20.325 Acres

THENCE crossing the said 73.70 Acre Tract the following six courses:

1. S.14°51'00"W. a distance of 68.00 feet;
2. S.00°20'00"E. a distance of 456.00 feet;
3. S.30°44'28"E. a distance of 699.78 feet;
4. S.30°29'29"W. a distance of 451.05 feet;
5. N.59°41'11"W. a distance of 20.80 feet;
6. N.29°04'28"W., at a distance of 1445.66 feet pass the common line of the 73.70 Acre Tract and the 158.10 Acre Tract; in all a total distance of 1948.47 feet;

THENCE crossing the said 158.10 Acre Tract the following two courses:

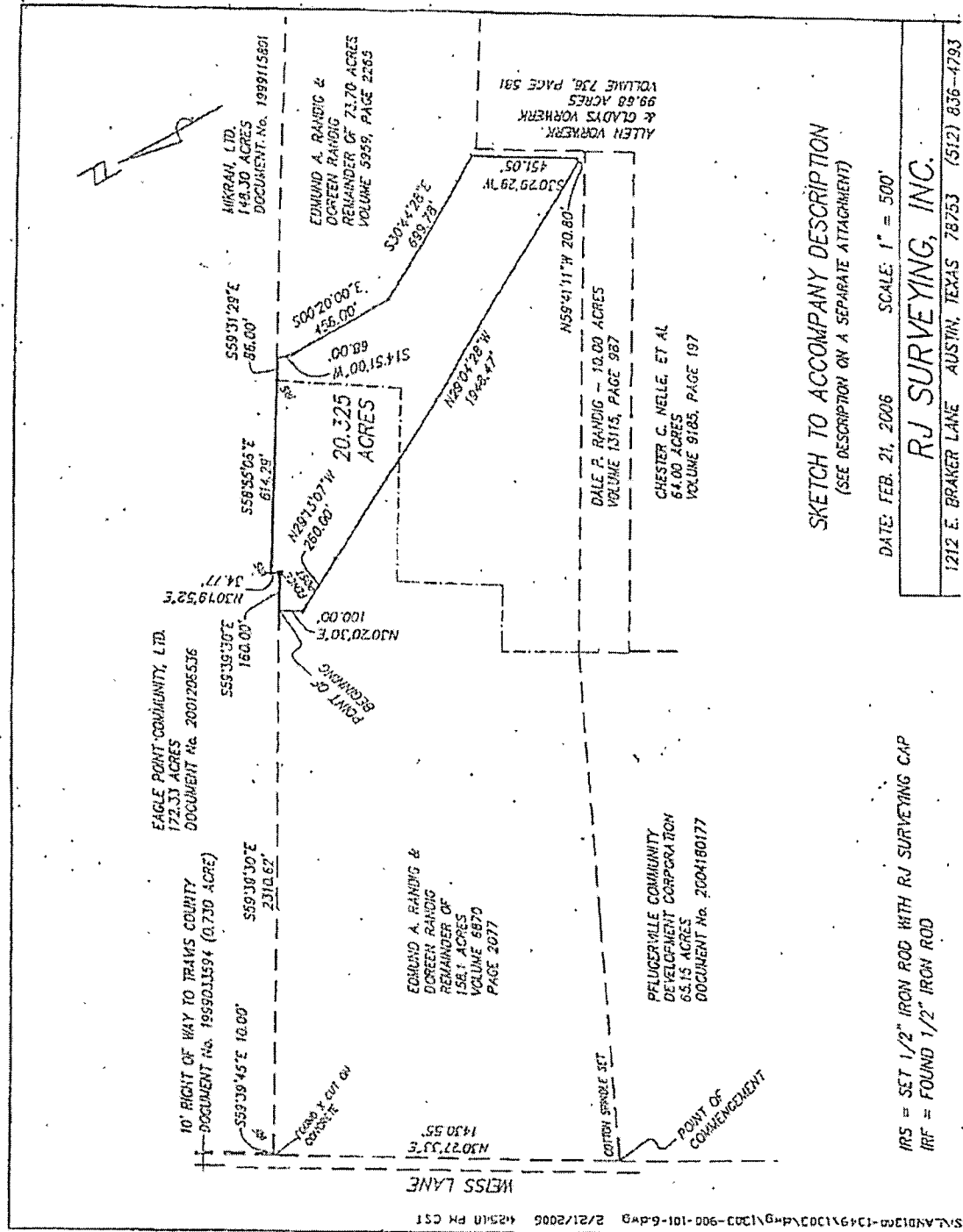
1. N.29°13'07"W. a distance of 260.00 feet;
2. N.30°20'30"E. a distance of 100.00 feet to the said Point of Beginning.

Containing 20.325 acres, more or less.

John K. Weigand 1/27/2000
J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753



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P.2

CONSENT AND AGREEMENT OF MANVILLE WATER SUPPLY
CORPORATION FOR WHOLESALE WATER SERVICE TO PROPERTY

Tiemann Land and Cattle Development, Inc. ("TLCD") and Manville Water Supply Corporation ("Manville") previously entered into that certain "Agreement for Providing Wholesale Water Service" dated October 7, 1996 (referred to herein as the "Wholesale Agreement"), concerning a certain 1113.57 acre tract of land (the "Land") located in Williamson and Travis Counties, Texas.

The Wholesale Agreement defines the term "Service Area" to mean "all of the area within the boundaries of the Land, and also means and includes areas outside the boundaries of the Land that the parties hereto may mutually agree to provide Service to under this Agreement."

The 49.106-acre tract of land described on the attached Exhibit A (the "Estates of Rowe Lane Tract") has been included within the boundaries of Lakeside Water Control and Improvement District No. 2C, pursuant to a consent agreement between Rowe Lane Development, Ltd. and the City of Pflugerville, Texas. Rowe Lane Development, Ltd. has requested that Manville consent and agree to include the Estates of Rowe Lane Tract as part of the Service Area under the Wholesale Agreement.

CONSENT AND AGREEMENT

1. In consideration of the revenues that Manville will receive from the provision of wholesale water service to additional land under the terms of the Wholesale Agreement, and subject to the terms and conditions of the Wholesale Agreement, Manville hereby consents and agrees to including the 49.106-acre tract of land described on the attached Exhibit A (the "Estates of Rowe Lane Tract") as part of the Service Area under the Wholesale Agreement. Rowe Lane Development, Ltd. agrees to comply with the terms and conditions of the Wholesale Agreement with regard to the Estates of Rowe Lane Tract.
2. The quantity of water supply capacity authorized under Section 3.1 of the Wholesale Agreement shall be increased to allow an additional 153 LUEs of wholesale water supply to the Estates of Rowe Lane Tract.
3. The 153 LUEs of wholesale water supply capacity for the Estates of Rowe Lane Tract shall be provided by Manville for use by Lakeside Water Control and Improvement District No. 2C in providing retail water service to the Estates of Rowe Lane Tract within the boundaries of the district and the rights to such capacity may be assigned by Rowe Lane Development, Ltd. to the district.
4. The parties may execute this instrument in separate counterparts, each of which when so executed shall be an original and all of which shall constitute but one and the same document.

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p.3

Executed to be effective as of July 12, 2006.

MANVILLE WATER SUPPLY CORPORATION

By:

Tony Graf
Tony Graf, Manager

ROWE LANE DEVELOPMENT, LTD.

By: Tiemann Land and Cattle Development, Inc.

By:

Robert M. Tiemann
Robert M. Tiemann, President

FIELD NOTES

BEING A 49.106-ACRES TRACT OR PARCEL OF LAND SITUATED IN THE JACOB CASNER SURVEY, TRAVIS COUNTY, TEXAS, BEING THE SAME LAND CALLED 49.108 ACRES CONVEYED TO AUSTIN ROWE LANE, LLC BY WARRANTY DEED AS RECORDED IN VOLUME 13349, PAGE 2527 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF ROLLING MEADOWS, SECTION TWO, A SUBDIVISION IN TRAVIS AS RECORDED IN BOOK 86, PAGES 26B-26D OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the north right-of-way line of Rowe Lane (60' R.O.W.) at the southeast corner of Lot 3, Block B, Rolling Meadows, Section One as recorded in Book 85, Page 47C-48A, of the Plat Records of Travis County, Texas, same being the southwest corner of said 49.106-acres tract for the southwest corner and POINT OF BEGINNING of this tract;

THENCE, with the east lines of Lots 3, 4, 15, 16 and 17, Block B, Lots 1 through 7, Block C and Lot 32, Block A, of said Rolling Meadows, Section One, N10°00'00"E a distance of 2,779.20 feet to a 1/2" iron rod found in the south line of that certain 10.362-acre tract of land conveyed to Ruby Mae Pfluger in Volume 329, Page 604 of the Deed Records of Travis County, Texas for the northwest corner of this tract;

THENCE, S79°38'38"E a distance of 770.25 feet to a 1/2" iron rod set for the southeast corner of said 10.362-acres tract, same being a point in the west line of that certain 6.993-acre tract of land as conveyed to James L. Doyle and Sharon Doyle in Volume 7612, Page 174 of the Deed Records of Travis County, Texas for the northeast corner of this tract;

THENCE, with the west line of said Doyle 6.993-acres tract the following two (2) courses:

- 1) S09°14'54"E a distance of 5.84 feet to a 1/2" iron rod set for an angle point in the east line of this tract;
- 2) S10°03'00"W a distance of 851.95 feet to an iron rod found for the southwest corner of said Doyle 6.993-acre tract, same being the northwest corner of that certain 5.083 acre tract as conveyed to Calvin L. and Diane K. Streeter in Volume 13095, Page 1241 of the Real Property Records of Travis County, Texas for an angle point in the east line of this tract;

EXHIBIT A

THENCE, S10°08'14"W a distance of 470.36 feet to a 1/2" iron rod found for the southwest corner of said Streeter 5.083-acre tract, same being the northwest corner of that certain 5.012-acre tract as conveyed by deed to P. Kevin Smith in Volume 7806, Page 432 of the Deed Records of Travis County, Texas for an angle point in the east line of this tract;

THENCE, with said west line of said Smith 5.012-acre tract for the following two (2) courses:

1) S10°07'31"W a distance of 172.73 feet to a 1/2" iron rod set for an angle point in the east line of this tract;

2) S10°00'23"W a distance of 295.03 to a 1/2" iron rod set at the southwest corner of said 5.012-acre tract, same being the northwest corner of that certain 5.074-acre tract as conveyed to Roger E. and Sheryl E. Sorum by deed as recorded in Volume 11770, Page 1478 of the Real Property Records of Travis County, Texas for an angle point in the east line of this tract;

THENCE, with the west line of said Sorum 5.074-acre tract the following two (2) courses:

1) S09°47'06"W a distance of 224.49 feet to a 1/2" iron rod set for an angle point;

2) S10°04'47"W a distance of 100.23 feet to a 1/2" iron rod set at the southwest corner of said 5.074-acre Sorum tract, same being the northwest corner of another 5.074-acre tract also conveyed to Roger E. and Sheryl E. Sorum by deed as recorded in Volume 10842, Page 1051 of the Real Property Records of Travis County, Texas for an angle point in the east line of this tract;

THENCE, S09°58'45"W, passing at a distance of 324.89 feet the approximate southwest corner of the most southerly of the aforementioned Sorum 5.074-acre tracts, same being the northwest corner of that certain 5.065-acre tract as conveyed to Paulino P. Gordillo, and wife Jannette A. Gordillo in Volume 8205, Page 158 of the Deed Records of Travis County, Texas, and continuing for a total distance of 649.97 feet to a 1/2" iron rod found in the north right-of-way line of Rowe Lane for the southeast corner of this tract;

THENCE, with said north right-of-way line of Rowe Lane, N80°13'17"W a distance of 770.83 feet to the POINT OF BEGINNING and containing 49.106-acres (2,139,039 square feet) of land, more or less.