

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2580 on May 28, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2580 was transmitted to the Governor on April 29, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 20, 1987. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.

CHAPTER 1032

H.B. No. 2581

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Lake Turner Municipal Utility District No. 1 of Tarrant County and Denton County, Texas; providing the authority to issue bonds and impose taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Tarrant and Denton counties subject to approval at a confirmation election under Section 8 of this Act, to be known as Lake Turner Municipal Utility District No. 1, of Tarrant County and Denton County, Texas, which shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Lake Turner Municipal Utility District No. 1.

SECTION 3. BOUNDARIES. The district is composed of land located, in part, in the present corporate limits of the town of Westlake, in Tarrant County, Texas, and in Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEING a tract of land situated in Tarrant and Denton Counties and being in the William Huff Survey Abstract #648, Jessie Gibson Survey Abstract #593 and #592, J. Bacon Survey Abstract #2026, Richard Eads Survey Abstract #492, Jesse Sutton Survey Abstract #1451, Chas Medlin Survey Abstract #1084 and #1958, Greenbury B. Herdricks Survey Abstract #680, Memucan Hunt Survey Abstract #756, Leroy Boggess Survey Abstract #196, Josiah Walker Survey Abstract #1604, MEP & PRR Company Survey Abstract #923, and the A. Barnes Survey Abstract #142 and being more particularly described as follows;

COMMENCING in Tarrant County at a Texas Highway Department standard concrete market post, called at station 136400 in the east right-of-way line of State Highway Number 377 (a 110 foot right-of-way);

THENCE N 24°7'50" E along the east line of said Highway, 272.12 feet to a found ½ inch iron pin at a fence corner, being the southwest corner of the Lyda Bunker Hunt tract, recorded in Volume 8056, Page 1795, Tarrant County Deed Records and being in the south line of the William Huff Survey Abstract #648 and being the POINT OF BEGINNING;

ATTACHMENT "C"

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

RECEIVED

AUG 3 1997

Water Utilities Division
Utility Rates and
Services Section



LAND AND WATER RESOURCES
CONSERVATION COMMISSION
UTILITY RATES & SERVICES SECTION

APPLICATION TO OBTAIN OR AMEND A WATER/SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

1. Applicant: Lake Turner Municipal Utility District No. 3
(Individual, Corporation, or Other Legal Entity)

Utility Name: _____
(If different than above)

Address: 8300 Douglas, Suite 800, Dallas, TX Telephone: (214) 691-9448
75225
Tax Identification Number (Social Security Number for Individuals): 75-2418924

2. Check the appropriate box and provide information regarding the legal status of the applicant:
 - ☐ Individual
 - ☐ Home or Property Owners Association
 - ☐ Partnership; attach copy of partnership agreement
 - ☐ Corporation; provide charter number as recorded with the Office of the Secretary of State for Texas: _____
 - ☐ Non-profit, member-owned, member-controlled Cooperative Corporation (Article 1434(a) Water Supply or Sewer Service Corporation); provide charter number: _____
 - ☒ Other (please explain): Article XVI, Section 59, Constitutional conservation district, created by special act of the Texas Legislature (see Attachment "B").

3. The purpose of this application is to:

<input checked="" type="checkbox"/> Obtain	<input checked="" type="checkbox"/> Water CCN		<input type="checkbox"/> Amend	<input type="checkbox"/> Water CCN No.: _____
	<input checked="" type="checkbox"/> Sewer CCN	-or-		<input type="checkbox"/> Sewer CCN No.: _____

 to provide utility service to: _____ in: Tarrant/Denton Counties
(Subdivision or area) (County)

4. Is any portion of the proposed service area inside an incorporated city?
 - ☐ No. (skip the rest of this question and go to the next one)
 - ☒ Yes. Within the City limits of: Town of Westlake, Texas Provide a copy of any franchise, permit, or consent granted by the City. If not available, please explain: See Attachment "A"

5. If the applicant is an *Individual* provide the following information. If not, skip to the next question.
Name: N/A Telephone: _____
Address: _____

6. If the applicant is other than an *Individual* provide the following information regarding the officers or partners of the legal entity applying for the CCN. You must complete either question 5. or question 6., whichever applies to the applicant.

•Name: Rice M. Tilley, Jr. Telephone: (817) 491-4357
Address: 500 Throckmorton, #3200, Ft. Worth, TX 76102
Position: Pres., Board of Directors Ownership % (if applicable): N/A

•Name: Bobby L. Street Telephone: (817) 347-8132
Address: P.O. Box 188, Haslet, TX 76052
Position: Vice Pres., Board of Directors Ownership % (if applicable): N/A

•Name: Kelly R. Thompson Telephone: (817) 347-8132
Address: P.O. Box 3210, Ft. Worth, Texas 76113
Position: Secretary, Bd. of Directors Ownership % (if applicable): N/A

•Name: Note: Lake Turner MUD No. 3 is governed by Telephone: _____
a five-member Board of Directors; the other two are not listed
Address: because they are not officers, but their names are a matter of public
record and have been filed with the TNRCC
Position: _____ Ownership % (if applicable): _____

- Attach additional sheet(s) if necessary -

☛ Important: • If the applicant is a for-profit corporation, please provide a copy of the corporation's "Certification of Account Status" from the State Comptroller Office. This "Certification of Account Status" can be obtained from:

Comptroller of Public Accounts, Office Management
P. O. Box 13528, Capitol Station
Austin, Texas 78711
1-800-252-5555

• If the applicant is an Article 1434a water supply or sewer service corporation or other non-profit corporation, please provide a copy of the Articles of Incorporation and By-Laws.

- ALL APPLICANTS SHOULD COMPLETE THE REMAINDER OF THE APPLICATION -

7. Contact person. Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney or accountant.

Name: Kenneth L. Petersen, Jr. Title: Attorney
Address: Small, Craig & Werkenthin
100 Congress Ave., Suite 1100 Telephone: (512) 472-8355
Austin, Texas 78701 Telefax: (512) 320-9734

8. If this is a proposed utility system or a proposed amendment, please provide:

A. An explanation of all attempts or the feasibility of obtaining service from adjacent retail public utilities:

See Page 3-A of 10, attached.

B. Date Construction is scheduled to commence: Construction has occurred or is planned; see Attachments "E" and "F"

C. Date service is scheduled to commence: First customer service anticipated Oct. 1997

D. Method and source of financing (the applicant must be able to demonstrate the ability to fund system facilities and improvements):

See response to 8(A).

E. The number of requests for service that the applicant has received in the requested service area and indicate if verbal or written, and a clear explanation of the need for service in the requested area.

Service has been requested for Columbia/HCA Hospital (see response to 8(C)). Request for service to a commercial retail center and office and residential development made by Hillwood/Willowbend, Ltd.

9. If this is an existing utility system, please provide:

A. When was construction on the system completed? N/A

B. What was the original cost of the system? N/A

C. When did service begin? N/A

D. Is the applicant the original owner of the system? N/A

☐ Yes. (skip the rest of this item and go to question 9E.)

☐ No. Please answer the following questions to the best of your ability:

1. When was the system acquired? _____

2. What was the purchase price? _____

3. Who was the immediate preceeding owner?

Name: _____ Telephone: _____

Address: _____

4. If the applicant is not the current owner of the system, please indicate who owns the utility assets:

Name: _____ Telephone: _____

Address: _____

☒ Enclose three copies of the lease agreement or contract the applicant has with the owner allowing the applicant to operate the system.

E. List the dates that the applicant's rates have changes since September 1, 1976. (not applicable to cities or political subdivisions of the state):

N/A

8. A. Lake Turner MUD No. 3 has been created by special act of the Texas Legislature (see Attachment "B") to develop water and sewer utility capacity, infrastructure, and service. The filing by the Town of Westlake (TNRCC Apps. 31252-C, 31283-C) has necessitated this application to comply with Lake Turner MUD No. 3's legislative mandate. In addition, the Town of Westlake has expressly franchised the District's predecessor-in-interest to provide water and sewer utility services, and the District will continue to hold the franchise until 2006. (See Attachment "A".) Lake Turner MUD No. 3 enjoys all financing powers accorded by law. The voters within the District have approved debt of \$15.6 million for water, sewer and drainage within the District.

10. List the number of existing and/or proposed metered and non-metered connections (by size).

This information is valid as of: (date of last customer count)

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
Non-Metered	-0-	-0-	Residential	-0-	800
5/8" or 3/4" meter	-0-	900	Commercial	-0-	138
1" meter	-0-	23	Industrial	-0-	-0-
1½" meter	-0-	5	Other:	-0-	-0-
2" meter	-0-	8			
4" meter	-0-	2			
Other:	-0-				
Total Water	-0-	938	Total Sewer	-0-	938

11. Do you currently purchase water or sewer treatment capacity from another source?

☐ No. (skip the rest of this question and go to the next one)

☐ Yes - Water N/A Purchased on a () regular - () seasonal - () emergency basis

• Source: _____ % of total supply: _____

• Source: _____ % of total supply: _____

☒ Yes - Sewer treatment capacity Purchased on a (X) regular - () seasonal - () emergency basis

• Source: Trinity River Authority - Denton Creek % of total treatment 100%

WWTP

☒ Provide a copy of the water or sewer treatment capacity purchase agreement or contract.

12. For the water and/or sewer system's compliance with minimum standards, please provide the following information:

N/A A. Water system's TNRCC Public Water System identification number: (for each system)

B. Sewer system's TNRCC Discharge Permit number: (for each system)

W

Q

-

C. For each system, attach a copy of the plans specifications or plat approval letter of required from a city, county and state agency.

D. For each system, attach a copy of the most recent inspection report letter. If necessary, also include a copy of the utility's response to that letter.

E. For any system deficiencies, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

F. If the system is operating and over 85% of minimum standard capacity for any facility component for the current number of customers, attach an explanation listing of actions to be taken to make system improvements including proposed completion dates.

13. Provide the following information concerning the financial status of the utility:

A. What is the amount of equity or total capital in the utility system? See Page 5-A of 10, attached.

B. Provide the following information for all utility debt: See response to 13.A.

Date of issue	Date of maturity	Current outstanding principal	Interest rate	Total annual payment	Payable to whom
Total					

- Attach additional sheet(s) if necessary -

14. Provide the following information about the utility's certified operators:

Name	Class	License Number

- Attach additional sheet(s) if necessary -

111

15. A If this application is for a water CCN, please explain how sewer service is provided:
Contractual commitment of capacity in TRA Denton Creek WWTP and Denton Creek Wastewater Interceptor Pressure System, Phase III (with City of Southlake); contractual commitment in Marshall Creek Interceptor; contractual commitment in Code Branch Interceptor; See Attachment "F"

B: If this application is for a sewer CCN, please explain how water service is provided:
Application is being made for a wholesale water supply contract with the City of Fort Worth; existing water line capacity purchased from the City of Keller provides transmission capacity of 12.5 MGD. See Attachment "E".

16. A. List all neighboring utility service providers and cities within two miles of the applicant's proposed certificate area:

<u>City of Fort Worth</u>	<u>Town of Westlake</u>
<u>City of Keller</u>	<u>Lake Turner MUD No. 1</u>
<u>Town of Marshall Creek</u>	<u>Lake Turner MUD No. 2</u>
<u>Town of Roanoke</u>	<u>Trophy Club MUD No. 1</u>
<u>Town of Trophy Club</u>	<u>Trophy Club MUD No. 2</u>
	<u>City of Southlake</u>

☛ Notice must be provided to these entities after the application is accepted for filing.

B. If the applicant is providing service to the requested area without a CCN, the applicant must also notify each of the customers in the requested service area. A notice form for providing customer notice is included in this application.

13. A. In view of the fact that there are no current customers, the Lake Turner MUD No. 3 has yet to set a rate schedule. Current total equity and capital in both the water and sewer utility systems (which will be operated jointly by Lake Turner MUD No. 2 and Lake Turner MUD No. 3 pursuant to an Interlocal Agreement between these Districts) is estimated to be \$550,000 (including an initial payment of \$50,000 on the District's contract in the Cade Branch Interceptor which will total \$2.5 million through the year 2017).

17. Attach the following maps with each copy of the application: (All maps should include applicant's name, address, telephone number and date of drawing or revision). All maps should be folded to 8½ x 11 inches).

A. One county map (Texas Highway Department 1" = 2 miles) showing Applicant's requested service area (and present service area if applicable). Service area boundaries should conform to verifiable landmarks such as roads, creeks, railroads, etc. County maps may be obtained locally or from the State Department of Highways and Public Transportation; Attention File D-10, P. O. Box 5051, Austin, Texas 78763; 512/465-7397.

See Attachment "C"

B. One large scale map showing the exact proposed service area and any existing service area and if available the existing and proposed facilities. A metes and bounds description is not required, however, the facilities and service area boundaries should be shown with such exactness that they can be located on the ground. Applicant should use U.S.G.S. 7½-minute series, subdivision plat, engineer planning map, or other large scale map.

See Attachment "D" (large scale map with proposed service area and surrounding certificated service areas) "E" (existing and proposed

ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY. water facility); and "F" (existing and proposed wastewater facilities).

THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS, A TARIFF (OR RATE SCHEDULE FOR CITIES OR POLITICAL SUBDIVISIONS) AND COMPLETED NOTICES.

A rate schedule has not been established at this time. See Response to Question

PLEASE NOTE THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO OPERATE A WATER/SEWER SYSTEM.

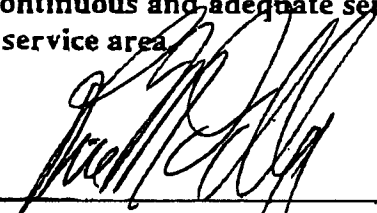
OATH

State of Texas

County of _____

I, Rice M. Tilley, Jr. being duly sworn, file this application as Pres. Bd. of Dir. Lake Turner MUD 3 (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Natural Resource Conservation Commission.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.

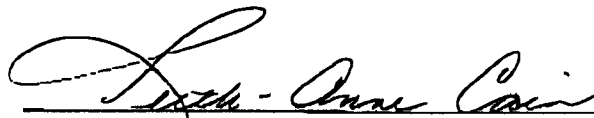


AFFIANT
(Applicant's Authorized Representative)

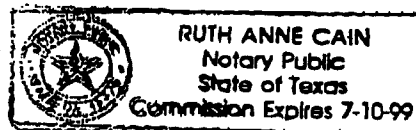
If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State and County above-named, this 30th day of August, 19 96.

SEAL



NOTARY PUBLIC



NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER AND SEWER UTILITY SERVICE IN DENTON AND TARRANT COUNTIES

To: _____
(Neighboring System or City)

(Address)

(Address)

(City State Zip)

Date Notice Mailed: _____, 19____

Lake Turner Municipal Utility District No. 3 has filed an application for Certificates of Convenience and Necessity with the Texas Natural Resource Conservation Commission to provide both water and sewer utility services in Tarrant and Denton Counties. The proposed utility service area is located within the corporate limits of the Town of Westlake, Texas approximately 2 miles west of the Westlake Town Hall and encompassed entirely within the boundaries of the Lake Turner Municipal Utility District No. 3. The service area is approximately _____ miles and is generally bounded on the north by Texas Highway 114 and the southern corporate limits of Roanoke, Texas; on the east by Precinct Line Road; on the south by Dove Road; and on the west by Roanoke Road. The total area being requested includes approximately 1089 acres and no current customers.

The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided. To request a hearing you must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

within thirty (30) days from the date of this publication or notice. No public hearing will be held unless a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing schedule will receive notice if a hearing is scheduled.

If one or more requests for a hearing are filed, the Executive Director will not issue the CCN and will forward the application to the State Office Administrative Hearings (SOAH) where a hearing may be held. In the event an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If a hearing is held it will be a legal proceeding similar to civil trials in State District Court.

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER
UTILITY SERVICE IN TARRANT AND DENTON COUNTIES

Lake Turner Municipal Utility District No. 3 has filed an application for Certificates of Convenience and Necessity with the Texas Natural Resource Conservation Commission to provide both water and sewer utility services in Denton and Tarrant Counties. The proposed utility service area is located within the corporate limits of the Town of Westlake, Texas and within the boundaries of the Lake Turner Municipal Utility District No. 3. The service area is generally bounded on the north by Texas Highway 114 and the southern corporate limits of Roanoke, Texas; on the east by Precinct Line Road; on the south by Dove Road; and on the west by Roanoke Road. The total area being requested includes approximately 1089 acres and no current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing. The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided.

Persons who wish to intervene or comment should write the:

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

within thirty (30) days from the date of this publication or notice. No public hearing will be held unless a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing schedule will receive notice if a hearing is scheduled.

ATTACHMENT "A"

ORDINANCE NO. 149

GRANT OF FRANCHISE TO AND
AGREEMENT WITH LAKE TURNER
WATER SUPPLY CORPORATION,
ITS SUCCESSORS OR ASSIGNS,
FOR THE INCLUSION OF CERTAIN
LAND IN LAKE TURNER WATER
SUPPLY CORPORATION'S SERVICE
AREA.

WHEREAS, Lake Turner Water Supply Corporation, a Texas nonprofit water supply corporation incorporated pursuant to TEX. REV. CIV. STAT. ANN. art. 1434a (Vernon 1980) (hereinafter "NWSC"), acting by and through its duly authorized Board of Directors, on the 3rd day of March, 1986, approved a resolution to provide those services for which nonprofit water supply corporations may be incorporated to certain land, including:

a) those properties owned by, or held for the benefit of N. B. Hunt or Nelson Bunker Hunt, located in northern Tarrant and southern Denton Counties, together with b) certain specific property located in northern Tarrant and southern Denton Counties as more particularly described by metes and bounds in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof for all purposes (hereinafter collectively "Land"); and

WHEREAS, the Board of Aldermen of the Town of Westlake, a Texas General Law town (hereinafter "Westlake"), has determined that it is in the best interest of and consistent with the public convenience and necessity of the citizens of Westlake to grant a franchise and enter into an agreement with NWSC, pursuant to TEX. REV. CIV. STAT. ANN. art 1109; (Vernon Supp. 1985), for service of the land;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF WESTLAKE, AND AGREED TO BY NWSC:

SECTION 1. GRANT OF FRANCHISE.

Westlake hereby grants, and NWSC hereby accepts, from the date hereof, for the full term (hereinafter "Term"), as defined by Section 2 herein, the right, privilege, and franchise to have, acquire construct, reconstruct, maintain, use, and operate on the Land, those facilities and services (hereinafter jointly "Facilities") for which nonprofit water supply corporations may be incorporated.

SECTION 2. METES AND BOUNDS DESCRIPTION OF THE LAND.

Westlake and NWSC recognize that NWSC is presently arranging for the surveying of that portion of the Land owned by, or held for the benefit of N. B. Hunt or Nelson Bunker Hunt, and agree to the attachment hereto of the metes and bounds description from said survey as Exhibit "B", said exhibit becoming a part hereof for all purposes following approval as to legal form thereof by the Westlake town attorney.

SECTION 3. TERM AND TITLE TO FACILITIES.

Said consent is granted for a term of twenty (20) years from and after the date of the passage of this ordinance, or until NWSC has no outstanding indebtedness, whichever occurs first. Upon the payment in full of all indebtedness, title to NWSC's, its successors' or assigns, Facilities constructed on the Land shall vest to Westlake.

SECTION 4. CONSTRUCTION SCHEDULES AND APPROVALS.

Subject to applicable laws and regulations, NWSC shall have sole discretion over what Facilities it chooses to build, together with construction schedules therefor and operation and use thereof.

However, whereas Westlake will eventually hold title to those Facilities constructed on the Land, NWSC shall construct no Facilities on the Land without Westlake's prior consent to plans therefor, which consent shall not be unreasonably withheld. Any construction shall substantially conform to said approved plans.

SECTION 5. USE OF STREETS AND PUBLIC WAYS.

NWSC is hereby granted the nonexclusive right and privilege to have, acquire, construct, reconstruct, maintain, use, and operate in, over, under, along, and across the present and future streets, sidewalks, and other public easements of Westlake all necessary or desirable Facilities. Said Facilities shall vest in title to Westlake upon the conclusion of the Term, as defined in Section 2 hereof. NWSC shall respect rights and property of Westlake and other authorized users of streets, sidewalks, and other public easements of Westlake.

SECTION 6. CERTAIN REPRESENTATIONS.

NWSC is presently constructing a water line to service the Land and will diligently work towards completion of same. NWSC will negotiate with the City of Fort Worth for a supply of treated water. NWSC shall vigorously pursue full compliance with all applicable laws and regulations, including but not limited to

those requirements of the Public Utilities Commission, Texas Department of Health, Texas Department of Highways and Public Transportation and the Texas Water Commission, as applicable.

SECTION 7. LIABILITY.

NWSC shall hold Westlake harmless from any and all expense and liability in connection therewith.

SECTION 8. ASSIGNMENT.

Westlake and NWSC recognize NWSC's anticipated sale, transfer, conveyance and assignment of the Facilities, together with all rights and privileges hereunder, to a Municipal Utility District (hereinafter "MUD"), or MUD's, formed for the purpose of said conveyance, and for the purpose of more fully servicing the needs of the Land.

PASSED, APPROVED, AGREED AND ENTERED INTO this 10th day of March, A. D. 1986.

ATTEST:

APPROVED AS TO LEGAL FORM:

By: *Paul Isham*
Name: Paul Isham
Town Attorney
Westlake, Texas

LAKE TURNER WATER SUPPLY
CORPORATION,
a Texas non-profit corporation

BY: *Russell B. Trenary*
Name: Russell B. Trenary
Title: President

TOWN OF WESTLAKE,
a Texas General Law town

By: *Gerry White*
Name: Wanda G. White
Town Secretary
Town of Westlake, Texas

By: *Dale L. White*
Name: Dale L. White
Mayor

EXHIBIT "A"

BEING 548.106 acres of land situated in the William Huff Survey, Abstract No. 648, Tarrant County, Texas, and the William Huff Survey, Abstract No. 519, Denton County, Texas, also being all of that certain 227.727 acre tract of land as described in deed to Charles Rodman, Trustee, and recorded in Volume 7738, Page 1064, County Records, Tarrant County, Texas, along with all of that certain tract of land as described in deed to Rodman International Joint Venture and recorded in Volume 7759, Page 2216, said County Records;

BEGINNING at the northwest corner of that certain tract of land as described in deed to Ann Lou Lewis and Ethel Roberta Fanning and recorded in Volume 2294, Page 522, said County Records and in deed to Leon D. Lewis and recorded in Volume 7262, Page 707, said County Records, said point being a 1/2 inch iron rod, found, which bears N 24 deg. 50 min. 00 sec. E, 269.81 feet from a Texas Highway Department concrete monument, found, at Sta. 136400, said 1/2 inch iron rod also being on the southeasterly right-of-way line of U.S. Highway No. 377 (a 110 foot wide public right-of-way);

THENCE N 24 deg. 50 min. 00 sec. E, 872.67 feet along said southeasterly right-of-way line to a 5/8 inch iron rod, set, from which a railroad spike bears S 78 deg. 05 min. 01 sec. E, 1.42 feet, said iron rod being the southwesterly corner of a 1.036 acre tract of land;

THENCE S 79 deg. 59 min. 34 sec. E, 311.15 feet along the southerly line of said 1.036 acre tract to a 5/8 inch iron rod, set, being the southeasterly corner of said 1.036 acre tract;

THENCE N 27 deg. 42 min. 55 sec. E, 148.99 feet along the easterly line of said 1.036 acre tract of a 5/8 inch iron rod, set, being the northeasterly corner of said 1.036 acre tract;

THENCE N 79 deg. 29 min. 34 sec. W, 318.18 feet along the northerly line of said 1.036 acre tract to a 5/8 inch iron rod, set, from which a 5/8 inch iron rod bears N 63 deg. 47 min. 07 sec. W, 0.92 feet, said set rod being the northwesterly corner of said 1.036 acre tract, said rod also being on the aforementioned southeasterly right-of-way line of said U.S. Highway No. 377;

THENCE N 24 deg. 50 min. 00 sec. E, 6024.81 feet along said southeasterly right-of-way line to a 5/8 inch iron rod, set, from which a 1/2 inch iron rod bears S 89 deg. 49 min. 07 sec. E, 1.14 feet, said set rod being the southwesterly corner of that certain tract of land as described in deed to the Tabernacle Baptist Church and recorded in Volume 714, Page 459, Deed Records, Denton County, Texas;

THENCE S 89 deg. 49 min. 07 sec. E, 2275.07 feet along the southerly line of said Church tract, also being along the southerly line of that certain tract of land as described in deed to Walter V. Parish and recorded in Volume 290, Page 188, said Deed Records, and also being along the southerly line of that certain tract of land as described in deed to Gary L. Thomas and recorded in Volume 1183, Page 119, said Deed Records, to a 60d nail, set in pavement, being the southeasterly corner of said Thomas tract, also being on the westerly line of that certain tract of land as described in deed to Nelson Bunker Hunt and recorded in Volume 571, Page 246, said Deed Records, said 60d nail being on the centerline of Roanoke Road (a 50 foot wide right-of-way);

THENCE S 00 deg. 09 min. 48 sec. W, 5035.60 feet along said centerline and said westerly line and along the westerly line of those certain tracts of land as described in deeds to Nelson Bunker Hunt, recorded in Volume 4612, Page 362 (Ninth and Tenth Tracts); to Melvin R. Farrell, recorded in Volume 3186, Page 400; to Robert E. Gunnells, recorded in Volume 7165, Page 2330; and to Charles G. Slocum, recorded in Volume 7165, Page 2322, County Records, Tarrant County, Texas, to a 60d nail, set in pavement, for an angle point in the centerline of said Roanoke Road at Sta. 147488.3;

THENCE S 00 deg. 45 min. 48 sec. W, along said centerline and the westerly line of the aforementioned Hunt Tenth Tract and the westerly line of Oak Trails Estates, an unrecorded plat, at 1176.60 feet, passing a 60d nail, set in pavement, for Sta. 136411.6 P.T., and leaving said centerline and continuing in all 1345.98 feet to a 5/8 inch iron rod, set, from which a 5/8 inch iron rod bears N 89 deg. 55 min. 26 sec. E, 6.25 feet, said rod being the northwesterly corner of that certain tract of land as described in deed to Bohus J. Maly and recorded in Volume 5331, Page 662, said county records, and also being the northeasterly corner of that certain tract as described in deed to Harold J. Thornton and recorded in Volume 4657, Page 361, said County Records;

THENCE S 89 deg. 55 min. 26 sec. W, 5202.44 feet along the northerly line of said Thornton tract and also along the northerly line of the aforementioned Leon Lewis, Annie Lewis and Ethel Fanning Tract to a point of beginning and containing 548.106 acres of land, from which 3.600 acres lie within road rights-of-way, leaving a net acreage of 544.506 acres of land, more or less.

CHAPTER 1030

H.B. No. 2579

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Lake Turner Municipal Utility District No. 3 of Tarrant County and Denton County, Texas; providing the authority to issue bonds and impose taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Tarrant and Denton counties subject to approval at a confirmation election under Section 8 of this Act, to be known as Lake Turner Municipal Utility District No. 3 of Tarrant County and Denton County, Texas, which shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Lake Turner Municipal Utility District No. 3.

SECTION 3. BOUNDARIES. The district is composed of land located, in the present corporate limits of the town of Westlake, in Tarrant County, Texas, and in Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEING a tract of land situated in Tarrant and Denton Counties and being in the Jesse Gibson Survey Abstract #592, J. Bacon Survey Abstract #2026, Jesse Sutton Survey Abstract 1451, C. Medlin Survey Abstract #1084 and #1958, Greenbury B. Hendricks Survey Abstract #680, and the Memucan Hunt Survey Abstract #756, and being more particularly described as follows;

COMMENCING at the southwest corner of the Wilde Tract, recorded in Volume 7730, Page 1629 Tarrant County Deed Records, and being in the north line of Dove Road;

THENCE S 89° 43' 59" W 487.77 feet to the POINT OF BEGINNING;
 THENCE N 10° 30' 25" E 888.64 feet to a point;
 THENCE N 32° 52' 56" E 918.32 feet to a point;
 THENCE N 44° 32' 51" E 1608.77 feet to a point;
 THENCE N 67° 46' 39" W 1260.20 feet to a point;
 THENCE N 02° 29' 46" W 577.08 feet to a point;
 THENCE N 29° 33' 44" W 380.24 feet to a point;
 THENCE N 17° 35' 28" E 617.92 feet to a point;
 THENCE N 51° 30' 07" W 943.66 feet to a point;
 THENCE S 31° 21' 12" W 679.70 feet to a point;
 THENCE S 01° 20' 48" W 734.84 feet to a point;
 THENCE S 50° 57' 07" E 480.00 feet to a point;
 THENCE S 00° 14' 29" W 392.16 feet to a point;
 THENCE S 36° 42' 56" W 319.25 feet to a point;
 THENCE S 06° 46' 37" E 683.12 feet to a point;
 THENCE N 49° 28' 24" W 867.12 feet to a point;
 THENCE N 28° 54' 24" E 461.29 feet to a point;
 THENCE N 25° 26' 48" W 1035.48 feet to a point;
 THENCE N 62° 25' 19" W 418.41 feet to a point;
 THENCE N 77° 34' 58" W 817.67 feet to a point;
 THENCE S 62° 05' 38" W 150.00 feet to a point;
 THENCE S 89° 41' 23" E 4.46 feet to a point;
 THENCE S 00° 28' 21" E 1731.52 feet to a point;
 THENCE N 89° 26' 19" W 457.12 feet to a point;
 THENCE N 89° 58' 40" W 973.47 feet to a point;
 THENCE S 09° 16' 51" W 147.48 feet to a point;
 THENCE S 32° 49' 58" E 1193.42 feet to a point;

THENCE S 28° 12' 37" W 463.60 feet to a point;
THENCE S 89° 50' 20" E 2143.91 feet to a point;
THENCE S 00° 44' 55" W 1326.23 feet to a point;
THENCE N 89° 43' 59" E 1316.19 feet to the *POINT OF BEGINNING*.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, it in no way affects the organization, existence, and validity of the district, or the right of the district to levy and collect taxes, or in any other manner affects the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT. The legislature finds that all of the land and other property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district under powers conferred by Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution and that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) Subject to the specific provisions of this Act, the district has all of the rights, powers, privileges, authority, and functions conferred by Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, and the functions conferred by the general laws of this state applicable to municipal utility districts operating under Chapters 50 and 54, Water Code. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) Except as provided by this Act, the rights, powers, duties, privileges, authority, and functions granted to the district are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Except for the initial directors, each director shall be elected and shall serve for the terms of office as provided for directors under Chapter 54, Water Code, until his successor is elected and has qualified.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district:

- (1) Jay T. McCormick;
- (2) Stephen E. Williamson;
- (3) Judith E. Huntress;
- (4) Jack C. Stewart; and
- (5) Pamela H. Ricco.

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint a qualified person to fill the vacancy for the unexpired term. If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve because of death or incapacitation or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected as provided by Section 9 of this Act and Chapter 54, Water Code.

SECTION 8. CONFIRMATION AND DIRECTORS' ELECTION. An election shall be called and held to confirm establishment of the district and to elect five permanent directors as provided by Chapter 54, Water Code.

SECTION 9. ELECTION OF DIRECTORS. Beginning in the second year following the confirmation and directors' election, an election shall be held on the third Saturday in May every two years to elect the appropriate number of directors to the board.

EGINNING.

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SECTION 10. ADDITIONAL AUTHORITY. (a) The district may provide for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or works, facilities, or improvements in aid of those roads and turnpikes, inside or outside the boundaries of the district, to the extent authorized by Article III, Section 52, of the Texas Constitution. Subject to compliance with Section 11 of this Act, the district may issue, sell, and deliver the bonds, notes, or other obligations of the district for those purposes and may levy and collect taxes to pay the bonds.

(b) Subject to compliance with the general law of the state, the district may plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, works, improvements, facilities, plants, equipment, and appliances, including, without limitation, any administrative buildings, properties, and facilities, property rights, and any levees, drains, waterways, lakes, reservoirs, channels, conduits, sewers, dams, storm water detention facilities, or other similar facilities and improvements, and may acquire any permits, franchises, licenses, or contract or property rights whether for municipal, industrial, agricultural, recreational, landfill, sprinkling, irrigation conservation, reclamation, or flood control purposes, that are necessary, helpful, or incidental to the exercise of any right, power, privilege, authority, or function provided by this Act.

(c) Notwithstanding anything in this Act or general law, the district may exclude land from the district and may add land to the district without the approval of the town of Westlake.

(d) If the district acquires land, easements, or rights-of-way for the construction of macadamized, graveled, or paved roads and turnpikes, or works, facilities, or improvements in aid of those roads and turnpikes, inside or outside the district, to the extent authorized by Article III, Section 52, of the Texas Constitution, the district may pay full market value for the land, easements, or rights-of-way, or may negotiate the value in good faith with the owner of the land, easements, or rights-of-way.

(e) The district may create an industrial development corporation as provided by the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

(f) Notwithstanding other law, the district may contract with a rapid transit authority, municipality, political subdivision, or other governmental entity to construct, maintain, and operate a mass transit facility.

SECTION 11. BONDS AND TAXES. Bonds payable in whole or in part by taxes and issued for the purposes described in Section 10(a) of this Act may not be issued by the district except on a vote of a two-thirds majority of the qualified voters of the district or the territory to be affected by the bonds voting at the election. Bonds, notes, or other obligations of the district issued or incurred for the purposes described in Section 10(a) of this Act may not exceed one-fourth of the assessed valuation of the real property of the district or territory.

SECTION 12. WATER AND SEWER CONTRACTS. The district may, without limitation, enter into, execute, perform, and carry out contracts it may consider appropriate and mutually advantageous under Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes). Those contracts may provide for the district's acquisition of all or any designated portions of any of the works, facilities, improvements, equipment, appliances, properties, and contract rights as provided by Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes), that the district is authorized by this Act to purchase, acquire, construct, own, or improve or may become authorized to purchase, acquire, construct, own, or improve in its own name or behalf.

SECTION 13. WATER CONSERVATION. The district shall adopt and implement a program of water conservation consistent with rules and criteria adopted and enforceable by the Texas Water Commission for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

SECTION 14. DISSOLUTION OF DISTRICT. Notwithstanding Chapter 128, Acts of the 50th Legislature, Regular Session, 1947 (Article 1182c-1, Vernon's Texas Civil Statutes), or any other general law, the district may be dissolved on approval of a two-thirds vote of the governing body of the town of Westlake, a two-thirds vote of the incumbent members of the board, and a two-thirds vote of the incumbent members of the board of any other districts that the district has contracted for the receipt or provision of regional or area wide water supply, wastewater disposal service, or any other service contract or agreement for a term in excess of 20 years.

SECTION 15. NOTICE, ETC. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives, within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2579 on May 28, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2579 was transmitted to the Governor on April 29, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 20, 1987. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.

CHAPTER 1031

H.B. No. 2580

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Lake Turner Municipal Utility District No. 2 of Tarrant County, Texas; providing the authority to issue bonds and impose taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Tarrant County subject to approval at a confirmation election under Section 8 of this Act, to be known as Lake Turner Municipal Utility District No. 2 of Tarrant County, Texas, which shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Lake Turner Municipal Utility District No. 2.

ATTACHMENT "C"

Robert J. Hu'n, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Ba', *Commissioner*
Jeffrey A. Gas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 22, 2000

r. Martin Rochelle, Attorney
loyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C.
.11 Congress Avenue, Suite 1800
Austin, Texas 78701

Re: Applications of the Town of Westlake to Obtain a Water and Sewer Certificate of Convenience and Necessity (CCN)
SOAH Docket No. 582-97-0134
TNRCC Docket Nos. 96-1902-UCR and 96-1904-UCR
TNRCC Application Nos. 31252-C and 31253-C

Dear Mr. Rochelle:

The TNRCC has received your letter and map amending the Town of Westlake's pending water and sewer CCN applications. The amendments are accepted and the Town of Westlake's proposed water and sewer service area revised.

Since the applicant is deleting area, no additional notice is necessary. I have attached a map delineating the water and sewer service areas now being requested by the Town of Westlake based on the map you submitted.

Please contact me at 512/239/6960 if you have any questions in this matter

Sincerely,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E.

Utilities and Districts Section

Water Permits and Resource Management

cc: Attached mailing list

MALING LIST

Application of the Town of Westlake for Water and Sewer CCNs
SOH Docket No. 582-97-0134

J. Andrew N. Barrett
Attorney at Law
First Bank Plaza
16 Congress Ave., Ste. 1280
Austin, Texas 78701

Representing: Circle T (formerly Lake Turner)

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin, Texas 78701

Representing: Town of Westlake

Mr. Frank R. Booth
Mr. Mike Booth
Booth, Ahrens & Werkenthin, P.C.
Nations Bank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Representing: Trophy Club

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P.O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC -103
P.O. Box 13087
Austin, Texas 78711-3087

Representing: The Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Docket Clerk
Office of the Chief Clerk MC - 105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Doug Holcomb, Engineer
Water Permits & Resource Management Division
MC - 153
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

LLOYD, GOSSELINK, BLEVINS, ROCHELLE,
BALDWIN & TOWNSEND, P. C.
ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 1800
AUSTIN, TEXAS 78701
TELEPHONE (512) 322-5800
TELECOPIER (512) 472-0532

Mr. Rochelle's Direct Line:
(512) 322-5810

mrochelle@lglawfirm.com

807 SOUTH AUSTIN AVENUE*
GEORGETOWN, TEXAS 78626
TELEPHONE (512) 930-1317
*BY APPOINTMENT ONLY

January 12, 2000

Mr. William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION
2000 JAN 13 PM 2:59
CHIEF CLERKS OFFICE

Re: Applications of Circle T MUDs Nos. 2 and 3 (Formerly Lake
Turner MUDs) and the Town of Westlake for Sewer Certificates
of Convenience and Necessity: SOAH Docket No. 582-97-
0134 1996-1901-UCR

Dear Judge Newchurch:

The Town of Westlake agrees to the withdrawal without prejudice by the
Circle T Municipal Utility Districts Nos. 2 and 3 of their applications in the above-
referenced matter.

Sincerely,



Martin C. Rochelle

MCR/ldp

1403\00\litr000112mcr2

cc: Mailing List
Mr. Trent Petty
Mr. Stan Lowry

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of January, 2000, a true and correct copy of the foregoing was sent by First-Class mail to the following persons.

Mr. Andrew N. Barrett
Suite 1280
816 Congress Avenue
Austin, Texas 78701

Ms. Lara Nehman (MC 173)
Staff Attorney
TNRCC
Bldg. A, Room 534
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Blas J. Coy, Jr.
Public Interest Counsel MC-103
TNRCC
Building F, Room 309
P.O. Box 13087
Austin, Texas 78711-3087

Office of the Chief Clerk (MC 105)
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Docket Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78711-3025



Martin C. Rochelle

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*



Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 11, 2000

William G. Newchurch, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th, Ste 502
PO Box 13025
Austin, Texas 78711-3025

RE: Applications of Circle C MUD Nos. 1, 2 & 3 (Formerly Lake Turner MUDs) and the
Town of Westlake for Sewer CCNs; SOAH Docket No. 582-97-0134; TNRCC Docket
Nos. 96-1902-UCR, 96-1904-UCR, and 96-1898-UCR

Dear Judge Newchurch:

The Public Interest Counsel has no objection to the withdrawal without prejudice by the Circle C
Municipal Utility Districts Nos. 1, 2 & 3 of their applications in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script that reads "Vic McWherter".

Vic McWherter
Senior Attorney
Office of Public Interest Counsel

REPLY TO: PUBLIC INTEREST COUNSEL, MC 103 • P.O. Box 13087 • AUSTIN, TEXAS 78711-3087 • AREA CODE 512/239-6363

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tnrcc.state.tx.us

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Organization
FAX Number

See List Below

FROM: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Name Lara Nehman
Division/Region Office of Legal Services
Telephone Number (512) 239 - 1121
FAX Number (512) 239 - 0606 or 239-0626

NOTES:

William G. Newchurch
Fax: (512) 936-0730

Docket Clerk
Fax: (512) 239-3311

Andrew N. Barrett
Fax: (512) 472-6463

Blas Coy
Fax: (512) 239-6377

Martin Rochelle
Fax: (512) 472-0532

Doug Holcomb
Fax: (512) 239-6972

This facsimile message and accompanying documents contain information from the Texas Natural Resource Conservation Commission Office of Legal Services which may be **CONFIDENTIAL AND/OR PRIVILEGED**. The information is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

If you have received this facsimile in error, please notify us by telephone immediately and return the original message to us at Texas Natural Resource Conservation Commission, Office of Legal Services, P.O. Box 13087, Austin, Texas 78711-3087 by First Class Mail via the United States Postal Services. Thank you.

PLEASE CALL AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 10, 2000

William G. Newchurch, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th, Ste 502
PO Box 13025
Austin, Texas 78711-3025

RE: Applications of Circle C MUD Nos. 1, 2 & 3 (Formerly Lake Turner MUDs) and the Town of Westlake for Sewer CCNs; SOAH Docket No. 582-97-0134; TNRCC Docket Nos. 96-1902-UCR, 96-1904-UCR, and 96-1898-UCR

Dear Judge Newchurch:

The Executive Director agrees to the withdrawal without prejudice by the Circle C Municipal Utility Districts Nos. 1, 2 & 3 of their applications in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lara Nehman", followed by a large, stylized flourish.

Lara Nehman
Staff Attorney
Environmental Law Division

cc: Mailing List by Facsimile Only

MAILING LIST
Applications of Lake Turner MUD Nos. 2 & 3
and the Town of Westlake for Sewer CCN
SOAH Docket No. 582-97-0134

William G. Newchurch, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th, Ste 502
PO Box 13025
Austin, Texas 78711-3025

Mr. Andrew N. Barrett, Attorney
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin, Texas 78701

Representing: Circle T (formerly Lake Turner)

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin, Texas 78701

Representing: Town of Westlake

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P.O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC -103
P.O. Box 13087
Austin, Texas 78711-3087

Representing: The Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Doug Holcomb, Engineer
Water Permits & Resource Management Division
MC - 153
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Docket Clerk
Office of the Chief Clerk MC - 105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

SOAH DOCKET NO. 582-97-0134
TNRCC DOCKET NOS. 96-1902-UCR, 96-1904-UCR, and 96-1898-UCR

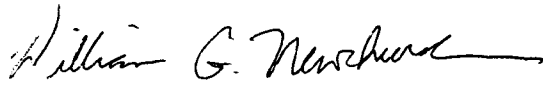
APPLICATIONS OF CIRCLE T	§	STATE OFFICE
MUD NOS. 2 & 3 (FORMERLY	§	
LAKE TURNER MUDS) AND THE	§	OF
TOWN OF WESTLAKE	§	
FOR SEWER CCNs	§	ADMINISTRATIVE HEARINGS

ORDER NO. 9
CLARIFYING HEARING LOCATION AND TIME

This case has been reassigned to the undersigned Administrative Law Judge (ALJ). The previous order setting this case for hearing on January 10 and 11, 2000, did not specify the time and location of the hearing. The hearing will convene at 9:00 a.m., on January 10, 2000, at the Stephen F. Austin Building, Suite 1100, 1700 North Congress Avenue, Austin, Texas. It will continue day after day thereafter until concluded.

Recent filings indicate that Circle T MUD No. 2 wishes to withdraw its sewer application and now supports Westlake's sewer application and that Circle T MUD No. 2 may as well. Unless the case settles, the ALJ will address those withdrawals when the hearing convenes.

Issued January 6, 2000.



William G. Newchurch
Administrative Law Judge

MAILING LIST

**Applications of Circle T MUD Nos. 2 & 3 (formerly of Lake Turner MUD Nos. 2 & 3)
and the Town of Westlake
SOAH Docket No. 582-97-0134**

Andrew N. Barrett
Attorney at Law
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin Texas 78701

Representing: Circle T (formerly Lake Turner)

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin Tx 78701

Representing: Town of Westlake

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P. O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC - 103
P. O. Box 13087
Austin, Texas 78711-3087

Representing: the Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th St., Suite 502
Austin, Texas 78711-3025

Attn: Docket Clerk ✓
Office of the Chief Clerk MC-105
TNRCC
P. O. Box 13087
Austin, Texas 78711-3087

ANDREW N. BARRETT

ATTORNEY

FROST BANK PLAZA
816 CONGRESS AVENUE
SUITE 1280
AUSTIN, TEXAS 78701
(512) 472-9326
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS ANB@BARRETLAW.NET

December 28, 1999

The Honorable Tommy Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

Re: Applications of Town of Westlake and Lake Turner Municipal Utility Districts Numbers.
2 & 3 for Certificates of Convenience and Necessity; SOAH Docket No.'s 582-97-0134
(Sewer CCN) 1996-1901-UCR


Dear Judge Broyles:

This letter is to advise you that Circle T Municipal Utility Districts Numbers 1 and 3 (the MUD's)(formerly known as Lake Turner Municipal Utility Districts Numbers 1 and 3), met last week and voted to approve the actions described in my previous letter dated December 16, 1999. As such, the two MUD's withdraw their applications for sewer CCN and withdraw their protest to and support the Town of Westlake's application for a sewer utility CCN.

Circle T Municipal Utility District Number 2 was not able to convene due to lack of quorum. However, Circle T MUD No. 2 will meet as soon as possible to vote on the proposed agreement

If you have any questions, please do not hesitate to contact me at 472-9326.

Very truly yours,


Andrew N. Barrett

ANDREW N. BARRETT

ATTORNEY

FROST BANK PLAZA
816 CONGRESS AVENUE
SUITE 1280
AUSTIN, TEXAS 78701
(512) 472-9326
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS ANB@BARRETLAW.NET

December 16, 1999

The Honorable Tommy Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

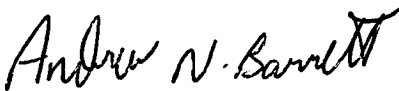
Re: Applications of Town of Westlake and Lake Turner Municipal Utility Districts Numbers.
2 & 3 for Certificates of Convenience and Necessity; SOAH Docket No.'s 582-97-0134
(Sewer CCN) - 1996-1901-WR

Dear Judge Broyles:

This letter is to advise you that it is the intention of Circle T Municipal Utility Districts Numbers 1, 2 and 3 (the MUD's)(formerly known as Lake Turner Municipal Utility Districts Numbers 1, 2 and 3), subject to final approval by their respective Boards of Directors, to withdraw their applications for sewer CCN and to withdraw their protest to and to support the Town of Westlake's application for a sewer utility CCN.

The MUDs' respective Boards of Directors will meet to consider this as soon as possible. If you have any questions, please do not hesitate to contact me at 472-9326.

Very truly yours,


Andrew N. Barrett

cc: Lara Nehman, TNRCC
✓ LaDonna Castanuela, TNRCC
Martin Rochelle
Blas Coy, OPIC

ANDREW N. BARRETT

ATTORNEY

FROST BANK PLAZA
816 CONGRESS AVENUE
SUITE 1280
AUSTIN, TEXAS 78701
(512) 472-9326
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS AND@BARRETLAW.NET

December 16, 1999

To: The Honorable Tommy Broyles
Lara Nehman
Doug Holcomb
Martin Rochelle
Blas Coy
LaDonna Castanuela

From: Andy Barrett

Fax:**Pages:**

Phone:**Date:** 12/16/99

Re:**CC:**

ANDREW N. BARRETT

ATTORNEY

FROST BANK PLAZA
816 CONGRESS AVENUE
SUITE 1280
AUSTIN, TEXAS 78701
(512) 472-9326
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS ANB@BARRETLAW.NET

December 16, 1999

The Honorable Tommy Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

Re: Applications of Town of Westlake and Lake Turner Municipal Utility Districts Numbers.
2 & 3 for Certificates of Convenience and Necessity; SOAH Docket No.'s 582-97-0134
(Sewer CCN)

1996-
1901-UCR

Dear Judge Broyles:

This letter is to advise you that it is the intention of Circle T Municipal Utility Districts Numbers 1, 2 and 3 (the MUD's)(formerly known as Lake Turner Municipal Utility Districts Numbers 1, 2 and 3), subject to final approval by their respective Boards of Directors, to withdraw their applications for sewer CCN and to withdraw their protest to and to support the Town of Westlake's application for a sewer utility CCN.

The MUDs' respective Boards of Directors will meet to consider this as soon as possible. If you have any questions, please do not hesitate to contact me at 472-9326.

Very truly yours,

Andrew N. Barrett

MAILING LIST
Application of Lake Turner MUD Nos. 2 & 3
and the Town of Westlake for Sewer CCN
SOAH Docket No. 582-97-0134

Mr. Andrew N. Barrett
Attorney at Law
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin, Texas 78701

Representing: Circle T (formerly Lake Turner)

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Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin, Texas 78701

Representing: Town of Westlake

Mr. Frank R. Booth
Mr. Mike Booth
Booth, Ahrens & Werkenthin, P.C.
Nations Bank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Representing: Trophy Club

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P.O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC -103
P.O. Box 13087
Austin, Texas 78711-3087

Representing: The Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Docket Clerk
Office of the Chief Clerk MC - 105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Doug Holcomb, Engineer
Water Permits & Resource Management Division
MC - 153
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

November 12, 1999

Mr. Martin Rochelle
Attorney at Law
Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C.
111 Congress Avenue, Suite 1800
Austin, Texas 78701

Re: Applications of the Town of Westlake and Lake Turner MUD Nos. 2 & # for Certificates of Convenience and Necessity; SOAH Docket Nos. 582-97-0134 and 582-97-0175

Dear Mr. Rochelle:

96-1901-UCR 96-1898

This is in response to your request to amend the Town of Westlake's water and sewer CCN applications. You indicated that Westlake and Trophy Club MUD have reached an agreement which results in the Town of Westlake deleting a 44.759 acre tract of land from its proposed water and sewer service areas.

I have enclosed a copy of Westlake's original application map. On the enclosed map I have marked out the area that I think represents the 44.759 acre tract. Please review the map and confirm that the 44.759 acres tract is correctly located. If this is correct we will revise the application maps to reflect this amendment.

Sincerely,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E.
Utilities and Districts Section
Water Permits and Resource Management
MC 153

cc: Attached Mailing List

CHIEF OFFICE
NOV 15 1999

STATE OF TEXAS
COMMISSIONER

96-1901-UCR

SOAH DOCKET NO. 582-97-0134

APPLICATIONS OF CIRCLE T
MUD NOS. 2 & 3 (FORMERLY
LAKE TURNER MUDS) AND THE
TOWN OF WESTLAKE
FOR SEWER CCNs

§
§
§
§
§

STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CHIEF CLERK
NOV 17 1999

NOV 17 1999

NOV 17 1999

ORDER NO. 8

CORRECTING MISTAKE IN NAMING PARTIES FROM ORDER NO. 7

On October 11, 1999, Circle T MUDs 1, 2 & 3 (Circle T) filed a request for clarification of Order No. 7. In its request, Circle T explained that it understood the only parties to this matter were Circle T MUDs 1, 2 & 3; the Town of Westlake; the Executive Director of the Texas Natural Resource Conservation Commission (Commission); and the Public Interest Counsel of the Commission. No response was received from any party.

Therefore, the naming of Trophy Club as a party to this matter is rescinded. Trophy Club remains a party to Docket No. 582-97-0175 which pertains to the Town of Westlake's application for a water CCN.

Signed this 8th day of November, 1999.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST

**Applications of Circle T MUD Nos. 2 & 3 (formerly of Lake Turner MUD Nos. 2 & 3)
and the Town of Westlake
SOAH Docket No. 582-97-0134**

Mr. Andrew N. Barrett
Attorney at Law
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin Texas 78701

Representing: Circle T (formerly Lake Turner)

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Lloyd, Gosselink, Blevins, Rochelle,
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111 Congress Ave, Ste 1800
Austin Tx 78701

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515 Congress Avenue
Austin, Texas 78701-3503

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Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P. O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC - 103
P. O. Box 13087
Austin, Texas 78711-3087

Representing: the Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th St., Suite 502
Austin, Texas 78711-3025

Attn: Docket Clerk
Office of the Chief Clerk MC-105
TNRCC
P. O. Box 13087
Austin, Texas 78711-3087

STRASBURGER & PRICE, L.L.P.

ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SUITE 2600
600 CONGRESS AVENUE
AUSTIN, TEXAS 78701-3288
(512) 499-3600

TELECOPIER (512) 499-3660
www.strasburger.com

CORPUS CHRISTI

DALLAS

HOUSTON

SAN ANTONIO

MEXICO CITY

HAL L. SANDERS, JR.
(512) 499-3646
sandersh@strasburger.com

October 22, 1999

Martin C. Rochelle
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
Attorneys at Law
111 Congress Avenue, Suite 1800
Austin, Texas 78701

CHIEF CLERK'S OFFICE

RECEIVED
OCT 25 1999

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TNRCC 96-1901-002

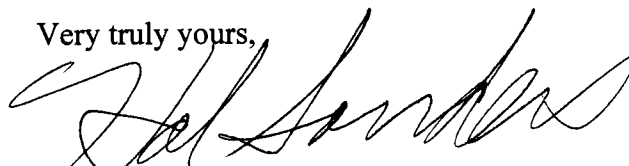
RE: Applications of Town of Westlake and Circle T MUDs Nos. 2 and 3 for Certificates of Convenience and Necessity: SOAH Docket Nos. 582-97-0134 (Sewer CCN) and 582-97-0175 (Water CCN) (140300:1.2)

Dear Mr. Rochelle:

I appreciate your letter of October 18, 1999. Actually the Trophy Club Municipal Utility District provides retail water and sewer utilities services to approximately 450 acres within Westlake pursuant to ordinances adopted by Westlake in 1982 and 1986. Trophy Club has provided these services for the last 12-13 years. We assume that this is the area to which Westlake disclaims the intention of providing water and sewer services. Could you confirm this?

Thanks.

Very truly yours,



Hal Sanders

Enclosures

cc: The Honorable Tommy L. Broyles
Mailing List (attached)
(All with enclosures)

MAILING LIST

Mr. Skip Newsom
Fisher & Newsom, P.C.
111 Congress Avenue
Suite 820
Austin, Texas 78701-4043

Mr. Andrew N. Barrett
Suite 1280
816 Congress Avenue
Austin, Texas 78701

Mr. Frank R. Booth
Booth & Dillon
NationsBank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Mr. Mike Booth
Booth, Ahrens & Werkenthin
Suite 1515
515 Congress Avenue
Austin, Texas 78701

Mr. Hal L. Sanders
Strasburger & Price, L.L.P.
2600 One American Center
600 Congress Avenue
Austin, Texas 78701

Ms. Lara Nehman (MC 173)
Staff Attorney
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Blas J. Coy, Jr.
Public Interest Counsel MC-103
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Office of the Chief Clerk MC-105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Docket Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78711-3025

ORDINANCE NO. 147

AN ORDINANCE GRANTING A PETITION FOR THE INCLUSION OF CERTAIN LAND IN TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1.

WHEREAS, a petition requesting the Town of Westlake's consent that certain land be included in the Trophy Club Municipal Utility District No. 1 has been duly filed with the Board of Aldermen of the Town of Westlake, Texas; and

WHEREAS, the Trophy Club Municipal Utility District No. 1 has provided at its own expense, and now owns, operates and maintains, facilities for processing and distributing a supply of surface water and subsurface water and at the present time is qualified to furnish and deliver treated water as permitted by the service area defined in that one certain contract for water service between the City of Fort Worth, Texas and the Denton County Municipal Utility District No. 1, now known as the Trophy Club Municipal Utility District No. 1, dated on or about March 13, 1979, as amended; and

WHEREAS, the Trophy Club Municipal Utility District No. 1, herein after referred to as "TCMUD No. 1", on or about November 19, 1985, acting by and through its duly authorized Board of Directors, approved a resolution whereby it annexed approximately eighty-five (85) acres owned by International Business Machines Corporation which is adjacent to property presently located within the geographical boundaries of TCMUD No. 1; and

WHEREAS, IBM has a contract with the TCMUD No. 1 to supply a quantity of water as required by IBM not to exceed 500,000 gallons per day to property owned by IBM; and

WHEREAS, the Town of Westlake has previously enacted Ordinance No. 127 granting a petition for the inclusion of other land owned by IBM adjacent to the property described in the attached Exhibit No. 1 into the TCMUD No. 1; and

WHEREAS, it is deemed to be in the best interest of both the Town of Westlake and IBM that approximately forty-five (45) acres out of the eighty-five (85) acres described above which forty-five (45) acres is more particularly described in Exhibit No. 1 be annexed into the TCMUD No. 1 so as to have a supply of treated water to the realty at a reasonable rate; and

WHEREAS, the granting of said Petition will result in providing more orderly development and use of the land and will promote and protect the general health, safety and welfare of persons residing thereon; and the citizens of the Town of Westlake; NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE TOWN OF WESTLAKE:

Section 1. That the matters and facts set out in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. That this meeting was called and notice given thereof in accordance with law.

Section 3. Attached to this Ordinance and made a part hereof is a Petition requesting the Town of Westlake's consent that the certain tract described in Exhibit 1 attached hereto and incorporated herein by referenced (the "Triangle Tract") be included in the Trophy Club Municipal Utility District 1. Such Petition for the Triangle Tract is hereby granted.

Section 4. This Ordinance is passed on this 3rd day of February, A.D., 1986, and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED THIS 3rd DAY OF ~~NOVEMBER~~ ^{February}, A.D., 1986. J.H.

TOWN OF WESTLAKE

Dale L. White
DALE WHITE, MAYOR
TOWN OF WESTLAKE, TEXAS

Gerry White (Helen G.)
GERRY WHITE, TOWN SECRETARY
TOWN OF WESTLAKE, TEXAS

APPROVED AS TO LEGAL FORM:

Paul C. Isham
Paul C. Isham, Town
Attorney, Town of West-
lake, Texas