

- (c) Continuing program. To provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

**Sec. 20.06.062. Prohibitions and enforcement.**

- (a) General. No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality rules and regulations for public water systems (the Texas Commission on Environmental Quality rules) and this division. The city shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the Texas Commission on Environmental Quality rules and this division.
- (b) Enforcement. The city administrator shall be responsible for the enforcement of the Texas Commission on Environmental Quality rules and this division for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the city administrator an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the city administrator or his designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly at specific locations on his premises. The customer shall immediately install such approved assembly at his own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

**Sec. 20.06.063. Water system—Composition.**

- (a) The water system shall be considered as made up of two parts: the utility system and the customer system.
- (b) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- (c) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

- (d) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- (e) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

**Sec. 20.06.064. Requirements for connection.**

- (a) Protection required. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by the Texas Commission on Environmental Quality rules and this division. Service of water to any premises shall be discontinued by the city if a backflow-prevention assembly required by this division is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (b) Customer's system. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazard, including violations of these regulations, exist. When such a condition becomes known, the city administrator shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the conditions in conformance with state, provincial and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (c) Location. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
  - (1) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the city administrator, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.
  - (2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be

protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

(3) In the case of premises having:

a. Internal cross connections that cannot be permanently corrected and controlled; or

b. Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist;

the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

(4) In all cases where such device is required by the Texas Commission on Environmental Quality rules.

(d) Type of assembly required. The type of protective assembly required under subsections (c)(1),

(2) and (3) of this section shall depend upon the degree of hazard that exists, as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in subsection (c)(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

(4) In the case of any premises where there are uncontrolled cross connections, whether actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-

pressure principle backflow-prevention assembly at the service connection.

- (5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impracticable to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.
- (6) In the case of any premises where, in the opinion of the city administrator, an undue health threat is posed because of the presence of extremely toxic substances, the city administrator may require an air-gap at the service connection to protect the public water system. This requirement will be at the discretion of the city administrator and is dependent on the degree of hazard.
- (7) In any case where the Texas Commission on Environmental Quality rules require a backflow prevention device or other provision to prevent contamination, the requirements of the Texas Commission on Environmental Quality rules shall govern and control if more stringent than the provisions of this subsection.

- (e) Standards for approved device. Any backflow-prevention assembly required herein shall be a model and size in compliance with the Texas Commission on Environmental Quality rules, and approved by the city administrator. The term "approved backflow-prevention assembly" means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled: AWWA C510-89, Standard for Double Check Valve Backflow-Prevention Assembly, and AWWA C511-89, Standard for Reduced-Pressure Principle Backflow-Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by Specification of Backflow-Prevention Assemblies, section 10 of the most current issue of the Manual of Cross Connection Control. The American Water Works Association and Foundation for Cross Connection Control and Hydraulic Research standards and specifications have been adopted by the city administrator. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said American Water Works Association standards and Foundation for Cross Connection Control and Hydraulic Research specifications. The backflow preventers approved and certified by the Texas Commission on Environmental Quality, or an agency certified by the Texas Commission on Environmental Quality to approve and certify such devices. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate

of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

- (f) Customer inspections mandated. It shall be the duty of the customer-user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the city administrator deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water department personnel, or by a certified tester approved by the city administrator. It shall be the duty of the city administrator to see that these tests are made in a timely manner. The customer-user shall notify the city administrator in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and made available to the city administrator.
- (g) Compliance with West Travis County Public Utility Agency Requirements. Customers must comply with any applicable rules or regulations of the West Travis County Public Utility Agency.

**Sec. 20.06.065. General installation and testing requirements.**

- (a) Installation. All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow preventers which are installed to provide protection against health hazards must also be tested and certified to be operating with specifications at least annually by a recognized backflow prevention assembly tester.
- (b) Installation and testing requirements. All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14) or the University of Southern California Manual of Cross Connection Control.
- (c) Replacement. Backflow preventers shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. The original documentation of each such test, repair, and overhaul shall be kept

and submitted to the city within five working days of the test, repair or overhaul of each backflow prevention assembly.

- (d) Removal and replacement. No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever an existing assembly or device is moved from its location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this division, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14), the University of Southern California Manual of Cross Connection Control, or the current plumbing code of the city, whichever is more stringent.
- (e) Test equipment. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14), or the University of Southern California Manual of Cross Connection Control. The original calibration form must be submitted to the city within five working days after calibration.
- (f) Certification. A backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality.

**Sec. 20.06.066. Customer service inspections.**

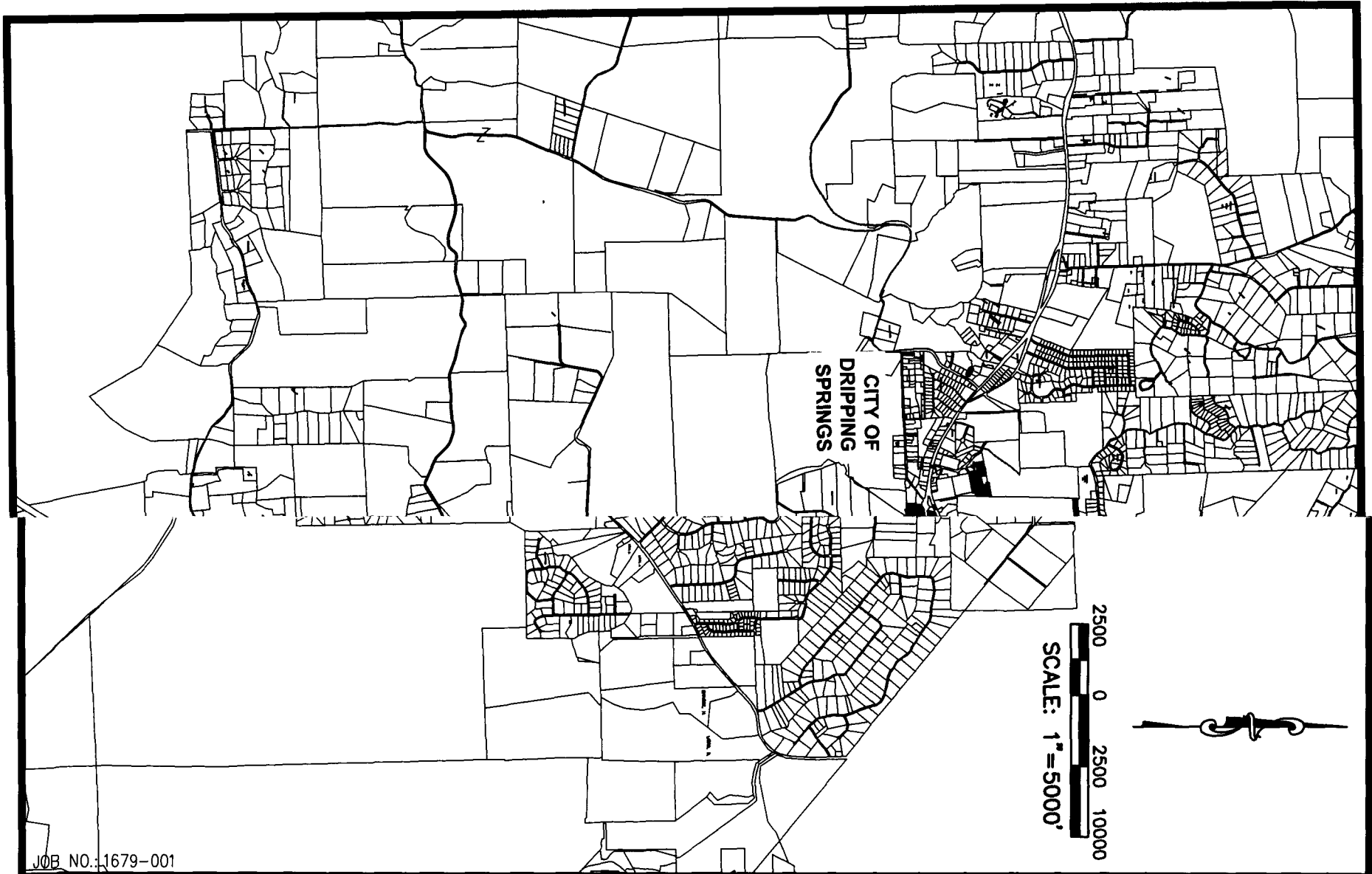
- (a) Inspection required. A customer service inspection shall be completed prior to providing continuous water service to all new construction, or any existing service when the city has reason to believe that cross connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (b) Qualified inspectors. Only persons with the following credentials shall be recognized as capable of conducting a customer service inspection:
  - (1) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.
  - (2) Certified waterworks operators, and members of other water related professional groups who have completed a training course, passed an examination administered by the Texas Commission on Environmental Quality or its designated agent, and hold a current endorsement issued by the Texas Commission on Environmental Quality.

- (c) Required certifications. No direct connection between the city water system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly. The water service shall be discontinued unless the qualified inspector that inspects the customer's water system certifies that:
- (1) There is no direct connection between the city water system and a potential source of contamination.
  - (2) No cross connection between the public water supply and the private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and the private water supply, the inspector must certify that an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspecting and testing by a recognized backflow prevention assembly tester.
  - (3) No connection exists which allows water to be returned to the public drinking water supply.
  - (4) No pipe or pipefitting which contains more than eight percent lead is used for installation or repair of plumbing at any connection that provides water for human use.
  - (5) No solder or flux which contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

**Sec. 20.06.067. Amendment and application.** The plumbing code of the city is hereby amended to the extent required to be read and construed in a manner to give effect to this division. In the event of a conflict between this division and any other ordinance or law, the most restrictive standard applies.

**Attachment #2 – Location map delineating proposed service area within the county**





JOB NO.: 1679-001

**CMA ENGINEERING, INC.**  
235 LEDGE STONE DRIVE  
AUSTIN, TEXAS 78737  
(512) 432-1000 Fax: (512) 432-1015  
Registration # F-3053

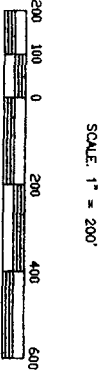
**CITY OF DRIPPING SPRINGS  
WATER CCN #1303 AMENDMENT  
GENERAL LOCATION MAP**

**ATTACHMENT  
2**

**Attachment #3 – Metes and bounds survey with CD of boundary map in ACAD format  
(Texas State Plane, South Central Zone Coordinate Sytem)**

TITLE COMMENT NOTE:

- THIS SURVEY WAS RECORDED UNDER THE APPROVING CONDITIONS IN SEQUENCE #7 OF THE SURVEY RECORDED UNDER THE APPROVING CONDITIONS IN SEQUENCE #6 OF No. 89-0126 DATED MAY 5, 1989 AND SHOWS THE INFORMATION CONTAINED THEREIN WITH THE FOLLOWING EXCEPTIONS AND/OR CLARIFICATIONS:
- 1) PERMITS OBTAINED IN THIS COUNTY AND NOT IN ANY OTHER COUNTY.
  - 2) RECORDS OF THIS COUNTY, TEXAS, (UNLESS NOTED OTHERWISE) ARE DEEMED TO BE CORRECT.
  - 3) RECORDS OF THIS COUNTY, TEXAS, (UNLESS NOTED OTHERWISE) ARE DEEMED TO BE CORRECT.
  - 4) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 5) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
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  - 10) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
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  - 15) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 16) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 17) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 18) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 19) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.
  - 20) DESTINATION EASEMENT GRANTED TO PERMITS ELECTRIC COMPANY, INC., DATED 3/7/78, DEEMED TO BE CORRECT.



- LEGEND
- HAZ. HAZ. COUNTY DEED RECORDS
  - LOCAL LOWER COLUMBIA WATER AUTHORITY
  - ROW RIGHT-OF-WAY
  - CONCRETE REINFORCED CONCRETE PIPE
  - CONCRETE CENTERLINE OF PAVEMENT
  - TAOBT CONCRETE LOCUMENT FOUND
  - IRON PIPE FOUND (SEE NOTED)
  - 5/8" IRON ROD FOUND
  - 1/2" IRON ROD WITH PLASTIC CAP MARKED CAPITAL SURVEYING COMPANY INC. SET
  - 5/8" IRON ROD WITH ALUMINUM CAP MARKED TANT INDUSTRIAL LAND SURVEYOR, INC'S 4341' FOUND
  - FERROUS CORNER POST
  - CALCULATED POINT
  - WIRE FENCE
  - BREAK IN SCALE
  - RECORD CENTERLINE INFORMATION FROM TEXAS DEPARTMENT OF TRANSPORTATION STATE MAP C-5-4 § 177c-01-002 (PA 887)
  - RECORD DEED INFORMATION
  - RE TO CENTERLINE OF PAVEMENT (LUP)

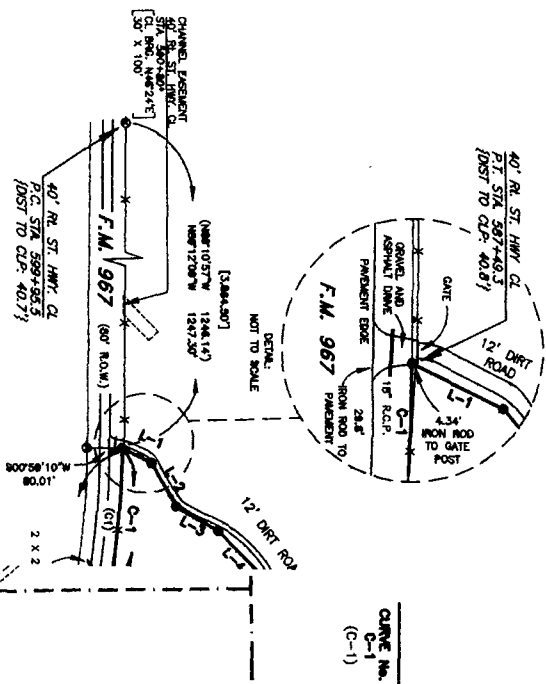
FREELONEZA  
D-762

LINE TABLE

LINE No.	BEARING	DISTANCE
L1	N08°28'45"E	114.26'
L2	N07°02'28"E	113.85'
L3	N07°08'27"E	108.25'
L4	N07°13'37"E	124.88'
L5	N07°12'48"E	124.87'
L6	N07°11'48"E	84.41'
L7	N07°13'49"E	111.27'

CURVE TABLE

CURVE No.	DELTA	CHORD	ARC	CHORD OR BEARING
C-1	071°08'	144.68'	318.25'	318.25' N67°31'41"W
(C-1)			(1250.09')	(316.53') (316.18') (N64°30'57"W)



SURVEY CERTIFICATE

Certificate attached to print of survey made by the undersigned, last dated July 18, 1989, of above described property.

The undersigned hereby certifies to John Richard Bahrtz, Marshal Land and Farming Company, Inc., that this survey was made on the ground on the date and at the place and under the conditions stated herein, and that the same is a true and correct representation of the actual conditions of the property and of the boundaries thereof, and that the same is a true and correct representation of the actual conditions of the property and of the boundaries thereof, and that the same is a true and correct representation of the actual conditions of the property and of the boundaries thereof.

Dated on this 18th day of July, 1989

John Richard Bahrtz  
Surveyor



CSD  
1301 West 34th Street, Irving, Texas 75039  
(714) 253-7878  
FAX (714) 253-7879

DRAWN BY:	MASHNIN	SCALE:	1" = 200'	P.A. 177A.118
JOB NO.:	84022-01	DATE:	JUNE 15, 1989	SHEET NO.:
DRAWING NO.:	9802253	CAD #:	84022	1 OF 1

**TITLE COMMITMENT NOTE:**

THIS SURVEY WAS PREPARED USING THE INFORMATION CONTAINED IN SCHEDULE "B" OF THE TITLE REPORT FURNISHED BY SOUTHWESTERN TITLE COMPANY, OF NO. 84-0138 DATED MAY 5, 1998 AND SHOWS THE INFORMATION CONTAINED THEREIN WITH THE FOLLOWING EXCEPTIONS AND/OR CLARIFICATIONS:

- (a) PIPELINE EASEMENT GRANTED TO UNITED PRODUCERS PIPE LINE COMPANY, DATED JULY 21, 1928, EXECUTED BY H.E.D. WINDENY, RECORDED IN VOLUME 97, PAGE 4 DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET TYPE) [UNABLE TO LOCATE]
- (b) EASEMENTS RESERVED IN DEED FROM H.L. KUNDANALL AND WIFE, HELM KUNDANALL TO J.E. GREENSHAW, DATED 4/16/43, RECORDED IN VOLUME 126, PAGE 487, DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET TYPE) [DOES NOT AFFECT]
- (c) ROAD EASEMENT RIGHTS RESERVED IN DEED RECORDED IN VOLUME 130, PAGE 602, DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET TYPE) [DOES NOT AFFECT]
- (d) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 6/20/53, EXECUTED BY J. HARRIS JAMES, RECORDED IN VOLUME 187, PAGE 46 DEED RECORDS OF HAYS COUNTY, TEXAS. [AS SHOWN]
- (e) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 4/18/53, EXECUTED BY MRS. LUIS J. HERRERA, RECORDED IN VOLUME 157, PAGE 47, DEED RECORDS OF HAYS COUNTY, TEXAS. [AS SHOWN]
- (f) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 5/7/53, EXECUTED BY J.R. WILKELM, RECORDED IN VOLUME 157, PAGE 46, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]
- (g) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 5/18/53, EXECUTED BY A.E. GREENSHAW, RECORDED IN VOLUME 157, PAGE 46, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]
- (h) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 5/14/53, EXECUTED BY E.R.L. WISE, RECORDED IN VOLUME 157, PAGE 30, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]
- (i) CHANNEL EASEMENT GRANTED TO THE STATE OF TEXAS, DATED 2/19/55, EXECUTED BY MRS. LUIS J. HERRERA, ET AL. RECORDED IN VOLUME 163, PAGE 864, DEED RECORDS OF HAYS COUNTY, TEXAS. [AS SHOWN]
- (j) RIGHT OF WAY EASEMENT EXECUTED BY ASHBY M. JAMES, ET AL. TO THE STATE OF TEXAS, DATED 8/11/55, RECORDED IN VOLUME 181, PAGE 1911, DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET TYPE) [DOES NOT AFFECT]
- (k) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 6/16/71, EXECUTED BY MICHAEL GILES RUTHERFORD, RECORDED IN VOLUME 243, PAGE 586, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]
- (l) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 6/16/71, EXECUTED BY MICHAEL GILES RUTHERFORD, RECORDED IN VOLUME 243, PAGE 586, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]
- (m) RIGHT OF WAY EASEMENT GRANTED TO LOWER COLORADO RIVER AUTHORITY BY MIKE G. RUTHERFORD BY INSTRUMENT DATED 8/25/72, RECORDED IN VOLUME 254, PAGE 218, DEED RECORDS OF HAYS COUNTY, TEXAS. [AS SHOWN]
- (n) DISTRIBUTION EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. DATED 6/16/72, EXECUTED BY MICHAEL G. RUTHERFORD, RECORDED IN VOLUME 267, PAGE 406, DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT]

**NOTES:**

- 1) THE BEARING BASIS USED FOR THE SURVEY SHOWN HEREON IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, HARN / NAD 83 (GRID)
- 2) CHANNEL EASEMENTS SHOWN WITH AN ASTERISK (\*) ARE AS SHOWN ON HIGHWAY STRIP MAP
- 3) PERIMETER SURVEY ONLY, EXCEPT AS NOTED, NO INTERNAL IMPROVEMENTS WERE LOCATED OR SHOWN HEREON.

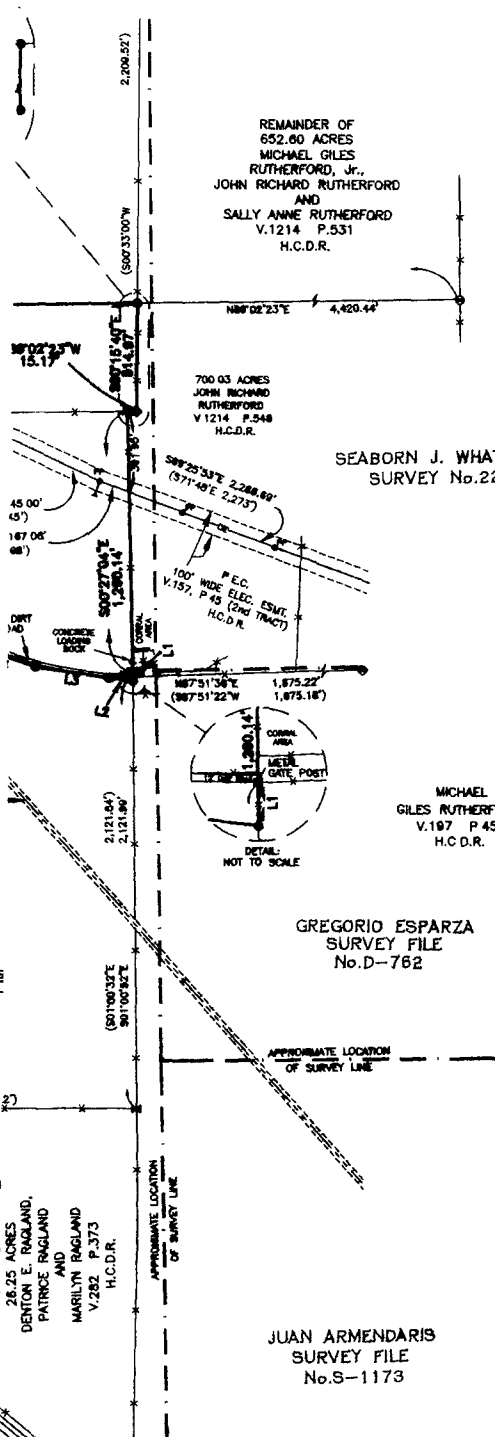
**LEGEND**

- H.C.R. HAYS COUNTY DEED RECORDS
- L.C.R.A. LOWER COLORADO RIVER AUTHORITY
- P.E.C. PEDERNALES ELECTRIC COOPERATIVE, INC.
- R.O.W. RIGHT-OF-WAY
- R.C.P. REINFORCED CONCRETE PIPE
- P.O.B. POINT OF BEGINNING
- ( ) RECORD INFORMATION
- [ ] RECORD CENTERLINE INFORMATION FROM TEXAS DEPARTMENT OF TRANSPORTATION STRIP MAPS C-S-J # 1784-02-081 (FM 1826) C-S-J # 1778-01-082 (FM 967)
- [ ] TIE TO EXISTING CENTERLINE OF PAVEMENT [CLP]
- TYPED CONCRETE MONUMENT FOUND
- 5/8" IRON PIPE FOUND
- 5/8" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD WITH PLASTIC CAP MARKED "CAPITAL SURVEYING COMPANY INC." SET
- 5/8" IRON ROD WITH ALUMINUM CAP MARKED "KENT McMILLAN, LAND SURVEYOR, RPLS 4341" FOUND
- ▲ CALCULATED POINT
- ⊕ FENCE CORNER POST
- ⊕ POWER POLE
- ⊕ DOWN GUY
- FENCE
- OVERHEAD ELECTRIC LINE
- BREAK IN SCALE



**SURVEY CERTIFICATE**

Certificata otta above describe  
 The undersigned Chicago Title is  
 (1) this survey correctly shows  
 (2) Except as the adjoining streets, roads, have been offset easements and (3) except as right-of-way, buildings, streets by buildings, or from the nearest outside a part acre of land. This survey sat Standards and of minimum, t Surveyors Stan  
 Executed on ti  
 Gregory A. Wg  
 RPLS 4567  
 State of Texas



**LINE TABLE**

LINE No.	BEARING	DISTANCE	LINE No.	BEARING	DISTANCE
L1	S01°05'00\"/>				

**CSCI** CAPITAL SURVEYING CONSULTANTS INCORPORATED  
 1181 Capital of Texas Highway South Austin, Texas 78704  
 Building 5, Suite 116 (512) 327-4000  
 DRAWN BY: WIL. RABINER SCALE: 1" = 400' F.R.  
 JOB NO.: 98522.10 DATE: JUNE 21, 1998 SHEET NO.:  
 DRAWING NO.: 9862282 CRO #: 98522 1 OF 1

\*E:\981\223\9862282.dwg Mod. Jul. 13 14 59 46 1998

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

03 G.F.# 01247-57794-Sm-SFC

**SPECIAL WARRANTY DEED**

STATE OF TEXAS                    )  
   )  
 COUNTY OF HAYS                    )

KNOW ALL PERSONS BY THESE PRESENTS THAT:

J. DAN BROWN, GEORGIA BROWN, and BROWN DISTRIBUTING HOLDING, LTD., a Texas limited partnership (hereinafter collectively referred to as "Grantor"), for and in consideration of the sum of TEN and No/100 Dollars (\$10.00) cash, and other good and valuable consideration in hand paid to Grantor by DRIFTWOOD 522, LLC, a Texas limited liability company (hereinafter referred to as "Grantee"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does hereby GRANT, SELL, and CONVEY unto Grantee the following two (2) tracts or parcels of land described as follows (the "Property"), to-wit:

Tract 1: Being 522.25 acres of land, more or less, out of the Freelove Woody League No. 23, Abstract 20, Hays County, Texas, and being the same property conveyed to Michael Giles Rutherford in a deed recorded in Volume 3799, Page 263 of the Official Public Records of Hays County, Texas; said 522.25 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes; and

Tract 2: Being 0.1793 of an acre tract, more or less, out of the Freelove Woody Survey No. 23, Abstract 20, Hays County, Texas, being a portion of that certain tract, described as First Tract, in the deed recorded in Volume 197, Page 45, Deed Records of Hays County, Texas; said 0.1793 acre tract being more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all purposes;

together with all and singular the rights, privileges, hereditaments, appurtenances, and improvements relating thereto or located thereon.

For the same consideration, Grantor has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARTAIN, SELL, and CONVEY unto Grantee, without representation or warranty of any kind or character, express or implied, all interest of Grantor, if any, in and to: (1) strips and gores, if any, between the Property and any abutting properties, whether owned or claimed by deed, limitations, or otherwise, and whether located inside or outside the Property; and (2) any land lying in or under the bed of any creek, stream, or waterway or any highway, avenue, street, road, alley, easement or right-of-way, open or proposed, in, or across, abutting or adjacent to the Property.

This conveyance, however, is made and accepted subject to the items listed on Exhibit "C" attached hereto and made a part hereof for all purposes, but only to the extent such items are validly existing and affect the Property (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor and Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, and Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor but not otherwise, except as to the Permitted Exceptions.

Grantor agrees to pay all taxes assessed against the Property based on its existing special use valuation or agricultural/timber valuation for all years up to and including the year 2016. Grantee agrees to assume the payment of all taxes for the year 2017 and subsequent years, and further agrees to assume, indemnify, and hold Grantor harmless for all subsequent taxes and assessment by any taxing authority for prior years due to a change in land usage or ownership, or other so called "rollback taxes." The taxes for the year 2017 have been prorated as of the date of this Deed.

EXCEPT FOR GRANTOR'S SPECIAL WARRANTY OF TITLE IN THIS DEED, GRANTOR IS CONVEYING THE PROPERTY TO GRANTEE "AS IS, WHERE IS," AND WITH ALL FAULTS, AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS, OR GUARANTIES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE, OR TYPE WHATSOEVER FROM OR ON BEHALF OF GRANTOR.

EXECUTED this 6th day of February, 2017.

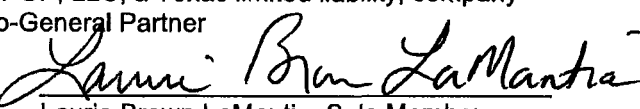
**GRANTOR:**

BROWN DISTRIBUTING HOLDING, LTD.,  
a Texas limited partnership

By: JDB GP, LLC, a Texas limited liability company,  
a Co-General Partner

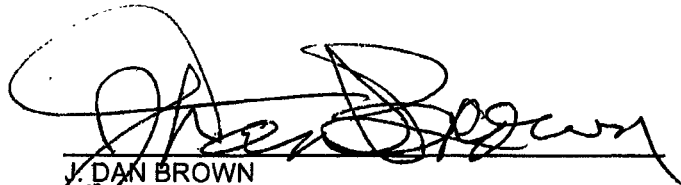

By:   
J. Dan Brown, Sole Member

By: LBW GP, LLC, a Texas limited liability, company  
a Co-General Partner

By:   
Laurie Brown LaMantia, Sole Member

By: GHB GP, LLC, a Texas limited liability company,  
a Co-General Partner

By:   
G. Hunter Brown, Sole Member


  
\_\_\_\_\_  
J. DAN BROWN  
  
\_\_\_\_\_  
GEORGIA BROWN

STATE OF TEXAS        )  
                                  )  
COUNTY OF TRAVIS    )

This instrument was acknowledged before me on the 8 day of February, 2017, by J. DAN BROWN, the sole member of JDB GP, LLC, a Co-General Partner of BROWN DISTRIBUTING HOLDING, LTD., a Texas limited partnership, on behalf of said entities for the purposes expressed herein.

[SEAL]



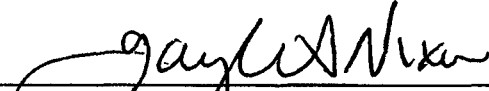
  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires: 5-21-16

STATE OF TEXAS        )  
                                  )  
COUNTY OF TRAVIS    )

This instrument was acknowledged before me on the 8 day of February, 2017, by LAURIE BROWN LAMANTIA, the sole member of LBW GP, LLC, a Co-General Partner of BROWN DISTRIBUTING HOLDING, LTD., a Texas limited partnership, on behalf of said entities for the purposes expressed herein.

[SEAL]

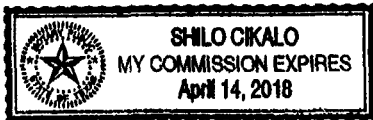


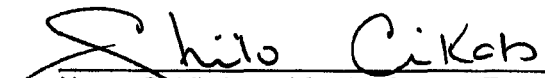
  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires: 5-21-16

STATE OF TEXAS        )  
                                  )  
COUNTY OF TRAVIS    )

This instrument was acknowledged before me on the 6 day of February, 2017, by G. HUNTER BROWN, the sole member of GHB GP, LLC, a Co-General Partner of BROWN DISTRIBUTING HOLDING, LTD., a Texas limited partnership, on behalf of said entities for the purposes expressed herein.

[SEAL]



  
\_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires: 04-14-2018

STATE OF TEXAS            )  
  )  
COUNTY OF TRAVIS        )

This instrument was acknowledged before me on the 8 day of February, 2017, by J. DAN BROWN, for the purposes expressed herein.



Gayle A. Nixon  
Notary Public in and for the State of Texas  
My commission expires: 5-21-16

STATE OF TEXAS            )  
  )  
COUNTY OF TRAVIS        )

This instrument was acknowledged before me on the 8 day of February, 2017, by GEORGIA BROWN, for the purposes expressed herein.



Gayle A. Nixon  
Notary Public in and for the State of Texas  
My commission expires: 5-21-16

**AFTER RECORDING RETURN TO:**

Lackey & Smith, PLLC  
Attn: Lance T. Lackey  
900 S. Capital of Texas Highway, Suite 425  
Austin, TX 78746



**EXHIBIT "A"  
PROPERTY DESCRIPTION**

522.25 ac.  
Freelove Woody Lge. 23, A-20  
Hays Co., Texas

File No. 06-585  
FB 287 Dec 5  
FB 360 Sept 25

**A DESCRIPTION OF 522.25 ACRES OF LAND REPUTEDLY SITUATED IN THE FREELOVE WOODY LEAGUE NO. 23, ABSTRACT 20, IN HAYS COUNTY, TEXAS, APPROXIMATELY 17-1/2 MILES N10°W FROM THE CITY OF SAN MARCOS, THE COUNTY SEAT;**

**SAID 522.25 ACRES BEING THE ACTUAL CONTENTS OF THE REMAINDER OF THAT CERTAIN 700.03 AC. TRACT OF LAND SET APART TO JOHN RICHARD RUTHERFORD BY PARTITION DEED EXECUTED BY MICHAEL GILES RUTHERFORD, JR., JOHN RICHARD RUTHERFORD, AND SALLY ANNE WILSON MARCH 14, 1996 AND RECORDED IN VOLUME 1214 AT PAGE 548 OF THE HAYS COUNTY DEED RECORDS - LESS AND EXCEPT THAT CERTAIN EASTERN PART OF SAID 700.03 AC. TRACT DESCRIBED AS CONTAINING 177.762 ACRES CONVEYED BY MICHAEL GILES RUTHERFORD, JR., JOHN R. RUTHERFORD, AND SALLY ANNE RUTHERFORD WILSON TO LSM RANCH, LTD BY DEED DATED JANUARY 30, 2000 RECORDED IN VOLUME 1628 AT PAGE 206 OF THE HAYS COUNTY DEED RECORDS**

**SAID 522.25 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ACCORDING TO THE RESULTS OF SURVEYS PERFORMED UPON THE GROUND THROUGH AUGUST 11, 2006 UNDER THE DIRECTION OF KENT NEAL MCMILLAN, REGISTERED PROFESSIONAL LAND SURVEYOR, 418 RIDGEWOOD ROAD, AUSTIN, TEXAS AS FOLLOWS:**

**Bearings of lines in the following description refer to Grid North of the Texas Coordinate System of 1983 (South Central Zone) as computed from GPS vectors (at the POINT OF BEGINNING, True Azimuth = Grid Azimuth + 0°29'48")**

**Distances in the following description are Horizontal Surface Distances in units of US Survey Feet computed using an average project Combined Grid Factor of 0.999913.  
Surface Distance = Grid Distance / 0.999913**

**Underlined Numbers appearing throughout this description are the Point Nos. appearing in the following list of coordinates. Coordinates are in units of US Survey Feet and refer to the Texas Coordinate System of 1983 (South Central Zone); NAD83 (CORS96) Epoch 2002.0 as derived from connections to the National CORS network made using more than 4 hours of L1/L2 observations per day on five different days, processed in the National Geodetic Survey's OPUS utility using IGS Rapid Orbits. These coordinates were**

obtained by a combination of GPS and conventional survey measurements adjusted by the method of least squares. They are estimated from analysis of variance to have uncertainties (standard errors) of less than +/-0.02 ft. in N and E with respect to datum.

Point No.	C o o r d i n a t e s	
	N (ft.)	E (ft.)
101	13960285.056	2281444.396
102	13960286.714	2281549.424
104	13959156.702	2282430.885
105	13958516.662	2282990.811
106	13958568.810	2283051.012
108	13957467.619	2283909.308
107	13957520.299	2283969.892
109	13957141.946	2284785.132
110	13957062.657	2284786.722
112	13957044.966	2286030.897
117	13956660.444	2287267.243
134	13959163.594	2289020.291
165	13960454.763	2288957.022
169	13960423.038	2289010.467
173	13960356.923	2284813.065
176	13960331.381	2283554.047
183	13961370.168	2283536.121
213	13957124.890	2286032.289
214	13957142.689	2284786.388
215	13957520.328	2283969.656
216	13958569.036	2283051.273
217	13958248.779	2284802.149
218	13955175.178	2286003.788
219	13957094.659	2286346.983
220	13957042.510	2289057.874
221	13960846.810	2283545.156
222	13961012.918	2293442.643
231	13959145.951	2289020.598
233	13957042.926	2289036.326
234	13957061.722	2289057.534
235	13957519.679	2283968.895
236	13957521.091	2283969.010
238	13959209.429	2282491.346
300	13960423.794	2289025.215
304	13960938.748	2289023.139
305	13957127.478	2289056.259
306	13957227.460	2289054.574
307	13957305.200	2289053.168
308	13957449.531	2289050.612
309	13960394.738	2289010.685
310	13959209.445	2282491.363

311	13960390.948	2289033.468
312	13957538.601	2283990.585
313	13957170.461	2284786.726
314	13960428.994	2289019.355
316	13960450.866	2289058.081
450	13960932.268	2288636.313
451	13960927.978	2288380.440
452	13960924.791	2288191.062
453	13960919.459	2287873.608
454	13960915.044	2287609.753
455	13960909.412	2287274.938
456	13960903.280	2286911.266
457	13960903.253	2286908.574
458	13960898.873	2286647.454
459	13960893.305	2286315.963
460	13960887.420	2285964.553
461	13960881.547	2285615.341
462	13960876.218	2285297.231
463	13960871.214	2284999.304
464	13960866.561	2284722.437
465	13960861.432	2284416.537
466	13960856.845	2284142.905
467	13960852.198	2283865.480
469	13960899.142	2286662.751
470	13959087.764	2289021.588

In the following description "Standard Rod and Cap" denotes a Punchmark on a 2 in. Aluminum Cap stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" (numbered and with additional stamping as hereinafter noted) affixed a 5/8 in. Iron Rod,

"Standard Spike and Washer" denotes a Punchmark on a Steel Spike with a 2 in. Aluminum Washer stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" (and numbered as hereinafter noted), and

"Capital Surveying Rod and Collar" denotes a 1/2 in. Iron Rod with a Red Plastic Collar imprinted "CAPITAL SURVEYING CO. INC"

-oOo-

BEGINNING at the Southeast corner of that certain 700.03 acre tract set apart to John R. Rutherford as described in Partition deed dated March 14, 1996 recorded in Volume 1214 at Page 548 of the Hays County Deed Records (HCDR) said Corner being a Point No. 220 on the North edge of an old 8 in. Cedar Post at the corner of Wire Fences, referenced by Standard Rod and Cap monuments as follows:

- a Standard Rod and Cap No. 234 found along the line of a Wire Fence running Northerly bears  $N1^{\circ}00'54''W$ , 19.22 ft.,
  - a Standard Rod and Cap No. 233 found on the line of a Wire Fence running Westerly bears  $N88^{\circ}53'53''W$ , 21.55 ft.,
- 1) **THENCE**  $N88^{\circ}53'53''W$  along the South line of the 700.03 ac. John R. Rutherford tract, same being the South line of that certain 457.84 ac. tract (hereinafter referred to as "the Howard Tract") conveyed by Mrs. Lois Howard et al to P.R. Rutherford as described in Warranty Deed dated December 23, 1954 recorded in Volume 163 at Page 243 HCDR, along the average line of a Wire Fence and its prolongation, 2711.63 ft. to an old 5/8 in. Iron Pipe 219 found at the intersection of a 1950.09 ft. radius curve (concave to the Southwest) in said South line of the Howard Tract, same being the North line of the 80 ft. wide Right-of-Way of F.M. Highway No. 967, said Pipe being approximately 7.0 ft. South of a Wire Fence along the Northeast side of said highway and being taken for the identical "iron stake" recited in Volume 163 at Page 243 HCDR as marking a corner on the South line of the 457.84 acre Howard Tract, and from which Pipe found:
- the center of said 1950.09 ft. radius curve, Point 218, bears  $S10^{\circ}08'14''W$ , 1950.09 ft. and
  - the Position of a Cross 117 scribed on the top of a Texas Department of Transportation (TexDOT) Concrete Right-of-Way marker as found by the undersigned in December, 1995 at the beginning of said curve bears  $S64^{\circ}44'25''E$ , 1017.64 ft.;
- 2) **THENCE** in a Westerly direction along said 1950.09 ft. radius curve for an arc distance of 316.52 ft. to a Standard Rod and Cap No. 213 set at the end of said curve (approximately 4.4 ft. South of the East Post of a Gate) and bearing  $N84^{\circ}30'46''W$  at a chord distance of 316.17 ft., (said Rod and Cap replacing the Standard Rod and Cap set by the undersigned in December, 1995 and found to have been damaged) and from which Rod and Cap set:
- a Cross 112 scribed on the top of a TexDOT Concrete Right-of-Way marker found on the South side of F.M. 967 bears  $S0^{\circ}59'52''W$ , 79.94 ft.;
- 3) **THENCE** along the South or Southwest line of the 700.03 ac. John R. Rutherford tract, same being the South or Southwest line of the 457.84 acre Howard Tract as conveyed to P.R. Rutherford by deed dated December 23, 1954, and being the true

North line of F.M. 967 and the true North line of that certain 80 ft. wide strip of land later conveyed by Mrs. Lois Howard et al to the State of Texas by Warranty Deed dated February 19, 1955 recorded in Volume 163 at Page 555 HCDR, N89°10'53"W, 1246.14 ft. to a Standard Rod and Cap No. 214 (also stamped "PC") set to mark the beginning of a 1106.30 ft. radius curve (concave to the Northeast) and from which Rod and Cap set:

- the center of said curve, Point 217, bears N0°48'59"E, 1106.30 ft.
  - an old 1/2 in. Iron Pipe 313 found bears N0°41'50"E, 27.78 ft., said Pipe being taken for the identical stake set by O.E. Metcalfe, Surveyor, in November of 1954 during his survey of the 457.84 acre Howard Tract to reference the above point at beginning of curve (Mr. Metcalfe's private records indicating that said Pipe was opposite and 67.78 ft. distant from the Point on the Engineer's Centerline for then proposed F.M. 967 as he found it marked on the ground by the Texas Highway Department prior to highway construction),
  - a Cross scribed on the top of a TexDOT Concrete Right-of-Way marker 102 found bears S59°24'W, 1.46 ft., and
  - a Cross scribed on the top of another TexDOT Concrete Right-of-Way marker 110 found bears S0°14'21"E, 80.04 ft.:
- 4) **THENCE** continuing along the Southwest line of the 700.03 ac. John R. Rutherford tract and of the 457.84 acre Howard Tract, in a Northwesterly direction along said 1106.30 ft. radius curve for an arc distance of 926.75 ft. to Point No. 215, bearing N65°11'07"W at a chord distance of 899.89 ft., said Point at end of curve being approximately marked by the base of a leaning TexDOT Concrete Right-of-Way marker found and from which Point No. 215:
- an old 3/4 in. Iron Pipe 312 found bears N48°52'32"E, 27.78 ft., said Pipe being taken for the identical stake set by O.E. Metcalfe, Surveyor, in November of 1954 during his survey of the 457.84 acre Howard Tract to reference the above point at end of curve (Mr. Metcalfe's private records indicating that said Pipe was opposite and 67.78 ft. distant from the Point on the Engineer's Centerline for then proposed F.M. 967 as he found it marked on the ground by the Texas Highway Department prior to highway construction),
  - a Cross 107 scribed on the top of said TexDOT Concrete Right-of-Way marker bears S83°04'E, 0.24 ft.,

- the Position of a Cross 108 scribed on the top of another TexDOT Concrete Right-of-Way marker as found in December, 1995 bears S48°51'56"W, 80.13 ft., (said Right-of-Way marker having been subsequently broken and laid over),
  - a Standard Rod and Cap Reference Monument No. 235 (also stamped "1 FT SW") found bears S49°33'05"W, 1.00 ft., and
  - a Standard Rod and Cap Reference Monument No. 236 (also stamped "1 FT NW") set for reference bears N40°14'20"W, 1.00 ft.;
- 5) THENCE continuing along the Southwest line of the 457.84 acre Howard Tract, same being the Northeast line of the 80 ft. wide Right-of-Way of F.M. 967, N41°12'34"W, 1394.11 ft. to a Point 216 approximately marked by a TexDOT Concrete Right-of-Way marker found and from which Point:
- a Cross 106 scribed on the top of said TexDOT Concrete Right-of-Way marker bears S49°06'00"W, 0.35 ft., and
  - the Position 105 of the Top Center of another TexDOT Concrete Right-of-Way marker as found in December, 1995 bears S49°06'00"W, 80.00 ft., said Right-of-Way marker having been subsequently destroyed,
- (using Point 216 for the location of the Angle Point in the Southwest line of the 457.84 acre Howard Tract in lieu of the "iron stake" described in the deed from Howard to Rutherford recorded in Volume 163 at Page 243 HCDR, that stake having been evidently obliterated by road construction and the location of the line upon the ground being otherwise essentially the same);
- 6) THENCE continuing along the Southwest line of the 457.84 acre Howard Tract, N41°09'53"W, 850.73 ft. to a Point 238 approximately marked by a TexDOT Concrete Right-of-Way marker found, and from which Point:
- a Cross 310 scribed on the top of said TexDOT Concrete Right-of-Way marker bears N48°54'32"E, 0.02 ft., and
  - a Cross 104 scribed on the top of another TexDOT Concrete Right-of-Way marker found bears S48°54'32"W, 80.23 ft.;

- 7) **THENCE** continuing along the Southwest line of the 700.03 ac. John R. Rutherford tract and of the 457.84 acre Howard Tract, N41°09'53"W, 1431.12 ft. to a 1/2 in. Iron Rod 102 found on the prolongation of a Wire Fence and taken for the replaced Northwest corner of the 457.84 acre Howard Tract, and from which Iron Rod found:

- a Cross 101 scribed on the top of a TexDOT Concrete Right-of-Way marker found bears S89°05'44"W, 105.05 ft.

said Iron Rod found also marking a point on the recognized South line of that certain 100 acre tract of land conveyed by Thimman Robert et ux to Masa Scott Roberts as described in Warranty Deed dated August 26, 1977 recorded in Volume 301 at Page 865 HCDR;

- 8) **THENCE** N88°43'25"E, parallel with the average line of a Wire Fence along the recognized common line of the 457.84 acre Howard Tract and the Roberts 100 acres, 2003.30 ft. to a Standard Rod and Cap No. 176 set on the South side of the base of a 5 in. dia. Cedar Post at the corner of said Fence to replace an old 60d Nail found (loose) in the base of said Post (and considered by the undersigned to no longer be a sufficiently permanent and substantial boundary monument) marking the recognized Southeast corner of the 100 acre Robert tract and the Southwest corner of that certain 535.13 acre tract of land conveyed by Ashby Minor James to P.R. Rutherford by Warranty Deed dated June 23, 1955 recorded in Volume 163 at Page 203 HCDR, and from which Standard Rod and Cap set to replace 60d Nail found:

- a 1/2 in. Iron Rod 181 found at the base of a Post at the Corner of a Wire Fence bears N0°59'19"W, 1039.03 ft., said Rod being also taken as a replacement of the original Stone Mound recited in Volume 38 at Page 213 HCDR as marking the Northeast corner of the 100 acre Wilhelm tract described in Volume 32 at Page 578 HCDR, (noting that from said 1/2 in. Iron Rod found; the center of a 24 in. dia. Live Oak taken for one of the original bearing trees described in Volume 38 at Page 213 HCDR bears S30°30'W, 20.58 varas) and said Rod marking the Northeast corner of the 100 acre Roberts tract described in Volume 301 at Page 865 HCDR and an interior corner on the West line of the above mentioned 535.13 acre tract conveyed by James to Rutherford,
- a Standard Rod and Cap 314 (also stamped "V38 P213") set to mark the original Southeast corner of that certain tract of land conveyed by James B. Goff to K.C.

Miller by Warranty Deed dated March 7, 1899 recorded in Volume 38 at Page 213 HCDR, bears  $N88^{\circ}58'36''E$ , 5466.66 ft. (= 1968.000 varas), said corner being located from the following evidence of the original bearing trees:

a Standard Rod and Cap 311 (also stamped "FD LO STUMP") set at the estimated center of a Live Oak stump identified by the decayed remains of roots and wood bears  $S20^{\circ}21'08''E$ , 40.58 ft. (= 14.610 varas) and

a 3/8 in. Spike 165 with 2 in. Aluminum Washer stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" set by the undersigned at the center of a shallow depression taken for the stump hole of the other bearing tree bears  $N67^{\circ}32'22''W$ , 67.46 ft. (= 24.285 varas)

said Standard Rod and Cap 314 also marking the original Northeast corner of that certain 500 acre tract of land conveyed by Agnes K. Cannon to William A. Dewoody by Warranty Deed dated June, 1855 recorded in Volume "C" at Page 257 HCDR, said corner being located from the following evidence of the original bearing trees:

Standard Rod and Cap 311 described above bears  $S20^{\circ}21'08''E$ , 40.58 ft. (= 14.610 varas.)

the apparent scar of an old mark "X" 316, 2.4 ft. above the ground on the face of a dead and half-rotted 10 in. dia. Live Oak bears  $N60^{\circ}33'E$ , 44.48 ft. (=16.01 varas., distance to center of trunk)

- an old 5/8 in. Iron Pipe 173 found along the line of a Wire Fence bears  $N88^{\circ}50'16''E$ , 1259.39 ft., said Pipe marking an Angle Point in the North line of the 457.84 acre Howard Tract as described in Volume 163 at Page 243 HCDR;

9) THENCE along the West line of that certain 535.13 acre tract of land conveyed by James to Rutherford,  $N0^{\circ}59'19''W$ , 515.55 ft. to a Standard Rod and Cap No. 221 set along the line of a Wire Fence to mark the Northerly Northwest corner of the 700.03 acre John Rutherford tract, same being the Southerly Southwest of that certain 1060.214 acre tract of land conveyed by Michael Giles Rutherford, Jr. et al. to LSM Ranch, Ltd. as described in Warranty Deed dated January 30, 2000 recorded in Volume 1628 at Page 206 HCDR, and from which Rod and Cap 221:

- a Standard Rod and Cap No. 222 found marking the Northeast corner of the 700.03 ac. John Rutherford tract and the Southeast corner of the 1060.214 acre LSM Ranch, Ltd. tract bears  $N89^{\circ}02'19''E$ , 9899.74 ft.



10) THENCE along the North line of the 700.03 acre John Rutherford tract and the South line of the above-mentioned 1060.214 acre LSM Ranch, Ltd. tract N89°02'19"E,

- at 320.40 ft. passing a Standard Rod and Cap 467 set,
- at 597.88 ft. passing a Standard Rod and Cap 466 set,
- at 871.58 ft. passing a Standard Rod and Cap 465 set,
- at 1177.55 ft. passing a Standard Rod and Cap 464 set,
- at 1454.48 ft. passing a Standard Rod and Cap 463 set,
- at 1752.47 ft. passing a Standard Rod and Cap 462 set,
- at 2070.66 ft. passing a Standard Rod and Cap 461 set,
- at 2419.95 ft. passing a Standard Rod and Cap 460 set,
- at 2771.44 ft. passing a Standard Rod and Cap 459 set,
- at 2933.90 ft. crossing the approximate average centerline (bearing S41°20'10"E) of an underground pipeline understood to have been operated by Valero Transmission in January, 1996, by Enterprise Products Operating LP in September, 2006, and taken to have been constructed pursuant to the easement and right-of-way granted by Mike G. Rutherford to Lower Colorado River Authority by deed dated August 25, 1972 recorded in Volume 254 at Page 218 HCDR,
- at 3103.00 ft. passing a Standard Rod and Cap 458 set,
- at 3118.30 ft. passing a Capital Surveying Rod and Collar 469 (found it 0.09 ft. South of line, reset it on line at same station),
- at 3364.18 ft. passing a Capital Surveying Rod and Collar 457 (found it 0.22 ft. South of line, reset it on line at same station),
- at 3366.88 ft. passing a Standard Rod and Cap 456 set,
- at 3604.95 ft. crossing the approximate centerline of an Overhead Electric Transmission Line (bearing S64°25'18"E) and the established centerline of that certain 100 ft. wide easement and right-of-way described as the "First Tract" granted by A. Minor James to Pedernales Electric Cooperative by Warranty Deed dated April 30, 1953 recorded in Volume 157 at Page 45 HCDR,
- at 3730.63 ft. passing a Standard Rod and Cap 455 set,
- at 4065.52 ft. passing a Standard Rod and Cap 454 set,
- at 4329.44 ft. passing a Standard Rod and Cap 453 set,
- at 4646.96 ft. passing a Standard Rod and Cap 452 set,
- at 4836.39 ft. passing a Standard Rod and Cap 451 set,
- at 5092.32 ft. passing a Standard Rod and Cap 450 set,
- at approximately 5467.7 ft. crossing a Wire Fence running North-South,

in all N89°02'19"E for a total distance of 5479.23 ft. to a Capital Surveying Rod and

Collar 304 found on the North line of the 700.03 acre John Rutherford tract marking the Northwest corner of that certain 177.762 acre tract conveyed by Michael Giles Rutherford, Jr., John R. Rutherford, and Sally Anne Rutherford Wilson to LSM Ranch, Ltd. as described in Warranty Deed dated January 30, 2000 recorded in Volume 1628 at Page 206 of the Hays County Official Public Records,

11) THENCE along the West line of said 177.762 acre LSM Ranch, Ltd. tract, S0°13'52"E, 515.00 ft. to a Capital Surveying Rod and Collar 300 found marking a re-entrant corner on said West line (record call from Deed to LSM Ranch, Ltd: S0°15'40"E, 514.97 ft., but the Rod and Collar shows no sign of having been disturbed and hence is taken to control the location of this corner), and from which Rod and Collar:

- Standard Rod and Cap 314 described above, marking the original Northeast corner of the former 500 acre William A. Dewoody tract as described in the deed recorded in Volume "C" at Page 257 HCDR bears N48°24'54"W, 7.84 ft.

12) THENCE S87°03'56"W, 14.77 ft. to a Point 152 at the Center of the Base of an old 8 in. dia. Cedar Post on the North side of a Gate, at the Corner of a Wire Fence, marking an Ell corner on the West line of the 177.762 acre tract thereby conveyed (record call from Deed to LSM Ranch, Ltd.: S89°02'23"W, 15.17 ft., but the Post is the identical Post and in the same position as it was found by the undersigned in 1995 and hence is taken to control the location of this corner) and from which Point a Standard Rod and Cap No. 309 (also stamped "WC") set for reference on line of Wire Fence bears S0°26'49"E, 28.30 ft.;

13) THENCE along the West line of said 177.762 acre tract, S0°26'49"E,

- at 28.30 ft. passing the Standard Rod and Cap No. 302 described above,
- at 391.73 ft. crossing the approximate centerline of an Overhead Electric Transmission Line (bearing N69°26'31"W),

in all for a total distance of 1259.59 ft. (record call from Deed to LSM Ranch, Ltd.: S0°27'04"E, 1260.14 ft.) to the center of the Base of a 2-3/4 in. o.d. Steel Pipe Post 134 at the Corner of Wire Fences from which:

- a Standard Rod and Cap No. 231 found along the line of a Wire Fence running Southerly marking a Witness Corner on the East line of the 700.03 ac. John R. Rutherford tract for reference along the line of a Wire Fence running South bears S1°00'54"E, 17.65 ft.

said Pipe Fence Post being taken for a replacement of the "iron stake" recited in Volume 163 at Page 241 HCDR as marking the Southwest corner of the 652.60 acre James Tract and recited in Volume 163 at Page 243 HCDR as marking an Angle Point on the East line of the 457.84 acre Howard Tract, and said Pipe Fence Post being also taken as marking the Northwest corner of the 795.47 acre Wilhelm Tract described in Volume 158 at Page 558 HCDR, noting that from said Pipe Fence Post:

- the center of a 30 in. Live Oak with old mark "X" bears S72°25'E, 43.63 varas (record call from Volume 158 Page 558: S71°15'E, 44.0 varas),
- the center of a 17 in. and 16 in. Live Oak with old mark "X" bears S10°34'E, 47.24 varas (record call from Volume 158 Page 558: S10°E, 47.3 varas), and

said Pipe Fence Post being the identical Pipe post marking a re-entrant corner on the South line of the 700.03 ac. John R. Rutherford tract and recited as marking the Southwest corner of the 177.762 acre LSM Ranch, Ltd. tract and in the identical position as found by the undersigned in 1995;

14) THENCE S1°00'54"E, along East line of the 700.03 acre John Rutherford tract, along the average line of a Wire Fence,

- at 17.65 ft. passing on line Standard Rod and Cap No. 231 found,
- at 75.87 ft. passing a Capital Surveying Rod and Collar 470 found 0.05 ft. West of line,
- at 1181.39 ft. crossing the approximate average centerline (bearing N41°20'10"W) of the underground pipeline understood to have been operated by Valero Transmission in January, 1996 and by Enterprise Products Operating LP in September, 2006, both pursuant to the easement and right-of-way granted by Mike G. Rutherford to Lower Colorado River Authority by deed dated August 25, 1972 recorded in Volume 254 at Page 218 HCDR,
- at 1714.48 ft. passing a Capital Surveying Rod and Collar 308 found 0.05 ft. West of line,
- at 1858.85 ft. passing a Capital Surveying Rod and Collar 307 found 0.05 ft. West of line,
- at 1903.25 ft. passing a Standard Rod and Cap 204 set by the undersigned in 1995 in an old Rock Mound found, 4.26 ft. East of line,
- at 1936.61 ft. passing a Capital Surveying Rod and Collar 306 found 0.02 ft. West of line,
- at 2036.61 ft. passing a Capital Surveying Rod and Collar 305 found 0.11 ft. West of line,

---

• at 2102.38 ft. passing Standard Rod and Cap No. 234 found on line,

in all  $S1^{\circ}00'54"E$ , for a total distance of 2121.60 ft. to the POINT OF  
BEGINNING of this description:

**CONTAINING** in all 522.25 acres of land within the above described metes as  
determined by this survey;

0.1793 Acres  
Page 1 of 2

Freelove Woody Survey No. 23, Abst. No. 20  
14519.10  
July 16, 2014

**EXHIBIT "B"**

STATE OF TEXAS                   §  
   §  
COUNTY OF HAYS                 §

FIELDNOTE DESCRIPTION of a 0.1793 acre tract out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas, being a portion of that certain tract, described as First Tract, conveyed to Michael Giles Rutherford (First Tract) by deed recorded in Volume 197, Page 45 of the Deed Records of Hays County, Texas; the said 0.1793 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a cotton gin spindle found on the easterly line of that 522.25 acre tract conveyed to Michael Giles Rutherford by deed recorded in Volume 3799, Page 263 of the Official Public Records of Hays County, Texas, same being the southwest corner of that 177.762 acre tract, described as Exhibit A-1, as conveyed to LSM Ranch, Ltd. by deed recorded in Volume 1628, Page 206 of the said Deed Records and the proposed southwest corner of Rim Rock, Phase One, Section Five, subdivision;

THENCE, N87°51'36"E, leaving the easterly line of the said 522.25 acre tract, across the said First Tract, with the southerly line of the said 177.762 acre tract and proposed Rim Rock, Phase One, Section Five subdivision, for a distance of 99.82 feet to a calculated point for the northeast corner of the herein described tract, same being the most northerly northwest corner of Lot 34, Block 'A', Rutherford West, Section 2, a subdivision recorded in Book 14, Pages 49 through 53 of the Plat Records of Hays County, Texas, from which a ½" iron rod found, with plastic cap marked "Capital Surveying Company, Inc., bears N00°32'40"W, 0.13 feet;

THENCE, leaving the southerly line of the said 177.762 acre tract and proposed Rim Rock, Phase One, Section Five, subdivision, across the said First Tract, with the westerly and northerly lines of said Lot 34, Block 'A', for the following two (2) courses:

- 1) S00°32'40"E, 81.34 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc., found;
- 2) N88°52'48"W, 99.21 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc., found for the most westerly northwest corner of aforesaid Lot 34, Block 'A', same being on the easterly line of the aforesaid 522.25 acre tract and the southwest corner of the herein described tract;

0.1793 Acres  
Page 2 of 2

Freslove Woody Survey No. 23, Abst. No. 20  
14519.10  
July 16, 2014

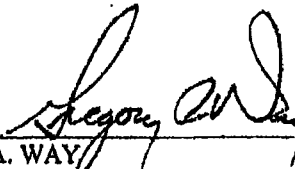
THENCE, N01°00'52"W, leaving the northerly line of said Lot 34, Block 'A', and continuing across the said First Tract, with the easterly line of the aforesaid 522.25 acre tract, at a distance of 58.07 feet pass a 5/8" iron rod, with aluminum cap marked "Kent McMillan, Surveyor, RPLS 4341", found and continuing for a total distance of 75.68 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 0.1793 acres of land area.

The Bearing Basis for this description is the Texas State Plane Coordinate System, South Central Zone, NAD 83 Datum, derived from GPS Survey occupations.

That I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16th day of July, 2014.



  
GREGORY A. WAY  
Registered Professional Land Surveyor  
No. 4567 - State of Texas

**Exhibit "C"**

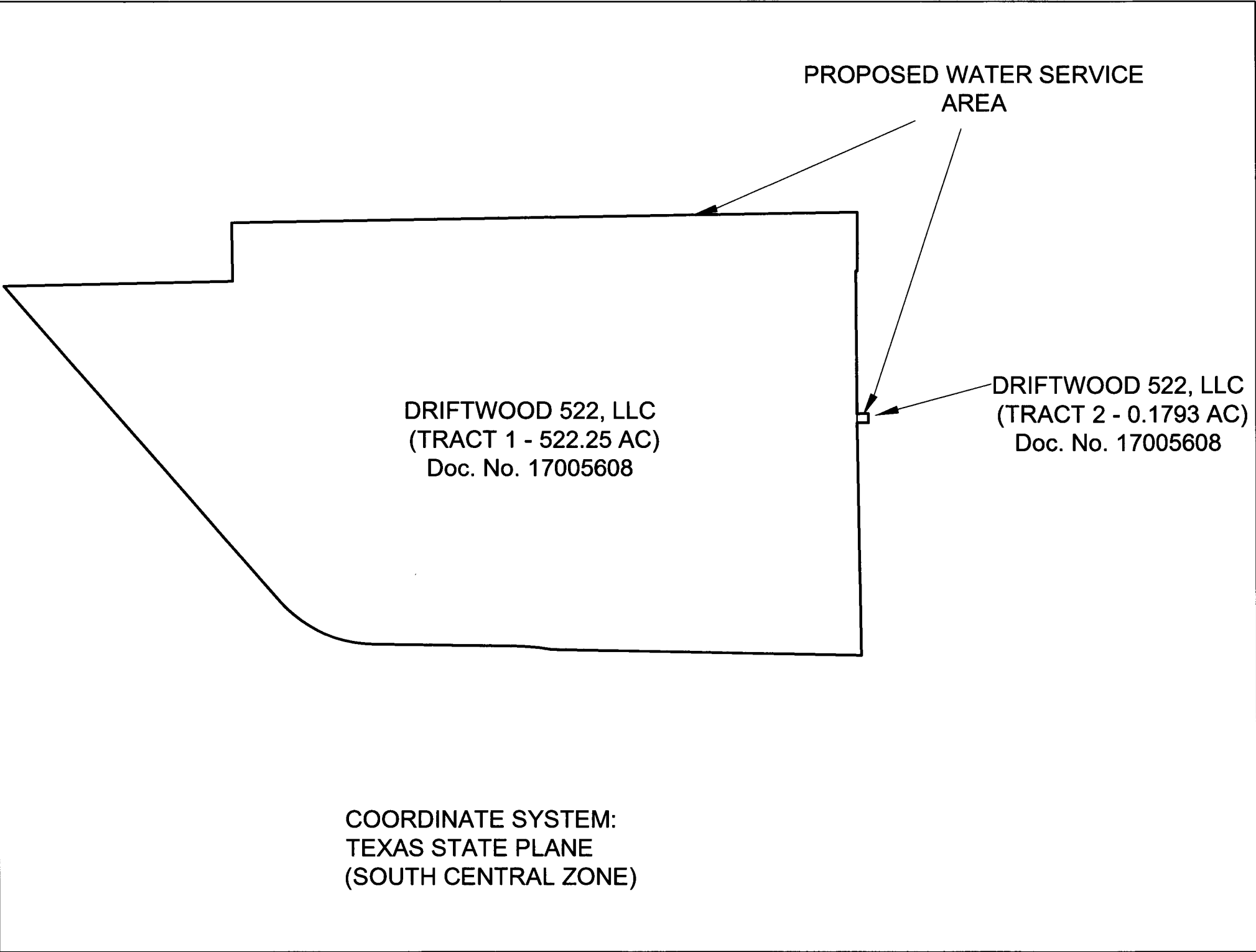
1. Easement granted to Pedernales Electric Company, Inc., as set out in Volume 157, Page 47 of the Deed Records of Hays County, Texas, and as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
2. Easement granted to Pedernales Electric Company, Inc., as set out in Volume 157, Page 45 of the Deed Records of Hays County, Texas, and as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
3. Easement granted to the LCRA, as set out in Volume 254, Page 218 of the Deed Records of Hays County, Texas, and as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
4. Easement granted to the State of Texas as set out in Volume 163, Page 554 of the Deed Records of Hays County, Texas, and as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
5. Easement granted to the State of Texas as set out in Volume 163, Page 539 of the Deed Records of Hays County, Texas, and as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
6. Overhead electric and telephone service lines traversing the subject property as shown on survey dated September 28, 2006 by Kent Neal McMillan, RPLS 4341. (Tract 1)
7. An unrecorded Grazing Lease Agreement by and between Ranch 10450 FM 967 LLC as the exchange accommodation titleholder in a qualified exchange accommodation arrangement for JDB Turner Crest, LLC, as Lessor, and Michael G. Rutherford, as Lessee, dated August 22, 2014.
8. Verbal residential lease.

PROPOSED WATER SERVICE  
AREA

DRIFTWOOD 522, LLC  
(TRACT 1 - 522.25 AC)  
Doc. No. 17005608

DRIFTWOOD 522, LLC  
(TRACT 2 - 0.1793 AC)  
Doc. No. 17005608

COORDINATE SYSTEM:  
TEXAS STATE PLANE  
(SOUTH CENTRAL ZONE)





#### **Attachment #4 – Written Description of the Proposed Service Area**

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967. The proposed area is depicted graphically in Attachment 2.

**Attachment #5 – List of public drinking water supply system(s) within a 2-mile radius**

CCN #13207

West Travis County Public Utility Agency  
12117 Bee Cave Rd., Bldg 3, Ste. I20  
Austin, TX 78738

CCN #12239

Goldenwood West WSC  
26550 Ranch Road 12 Unit 1  
Dripping Springs, TX 78620


CCN #12413

Radiance WSC  
108 Royal Way Ste 1006  
Austin, TX 78737

CCN #12920

Southwest Liquids Inc.  
1600 Stagecoach Ranch Road  
Dripping Springs, TX 78620

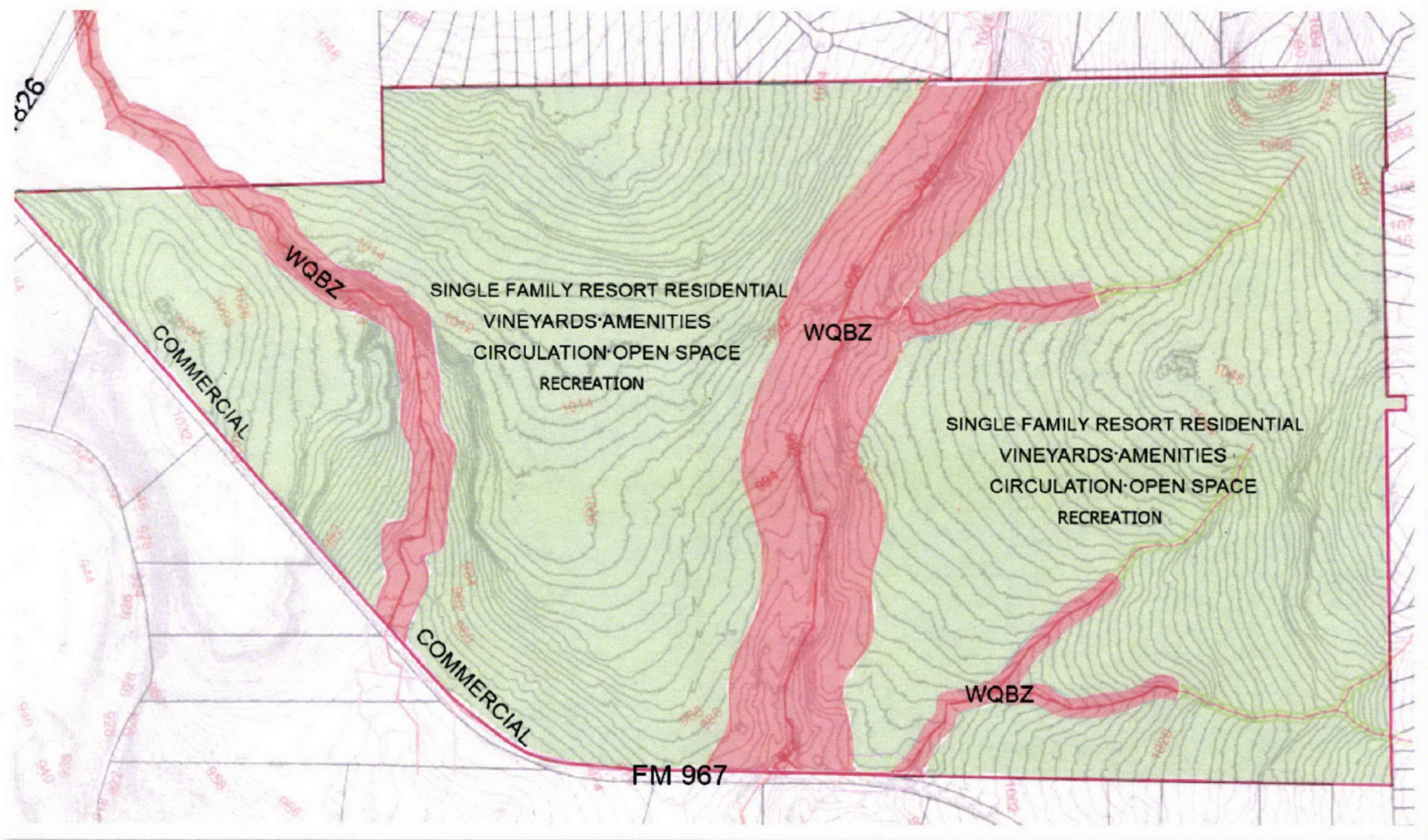
## **Attachment #6 – Concept Plan**

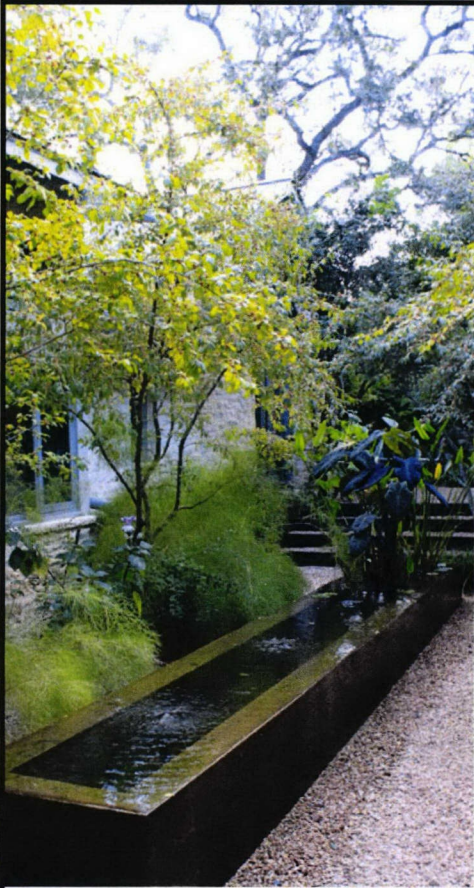


**DRIFTWOOD-522**  
Driftwood, TX

January 2017







## PROGRAM

TOTAL SIZE OF APPROXIMATELY 522 ACRES

### INITIAL PLANS

403 acres of initial community development, dedicated to single family resort residential, open space, circulation, amenities, vineyards and recreation

### TWO COMMERCIAL INITIATIVES

One of about 9 acres ("Hill Country" resort offerings; very low-density) and, one of up to 50 acres (same approach to retail)

### RESIDENTIAL

Homes/lots of about 160 to 180 total units.  
Range of resort/vineyard cottages to 3-5 acre ranchettes

### BALANCE OF PROPERTY - TBD

### INITIAL IMPROVEMENTS

Late 2017/early 2018 and sales and development thereafter

**DRIFTWOOD-522**  
Driftwood, TX



## WORKING WITH DRIPPING SPRINGS

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MUD INITIATIVE AND SPECIAL LEGISLATION

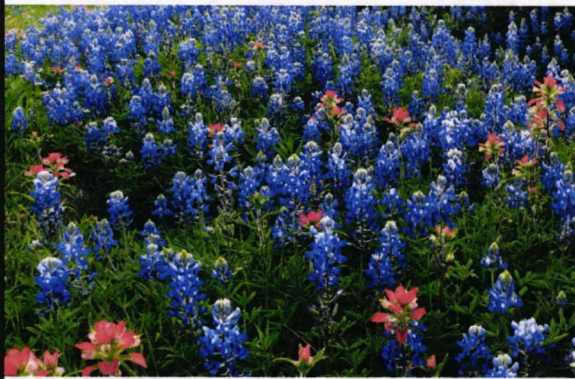
WATER AND WASTEWATER COOPERATION WITH CITY

DEVELOPMENT AGREEMENT WITH CITY

HILL COUNTRY DEVELOPMENT AND DESIGN VALUES

SYNERGIES WITH DRIFTWOOD (ROBERTS) AND MMD





## PRIORITIZING SUSTAINABILITY & ENVIRONMENTAL PRINCIPLES

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### CRITICAL COMPONENT TO OVERALL DEVELOPMENT APPROACH

“exceedingly-high conservation & low-impact standards”

### IN PARTICULAR

Additional Vineyards Landscape/Tree Preservation,  
Water Quality Buffer, Rainwater Harvest, Aquifer Health,  
Natural Open Spaces, Dark Skies, Reclaimed Building/  
Construction Materials

## **Attachment #7 – Financial Information**

Although the City of Dripping Springs (City) has a Water CCN, the City has not yet provided water service and has not constructed its water system. A standalone water system, with a master wholesale water meter, will be constructed by the Developer of the Driftwood 522, LLC. Development. To the extent that the City incurs any costs in construction, operation and maintenance, management and operation of the water system, the City has the authority to recover such costs through its rate ordinances.

The City of Dripping Springs has adopted a rate schedule, service rules and extension policies. Pursuant to the Wholesale Water Supply Agreement, the City has adopted service availability, plumbing regulations, an extension policy and water conservation and drought contingency plans consistent with those of the WTCPUA (successor to the LCRA's West Travis County Water System), including the water quality protection measures required by the USFWS and LCRA MOU dated May 2000. The rate ordinances adopted by the City are included in Attachment #1.

**Attachment #8 – Notice forms for publication and neighboring cities and systems**

## Notice for Publication

### NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN HAYS COUNTY

City of Dripping Springs has filed an application to amend CCN No. 13030 with the Public Utility Commission of Texas to provide water utility service in Hays County.

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967.

*See enclosed map of the proposed service area.*

The total area being requested includes approximately 522 acres and zero current customers.

A copy of the proposed service area map is available at the Dripping Springs City Hall at the address below:

City of Dripping Springs  
511 Mercer Street  
Dripping Springs, TX 78620  
512-858-4725

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.

**Persons who wish to intervene or comment should file with the PUC at the following address:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is

reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or “opt out”) by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

***Si desea informacion en Espanol, puede llamar al 1-888-782-8477***

## **Notice to Neighboring Systems, Landowners and Cities**

### **NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN HAYS COUNTY, TEXAS**

To: West Travis County  
Public Utility Agency  
12117 Bee Cave Rd., Bldg 3, Ste. I20  
Austin, TX 78738

Date Notice Mailed: \_\_\_\_\_, 2018

The City of Dripping Springs has filed an application to amend CCN No. 13030 with the Public Utility Commission of Texas to provide water utility service in Hays County.

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967.

***See enclosed map of the proposed service area.***

The total area being requested includes approximately 522 acres and zero current customers.

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Dripping Springs, TX 78620  
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If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or “opt out”) by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

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Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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## **Notice to Neighboring Systems, Landowners and Cities**

### **NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN HAYS COUNTY, TEXAS**

To: Goldenwood West WSC  
26550 Ranch Road 12 Unit 1  
Dripping Springs, TX 78620

Date Notice Mailed: \_\_\_\_\_, 2018

The City of Dripping Springs has filed an application to amend CCN No. 13030 with the Public Utility Commission of Texas to provide water utility service in Hays County.

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967.

*See enclosed map of the proposed service area.*

The total area being requested includes approximately 522 acres and zero current customers.

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Dripping Springs, TX 78620  
512-858-4725

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1701 North Congress Avenue  
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Austin, TX 78711-3326

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If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

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Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

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*Si desea informacion en Espanol, puede llamar al 1-888-782-8477*

## **Notice to Neighboring Systems, Landowners and Cities**

### **NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN HAYS COUNTY, TEXAS**

To: Radiance WSC  
108 Royal Way Ste 1006  
Austin, TX 78737

Date Notice Mailed: \_\_\_\_\_, 2018

The City of Dripping Springs has filed an application to amend CCN No. 13030 with the Public Utility Commission of Texas to provide water utility service in Hays County.

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967.

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Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

***Si desea informacion en Espanol, puede llamar al 1-888-782-8477***

## **Notice to Neighboring Systems, Landowners and Cities**

### **NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN HAYS COUNTY, TEXAS**

To: Southwest Liquids Inc.  
1600 Stagecoach Ranch Road  
Dripping Springs, TX 78620

Date Notice Mailed: \_\_\_\_\_, 2018

The City of Dripping Springs has filed an application to amend CCN No. 13030 with the Public Utility Commission of Texas to provide water utility service in Hays County.

The Proposed addition to the City of Dripping Springs water CCN service area is located southeast of the City of Dripping Springs and is comprised of approximately 522 acres. The northeastern corner of the proposed area is located approximately 1.4 miles east of the intersection of FM 1826 and FM 967. The southeastern corner of the proposed area is approximately 1.4 miles east and 0.7 miles south of the intersection of FM 1826 and FM 967. The western boundary is located along the north side of FM 967 for approximately 0.9 miles. The southern boundary varies from 0 to 0.3 miles north of FM 967.

***See enclosed map of the proposed service area.***

The total area being requested includes approximately 522 acres and zero current customers.

A copy of the proposed service area map is available at the Dripping Springs City Hall at the address below:

City of Dripping Springs  
511 Mercer Street  
Dripping Springs, TX 78620  
512-858-4725

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.

**Persons who wish to intervene or comment should file with the PUC at the following address:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

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