



Control Number: 48350



Item Number: 138

Addendum StartPage: 0

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APPLICATION OF THE CITY OF  
DAYTON FOR CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
LIBERTY AND HARRIS COUNTIES

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§

BEFORE THE  
PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**CITY OF DAYTON'S SECOND SUPPLEMENT TO AMENDED APPLICATION**

COMES NOW, the City Dayton (the "**City**"), by and through its undersigned attorneys of record, and files this "Second Supplement to Amended Application" ("**Supplement**"). In support thereof, the City would show as follows:

**I. BACKGROUND**

On May 8, 2018, the City filed with the Public Utility Commission of Texas (the "**Commission**") its application to obtain water and sewer Certificates of Convenience and Necessity (each, a "**CCN**") in Liberty and Harris Counties pursuant to Chapter 13, Subchapter G of the Texas Water Code ("**TWC**") and Chapter 24, Subchapter H of Title 16 of the Texas Administrative Code ("**TAC**"). The City filed an Application Amendment on May 10, 2019 and a First Supplement to Amended Application on July 27, 2020 (the application, as amended and supplemented, is the "**Application**"). The water and sewer CCN service area originally requested included approximately 80,045 acres, but has since been reduced to approximately 14,950 acres.

Notice of the Application was mailed to neighboring systems, landowners, customers, and cities on June 18, 2018; and, on August 13, 2018, the Administrative Law Judge ("**ALJ**") issued Order No. 3, finding notice sufficient. In response to that notice, the Commission received more than 45 public comments, motions to intervene, and/or requests to exclude property from the CCN service areas sought by the City (each request to exclude

property is referred to herein as an “*Opt-Out Request*”). A total of 38 separate Opt-Out Requests were filed in this docket, many of which are duplicate, and in some cases, triplicate Opt-Out Requests filed by the same party, but containing different and/or contradictory documentation. Twenty of those Opt-Out Requests do not meet the requirements of TWC § 13.246(h) or 16 TAC § 24.227(i) (each, a “*Noncompliant Opt-Out Request*”).

On October 19, 2018, believing it had accommodated all 38 landowner Opt-Out Requests, including the Noncompliant Opt-Out Requests, the City filed revised maps and digital data with the Commission. Order No. 6, issued by the ALJ on November 27, 2018, deemed that information deficient. On December 20, 2018, the City submitted further revised maps and digital data, which were deemed sufficient on February 5, 2019. Following the issuance of Order No. 9, deeming the supplemental mapping sufficient, however, Staff propounded a First and Second Request for Information (each, an “*RFI*”) on the City, both requesting that it provide additional mapping information. The City timely responded to both RFIs, submitting all of the supplemental mapping materials requested by Staff.

The City then received further informal requests for supplemental mapping materials, many related to the Noncompliant Opt-Out Requests, and has been working diligently and cooperatively with Staff since that time to accommodate the additional requests. By March 2020, the City had used its best efforts and exhausted all resources available to it in attempting to produce satisfactory mapping materials. Thus, seeing no other means to resolve Staff’s mapping concerns with finality, the City made an unprecedented offer to mail additional, supplemental notice of the Application to landowners who submitted Noncompliant Opt-Out Requests, thereby affording such landowners an extra opportunity—neither contemplated nor required by the

applicable law or regulations—to submit Opt-Out Requests conforming to the regulatory requirements. Staff promptly accepted the City’s proposal and, on March 19, 2020, the City filed an Agreed Motion to Adopt Procedural Schedule, obliging it to provide such additional notice. On March 24, 2020, in accordance with the Agreed Procedural Schedule, and at a considerable cost in both time and money, the City mailed supplemental notice of the Application to each landowner who had submitted a Noncompliant Opt-Out Request.

Over the months that followed, the City received responses from 15 of the 20 Noncompliant Opt-Out Requestors, each giving written and/or verbal confirmation or clarification as to the individual tracts of land that they had intended to designate in their respective Opt-Out Requests. The other 5 landowners who received the City’s March 24, 2020 additional, supplemental notice did not provide a response. Although the City could have disregarded these still-deficient filings, leaving the relevant properties within the requested CCN service area, it has always desired to accommodate all of the Opt-Out Requests filed in this docket and has gone to extreme lengths to do so. Most recently, using the new documentation provided in response to the City’s supplemental notice to prepare revised maps and digital data filed with the Commission on July 27, 2020.

Once again, however, Staff recommended that these mapping revisions be deemed deficient. On August 28, 2020, the ALJ issued Order No. 14, finding the mapping revisions insufficient and establishing a deadline of September 25, 2020 for the City to provide the additional materials and information requested in an internal Commission memorandum filed by Staff (“*Memo*”). As extended by Order No. 15, the City’s current deadline to do so is November 25, 2020. Pursuant to 16 TAC § 22.4, however, because November 25, 2020 is a Commission holiday, the deadline is extended until November 30, 2020, “the next day on

which the [C]ommission is open for business.” Therefore, this Supplement is timely filed.

## **II. SUPPLEMENT TO AMENDED APPLICATION**

The City hereby supplements its Application with the following additional information, documentation, and mapping content responsive to the requests in Staff’s Memo (each, a “*Request*”):

**Request No. 1:** An updated and corrected detailed map identifying the revised requested area after removing the tracts of land subject to each landowner’s opt-out request in reference to verifiable man-made and natural landmarks such as roads, rivers, and railroads.

- a) Each tract of land should be identified by the item numbers for the corresponding landowner’s opt-out request found in the Agency Interchange System (AIS);
- b) The requested area shown on this map should match the digital mapping data described below in item number 2; and
- c) Each tract of land subject to each landowner’s opt-out request should match the digital mapping data described below in item number 3.

**Response:** See the map included as Attachment A, attached hereto and included herein for all purposes.

**Request No. 2:** Updated and corrected digital mapping data, which matches the requested area shown on the map described above in item number 1, for the requested area provided in a polygon shapefile (SHP) format and georeferenced in NAD 83 Texas Statewide Mapping System (Meters). The digital mapping data must remove the following from the requested area:

- a) The settlement tracts that match the maps and digital mapping data filed and agreed upon with Aqua Texas, Inc.;
- b) All tracts of land identified in each landowner’s opt-out request filed with the Commission; and
- c) The overlaps with all existing CCNs, including T&W Water Service (CCN No. 12892) and Woodland Hills Water LLC (CCN No. 12388).

**Response:** See the CD-ROM included as Attachment B, attached hereto and included herein for all purposes.

**Request No. 3:** Updated and corrected digital mapping data for each tract of land identified in each landowner's opt-out request filed with the Commission. Each tract of land identified in each landowner's opt-out request must be provided in the following format:

- a) Polygon shapefile (SHP) format, that is georeferenced in NAD83 Texas Statewide Mapping System (Meters); and
- b) An attribute table that includes the following field names:
  - a. PUC Item Number (Column A) associated with each landowner's opt-out request filed in AIS;
  - b. Landowner's name (Column B) as identified in each landowner's opt-out request filed in AIS;
  - c. Owner name (Column C) as identified in the Liberty County Appraisal District (CAD)'s parcel digital mapping data (CAD);
  - d. Property ID Number (Column D) for each individual parcel (tract of land) as found in Liberty CAD;
  - e. Acreage (Column E) as provided in Liberty CAD's parcel digital mapping data; and
  - f. Additional PUC Item Number(s) (Column F) associated with this Property ID.

**Response:** See the CD-ROM included as **Attachment B**, attached hereto and included herein for all purposes.

**Request No. 4:** Digital mapping data for Dayton's current corporate boundaries, provided in a polygon shapefile (SHP) format, georeferenced in NAD 83 Texas Statewide Mapping System (Meters). The digital mapping data provided must match Dayton's corporate boundaries as identified on the detailed map filed in response to Staff request for information (RFI) 1-1.

**Response:** See the CD-ROM included as **Attachment B**, attached hereto and included herein for all purposes.

**Request No. 5:** A spreadsheet in an Excel format. In the spreadsheet, for each Property ID, include the following columns associated with each Property ID. Include any supporting documentation needed to help clarify any differences between the total acreage requested in each landowner opt-out request and the total acreage removed from the requested area based on LCAD data or other mapping source:

- a) PUC Item Number (Column A) - associated with each landowner's opt-out request filed in AIS;
- b) Landowner's name (Column B) - as identified in each

- landowner's opt-out request filed in AIS;
- c) Owner name - (Column C) as identified in LCAD;
- d) Property ID Number- (Column D) for each individual parcel (tract of land) as found in LCAD data;
- e) Acres Requested & Source (Column E)-total acreage requested in each landowner's opt-out request as filed in AIS; source of the acreage (LCAD, metes and bounds, or legal survey);
- f) Acres for each parcel as found in LCAD data; and
- g) Comment (Column F)-additional PUC Item Number associated with this Property ID.

**Response:** See the CD-ROM included as **Attachment B**, attached hereto and included herein for all purposes.

The City has worked diligently to accommodate all 38 Opt-Out Requests submitted in this docket and a more detailed explanation of those efforts follows below.

In order to correctly locate and map the properties subject to each Opt-Out Request, and in addition to the materials provided therein, the City used data available from the Liberty County Appraisal District ("**LCAD**"), Harris County Appraisal District ("**HCAD**"), and Chambers County Appraisal District ("**CCAD**"). Because only a few of the properties subject to Opt-Out Requests extend into Chambers or Harris Counties, LCAD was used as the primary source of mapping information other than the Opt-Out Requests themselves. Specifically, owner names and acreage information from LCAD, HCAD, and/or CCAD was compared with the Opt-Out Requests, then entered into the spreadsheet responsive to this Request No. 5.

During the process of preparing this spreadsheet, the City identified a number of conflicts between information supplied by the landowner and the parcel information provided by LCAD, HCAD, and/or CCAD. For consistency, the City relied upon the acreage provided in the county records. If a difference of more than one acre was found between the Opt-Out Request and central appraisal district records, an explanation is provided in the spreadsheet. No explanation is provided if a difference of one acre or less was found between the two sources of information. In addition to those explanations, the spreadsheet also contains columns of information not requested in Staff's Memo, but which were later informally requested by Staff.

Another common mapping difficulty arose as a result of the fact that many of the properties subject to Opt-Out Requests are no longer located within the requested area. Specifically, the Opt-Out Requests submitted by the following 21 landowners do not concern land located

within the reduced requested area: Gerald and Laura Dufrene; Stoesser Farms, Inc.; Cedar Bayou Farms, Ltd.; Stoesser Investments, LLC; Stoesser Drier, Inc.; Mark Stoesser; Jack Stoesser; Walter Wallace Wade; Michael Pomykal; Liberty RV; the Mary Gay Corporation; FVL, Ltd.; Precab, Inc.; Bannister Trust; Cedar Bayou Wildlife, LLC; John M. Bartee; Eagle Heights Fellowship; Daniel Martin Parker; Bill Daniel Trust, et al; Norma Hernandez; and Randal and Pamela Klimitchek.

Of the 33 individual landowners who submitted Opt-Out Requests, only the following 12 own property located within the reduced requested area: Joe Smesny; Weldon Alders; Susan Nanette Daniel; William D. Gay, II; Keith and Connie Fitzhenry; River Ranch Holdings, Inc.; Daniel and Lisa Simnacher; FPL Farming, Ltd.; Third Texas Resource, LLC; Precab, Inc.; and the W.M. Moreau Estate. Five of those landowners submitted Noncompliant Opt-Out Requests.

Of the 20 total Noncompliant Opt-Out Requestors, only six responded by filing more information at the Commission. The chart below shows (1) whether information from the original Opt-Out Request (“**OR**”) or supplemental materials later provided by Noncompliant Opt-Out Requestors (“**NCR**”) were used to remove the relevant property from the requested area, (2) the City’s rationale for relying on that information, and (3) the mapping issue resolved in each case.

AIS Item No.	Landowner	OR	NCR	Rationale for Reliance Upon OR or NCR	Mapping Issue Resolved
11, 122	Stoesser Farms, Inc.		X	Included all property information needed.	Able to locate and confirm property location.
15	Stoesser Investments, LLC		X	Included all property information needed.	Able to locate and confirm property location.
16, 125	Mark Stoesser		X	Included all necessary metes and bounds and plats for properties identified in Opt-Out Request.	Able to locate and confirm property location. Note that the Stoesser information for AIS No. 16 included three owners and was not clear as to which tracts of land were owned by which party named in the Opt-Out Request.
16, 126	Jack Stoesser		X	Included some metes and bounds, but supplied necessary Property ID numbers.	Able to locate and confirm property location. Note that the Stoesser information for AIS No. 16 included three owners and was not clear as to which tracts of land were owned by which party named in the Opt-Out Request.
26, 121	The Mary Gay Corporation		X	New survey completed.	Able to locate and confirm property location.
49, 127	Gary Moreau	X		Information submitted originally and in response to the City’s supplemental notice was insufficient.	Landowner owned only one property in Liberty County, which was easily located in LCAD.

See Attachment C, attached hereto and incorporated herein for all purposes, which includes all of those materials provided to the City in response to its additional, supplemental notice, but which the respondent Noncompliant Opt-Out Requestor did not also provide to the Commission.

**Request No. 6:** A copy of the city ordinance stating the date on which “Gulf Inland” was annexed into the City of Dayton’s corporate boundaries.

**Response:** See Ordinance Nos. O2018-32, O2018-33, O2018-34, and O2018-35 (each, an “**Ordinance**,” and collectively, the “**Ordinances**”), attached hereto and included herein for all purposes as Attachment D, indicating that the properties comprising Gulf Inland were annexed into the City’s corporate limits on December 17, 2018.

**Request No. 7:** Supporting documentation for the need for service for the area labeled as “Gulf Inland” on the maps filed by Dayton on August 28, 2019 in response to Staff RFI 2-2 to Dayton, filed on August 1, 2019.

**Response:** See Attachment D. The Ordinances contained therein evidence that Gulf Inland is located within the City’s corporate boundaries. Each Ordinance also includes the corresponding petition filed by CMC Railroad, LLC, the landowner, requesting full purpose annexation into the City pursuant to Texas Local Government Code, Chapter 43.

The City has been awarded a \$4.8 million grant by the United States Economic Development Administration to support infrastructure improvements, including the construction of a water and sewer utility extension to serve the Gulf Inland Logistics Park. Gulf Inland Logistics Park is a 1,050-acre master-planned multi-modal transportation and logistics center, located less than 25 miles from the Port of Houston, and uniquely situated to provide logistics, transportation, and manufacturing businesses with expedient access to the nation’s highway and rail systems. Additional documentation supporting the need for service in the Gulf Inland Logistics Park is attached hereto and included herein for all purposes as Attachment E.

**Request No. 8:** Any engineering plans for facilities in the unserved areas within the requested area, which are subject to approval by the Texas Commission on Environmental Quality, that the City of Dayton has produced since the original filing of the CCN application.

**Response:** There are no documents responsive to this Request.

**Request No. 9:** The number of current customer connections within the following portion of the updated and corrected requested area (as provided in Nos. 1 and 2):

- a) The area within Dayton's city limits;
- b) The area within Dayton's ETJ; and
- c) The area outside Dayton's city limits and ETJ.
- d) The area within the updated and requested area.

**Response:** The number of current customer connections in the updated and corrected requested area within Dayton's city limits is approximately 2,974.

The number of current customer connections in the updated and corrected requested area within Dayton's ETJ is 0.

The number of current customer connections in the updated and corrected requested area outside Dayton's city limits and ETJ is 0.

The number of current customer connections in the updated and corrected requested area is 2,974.

**Request No. 10:** The total number of existing connections in the updated and corrected requested area and a detailed map showing the location of the current customer connections in the updated and corrected requested area.

**Response:** See the map included as Attachment F, attached hereto and included herein for all purposes.

The total number of existing connections in the updated and corrected requested area is 2,974.

### **III. CONCLUSION**

The City of Dayton respectfully requests that the Commission approve its Application, as supplemented hereby, and grant all other and further relief to which it may be entitled.

Respectfully submitted,

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

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

DAVID J. KLEIN  
State Bar No. 24041257  
[dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)



MARIS M. CHAMBERS  
State Bar No. 24101607  
[mchambers@lglawfirm.com](mailto:mchambers@lglawfirm.com)

**ATTORNEYS FOR THE CITY OF DAYTON**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 30, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



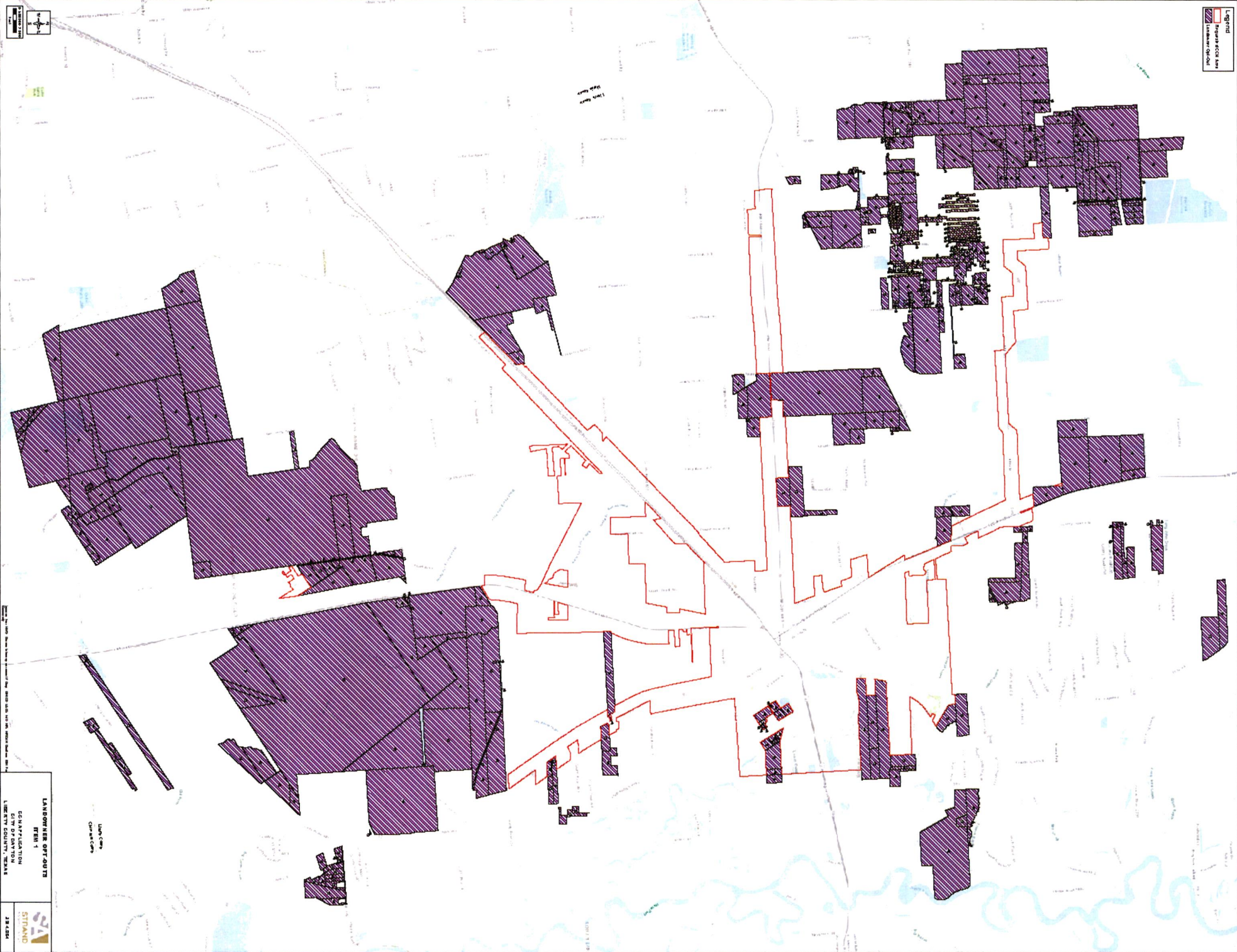
Maris M. Chambers

Attachment A  
Updated and corrected detailed maps



Legend

- Regulated Area
- Landowner Owned

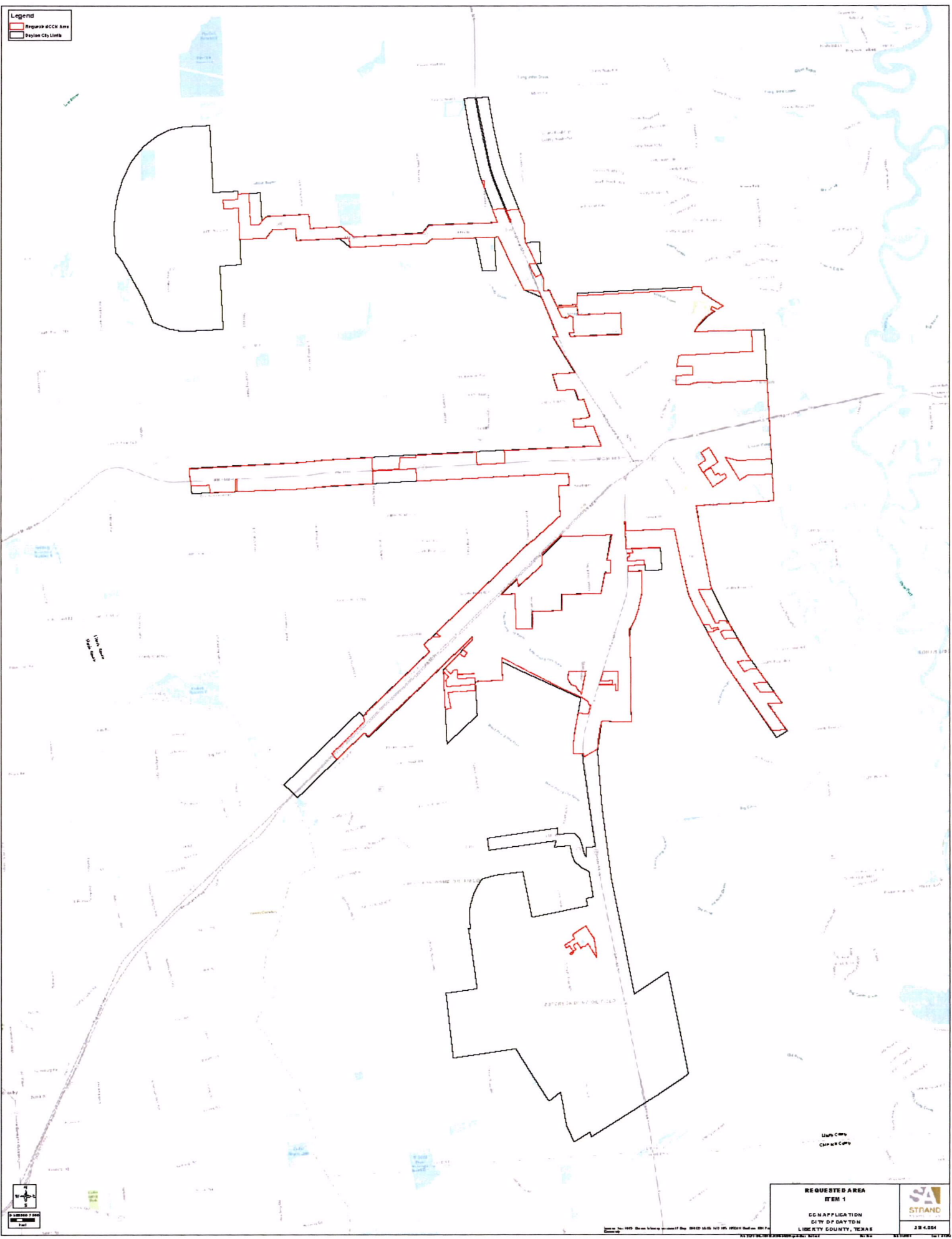


LANDOWNER OFF-ROUTE  
ITEM 1  
SCAFFOLDING  
SITE OF OPERATION  
LANDOWNER OWNED  
2017

STANDARD  
2017

**Legend**

- Request #CCM Area
- Dayton City Limits



Liberty County  
CIP and CIPs

<p><b>REQUESTED AREA</b> ITEM 1</p> <p>CCM APPLICATION CITY OF DAYTON LIBERTY COUNTY, TEXAS</p> <p>2024.05.04</p>	<p>STRAND</p>
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Attachment B  
Updated and corrected digital mapping data

**PUC DOCKET NO. 48350**  
APPLICATION OF THE CITY OF DAYTON FOR  
CERTIFICATES OF CONVENIENCE AND NECESSITY IN  
LIBERTY AND HARRIS COUNTIES

City of Forth Dayton's Second Supplement to  
Amended Application – Attachment B  
November 30, 2020

Attachment C

Materials provided to the City of Dayton in response to its additional, supplemental notice

PUC Docket No. 48350  
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: Bill Kornegay

(2) Total number of acres of land to be excluded from the proposed CCN areas: 100.96

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.  
(please make sure that your metes and bounds description/survey is sealed or embossed by a  
licensed state land surveyor or registered professional land surveyor).

*The deeds have been sent to the Public Utility Commission  
of Texas on July 16, 2018.*

Please send/file this completed page and the metes and bounds description/survey to both of  
the following entities within 30 days of receipt:

Public Utility Commission of Texas  
Attn.: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
— Austin, TX 78711-3326  
Phone: (512) 936-7290  
Fax: (512) 239-7268

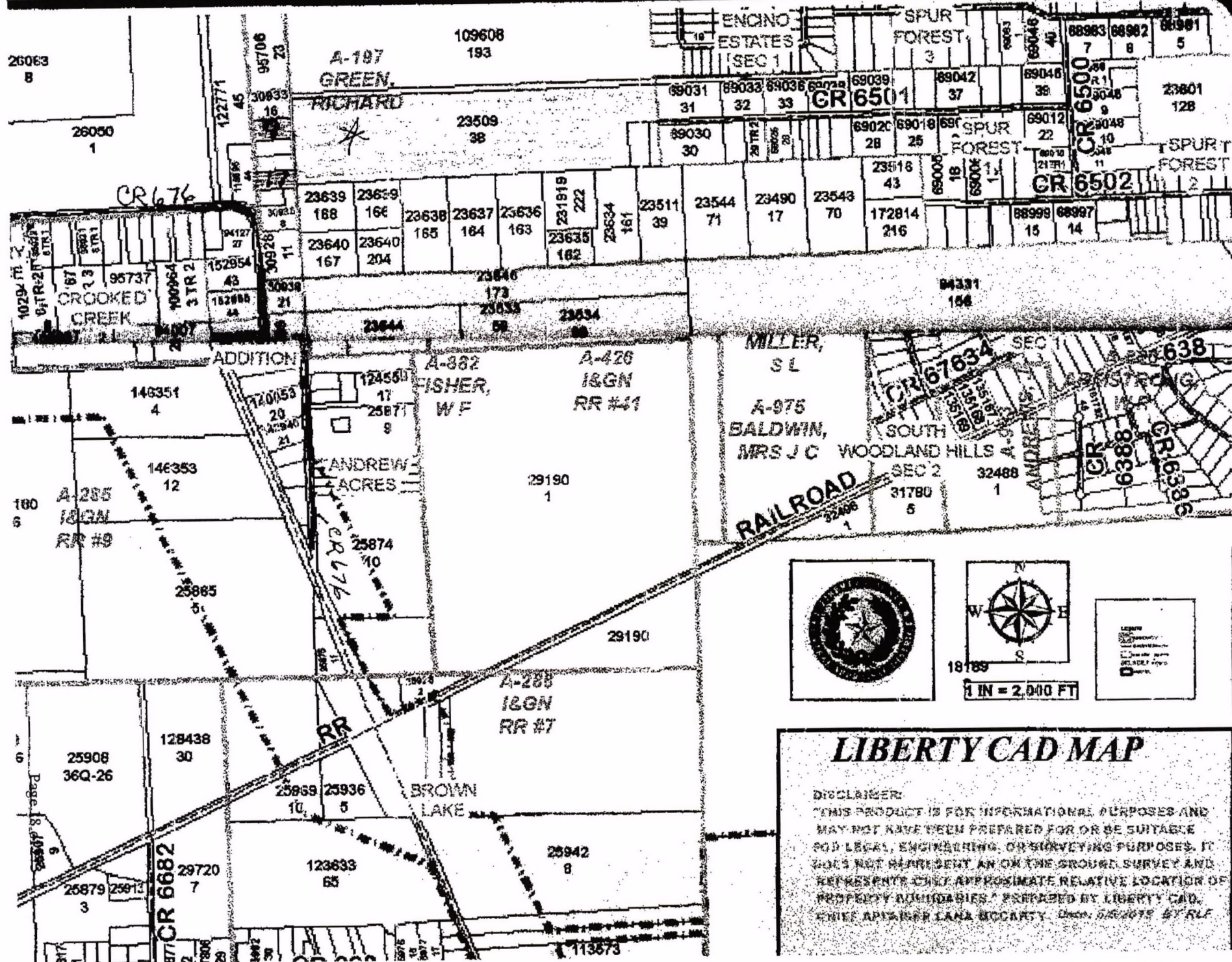
[Merritt.Lander@puc.texas.gov](mailto:Merritt.Lander@puc.texas.gov)

City of Dayton  
Attn.: David J. Klein  
Lloyd Gosselink Rochelle &  
Townsend, P.C.  
816 Congress Ave., Suite 1900  
Phone: (512) 322-5800  
Fax: (512) 472-0532

[dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)

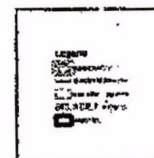
Please contact Ms. Lander if you have any questions or concerns.

*\* Enclosed is a copy of a CAD Map,  
showing the location of the Inherited and  
Gift Deed Properties of Bill Kornegay  
in Liberty County.*



187859

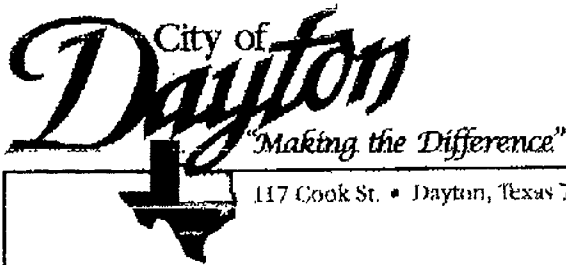
**1 IN = 2,000 FT**



## LIBERTY CAD MAP

DECLASSIFIED

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND  
MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE  
FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT  
DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND  
REPRESENTS ONLY APPROXIMATE RELATIVE LOCATION OF  
PROPERTY BOUNDARIES. PREPARED BY LIBERTY CAD.  
ENGINE APPLIED LAND SECURITY. Date: 05/20/2015 BY RLF



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 23, 2020

Bill Kornegay  
3569 Highway 90 AE  
Shiner, Texas 77984

*Via Certified Mail Return Receipt  
Requested*  
7018 1830 0000 1793 7687

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Kornegay:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").<sup>1</sup>

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("**City**") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

Please submit a map depicting each tract of land to be excluded from the City's proposed CCN service areas. In addition, please provide a legible, complete, and sealed metes and bounds description of each tract subject to your Opt-Out Request. Please also indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the requested map.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could

<sup>1</sup> The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rules/laws/subrules/water/Water.aspx>.

**LAW OFFICES OF CINDY S. PRICE, P.C.**

ATTORNEY AT LAW

10820 Eagle Drive

P.O. Box 1936

Mont Belvieu, Texas 77580

Phone: 281-576-2020

Fax: 281-576-2033

April 15, 2020

City of Dayton

c/o Brandon Davis

117 Cook St

Dayton, Texas 77535 via CMRRR 7018 2290 0000 6399 1652

Public Utility Commission of Texas

Attn: Merritt Lander

PO Box 13326

Austin, Texas 78711-3326 via CMRRR 7018 2290 0000 6399 1645

City of Dayton

Attn: David J. Klein

Lloyd Gosselink Rochele & Townsend, PC

816 Congress Ave, Suite 1900

Austin, Texas 78701 via CMRRR 7018 1450 0001 2451 5227

Re: Request to opt-out of proposed water and wastewater services with PUC of Texas in Docket No. 48350

Dear Sirs:

This correspondence serves as confirmation of your correspondence dated March 23, 2020 requesting Mr. Pomykal complete the PUC Docket No. 48350 Opt-Out Request Supplement/Confirmation Form.

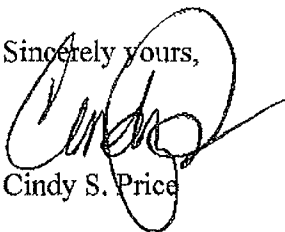
The referenced correspondence request the executed form and the metes and bounds description of the total acreage of 82.7253.

Therefore, enclosed please find the following documents:

- 1) Executed PUC Supplement Form;
- 2) Copy of First American Title Insurance Company of Texas with listed metes and bounds;
- 3) Exhibit "A" field notes regarding the property and tracts;
- 4) Copies of 2017 Tax Statement indicating the parcels in question; and
- 5) Copy of C.C.P. Welch A-115 map indicating parcels in question.

I look forward to hearing from you in regards to this matter. Let me know if I can help in any way.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Cindy S. Price', written over the typed name.

Cindy S. Price

Enclosures

Cc: Mr. Mike Pomykal, Trustee  
PO Box 1993  
Mont Belvieu, Texas 77580

**PUC Docket No. 48350**  
**Opt-Out Request Supplement/Confirmation Form**

- (1) Name of the legal landowner: Mike Pomykal
- (2) Total number of acres of land to be excluded from the proposed CCN areas: 82.7253
- (3) Attach a legible metes and bounds description for the acreage in your answer (2), above.  
(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

---

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas  
Attn.: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, TX 78711-3326  
Phone: (512) 936-7290  
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton  
Attn.: David J. Klein  
Lloyd Gosselink Rochelle &  
Townsend, P.C.  
816 Congress Ave., Suite 1900  
Phone: (512) 322-5800  
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.

COMMITMENT FOR TITLE INSURANCE  
Issued by

NO. 880119

## *First American Title Insurance Company of Texas*

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

We, First American Title Insurance Company of Texas, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.



ATTEST

Secretary

*First American Title Insurance Company  
of Texas*

By:

PRESIDENT

**TARVER ABSTRACT COMPANY**  
Liberty, Texas

### CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.

2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, Exceptions and Exclusions.

## TEXAS TITLE INSURANCE INFORMATION

Insurance insures you against loss resulting from certain risks to your title.

The Commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The Commitment is a legal document. You should review it carefully to completely understand it before your closing date.

El seguro de título le asegura en relación a pérdidas resultantes de ciertos riesgos que pueden afectar el título de su propiedad.

El Compromiso para Seguro de Título es la promesa de la compañía aseguradora de títulos de emitir la póliza de seguro de título. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transacción.

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

— **EXCEPTIONS** are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Requirements section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.

— **EXCLUSIONS** are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.

— **CONDITIONS** are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at 1-800-347-7826 or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is issued, you may request changes in the policy. Some of the changes to consider are:

— Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey. On the Owner Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy.

— Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

**IMPORTANT NOTICE**

**FOR INFORMATION, OR  
TO MAKE A COMPLAINT  
CALL OUR TOLL-FREE TELEPHONE NUMBER**

**1-800-347-7826**

**ALSO  
YOU MAY CONTACT  
THE TEXAS DEPARTMENT  
OF INSURANCE AT**

**1-800-252-3439**

to obtain information on:

1. filing a complaint against an insurance company or agent,
2. whether an insurance company or agent is licensed,
3. complaints received against an insurance company or agent,
4. policyholder rights, and
5. a list of consumer publications and services available through the Department.

**YOU MAY ALSO WRITE TO  
THE TEXAS DEPARTMENT OF INSURANCE  
P. O. BOX 149104  
AUSTIN, TEXAS 78714-9104  
FAX NO. (512) 305-7426**

**AVISO IMPORTANTE**

**PARA INFORMACION, O  
PARA SOMETER UNA QUEJA  
LLAME AL NUMERO GRATIS**

**1-800-347-7826**

**TAMBIEN  
PUEDE COMUNICARSE CON  
EL DEPARTAMENTO DE SEGUROS  
DE TEXAS AL**

**1-800-252-3439**

para obtener información sobre:

1. como someter una queja en contra de una compañía de seguros o agente de seguros,
2. si una compañía de seguros o agente de seguros tiene licencia,
3. quejas recibidas en contra de una compañía de seguros o agente de seguros,
4. los derechos del asegurado, y
5. una lista de publicaciones y servicios para consumidores disponibles a través del Departamento.

**TAMBIEN PUEDE ESCRIBIR AL  
DEPARTAMENTO DE SEGUROS DE TEXAS  
P. O. BOX 149104  
AUSTIN, TEXAS 78714-9104  
FAX NO. (512) 305-7426**

**SCHEDULE A**

GF No. or File No.: 99085953

Effective Date of Commitment:

08/14/1999 at 8:00 a.m.

Issued: 09/13/1999 at 8:00 a.m.

Closer: Amy Boles

## 1. The policy or policies to be issued are:

(a) OWNER POLICY OF TITLE INSURANCE (Form T-1 )

(Not applicable for improved one-to-four family residential real estate)

Policy Amount: AMOUNT OF SALE

PROPOSED INSURED: CHAD HERRINGTON

(b) TEXAS RESIDENTIAL OWNER POLICY OF TITLE INSURANCE

--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)

Policy Amount:

PROPOSED INSURED:

(c) MORTGAGEE POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

PROPOSED INSURED:

Proposed Borrower:

(d) MORTGAGEE TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

PROPOSED INSURED:

Proposed Borrower:

(e) OTHER

Policy Amount:

PROPOSED INSURED:

## 2. The interest in the land covered by this Commitment is:

FEE SIMPLE

## 3. Record title to the land on the Effective Date appears to be vested in:

**UNIVERSITY BANK, SUCCESSOR TESTAMENTARY TRUSTEE UNDER THE WILL OF JOSEPH BENSON,  
DECEASED-AS TO TRACT 1****UNIVERSITY BANK, SUCCESSOR TRUSTEE OF THE BARBARA FITZGERALD BENSON LIVING TRUST  
DATED JANUARY 17, 1995-AS TO TRACT 2  
MIKE POMYKAL, TRUSTEE AS TO TRACT 3**

## 4. Legal description of land:

**All that certain tract or parcel of land being three tracts of land, out of the CCP Welch Survey, A-115, Liberty County, Texas, said lands being more particularly described by metes and bounds on Exhibit "A" attached hereto.**

Schedule A of this Commitment consists of 3 page(s)

**FIRST AMERICAN TITLE INSURANCE COMPANY**

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--ONE-TO-FOUR FAMILY RESIDENCES (Form T-1 R)  
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PROPOSED INSURED:

(c) MORTGAGEE POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:

(d) MORTGAGEE TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount:  
PROPOSED INSURED:  
  
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Schedule A of this Commitment consists of 3 page(s)

**FIRST AMERICAN TITLE INSURANCE COMPANY**

## Exhibit "A"

Tract 1:

Field notes of a 10.41 acre tract of land situated in Liberty County, Texas, and being out of and a part of the C.C.P. Welch League, Abstract No. 115, and being Tract C of the T.S. Fitzgerald 41.64 acre Estate tract, surveyed for Barbara Fitzgerald Benson, wife of Joseph M. Benson, and described by metes and bounds as follows, to-wit:

Beginning at a 2" iron pipe this day set in the North line of the T.S. Fitzgerald 41.64 acre Estate tract, the South line of the F.M. Fitzgerald 470 acre tract for the Northwest corner of this tract, also being the Northeast corner of the Carl J. Fitzgerald Tract B;

Thence North 60° 00' East and with the North line of said Fitzgerald Estate tract and with an old fence 1542.38 feet to a 2" iron pipe set for the Northeast corner of this tract and the Northwest corner of Mildred Fitzgerald Somers Tract D;

Thence South 30° East and with the common line between this tract and said Tract D 294 feet to a 2" iron pipe set in the South line of the T.S. Fitzgerald 41.64 acre Estate tract for the Southeast corner of this tract, the Southwest corner of said Tract D;

Thence South 60° 00' West with the common line between the South line of the Fitzgerald tract and the North line of Prairie Tract No. 9, 1542.38 feet to a 2" iron pipe this day set for the Southeast corner of Tract B, also being the Southwest corner of this tract;

Thence North 30° 00' West, and with the East line of said Tract B 294 feet to the place of beginning, containing within said boundaries 10.41 acres of land, more or less.

Tract 2:

FIELD NOTES of a 10.41 acre tract of land situated in Liberty County, Texas, and being out of and a part of the C.C.P. Welch League, Abstract No. 115 and being Tract B of the T.S. Fitzgerald 41.64 acres Estate tract, surveyed for Carl J. Fitzgerald, husband of Jewel Fitzgerald, and described by metes and bounds as follows, to-wit:

BEGINNING at a 2 inch iron pipe this day set in the North line of the T.S. Fitzgerald 41.64 acre Estate tract, the South line of the F.M. Fitzgerald 470 acre tract for the Northwest corner of this tract, also being the Northeast corner of the Evelyn Fitzgerald Lansford Tract A.

THENCE North 60° 00' East and with the North line of said Fitzgerald Estate tract and with an old fence 1542.38 feet to a 2 inch iron pipe set for the Northwest corner of this tract and the Northwest corner of Barbara Fitzgerald Benson Tract C.

THENCE South 30° East and with the common line between this tract and said Tract C, 294 feet to a 2 inch iron pipe set in the South line of the T.S. Fitzgerald 41.64 acre Estate Tract for the Southeast corner of this tract, the Southwest corner of said Tract C.

THENCE South 60° 00' West and with the common line between the South line of the Fitzgerald tract and the North line of Prairie Tract No. 9, 1542.38 feet to a 2 inch iron pipe this day set for the Southeast corner of Tract A, also being the Southwest corner of this tract.

THENCE North 30° 00' West and with the East line of said Tract A, 294 feet to the place of BEGINNING, containing within said boundaries 10.41 acres of land, more or less.

### TRACT 3

Being 42.62 acres of land, more or less, situated in the C. C. P. Welch Survey, Abstract No. 115, Liberty County, Texas, and being the same tract of land conveyed by Fannie P. Meadows to Otis K. Winfree as "Second Tract" in a Deed dated November 14, 1924 and recorded in Volume 18, Page 464 of the Deed Records of Chambers County, Texas, and being the same tract of land referred to as Timber Tract No. 9 of the Fitzgerald Partition. Said 42.62 acres of land being more particularly described as follows, to-wit;

BEGINNING at a 1 ½" G. I.P. set at the South or Southwest corner of said Timber Tract No. 10 and the West or Northwest corner of Timber Tract No. 9 for the West or Northwest corner of this tract of land.

THENCE North 59° 48' East with the North line of Timber Tract No. 9 and the South line of Timber Tract No. 10 a distance of 6027.08 feet to a 1" G.I.P. set on the West bank of Old River for the North or Northeast corner of Timber Tract No. 9 and the East or Southeast corner of Timber Tract No. 10.

THENCE with the meanders of Old River the following courses and distances:

North	76° 29' 30"	East	148.39 feet
South	83° 45'	East	93.00 feet
South	17° 27'	East	20.00 feet
South	34° 06'	West	193.00 feet
South	84° 33'	West	113.00 feet
South	14° 11'	West	83.00 feet
South	74° 00'	East	63.00 feet

and, South 27° 43' 30" West 89.33 feet to a 1" galvanized square iron pipe for the East or Southeast corner of Timber Tract No. 9 and the North or Northeast corner of Timber Tract No. 8.

THENCE South 59° 48' West with the South line of Timber Tract No. 9 and the North line of Tract No. 8, a distance of 5874.00 feet to a 1 ½" G. I.P. set in the East line of the Otis K. Winfree 132.048 acre tract of land for the South or Southwest corner of Timber Tract No. 9 and the West or Northwest corner of Timber Tract No. 8.

THENCE North 30° 00' West with the East line of the Otis K. Winfree 132.048 acre tract of land which is the East line of Prairie Tract No. 9 and with the West line of Timber Tract No. 9, a distance of 306.00 feet to the Place of BEGINNING and containing 42.62 acres of land, more or less.

The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

## SCHEDULE B EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your policy will not cover loss, costs, attorney's fees and expenses resulting from:

1. ~~The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception.):~~
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any Insured. (Applies to the Owner Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
  - A. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, or
  - B. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
  - C. to filled-in lands, or artificial islands, or
  - D. to statutory water rights, including riparian rights, or
  - E. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area. (Applies to the Owner Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Mortgagee Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Mortgagee Policy only.)
9. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
9. Rights of parties in possession. (Owners Policy Only)
10. **Easement dated February 28, 1925, executed by O. K. Winfree to Mills Bennett, recorded in Volume 129, Page 363 of the Deed Records of Liberty County, Texas.**

11. Easement dated December 18, 1940, executed by Otis K. Winfree to State of Texas, recorded in Volume 244, Page 282 of the Deed Records of Liberty County, Texas.
12. Easement dated December 18, 1940, executed by Otis K. Wifree to State of Texas, recorded in Volume 244, Page 289 of the Deed Records of Liberty County, Texas.
13. Right-of-Way dated June 5, 1935, executed by Otis K. Winfree to State of Texas, recorded in Volume 207, Page 317 of the Deed Records of Liberty County, Texas.
14. Right-of-Way dated May 10, 1940, executed by Otis K. Winfree to State of Texas, recorded in Volume 70, Page 353 of the Deed Records of Chambers County, Texas.
15. Right-of-Way dated July 14, 1965, executed by Otis K. Winfree to Houston Lighting and Power Co., recorded in Volume 267, Page 183 of the Deed Records of Chambers County, Texas.
16. Terms, conditions and stipulations of Oil, Gas and Mineral Lease from O. K. Winfree to The Superior Oil Co., dated January 30, 1956, recorded in Volume 173, Page 212 of the Deed Records of Chambers County, Texas. (Title to said lease not checked subsequent to its date of execution.)
17. Terms, conditions and stipulations of Oil, Gas and Mineral Lease from T.S. Fitzgerald to H.H. Townsend, Jr., dated January 20, 1956, recorded in Volume 438, Page 431 of the Deed Records of Liberty County, Texas. (Title to said lease not checked subsequent to its date of execution.)
18. Reservation of a perpetual royalty interest reserved unto Mildred Somers, unto Barbara Benson and unto Evelyn Lansford each, the royalties, bonuses, rentals and all other rights described in Partition Deed between Mildred Sommers, et al, dated December 22, 1960, recorded in Volume 525, Page 538 of the Deed Records of Liberty County, Texas, reference to which instrument is here made for all purposes, together with all rights, express or implied in and to the property covered by this policy arising out of or connected with said interests and conveyance. (Title to said interest not checked subsequent to date of aforesaid Instrument.)
19. This policy excepts to any oil, gas or mineral leases and or oil, gas or mineral reservations affecting the subject property, including any assignments of such lease or leases, unitizations or any other matters or right of any parties pertaining to any such leasehold interests, and/or mineral estate.
20. There is expressly excluded from coverage hereunder, and this Company does not insure title to oil, gas and other minerals of every kind and character, in, on and under the property herein described. This policy does not insure against loss sustained by the owner of the surface of said property through the exercise of the right of ingress and egress and/or any other right or privilege incident to the ownership of said mineral estate.
21. Any visible and apparent roadway or easement over or across the subject property, the existence of which does not appear of record.
22. Terms, conditions and stipulations of Oil, Gas and Mineral Lease from T.S. Fitzgerald to Lucian Hugh Cullen, dated May 5, 1952, recorded under file #4027 of the 1952 Deed Records of Liberty County, Texas. (Title to said lease not checked subsequent to its date of execution.)

23. To the Owner Policy: "Lack of a right of access to and from the land. Insuring provision Number 4 is hereby deleted."
24. The oil, gas and other minerals, the royalties, bonuses, rentals and all other rights described in instrument from Jewel S. Fitzgerald to University Bank, Successor Trustee of the Barbara Fitzgerald Benson Living Trust dated January 17, 1995, dated November 5, 1997, recorded in Volume 1729, Page 850 of the Official Public Records of Liberty County, Texas, reference to which instrument is here made for all purposes, together with all rights, express or implied in and to the property covered by this policy arising out of or connected with said interests and conveyance. (Title to said interest not checked subsequent to date of aforesaid instrument.)
25. Right-of-Way dated November 4, 1929, executed by T.S. Fitzgerald to Texas Pipeline Company, recorded in Volume 29, Page 593 of the Official Public Records of Chambers County, Texas.

GF No.99085953

**SCHEDULE C**

Your Policy will not cover loss, costs, attorneys fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
  - no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
  - all standby fees, taxes, assessments and charges against the property have been paid,
  - all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialman's liens have attached to the property,
  - there is legal right of access to and from the land,
  - (on a Mortgagee Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Note: Procedural Rule P-27 as provided for in Article (9.39 A of the Texas Insurance Code requires that "Good Funds" be received and deposited before a Title Agent may disburse from its Trust Fund Account.
6. **Secure proof of Ingress and Egress to and from a dedicated public road or roadway.**
7. **We are to be furnished with a General Warranty Deed from University Bank to University Testamentary Trustee under the will of Joseph Benson, deceased, to Michael Steven Pomykal, covering subject lands, as to Tract 1.**
8. **We are to be furnished with a General Warranty Deed from University Bank Successor Trustee of the Barbara Fitzgerald Benson Living Trust to Michael Steven Pomykal, covering subject lands, as to Tract 2..**
9. **We are to be furnished with a General Warranty Deed from Michael Steven Pomykal et ux, Gayla Pomykal and Mike Pomykal, Trustee to Chad Harrington, covering subject lands, as to Tracts 1, 2 and 3..**
10. **The Purchasers in this transaction have not been checked for Abstracts of Judgment and/or Federal Liens, etc. In the event said purchasers should undertake to convey, mortgage, or otherwise hypothecate said interest being acquired by them, this file is to be returned to the examination staff for further opinion prior to closing the new transaction.**

GF No.99085953

11. **Our company is closing this transaction based upon the terms and provisions of an earnest money contract provided us. In the event the terms or provisions of the earnest money contract are amended before closing or in the event we have not been provided a copy of a duly executed earnest money contract prior to closing, we will require an executed copy of the earnest money contract that reflects the transaction as it is closed.**
12. **A Waiver of Inspection will be required at closing.**

## SCHEDULE D

THE FOLLOWING DISCLOSURES ARE MADE PURSUANT TO PROCEDURAL RULE P-21 PROMULGATED BY THE STATE BOARD OF INSURANCE:

UNDERWRITER: FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS, A TEXAS CORPORATION.

SHAREHOLDER OWNING OR CONTROLLING, DIRECTLY OR INDIRECTLY, TEN PERCENT OR MORE OF THE SHARES OF FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS:

FIRST AMERICAN TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION - 100%

## DIRECTORS:

TOM E. BLACKWELL, CHARLES E. ODUM, JACK M. WALDHLM

## OFFICERS:

PRESIDENT: TOM E. BLACKWELL; SR. VICE PRESIDENT: MARK C. GREEK; SR. VICE PRESIDENT & SECRETARY: CHARLES E. ODOM; SR. VICE PRESIDENT & TREASURER: JACK M. WALDHLM

AGENT: \_\_\_\_\_

SHAREHOLDER, OWNER, PARTNER, OR OTHER PERSON HAVING, OWNING OR CONTROLLING ONE PERCENT (1%) OR MORE OF THE TITLE INSURANCE AGENT: CHARLES L. W. McGUIRE

SHAREHOLDER, OWNER, PARTNER OR OTHER PERSON HAVING, OWNING OR CONTROLLING TEN PERCENT (10%) OR MORE OF AN ENTITY THAT HAS, OWNS OR CONTROLS ONE PERCENT (1%) OR MORE OF THE TITLE INSURANCE AGENT: N/A

IF THE TITLE INSURANCE AGENT IS A CORPORATION, THE FOLLOWING IS A LIST OF THE MEMBERS OF THE BOARD OF DIRECTORS: CHARLES L. W. McGUIRE, CHARLES R. WIGGINS, E. R. NORWOOD

IF THE TITLE INSURANCE AGENT IS A CORPORATION, THE FOLLOWING IS A LIST OF ITS OFFICERS:

PRESIDENT: CHARLES L. W. McGUIRE SECRETARY: CHARLES R. WIGGINS  
VICE PRESIDENT: E.R. NORWOOD TREASURER: CHARLES L. W. McGUIRE

"YOU ARE ENTITLED TO RECEIVE ADVANCE DISCLOSURE OF SETTLEMENT CHARGES IN CONNECTION WITH THE PROPOSED TRANSACTION TO WHICH THIS COMMITMENT RELATES. UPON YOUR REQUEST SUCH DISCLOSURE WILL BE MADE TO YOU. ADDITIONALLY, THE NAME OF ANY PERSON, FIRM OR CORPORATION RECEIVING ANY SUM FROM THE SETTLEMENT OF THIS TRANSACTION WILL BE DISCLOSED ON THE CLOSING OR SETTLEMENT STATEMENT.

"YOU ARE FURTHER ADVISED THAT THE ESTIMATED TITLE PREMIUM IS:

OWNER POLICY  
MORTGAGEE POLICY  
ENDORSEMENT CHARGES  
TOTAL

OF THIS TOTAL AMOUNT, \$ \_\_\_\_\_ OR 17.75% (COMPLETE ONE ONLY) WILL BE PAID TO FIRST AMERICAN TITLE INSURANCE COMPANY OF TEXAS \$ \_\_\_\_\_ OR % COMPLETE ONE ONLY) WILL BE RETAINED BY UNDERSIGNED ISSUING AGENT; AND ANY REMAINDER OF THE ESTIMATED PREMIUM WILL BE PAID TO OTHER PARTIES AS FOLLOWS:

AMOUNT	TO WHOM	FOR SERVICES
\$ _____ or%	CLOSING SERVICES	
\$ _____		
\$ _____		

"THE ESTIMATED PREMIUM IS BASED UPON INFORMATION FURNISHED TO US AS OF THE DATE OF THIS COMMITMENT FOR TITLE INSURANCE. FINAL DETERMINATION OF THE AMOUNT OF THE PREMIUM WILL BE MADE AT CLOSING IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF INSURANCE."

**" EXHIBIT A "**

FIELD NOTES ON A TRACT OF LAND CONTAINING 172.672 ACRES, OF WHICH 130.060 ACRES (CALLED 130.818 ACRES THAT INCLUDED HIGHWAY NO. 146) AS DESCRIBED IN A DEED IN VOLUME 299, PAGE 354, ET SEQUENCE, OF THE OFFICIAL PUBLIC RECORDS OF CHAMBERS COUNTY, TEXAS AND 42.612 ACRES (CALLED 42.62 ACRES) AS DESCRIBED IN VOLUME 270, PAGE 562, ET SEQUENCE, AND VOLUME 613, PAGE 254, ET SEQUENCE, OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS, 110.031 ACRES BEING OUT OF THE C.C.P. WELCH LEAGUE, ABSTRACT 489, CHAMBERS COUNTY, TEXAS AND 63.471 ACRES BEING OUT OF THE C.C.P. WELCH LEAGUE, ABSTRACT 115, LIBERTY COUNTY, TEXAS, SAID 172.672 ACRES HEREIN BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 2" IRON PIPE FOUND BY A FENCE CORNER, AT THE SOUTHWEST CORNER OF SAID 130.818 ACRE TRACT AND THE NORTHWEST CORNER OF THE WEST CHAMBERS DEVELOPMENT CO. (TAX NO. 488-11-0), ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 146 AND BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 04° 25' 34" WEST, CALLED NORTH 04° 27' 30" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY NO. 146 AND A FENCE LINE, A DISTANCE OF 893.26 FEET, CALLED 892.81 FEET, TO A 1 1/2" IRON PIPE FOUND FOR THE **NORTHWEST CORNER** OF THE TRACT HEREIN DESCRIBED AND THE SOUTHWEST CORNER OF THE JEWEL S. FITZGERALD 33.01 ACRE TRACT, AS DESCRIBED IN A DEED IN VOLUME 248, PAGE 616, ET SEQUENCE, OF SAID CHAMBERS COUNTY OFFICIAL PUBLIC RECORDS;

THENCE NORTH 60° 00' 00" EAST (ACTUAL AND CALLED), ALONG A FENCE LINE, THE SOUTH LINE OF LAST SAID 33.01 ACRE TRACT AND THE NORTH LINE OF SAID 130.919 ACRE TRACT, AT A DISTANCE OF 5185.25 FEET CROSS THE CHAMBERS-LIBERTY COUNTY LINE, IN ALL A DISTANCE OF 6882.10 FEET (CALLED 6881.42 FEET) TO A 2" IRON PIPE FOUND AT A FENCE CORNER FOR THE **MOST WESTERLY NORTHEAST CORNER** OF THE TRACT HEREIN DESCRIBED, THE NORTHEAST CORNER OF SAID 130.818 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 33.01 ACRE TRACT, ALSO BEING ON THE WEST LINE OF THE BEN L. LUNGSFORD, JR. 10.41 ACRE TRACT AS DESCRIBED IN VOLUME 613, PAGE 254, ET SEQUENCE, OF SAID LIBERTY COUNTY DEED RECORDS;

THENCE SOUTH 30° 00' 29" EAST, (CALLED SOUTH 30° 00' 29" EAST) ALONG A FENCE LINE, THE EAST LINE OF SAID 130.818 ACRE TRACT AND THE WEST LINE OF SAID LUNGSFORD 10.41 ACRE TRACT, AND THE EAST LINE OF SAID A DISTANCE OF 187.51 FEET TO A 1" IRON PIPE FOUND FOR AN **INTERIOR CORNER** OF THE TRACT HEREIN DESCRIBED, ALSO BEING THE SOUTHWEST CORNER OF SAID LUNGSFORD 10.41 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 42.62 ACRE TRACT;

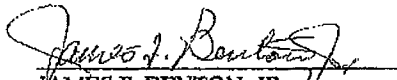
THENCE NORTH 59° 50' 29" EAST, (CALLED NORTH 59° 48' 00" EAST), ALONG THE NORTH LINE OF SAID 42.62 ACRE TRACT, THE SOUTH LINE OF SAID LUNGSFORD 10.41 ACRE TRACT, THE SOUTH LINE OF THE JEWEL S. FITZGERALD 10.41 ACRE TRACT AND THE SOUTH LINE OF THE BARBARA F. BENSON 10.41 ACRE TRACT AS DESCRIBED IN VOLUME 525, PAGE 538 OF SAID DEED RECORDS OF LIBERTY COUNTY, A DISTANCE OF 5989.74 FEET, (CALLED 6027.08 FEET), TO A 1" GALVINIZED IRON PIPE FOUND ON THE WEST BANK OF OLD RIVER FOR THE **MOST EASTERLY NORTHEAST CORNER** OF THE TRACT HEREIN DESCRIBED, AT THE NORTHEAST CORNER OF SAID 42.62 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID BENSON 10.41 ACRE TRACT;

THENCE A GENERALLY SUTHERLY DIRECTION WITH THE WESTERLY BANK OF SAID OLD RIVER WITH ITS MEANDERS AS FOLLOWS; NORTH 53° 46' 56" EAST 28.71 FEET, NORTH 75° 17' 45" EAST 152.32 FEET, SOUTH 78° 50' 37" EAST 105.48 FEET, SOUTH 33° 08' 26" WEST 201.51 FEET, SOUTH 82° 46' 06" WEST 129.74 FEET, SOUTH 19° 27' 26" WEST 54.76 FEET, SOUTH 31° 36' 22" EAST 51.06 FEET, SOUTH 84° 00' 18" EAST 45.12 FEET AND SOUTH 26° 02' 17" WEST 83.47 FEET TO A SQUARE IRON PIPE FOUND FOR THE **SOUTHEAST CORNER** OF THE TRACT HEREIN DESCRIBED AT THE SOUTHEAST CORNER OF SAID 42.62 ACRE TRACT AND THE CHAMBERS COUNTY DEVELOPMENT CO. 41.70 ACRE TRACT;

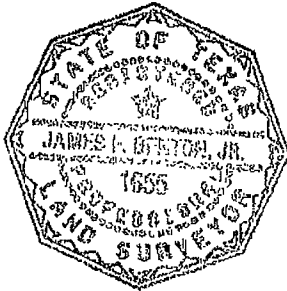
THENCE SOUTH 59° 50' 56" WEST (CALLED SOUTH 59° 48' 00" WEST) SOUTH LINE OF SAID 42.62 ACRE TRACT AND THE NORTH LINE OF SAID 41.70 ACRE TRACT AND THE NORTH LINE OF SAID 41.70 ACRE TRACT, A DISTANCE OF 5872.26 FEET, (CALLED 5874.00 FEET) TO A 1 1/2" GALVINIZED IRON PIPE FOR AN **INTERIOR CORNER** OF THE TRACT HEREIN DESCRIBED AT THE SOUTHWEST CORNER OF SAID 42.62 ACRE TRACT AND BEING ON THE EAST LINE OF SAID 130.818 ACRE TRACT, ALSO BEING AT A CHAIN LINK FENCE CORNER;

THENCE SOUTH 30° 00' 29" EAST, (CALLED SOUTH 30° 00' 00" EAST) ALONG THE WEST LINE OF SAID 41.70 ACRE TRACT AND THE EAST LINE OF SAID 130.818 ACRE TRACT A DISTANCE OF 312.48 FEET (CALLED 312.22 FEET) TO A 5/8" IRON ROD FOUND FOR THE **MOST WESTERLY SOUTHEAST CORNER** OF THE TRACT HEREIN DESCRIBED AT THE SOUTHEAST CORNER OF SAID 130.818 ACRE TRACT AND THE NORTHEAST CORNER OF BEFORE SAID WEST CHAMBERS COUNTY DEVELOPMENT CO. 130.422 ACRE TRACT;

THENCE SOUTH 60° 00' 00" WEST (ACTUAL & CALLED) ALONG THE SOUTH LINE OF SAID 130.818 ACRE TRACT AND THE NORTH LINE OF SAID 130.422 ACRE TRACT, A DISTANCE OF 7267.81 FEET (CALLED 7266.37 FEET) TO THE **"POINT OF BEGINNING"** AND CONTAINING 172.672 ACRES OF LAND.

  
JAMES F. BENTON, JR.  
R.P.L.S. NO. 1655

JOB NO. 980099  
04/07/98  
sar



DAYTON I.S.D. TAX OFFICE  
P.O. BOX 457  
100 CHERRY CREEK ROAD  
DAYTON, TX 77535  
936-258-7022

DAYTON I.S.D. TAX OFFICE

**2017 TAX STATEMENT**

STATEMENT NUMBER

26934

PROPERTY ID NUMBER

136522

<b>NAME &amp; ADDRESS</b> Owner ID: 2120308 Pct: 100.000% PONYKAL MICHAEL TRUSTEE PO BOX 1993 MONT BELVIEU, TX 77580-1993 US		<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 12, ACRES 19.2853  Acreage: 19.2853 Type: R		<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000013-025  <b>PROPERTY SITUS / LOCATION</b> 13229 CHERRY CREEK DRIVE ,	
LAND MARKET VALUE 0	IMPROVEMENT MARKET VALUE 21,660	AG/TIMBER USE VALUE 3,280	AG/TIMBER MARKET 86,490	ASSESSED VALUE 24,940	

100% Assessment Ratio

Appraised Value:

24,940

Taxing Unit	Assessed	Homestead Exemption	Over 65 or DP Exemption	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
DAYTON ISD	24,940	0	0	0		24,940	1.390000	346.67

**Prior years history and valuable information located on the back.**

Dayton ISD welcomes Credit Cards however a **convenience fee of 2.45%** on the amount of tax paid will apply. **\*\*Online or in person\*\***

Convenience fees apply to both credit or debit cards.  
Convenience fee is retained by Official Payments.  
**\*\*American Express NOT accepted.\*\***

**2.45% Convenience fee applies to ANY & ALL CARDS.**

**CURRENT YEAR TAXES MUST BE PAID IN FULL**

Partial payments on current year will **NOT** be accepted.

Online payments: daytonisd.net

(Tax office tab is on bottom left of home page)



**\*Please note that this taxing unit does not offer early payment discounts.**  
Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes.

Total Taxes Due By Jan 31, 2018	340.67
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Penalty & Interest if paid after Jan 31, 2018		
If Paid In Month	P&I Rate	Tax Due
February 2018	7%	370.93
March 2018	9%	377.88
April 2018	11%	384.80
May 2018	13%	391.74
June 2018	15%	398.67

Taxpayers who were 65 years of age or older, or disabled on January 1, 2017 and have filed an application for exemption may pay the taxes on their HOMESTEAD in four equal installments. Simply make the first installment by January 31, 2018. Please pay the EXACT scheduled installment amount below as the software only accepts EXACT amounts.

Pmt	Due By	Payment Amount
1st	January 31, 2018	
2nd	March 31, 2018	
3rd	May 31, 2018	
4th	July 31, 2018	

\*DETACH HERE AND RETURN WITH PAYMENT\*

DAYTON I.S.D. TAX OFFICE  
P.O. BOX 457  
100 CHERRY CREEK ROAD  
DAYTON, TX 77535  
936-258-7022

DAYTON I.S.D. TAX OFFICE

**2017 TAX STATEMENT**

STATEMENT NUMBER  
26935

PROPERTY ID NUMBER  
130606

<b>NAME &amp; ADDRESS</b> Owner ID: 2120308 Pot: 100.000% POMYKAL MICHAEL TRUSTEE PO BOX 1993 MONT BELVIEU, TX 77580-1993 US		<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 13, ACRES 42.82  Acreage: 42.6200 Type: R	<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000014-000  <b>PROPERTY SITUS / LOCATION</b> HWY. 146, EAST OF
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LAND MARKET VALUE 0	IMPROVEMENT MARKET VALUE 0	AG/TIMBER USE VALUE 11,510	AG/TIMBER MARKET 77,360	ASSESSED VALUE 11,510
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100% Assessment Ratio

Appraised Value:

11,510

Taxing Unit	Assessed	Homestead Exemption	Over 65 or DP Exemption	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
DAYTON ISD	11,510	0	0	0		11,510	1.390000	159.99

**Prior years history and valuable information located on the back.**

Dayton ISD welcomes Credit Cards however a convenience fee of **2.45%** on the amount of tax paid will apply. **\*\*Online or in person\*\***

Convenience fees apply to both credit or debit cards.

Convenience fee is retained by Official Payments.

**\*\*American Express NOT accepted.\*\***

**2.45% Convenience fee applies to ANY & ALL CARDS.**

**CURRENT YEAR TAXES MUST BE PAID IN FULL**

Partial payments on current year will **NOT** be accepted.

**Online payments: daytonisd.net**

(Tax office tab is on bottom left of home page)



**\*Please note that this taxing unit does not offer early payment discounts.**  
 Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes.

Total Taxes Due By Jan 31, 2018	159.99
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Penalty & Interest if paid after Jan 31, 2018		
If Paid In Month	P&I Rate	Tax Due
February 2018	7%	171.19
March 2018	9%	174.39
April 2018	11%	177.59
May 2018	13%	180.79
June 2018	15%	183.99

Taxpayers who were 65 years of age or older, or disabled on January 1, 2017 and have filed an application for exemption may pay the taxes on their HOMESTEAD in four equal installments. Simply make the first installment by January 31, 2018. Please pay the EXACT scheduled installment amount below as the software only accepts EXACT amounts.

Pmt	Due By	Payment Amount
1st	January 31, 2018	
2nd	March 31, 2018	
3rd	May 31, 2018	
4th	July 31, 2018	

\*DETACH HERE AND RETURN WITH PAYMENT\*

DAYTON I.S.D. TAX OFFICE  
P.O. BOX 457  
100 CHERRY CREEK ROAD  
DAYTON, TX 77535  
936-258-7022

DAYTON I.S.D. TAX OFFICE

**2017 TAX STATEMENT**

STATEMENT NUMBER

26952

PROPERTY ID NUMBER

19991

<b>NAME &amp; ADDRESS</b> Owner ID: 2120307 Pct: 100.000% PONYKAL MICHAEL S PO BOX 1993 MONT BELVIEU, TX 77560-1993 US		<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 23, ACRES 10.41  Acreage: 10.4100 Type: R	<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000024-009  <b>PROPERTY SITUS / LOCATION</b> HWY-146, EAST OF
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LAND MARKET VALUE 0	IMPROVEMENT MARKET VALUE 0	AG/TIMBER USE VALUE 2,810	AG/TIMBER MARKET 18,900	ASSESSED VALUE 2,810
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100% Assessment Ratio

Appraised Value:

2,810

Taxing Unit	Assessed	Homestead Exemption	Over 65 or DP Exemption	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
DAYTON ISD	2,810	0	0	0		2,810	1.390000	39.06

**Prior years history and valuable information located on the back.**

Dayton ISD welcomes Credit Cards however a convenience fee of **2.45%** on the amount of tax paid will apply. **\*\*Online or in person\*\***

Convenience fees apply to both credit or debit cards.  
Convenience fee is retained by Official Payments.

**\*\*American Express NOT accepted.\*\***

**2.45% Convenience fee applies to ANY & ALL CARDS.**

**CURRENT YEAR TAXES MUST BE PAID IN FULL**

Partial payments on current year will **NOT** be accepted.

Online payments: [daytonisd.net](http://daytonisd.net)

(Tax office tab is on bottom left of home page)



\*Please note that this taxing unit does not offer early payment discounts.  
Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes.

Total Taxes Due By Jan 31, 2018	39.06
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Penalty & Interest if paid after Jan 31, 2018		
If Paid in Month	P&I Rate	Tax Due
February 2018	7%	41.79
March 2018	9%	42.58
April 2018	11%	43.37
May 2018	13%	44.14
June 2018	15%	44.91

Taxpayers who were 65 years of age or older, or disabled on January 1, 2017 and have filed an application for exemption may pay the taxes on their HOMESTEAD in four equal installments. Simply make the first installment by January 31, 2018. Please pay the EXACT scheduled installment amount below as the software only accepts EXACT amounts.

Pmt	Due By	Payment Amount
1st	January 31, 2018	
2nd	March 31, 2018	
3rd	May 31, 2018	
4th	July 31, 2018	

\*DETACH HERE AND RETURN WITH PAYMENT\*

DAYTON I.S.D. TAX OFFICE  
P.O. BOX 457  
100 CHERRY CREEK ROAD  
DAYTON, TX 77535  
936-258-7022

DAYTON I.S.D. TAX OFFICE

**2017 TAX STATEMENT**

STATEMENT NUMBER

26951

PROPERTY ID NUMBER

19990

<b>NAME &amp; ADDRESS</b> Owner ID: 2120307 PONYKAL MICHAEL S PO BOX 1993 MONT BELVIEU, TX 77580-1993 US		<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 22, ACRES 10.41  Acreage: 10.4100 Type: R		<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000023-001  <b>PROPERTY SITUS / LOCATION</b> HWY-148, EAST OF	
LAND MARKET VALUE	IMPROVEMENT MARKET VALUE	AG/TIMBER USE VALUE	AG/TIMBER MARKET	ASSESSED VALUE	
0	0	2,810	18,900	2,810	
100% Assessment Ratio					
Appraised Value:				2,810	

Taxing Unit	Assessed	Homestead Exemption	Over 65 or DP Exemption	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
DAYTON ISD	2,810	0	0	0		2,810	1.390000	39.06

**Prior years history and valuable information located on the back.**

Dayton ISD welcomes Credit Cards however a **convenience fee** of **2.45%** on the amount of tax paid will apply. **\*\*Online or in person\*\***

Convenience fees apply to both credit or debit cards.

Convenience fee is retained by Official Payments.

**\*\*American Express NOT accepted.\*\***

**2.45% Convenience fee applies to ANY & ALL CARDS.**

**CURRENT YEAR TAXES MUST BE PAID IN FULL**

Partial payments on current year will **NOT** be accepted.

**Online payments: daytonisd.net**

(Tax office tab is on bottom left of home page)



**\*Please note that this taxing unit does not offer early payment discounts.**  
 Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes.

Total Taxes Due By Jan 31, 2018	39.06
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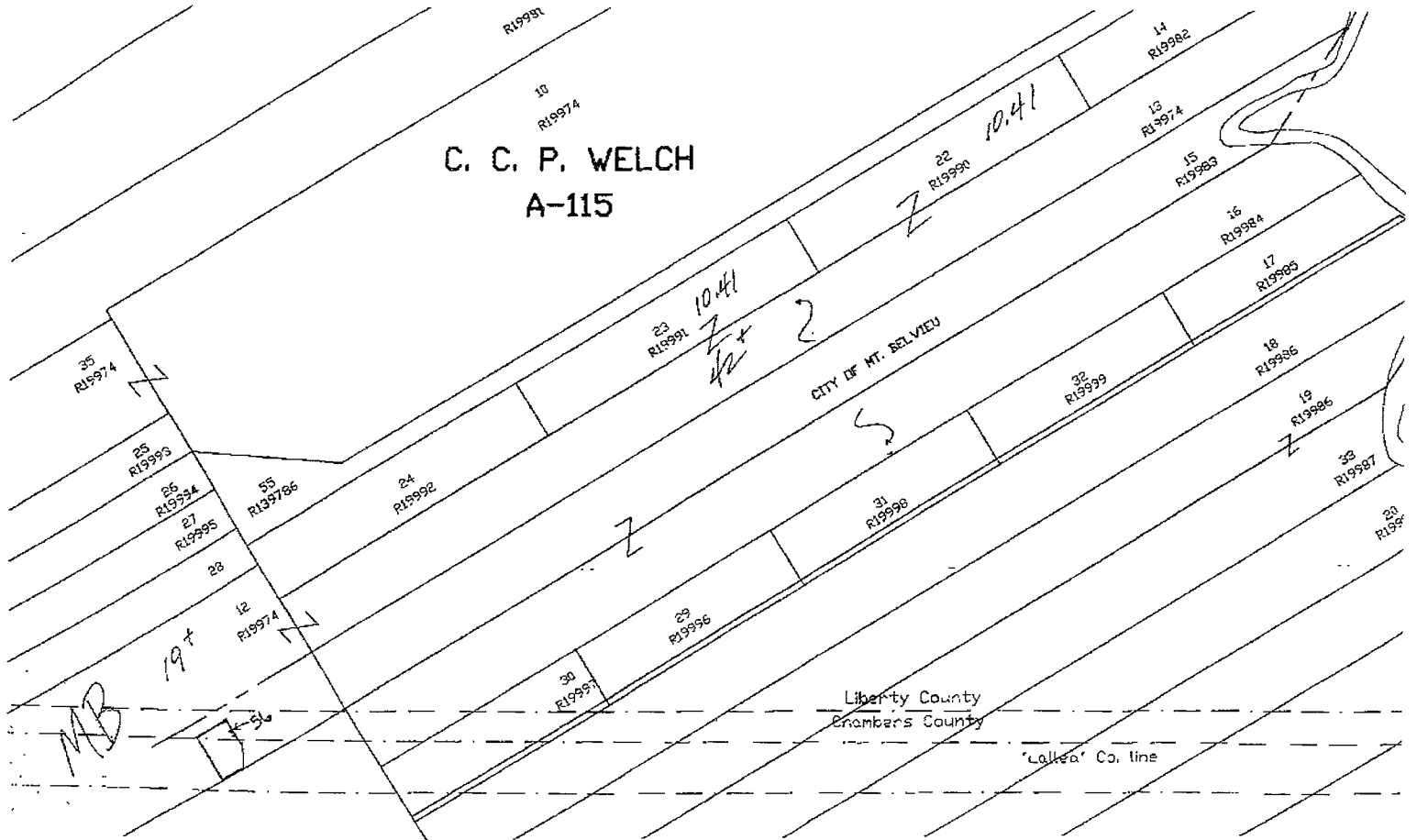
Penalty & Interest if paid after Jan 31, 2018		
If Paid in Month	P&I Rate	Tax Due
February 2018	7%	41.79
March 2018	9%	42.58
April 2018	11%	43.37
May 2018	13%	44.14
June 2018	15%	44.91

Taxpayers who were 65 years of age or older, or disabled on January 1, 2017 and have filed an application for exemption may pay the taxes on their HOMESTEAD in four equal installments. **Simply make the first installment by January 31, 2018. Please pay the EXACT scheduled installment amount below as the software only accepts EXACT amounts.**

Pmt	Due By	Payment Amount
1st	January 31, 2018	
2nd	March 31, 2018	
3rd	May 31, 2018	
4th	July 31, 2018	

\*DETACH HERE AND RETURN WITH PAYMENT\*

C. C. P. WELCH  
A-115



April 30, 2020

City of Dayton  
Attn: Mr. Theo Melancon  
Manager, City of Dayton  
117 Cook Street  
Dayton, Texas 77535

Re: Request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each a "CCN") in Liberty and Harris Counties filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

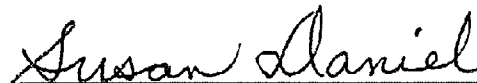
Dear Mr. Theo:

Two years ago in June 2018, my son Daniel Parker, my father Bill Daniel Trust et al, and myself Susan Daniel, opted out of our acreages in the City of Dayton in Docket No. 48350. (I was out-of-state, so another son Will Daniel sent in our "Election to Opt-Out" on our behalfs).

Recently Will received (where he lives in Spring) your follow-ups on these three elections. However, being under the mandated COVID-19 Stay-At-Home order, he was able to pass them on to me only this week. Thus, I hasten to respond. As soon as I'm able to get back into the office and/or have access to the County Courthouse records, I'll "supplement" these attachments.

Should you have any questions or wish to discuss in the meantime, please feel free to contact me. Thank you.

Respectfully yours,

A handwritten signature in cursive script that reads "Susan Daniel". The signature is written in dark ink and is positioned above a horizontal line.

Susan Daniel  
718 Fannin Street  
Liberty, Texas 77575  
936/336-7732 - home

Encls.

Letter copy to:

Public Utility Commission of Texas  
Att: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

City of Dayton  
Attn: David J. Klein  
Lloyd Gosselink Rochelle & Townsend, P. C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478

Mr. Brandon Davis, City Attorney, City of Dayton – hand-delivered

**PUC Docket No. 48350**  
**Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: Susan Nanette Daniel

(2) Total number of acres of land to be excluded from the proposed CCN areas: 33.1  
and 541.2

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

to follow

Please send/file this completed page and the metes and bounds description/survey to **both** of the following entities within 30 days of receipt:

Public Utility Commission of Texas  
Attn.: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, TX 78711-3326  
Phone: (512) 936-7290  
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton  
Attn.: David J. Klein  
Lloyd Gosselink Rochelle &  
Townsend, P.C.  
816 Congress Ave., Suite 1900  
Phone: (512) 322-5800  
Fax: (512) 472-0532

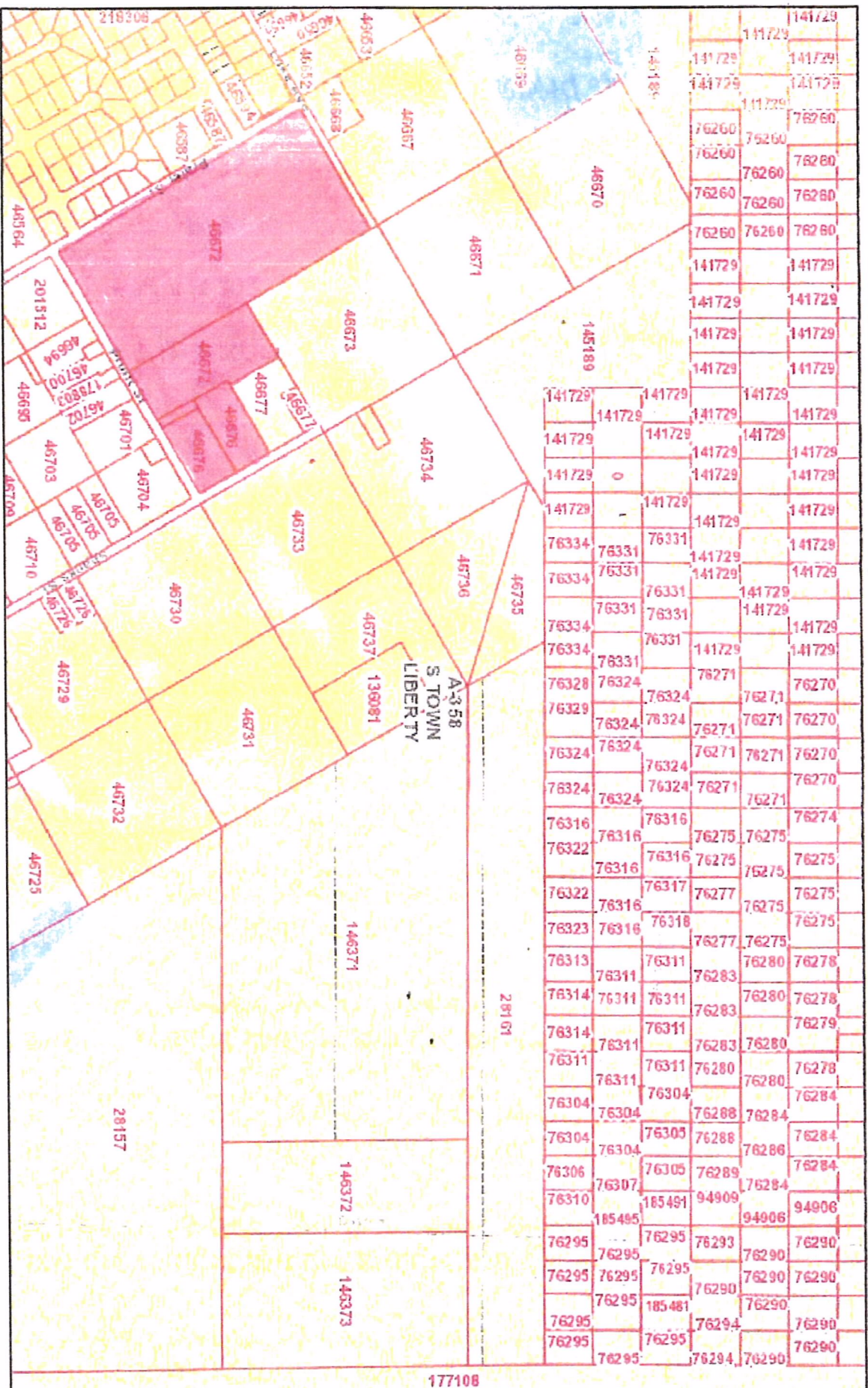
dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.

SUSAN NANETTE DANIEL  
718 Fannin Street  
Liberty, Texas 77575

<u>CAD Prop ID</u>	<u>Acreage</u>	<u>Legal</u>
46672	29.1029	Dayton, Blk 25, Lot 1, 2 Pt 4, Tract 5
46676	4.0	Dayton, Blk 25, Lot 4, Tr 1, 2, 6

# Susan Nanette Daniel Map Title



July 23, 2018

Parcels Lot Lines Abstracts

1:8,526  
0 0.05 0.1 0.2 0.4 mi  
0 0.1 0.2 0.4 km

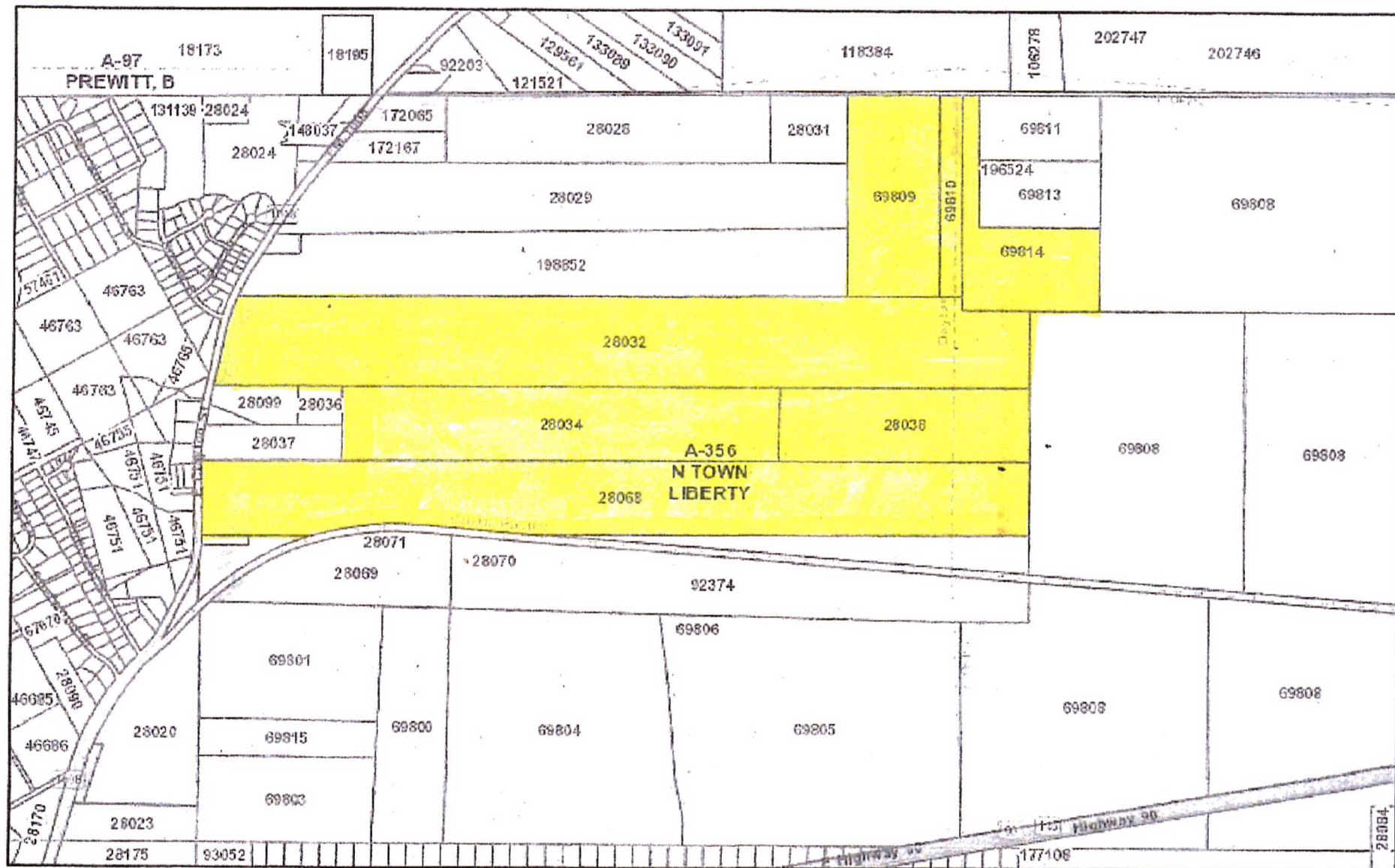
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Liberty County Appraisal District & BIS Consulting - www.bisconsultants.com  
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SUSAN NANETTE DANIEL  
P. O. Box 87  
Liberty, Texas 77575

<u>CAD Property ID</u>	<u>Acreage</u>	<u>Legal</u>
69814	40.2	T&NO-75, Block 6, Lot P1
69809	70	T&NO-75, Block 6, Lot 4
69810	10	T&NO-75, Block 6, Pt 1
28032	145	N Twn Liberty-356, Tract 11
28034	79.04	N Twn Liberty-356, Tract 12
28038	46	N Twn Liberty-356, Tract 15
28068	151.019	N Twn Liberty-356, Tract 16

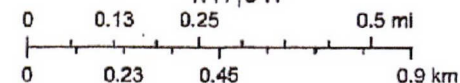
### Map Title



July 23, 2018

- **Parcels**
- **Abstracts**

1:17,047



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Liberty County Appraisal District & BIS Consulting - [www.bisconsultants.com](http://www.bisconsultants.com)

This product and relative contents are the property of the respective governmental entity and BIS Consultants. Use is restricted for official purposes.

**PUC Docket No. 48350**  
**Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: Bill Daniel Trust, et al

(2) Total number of acres of land to be excluded from the proposed CCN areas: 166.6

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

to follow

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas  
Attn.: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, TX 78711-3326  
Phone: (512) 936-7290  
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton  
Attn.: David J. Klein  
Lloyd Gosselink Rochelle &  
Townsend, P.C.  
816 Congress Ave., Suite 1900  
Phone: (512) 322-5800  
Fax: (512) 472-0532

dklein@lglawfirm.com

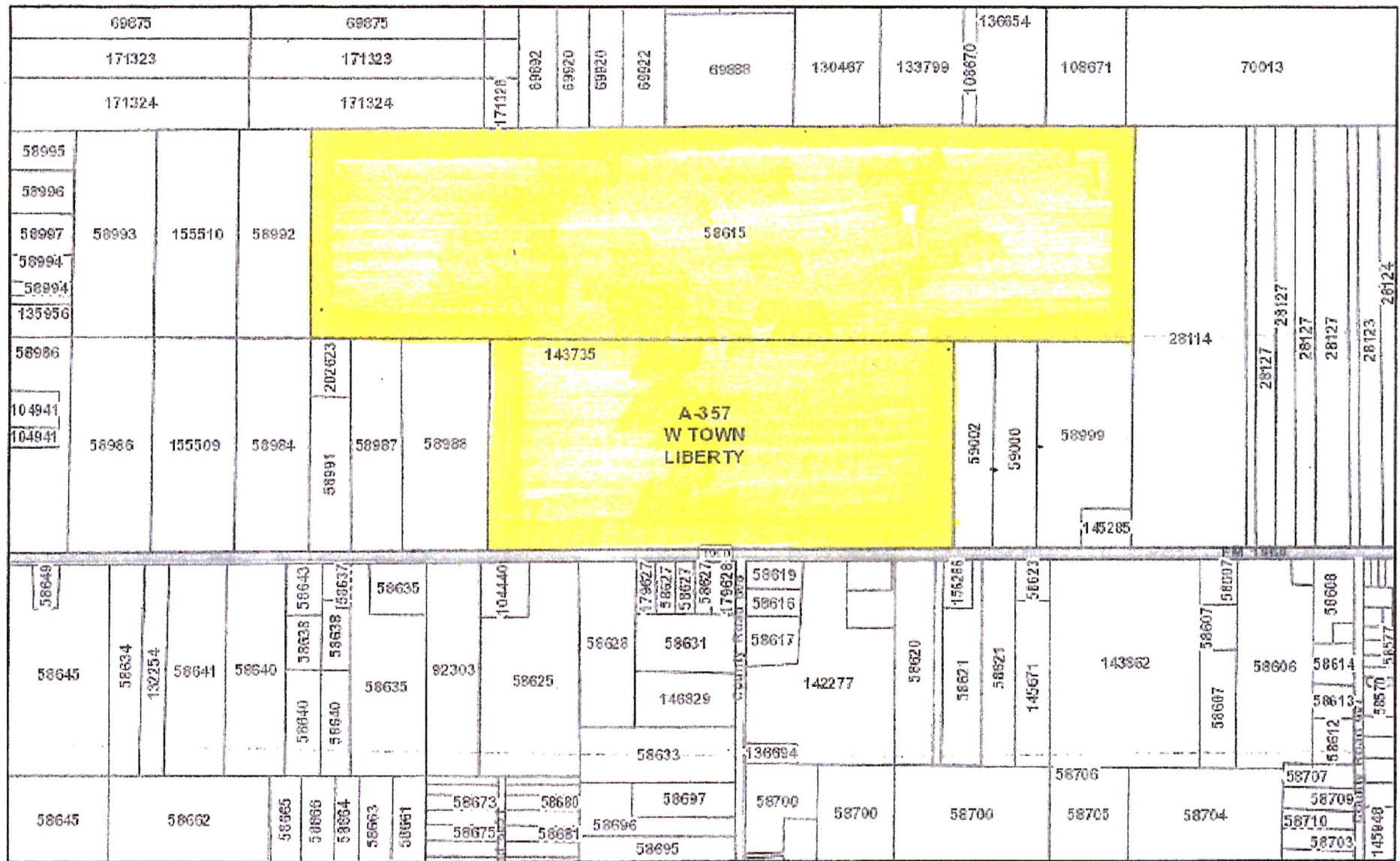
Please contact Ms. Lander if you have any questions or concerns.

BILL DANIEL TRUST ET AL  
P. O. Box 87  
Liberty, Texas 77575

<u>CAD Property ID</u>	<u>Acreage</u>	<u>Legal</u>
58615	101.04	W Twn Liberty-357,
Maysville, Block 55, 56, 60, 61, Tract 1		
143735	65.58	W Twn Liberty-357,
Maysville, Block 53, 54, 62, 63, Lot Tract 1		

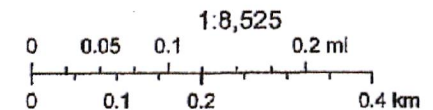
Bill Daniel Trust et al

Map Title



July 23, 2018

- ☐ Parcels
- ☐ Abstracts



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Liberty County Appraisal District & BIS Consulting - [www.bisconsultants.com](http://www.bisconsultants.com)

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**PUC Docket No. 48350  
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: Daniel Martin Parker

(2) Total number of acres of land to be excluded from the proposed CCN areas: 171.48

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

to follow

Please send/file this completed page and the metes and bounds description/survey to **both** of the following entities within 30 days of receipt:

Public Utility Commission of Texas  
Attn.: Merritt Lander  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, TX 78711-3326  
Phone: (512) 936-7290  
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton  
Attn.: David J. Klein  
Lloyd Gosselink Rochelle &  
Townsend, P.C.  
816 Congress Ave., Suite 1900  
Phone: (512) 322-5800  
Fax: (512) 472-0532

dklein@lglawfirm.com

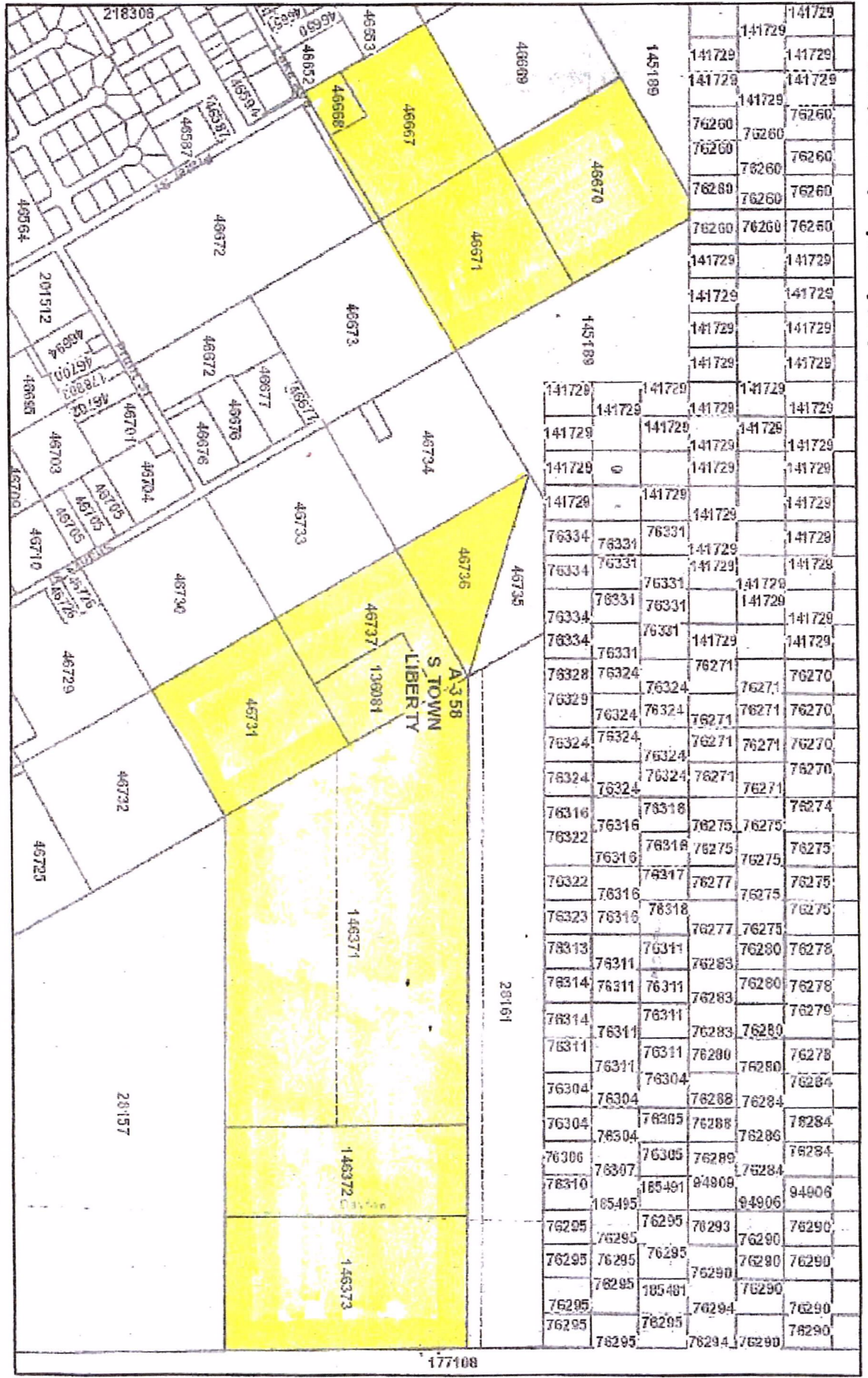
Please contact Ms. Lander if you have any questions or concerns.

Daniel Martin Parker  
1201 Luke Street  
Dayton, Texas 77535

<u>CAD Property ID</u>	<u>Acreage</u>	<u>Legal</u>
14637	73.6476	S Twn Liberty-358, Tract Pt 76
146372	11.5912	S Twn Liberty-358, Tract Pt 76
146373	17.2156	S Twn Liberty-358, Tract Pt 76
46731	12	Dayton, Blk 30, Lot 3
136081	4.5	Dayton, Blk 31, Lot 4, Tr 2
46737	7.5	Dayton, Blk 31, Lot 4, Tr 1
46736	9.03	Dayton, Blk 31, Lot 3, Tr 2
46671	12	Dayton, Blk 24, Lot 4, Tr 1
46670	12	Dayton, Blk 24, Lot 3, Tr 1
46667	11	Dayton, Blk 24, Lot 1, Tr 1
46668	1	Dayton, Blk 24, Lot 1, Tr 2

# Daniel Martin Parker

## Map Title

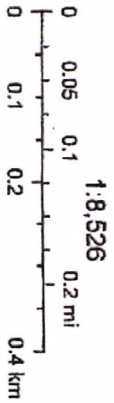


July 23, 2018

☐ Parcels

☐ Lot Lines

☐ Abstracts



## Maris Chambers

---

**From:** Mark Stoesser <mstoesser@yahoo.com>  
**Sent:** Tuesday, May 5, 2020 10:06 PM  
**To:** David Klein; Merritt Lander  
**Cc:** Mark Stoesser  
**Subject:** Stoesser opt out request

David and Merritt,

Per the request letter from the city of Dayton and after speaking to Theo Melancon yesterday, tonight I sent to you via email the Opt-out request supplement/ confirmation form, and metes and bounds description / survey for Stoesser Drier Inc., and Stoesser Investments LLC.

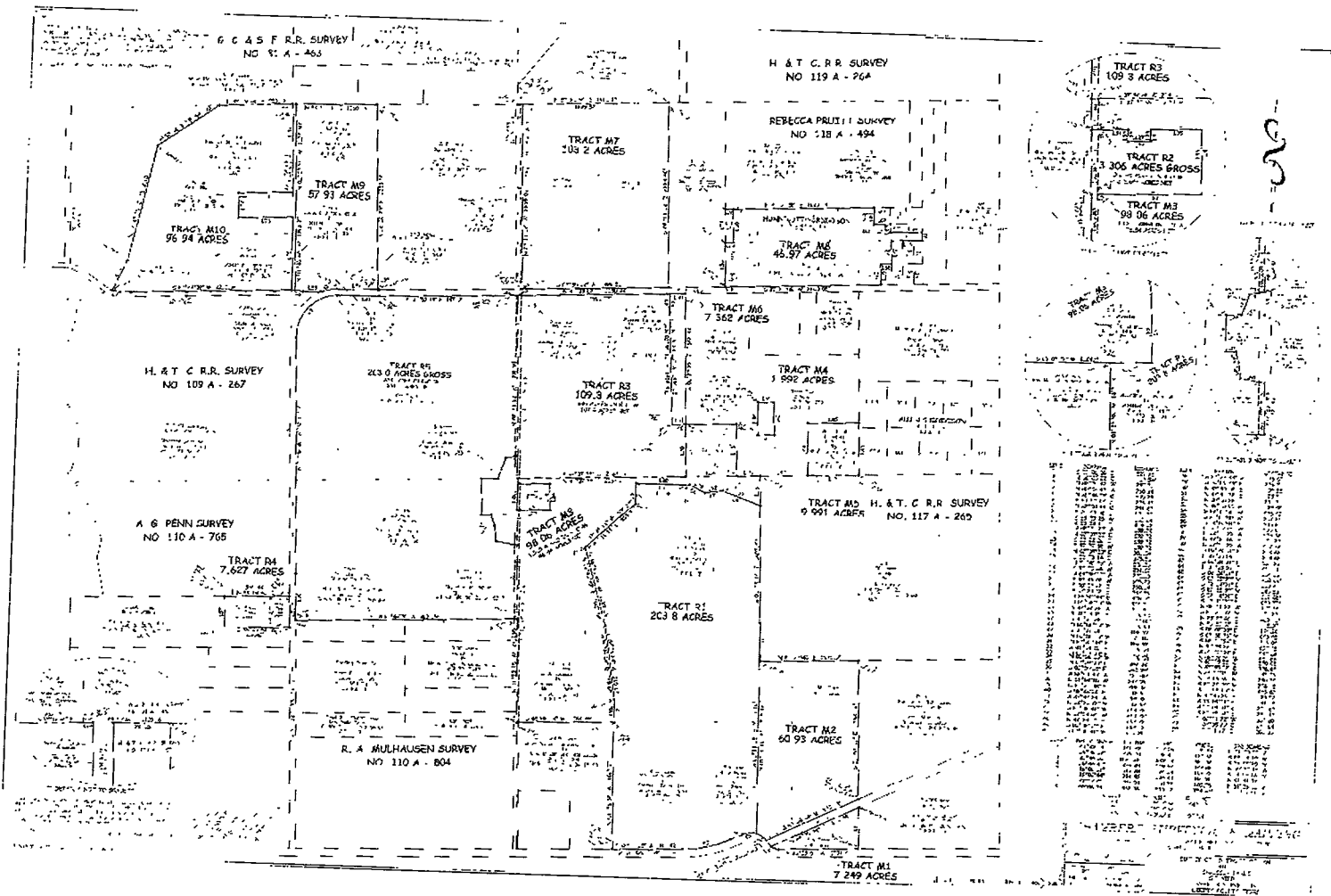
Please confirm that you received everything needed for these two entities to opt out of the CNN PUC docket 48350.

For the property owned by Mark Stoesser and Jack Stoesser, I do not have surveys on email and will have to get copies made of the surveys I do have. Some will be only a legal description. This is a difficult task and may take a while as we are still under a shut down order. Terrible timing for the city of Dayton to demand this be done at this time. But we do intend to opt out on all of our properties.

Yours Truly, Mark Stoesser

Sent from my iPad





1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem.

44-11261  
 Bureau of Land Management  
 - v. Steezy  
 To  
 Steezy - 07/11/11  
 May 5 2011  
 Vol 801 Pg 221  
 07/11/11

23rd Jul  
 Fri 2005  
 - 1 1/2 hours  
 10  
 2 hours 45 mins  
 10 1/2  
 10 1/2

TRACT D1  
1.259 ACRES  
0.1963 ACRES IN R-O-V  
1.063 ACRES NET

REBECCA PRUITT SURVEY  
NO. 118 A - 494

SCALE: 1 INCH = 300 FEET

R. A. MULHAUSEN SURVEY  
NO. 110 A - 804

H. & T. C. R.R. SURVEY  
NO. 117 A - 265

27th Nov  
12C Area  
E. J. Slusser  
10  
Gossett, James L.  
Mr. S. BGE  
y. 501 73 541  
U.S.C.I.

17th Street  
1st Avenue  
E. J. Zenger  
10  
Glenport, N.Y.  
Mt. 5 1282  
46 50' 2" 511  
26 21'

TRACT D2  
2.494 ACRES  
0.2986 ACRES IN K-O-W  
2.195 ACRES NE1

LINE	BEARING	DISTANCE
1	S 87°35'29" W	257.84'
2	N 19°56'39" E	280.35'
3	N 79°10'19" E	153.96'
4	S 02°11'22" E	281.83'
5	N 01°49' 03" E	277.44'
6	S 87°35'29" W	258.15'
7	O1°58'15" E	466.67'
8	S 87°39'29" W	129.92'
9	S 01°59'15" E	394.53'
10	N 60°38'01" W	281.17'
11	N 07°54'51" W	202.62'
12	N 19°09'11" W	141.48'
13	N 87°35'29" E	338.46'
14	S 01°49' 03" E	381.51'
15	S 02°11'22" E	466.67'

[illegible][illegible][illegible]

TRACT 1  
STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 3.528 acre tract of land situated in the G. C. & S. F. Railroad Survey No. 31, Abstract No. 463, and the H. & T. C. Railroad Survey No. 109, Abstract No. 267, Liberty County, Texas, being the residue of 50 acres called 3<sup>rd</sup> Tract and the residue of 320 acres called 6<sup>th</sup> Tract conveyed to Stoesser Farms, Inc., by E. J. Stoesser in deed dated March 13, 1950, and recorded in Volume 601 at Page 541 of the Deed Records of Liberty County, Texas. This 3.528 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS IN THE NORTH LINE OF 7.627 ACRES CALLED TRACT 1 CONVEYED TO RAY E. STOESSER, ET UX, BY STOESSER FARMS INC. IN DEED DATED DECEMBER 19, 2014, AND RECORDED IN CLERK'S FILE NO. 2014019951 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS, AND FOUND MONUMENTS IN THE SOUTH LINE OF 244.715 ACRES CONVEYED TO STOESSER DRIER INC. BY FARM CREDIT BANK OF TEXAS IN DEED DATED DECEMBER 16, 1988, AND RECORDED IN VOLUME 1261 AT PAGE 651 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION. ALL ½ INCH IRON RODS SET HEREIN ARE CAPPED AND STAMPED "MCHANDLER 5292".

BEGINNING at a 1 ½ inch iron pipe found for an angle corner in the West line of this tract of land, the Southwest corner of said Abstract 463, the Southwest corner of said residue of 50 acres, the Northwest corner of said Abstract No. 267, the Northwest corner of said residue of 320 acres, in the East line of 16.8781 acres conveyed to William W. Thomas by Marcella Mary Williams in deed dated May 16, 1996, and recorded in Volume 1618 at Page 98 of the Official Public Records of Liberty County, Texas, and in the East line of the A. G. Penn Survey, Abstract No. 764, Liberty County, Texas.

THENCE North 02°46'39" West with a West line of this tract of land, the West line of said residue of 50 acres, the West line of said Abstract No. 463, the East line of said Penn Survey, and the East line of said 16.8781 acres a distance of 324.92 feet to a ½ inch iron rod set for the Northwest corner of this tract of land, the Northwest corner of said residue of 50 acres, and in a curve in the South right of way line of County Road 624, 60 foot wide right of way. From this corner a ½ inch iron rod found for the Northeast corner of said 16.8781 acres bears North 02°46'39" West a distance of 9.25 feet.

THENCE in an Easterly direction with a North line of this tract of land, a North line of said residue of 50 acres, and along said curve in the South right of way line of County Road 624 having a central angle of 25°40'20", a radius of 486.96 feet, an arc length of 218.19 feet, and a chord bearing and distance of South 65°03'11" East 216.37 feet to a ½ inch iron rod set for the point of tangency of this tract of land.

PAGE NO. 2 – TRACT 1 3.528 ACRES

THENCE South 55°26'30" East with a North line of this tract of land, a North line of said residue of 50 acres, and the South right of way line of County Road 624 a distance of 347.30 feet to a ½ inch iron rod set for the point of curvature of this tract of land.

THENCE in an Easterly direction with a North line of this tract of land, a North line of said residue of 50 acres, and along said curve in the South right of way line of County Road 624 having a central angle of 05°44'10", a radius of 357.00 feet, an arc length of 35.74 feet, and a chord bearing and distance of South 59°11'31" East 35.73 feet to a ½ inch iron rod set for the East or Northeast of this tract of land, the East or Northeast corner of said residue of 3.528 acres, in the South line of said Abstract No. 463, in the North line of said Abstract 267, and in the North line of said 244.715 acres. From this corner a spike found in County Road 624 for the Northeast corner of said 244.715 acres, the Northeast corner of said Abstract 267, the Northwest corner of the R. A. Mulhausen Survey No. 110, Abstract No. 804, Liberty County, Texas, and in the South line of said Abstract No. 463 bears North 87°55'44" East a distance of 2707.55 feet.

THENCE South 87°55'44" West with a South line of this tract of land, the South line of said residue of 50 acres, the South line of said Abstract No. 463, the North line of said Abstract No. 267, and the North line of said 244.715 acres, at a distance of 231.90 feet set a ½ inch iron rod on line, in all a total distance of 281.90 feet to a point in the centerline of Cedar Bayou for an interior corner of this tract of land, the Northwest corner of said 244.715 acres, and the Northeast corner of said residue of 320 acres. From this corner said 1 ½ inch iron pipe found for the Northwest corner of said residue of 320 acres, and the Southwest corner of said residue of 50 acres bears South 87°55'44" West a distance of 215.56 feet.

THENCE in a Southerly direction along the centerline of Cedar Bayou with the East lines of this tract of land, the East lines of said residue of 320 acres, and the West lines of said 244.715 acres the following courses:

South 28°20'49" West, 176.85 feet;

South 05°47'05" West, 228.89 feet;

South 17°54'55" West, 290.50 feet to a point for the South corner of this tract of land, the South corner of said residue of 320 acres, an angle corner of said 244.715 acres, in the West line of said Abstract No. 267, in the East line of said Penn Survey, and in the East line of said 16.8781 acres.

PAGE NO. 3 – TRACT 1 3.528 ACRES

THENCE North 01°40'14" West with a West line of this tract of land, the West line of said residue of 320 acres, the West line of said Abstract No. 267, the East line of said Penn Survey, and the East line of said 16.8781 acres, at a distance of 115.00 feet set a ½ inch iron rod on line, in all a total distance of 652.28 feet to the PLACE OF BEGINNING, containing within said boundaries 3.528 acres of land, more or less.

SURVEYED: April 18 - 30, 2019.

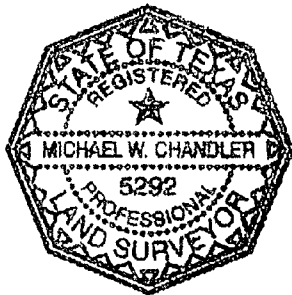
#### SURVEYOR'S CERTIFICATE

I, Michael W. Chandler, Reg. Professional Land Surveyor Number 5292 do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Mont Belvieu, Texas, this the 6th., day of May, A.D., 2019.



REG. PROFESSIONAL LAND SURVEYOR  
NO. 5292  
19-4329.FDN



TRACT 2  
STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 244.6 acre tract of land situated in the H. & T. C. Railroad Survey No. 109, Abstract No. 267, and the A. G. Penn Survey, No. 110, Abstract No. 765, Liberty County, Texas, being that same 244.715 acres conveyed to Stoesser Drier Inc., by Farm Credit Bank of Texas in deed dated December 16, 1988, and recorded in Volume 1261 at Page 651 of the Official Public Records of Liberty County, Texas. This 244.6 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS IN THE NORTH LINE OF 7.627 ACRES CALLED TRACT 1 CONVEYED TO RAY E. STOESSER, ET UX, BY STOESSER FARMS INC. IN DEED DATED DECEMBER 19, 2014, AND RECORDED IN CLERK'S FILE NO. 2014019951 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS, AND FOUND MONUMENTS IN THE SOUTH LINE OF SAID 244.715 ACRES. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION. ALL ½ INCH IRON RODS SET HEREIN ARE CAPPED AND STAMPED "MCHANDLER 5292".

BEGINNING at a spike found in County Road 624, 60 foot wide right of way, for the Northeast corner of this tract of land, the Northeast corner of said 244.715 acres, the Northeast corner of said Abstract No. 267, the Northwest corner of the R. A. Mulhausen Survey No. 110, Abstract No. 804, Liberty County, Texas, and in the South line of the G. C. & S. F. Railroad Survey No. 31, Abstract No. 463, Liberty County, Texas.

THENCE South 02°08'15" East with an East line of this tract of land, an East line of said 244.715 acres, the East line of said Abstract No. 267, the West line of said Mulhausen Survey, and the West line of an old unimproved road, at a distance of 40.62 feet set a ½ inch iron rod on line at the South right of way line of County Road 624, at a distance of 367.47 feet set a ½ inch iron rod on line at a curve in the North right of way line of F. M. 686, 80 foot wide right of way, in all a total distance of 2397.47 feet to a point for an angle corner of this tract of land, the Southeast corner of said Abstract No. 267, and the Northeast corner of said Abstract No. 765.

THENCE South 02°09'37" East with an East line of this tract of land, an East line of said 244.715 acres, the East line of said Abstract No. 765, and the West line of said Mulhausen Survey a distance of 1487.00 feet to a point for the Southeast corner of this tract of land, and the Southeast corner of said 244.715 acres.

THENCE South 88°08'43" West with the South line of this tract of land, the South line of said 244.715 acres, the North line of said 7.627 acres, and the North line of 36.496 acres conveyed to Christina Berryhill, et al, by Jon Michael Copenhaver, et al, in deed dated October 20, 2015, and recorded in Clerk's File No. 2015019390 of the Official Public Records of Liberty County, Texas, at a distance of 41.91 feet found a 1 inch iron pipe leaning for the Northeast corner of said 7.627 acres in the West right of way line of F. M. 686, at a distance of 880.06 feet found a ½ inch iron rod on line, at a distance of 2394.40 feet found a 1 inch galvanized iron pipe bent, in all a total distance of 2459.72 feet to a point in the centerline of Cedar Bayou for the Southwest corner of this tract of land, the Southwest corner of said 244.715 acres, and the Southeast corner of 100.00 acres conveyed to Jose Daniel Vallejo by Dayton Rice Milling, Inc., in deed dated September 9, 2014, and recorded in Clerk's File No. 2014016238 of the Official Public Records of Liberty County, Texas.

THENCE in a Northerly direction along the centerline of Cedar Bayou with the West lines of this tract of land, the West lines of said 244.715 acres, and the East lines of said 100.00 acres the following courses and distances:

North 02°05'25" East, 45.02 feet;  
North 08°45'16" West, 157.15 feet;  
North 15°51'27" West, 276.52 feet;  
North 06°30'23" East, 37.06 feet;  
North 25°09'20" East, 135.80 feet;  
North 04°02'02" East, 62.80 feet;  
North 19°01'37" West, 193.58 feet;  
North 28°14'10" West, 141.83 feet;  
North 18°56'09" West, 124.56 feet;  
North 42°55'08" West, 160.90 feet;  
North 34°30'51" West, 183.60 feet;  
North 25°21'19" West, 174.70 feet;  
North 06°42'04" East, 103.81 feet;  
North 17°29'15" East, 108.85 feet;  
North 25°10'54" East, 142.86 feet;  
North 01°53'46" West, 320.47 feet;  
North 24°56'15" West, 122.69 feet;

North 35°08'26" West, 201.13 feet to a point for an angle corner of this tract of land, an angle corner of said 244.715 acres, an angle corner of said 100.00 acres, in the West line of said Abstract No. 267, and in the East line of the A. G. Penn Survey, Abstract No. 764, Liberty County, Texas.

THENCE North 02°07'44" West with a West line of this tract of land, a West line of said 244.715 acres, the West line of said Abstract No. 267, the East line of said Penn Survey, and the East line of said 100.00 acres, at a distance of 100.00 feet set a ½ inch iron rod on line, in all a total distance of 612.71 feet to a ½ inch iron rod set for an angle corner of this tract of land, the Northeast corner of said 100.00 acres, and the Southeast corner of 16.8781 acres conveyed to William W. Thomas by Marcella Mary Williams in deed dated May 16, 1996, and recorded in Volume 1618 at Page 98 of the Official Public Records of Liberty County, Texas.

THENCE North 01°40'14" West with a West line of this tract of land, a West line of said 244.715 acres, the West line of said Abstract No. 267, the East line of said Penn Survey, and the East line of said 18.8781 acres a distance of 117.81 feet to a point in the centerline of Cedar Bayou for an angle corner of this tract of land, an angle corner of said 244.715 acres, and the South corner of the residue of 320 acres called 6<sup>th</sup> Tract conveyed Stoesser Farms Inc., by E. J. Stoesser in deed dated March 13, 1950, and recorded in Volume 601 at Page 541 of the Deed Records of Liberty County, Texas. From this corner a 1 ½ inch iron pipe found for the Northwest corner of said residue of 320 acres bears North 01°40'14" West a distance of 652.28 feet.

THENCE in a Northerly direction with the centerline of Cedar Bayou, the West lines of this tract of land, the West lines of said 244.715 acres, and the East lines of said residue of 320 acres the following courses and distances:

North 17°54'55" East, 290.50 feet;

North 05°47'05" East, 228.89 feet;

North 28°20'49" East, 176.85 feet to a point for the Northwest corner of this tract of land, the Northwest corner of said 244.715 acres, the Northeast corner of said residue of 320 acres, in the North line of said Abstract No. 267, in the South line of said Abstract No. 463, and in the South line of the residue of 50 acres called 3<sup>rd</sup> Tract conveyed Stoesser Farms Inc., by E. J. Stoesser in deed dated March 13, 1950, and recorded in Volume 601 at Page 541 of the Deed Records of Liberty County, Texas. From this corner said 1 ½ inch iron pipe found for the Northwest corner of said residue of 320 acres bears South 87°55'44" West a distance of 215.56 feet.

PAGE NO. 4 – TRACT 2 244.6 ACRES

THENCE North 87°55'44" East with the North line of this tract of land, the North line of said 244.715 acres, the North line of said Abstract No. 267, the South line of said Abstract No. 463, and the South line of said residue of 50 acres, at a distance of 50.00 feet set a ½ inch iron rod on line, at a distance of 281.90 feet set a ½ inch iron rod in a curve in the South right of way line of County Road 624, in all a total distance of 2707.55 feet to the PLACE OF BEGINNING, containing within said boundaries 244.6 acres gross with 5.592 acres within the right of ways of F. M. 686 and County Road 624, leaving a net acreage of 239.0 acres of land, more or less.

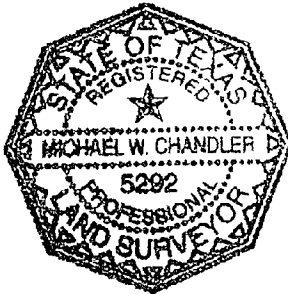
SURVEYED: April 18 - 30, 2019.

#### SURVEYOR'S CERTIFICATE

I, Michael W. Chandler, Reg. Professional Land Surveyor Number 5292 do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground under my supervision on the date shown and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Mont Belvieu, Texas, this the 6th., day of May, A.D., 2019.

  
REG. PROFESSIONAL LAND SURVEYOR  
NO. 5292  
19-4329.FDN



SCALE: 1 INCH = 300 FEET

CURVE	CENTRAL ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
1	20°33'25"	612.98'	219.99'	218.75'	S 08°10'23" W
2	30°11'45"	397.00'	188.25'	185.98'	S 77°09'28" E
3	25°40'20"	486.96'	218.19'	215.37'	S 65°03'11" E
4	05°44'10"	397.00'	35.74'	35.73'	S 59°11'31" E

NOTES.

1. BEARINGS ARE BASED ON DEED BEARINGS IN T.C. NORTH LINE OF 7.627 ACRES CONVEYED IN C.L.R.C.'S FILE NO. 2014019951 OF THE O.P.R.L.C.'S, AND FOUND MONUMENTS IN THE SOUTH 1/4 OF 244.715 ACRES CONVEYED IN VOL. 11283 AT PG. 851 OF THE O.P.R.L.C.'S. REFERENCE IS MADE TO METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANYING THIS PLAT.

2. ALL \* ARE SET 1/2 INCH IRON RODS WITH PLASTIC CAP STAMPED "CHANDLER 5292" UNLESS OTHERWISE NOTED.

G. C. & S. F. R.R. SURVEY  
NO. 31 A - 463

TRACT 1  
3.528 ACRES

0.8781 Acres  
Marbella Mary Williams  
To  
William W. Thomas  
May 16, 1998  
Vol. 1018 Pg. 95  
O.P.R.L.C.'s

2-a Tract  
Residue of 30 Acres  
E. J. Stossers  
To  
Stossers Farms, Inc.  
March 13, 1950  
Vol. 501 Pg. 541  
O.P.R.L.C.'s

51-a Tract  
Residue of 320 Acres  
E. J. Stossers  
To  
Stossers Farms, Inc.  
March 13, 1950  
Vol. 501 Pg. 541  
O.P.R.L.C.'s

TRACT 2  
244.6 ACRES GROSS  
5.992 ACRES IN R.O.-W  
239.0 ACRES NET

244.715 Acres  
Farm Credit Bank of Texas  
To  
Stossers Farms, Inc.  
December 15, 1958  
Vol. 1261 Pg. 651  
O.P.R.L.C.'s

A. G. PENN SURVEY  
A - 764

00.00 Acres  
Dayton Rice Mining, Inc.  
To  
Jose Daniel Vallejo  
September 9, 2014  
Clerk's File No. 2014016238  
O.P.R.L.C.'s

H. & T. C. R.R. SURVEY  
NO. 109 A - 267

A. G. PENN SURVEY  
NO. 110 A - 765

36.486 Acres  
Jon Michael Coppenhaver, et al  
To  
Christina Berryhill, et al  
October 20, 2015  
Clerk's File No. 2015018380  
O.P.R.L.C.'s

Tract 1  
7.627 Acres  
Stossers Farms, Inc.  
To  
Roy E. Stossers, et al  
December 15, 2014  
Clerk's File No. 2014019951  
O.P.R.L.C.'s

LINE	BEARINGS	DISTANCE
1	N 02°03'25" E	45.02'
2	N 08°45'16" W	187.15'
3	N 13°51'27" W	276.52'
4	N 06°30'23" E	37.06'
5	N 23°09'20" E	135.80'
6	N 04°02'02" E	62.80'
7	N 19°01'37" W	193.58'
8	N 28°14'10" W	141.83'
9	N 18°56'09" W	124.56'
10	N 42°55'08" W	160.90'
11	N 34°30'51" W	183.50'
12	N 25°21'15" W	174.70'
13	N 06°42'04" E	103.81'
14	N 17°29'15" E	108.85'
15	N 25°10'54" E	142.86'
16	N 01°53'46" W	320.47'
17	N 24°56'15" W	122.69'
18	N 35°08'26" W	201.13'
19	N 01°40'14" W	117.81'
20	N 17°54'55" E	250.50'
21	N 05°47'05" E	228.89'
22	N 28°20'49" E	176.85'
23	S 02°06'58" E	286.40'
24	S 55°26'30" E	347.30'
25	N 02°45'39" E	324.92'
26	S 87°55'44" W	215.50'
27	S 87°55'44" W	281.90'
28	S 28°20'49" W	176.85'
29	S 05°47'05" W	228.89'
30	S 17°54'55" W	250.50'

R. A. MULHAUSEN SURVEY  
NO. 110 A - 804

I, MICHAEL W. CHANDLER, REGISTERED PROFESSIONAL LAND SURVEYOR No. 5292, do hereby certify that this plat represents the results of a survey made on the ground under my supervision April 18 thru April 30, 2019; and that all lines, boundaries, and landmarks are accurately shown hereon.

WITNESS my hand and seal at MONT BELVIEU, TEXAS, this the 10th day of May, A. D. 2019

CHAMBERS SURVEYING & MAPPING

P. O. BOX #272 MONT BELVIEU, TEXAS 77080  
PHONE: 281-375-8788 FIRM REG. NO. 120127-00

DRAWN BY	LOC	SEC	SECTION
JAN	4/A	N/A	SURVEY
CHKD BY	BLACK	OSARTY	ADDRESS
CHKD	4/A	US287Y	ADDRESS
DATE	JOB NO.	15-4328	SURVEY FOR STOSSERS FARMS
5/2/19	1 OF 1		

TRACT D1  
STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 1.259 acre tract of land situated in the H. & T. C. Railroad Survey No. 109, Abstract No. 267, Liberty County, Texas, and being out of and a part of the residue of 320 acres called 6<sup>th</sup> Tract conveyed to Stoesser Farms, Inc., by E. J. Stoesser by deed dated May 5, 1966, and recorded in Volume 601 at Page 541 of the Deed Records of Liberty County, Texas. This 1.259 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE WEST LINE OF 542.60 ACRES CALLED TRACT 1 CONVEYED TO CEDAR BAYOU WILDLIFE, LLC, BY STOESSER FARMS, INC., BY DEED DATED DECEMBER 31, 2012, AND RECORDED AT CLERK'S FILE NO. 2013000064 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a ¾ inch iron pipe found in County Road 622, 60 foot wide right of way, for the Southeast corner of this tract of land the Southeast corner of said 6<sup>th</sup> Tract, the Southeast corner of said Abstract 267, the Northeast corner of 5 acres conveyed to Stoesser Drier, Inc., by E. J. Stoesser by deed dated September 4, 1964, and recorded in Volume 574 at Page 638 of the Deed Records of Liberty County, Texas, the Northeast corner of the R. A. Mulhausen Survey No. 110, Abstract No. 804, Liberty County, Texas, the Northwest corner of the H. & T. C. Railroad Survey No. 117, Abstract No. 265, Liberty County, Texas, the Northwest corner of 111 acres called 17<sup>th</sup> Tract conveyed to Stoesser Farms, Inc., in said deed recorded in Volume 601 at Page 541, the Southwest corner of the Rebecca Pruitt Survey No. 118, Abstract No. 494, Liberty County, Texas, and the Southwest corner of 60 acres called 23<sup>rd</sup> Tract conveyed to Stoesser Farms in said deed recorded in Volume 601 at Page 541.

THENCE South 87°35'29" West with the South line of this tract of land, the South line of said 6<sup>th</sup> Tract, the South line of said Abstract 267, the North line of said Abstract 804, and the North line of said 5 acres, at a distance of 31.49 feet set a ¾ inch galvanized iron pipe on line at the West right of way line of County Road 622, in all a total distance of 257.84 feet to a ¾ inch galvanized iron pipe set for the Southwest corner of this tract of land. From this corner a 1 inch iron pipe found for the Northwest corner of said 5 acres bears South 87°35'29" West a distance of 206.15 feet.

THENCE North 19°36'39" East with the West line of this tract of land a distance of 280.35 feet to a ¾ inch galvanized iron pipe set for the Northwest corner of this tract of land.

PAGE NO. 2 - TRACT D1 1.259 ACRES

THENCE North 79°10'19" East with the North line of this tract of land, over and across said 6<sup>th</sup> Tract, at a distance of 123.93 feet set a ¼ inch galvanized iron pipe on line at the West right of way line of County Road 622, in all a total distance of 153.96 feet to a point for the Northeast corner of this tract of land, in the East line of said 6<sup>th</sup> Tract, in the East line of said Abstract 267, in the West line of said Abstract 494, and in the West line of said 23<sup>rd</sup> Tract.

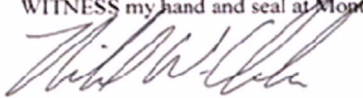
THENCE South 02°11'22" East with the East line of this tract of land, the East line of said 6<sup>th</sup> Tract, the East line of said Abstract 267, the West line of said Abstract 494, and the West line of said 23<sup>rd</sup> Tract a distance of 281.83 feet to the PLACE OF BEGINNING, containing within said boundaries 1.259 acres of land gross with 0.1963 of an acre within County Road 622, leaving a net acreage of 1.063 acres of land, more or less.

SURVEYED: May - August, 2014.

SURVEYOR'S CERTIFICATE

I, Michael W. Chandler, Reg. Professional Land Surveyor Number 5292 do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground by me on the date shown and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Mont Belvieu, Texas, this the 11th., day of August, A.D., 2014.



REG. PROFESSIONAL LAND SURVEYOR  
NO. 5292  
14-3399.FDN



TRACT D2  
STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 2.494 acre tract of land situated in the R. A. Mulhausen Survey No. 110, Abstract No. 804, Liberty County, Texas, and being out of and a part of 120 acres called 27<sup>th</sup> Tract conveyed to Stoesser Farms, Inc., by E. J. Stoesser by deed dated May 5, 1966, and recorded in Volume 601 at Page 541 of the Deed Records of Liberty County, Texas. This 2.494 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MONUMENTS IN THE WEST LINE OF 542.60 ACRES CALLED TRACT 1 CONVEYED TO CEDAR BAYOU WILDLIFE, LLC, BY STOESSER FARMS, INC., BY DEED DATED DECEMBER 31, 2012, AND RECORDED AT CLERK'S FILE NO. 2013000064 OF THE OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, TEXAS. REFERENCE IS MADE TO PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a point in County Road 622, 60 foot wide right of way, for the Northeast corner of this tract of land, a Northeast corner of said 120 acres, the Southeast corner of 5 acres conveyed to Stoesser Drier, Inc., by E. J. Stoesser by deed dated September 4, 1964, and recorded in Volume 574 at Page 638 of the Deed Records of Liberty County, Texas, in the East line of said Abstract 804, in the West line of the H. & T. C. Railroad Survey No. 117, Abstract No. 265, Liberty County, Texas, and in the West line of 111 acres called 17<sup>th</sup> Tract conveyed to Stoesser Farms, Inc., in said deed recorded in Volume 601 at Page 541.

THENCE South 01°58'15" East with the East line of this tract of land, the East line of said 27<sup>th</sup> Tract, the East line of said Abstract 804, the West line of said Abstract 265, and the West line of said 17<sup>th</sup> Tract a distance of 394.53 feet to a point for the Southeast corner of this tract of land.

THENCE North 80°38'01" West with the South line of this tract of land, at a distance of 34.45 feet set a ¼ inch galvanized iron pipe on line at the West right of way line of County Road 622, in all a total distance of 281.17 feet to a ¼ inch galvanized iron pipe set for the Southwest corner of this tract of land.

THENCE in a Northerly direction with the West lines of this tract of land the following courses:

North 07°54'51" West, 202.62 feet to a ¼ inch galvanized iron pipe set;

North 19°09'11" West, 141.45 feet to a ¼ inch galvanized iron pipe set for the Northwest corner of this tract of land, in a North line of said 27<sup>th</sup> Tract, and in the South line of said 5 acres.

PAGE NO. 2 - TRACT D2 2.494 ACRES

THENCE North 87°35'39" East with the North line of this tract of land, a North line of said 27<sup>th</sup> Tract, and the South line of said 5 acres, at a distance of 305.72 feet set a ¼ inch galvanized iron pipe on line at the West right of way line of F. M. 686, in all a total distance of 338.46 feet to the PLACE OF BEGINNING, containing within said boundaries 2.494 acres of land gross with 0.2986 of an acre within County Road 622, leaving a net acreage of 2.195 acres of land, more or less.

SURVEYED: May - August, 2014.

SURVEYOR'S CERTIFICATE

I, Michael W. Chandler, Reg. Professional Land Surveyor Number 5292 do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground by me on the date shown and that all lines, boundaries and landmarks are accurately described therein

WITNESS my hand and seal at Mont Belvieu, Texas, this the 11th., day of August, A.D., 2014.



REG. PROFESSIONAL LAND SURVEYOR  
NO. 5292  
14-3399.FDN



## Maris Chambers

---

**From:** Mark Stoesser <mstoesser@yahoo.com>  
**Sent:** Sunday, June 7, 2020 8:14 PM  
**To:** Maris Chambers  
**Cc:** David Klein; Christina Thompson  
**Subject:** Re: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

Maris,

Yes, the properties we requested to opt-out of the CNN are included in your attached list for Mark Stoesser, Jack Stoesser, Stoesser Drier, Inc., and Stoesser Investments, LLC.

So we would like to opt out on ALL of the Liberty County Appraisal District accounts listed for the 4 individuals/entities. These are the same as I sent to you previously for all four. It is complicated as a large survey may have multiple appraisal district tracts.

Please let me know if further information is needed.

Best Regards, Mark Stoesser

Sent from my iPad

On Jun 5, 2020, at 10:51 AM, Maris Chambers <mchambers@lglawfirm.com> wrote:

Happy Friday!

In follow up to my voicemail, please consider this a friendly reminder to identify the Stoesser-related tax parcels you would like us to exclude from Dayton's proposed CCN service areas. We're approaching a deadline to file revised maps with the PUC.

Thanks,

Maris

**From:** Maris Chambers <mchambers@lglawfirm.com>  
**Sent:** Thursday, May 28, 2020 4:47 PM  
**To:** 'Mark Stoesser' <mstoesser@yahoo.com>  
**Cc:** David Klein <dklein@lglawfirm.com>; Christina Thompson <cthompson@lglawfirm.com>  
**Subject:** Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350  
**Importance:** High

Mark,

Thank you for taking the time to talk this afternoon and for continuing to work with the City of Dayton to properly finalize the boundaries of its CCN service areas.

As we discussed, I've attached a spreadsheet downloaded from the [Liberty CAD Property Search](#) tool. The spreadsheet lists all properties in Liberty County owned by individual Stoessers or by Stoesser entities. Please review the list and highlight, or otherwise demarcate, each property to be removed from the City's proposed CCN. Specifically, the City is seeking final direction on the properties owned by yourself; Jack Stoesser; Stoesser Investments, LLC; Stoesser Drier, Inc.; and Stoesser Farms.

If you would like the City to exclude a property or properties not already listed in the attached spreadsheet, please complete the chart below, adding rows as necessary.

Property ID	Acreage	Legal Description

The Public Utility Commission has ordered the City to provide final maps and digital data depicting its requested CCN areas by mid-to-late June. As such, **please provide your response(s) to this email by June 17, 2020**. Providing a timely response will allow the City to ensure it has properly addressed each of your opt-out requests prior to submitting final mapping information to the Commission.

Again, thank you for your continued cooperation in this matter. If there is anything I can do to be of any further assistance please let me know.

Best,



**MARIS M. CHAMBERS**

Attorney

512-322-5804 Direct

214-663-6792 Cell

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800

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\*\*\*\*ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT \*\*\*\*

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

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No portion of this email is an "electronic signature" and neither the author nor any client thereof will be bound by this e-mail unless expressly designated as such as provided in more detail at [www.lglawfirm.com/electronic-signature-disclaimer/](http://www.lglawfirm.com/electronic-signature-disclaimer/).

<2020.05.28 Liberty Co. CAD Records for \_Stoesser\_.XLSX>

Property ID	Legal Description	Owner Name
46534	DAYTON, BLOCK 15, LOT 2, TRACT 4, ACRES 1.5	CARRAWAY BETTY STOESSER
102329	000267 H&TC-109, TRACT 22, ACRES 146.9493	STOESSER DRIER INC
102330	000765 A G PENN #110, TRACT 7, ACRES 92.	STOESSER DRIER INC
198943	000267 H&TC-109, TRACT 25, ACRES 1.259	STOESSER DRIER INC
242832	000267 H&TC-109, TRACT 27, ACRES 3.528	STOESSER DRIER INC
31683	000804 R A MULHAUSEN #110, TRACT 15 28, ACRES 7.494	STOESSER DRIER INC
46535	DAYTON, BLOCK 15, LOT 2 & 3, TR 1, ACRES 17.557	STOESSER E J EST
214671	000265 H&TC-117, TRACT 15, ACRES 79.3	STOESSER EILEEN
25411	000265 H&TC-117, TRACT 3, ACRES 44.5	STOESSER EILEEN
36033	COLONIAL OAKS, BLOCK 6, LOT 1-4 SEC 1, ACRES .3700	STOESSER ENA
36034	COLONIAL OAKS, BLOCK 6, LOT 5 SEC 1, ACRES .0920	STOESSER ENA
57487	LITTLE JOHN, LOT 32, SEC 2, ACRES .4494	STOESSER ENA
36035	COLONIAL OAKS, BLOCK 6, LOT 6 SEC 1, ACRES .0920	STOESSER ENA A
36036	COLONIAL OAKS, BLOCK 6, LOT 7 SEC 1, ACRES .0920	STOESSER ENA A
36037	COLONIAL OAKS, BLOCK 6, LOT 8 SEC 1, ACRES .0920	STOESSER ENA A
36038	COLONIAL OAKS, BLOCK 6, LOT 9 SEC 1, ACRES .0920	STOESSER ENA A
16528	000069 PETER MASON, TRACT 25, ACRES 159.996	STOESSER GRANT
16529	000069 PETER MASON, TRACT 26, ACRES 160.	STOESSER GRANT
55973	LIBERTY INNER BLOCKS, BLOCK 17, LOT 3, TRACT 5, ACRES .48	STOESSER GRANT EDWARD
108080	HUNNICUTT 60 AC, LOT 23 A-494 R PRUITT-118, ACRES 1.0	STOESSER INVESTMENTS LLC
214672	000265 H&TC-117, TRACT 2 17, ACRES 60.93	STOESSER INVESTMENTS LLC
214674	000265 H&TC-117, TRACT 6, ACRES 7.249	STOESSER INVESTMENTS LLC
218108	000494 R PRUITT-118, TRACT 28, ACRES 1.9992	STOESSER INVESTMENTS LLC
218109	000494 R PRUITT-118, TRACT 16, ACRES 9.991	STOESSER INVESTMENTS LLC
25409	000265 H&TC-117, TRACT 1 5 8 9, ACRES 96.54	STOESSER INVESTMENTS LLC
25512	000267 H&TC-109, TRACT 5 7 13 16, ACRES 96.94	STOESSER INVESTMENTS LLC
25513	000267 H&TC-109, TRACT 2 9 12 15 17 18, ACRES 57.93	STOESSER INVESTMENTS LLC
30318	000494 R PRUITT-118, TRACT 5 18-22 27, ACRES 14.8178	STOESSER INVESTMENTS LLC
30319	000494 R PRUITT-118, TRACT 2 26, ACRES 7.362	STOESSER INVESTMENTS LLC
30338	000494 R PRUITT-118, TRACT 1 4 32 35, ACRES 103.2	STOESSER INVESTMENTS LLC
53686	HUNNICUTT 60 AC, LOT 1 6-22 25-39 47-60, ACRES 46.97	STOESSER INVESTMENTS LLC
192875	000263 H&TC-121, TRACT 18, ACRES 10.101	STOESSER JACK
192876	000263 H&TC-121, TRACT 9, ACRES 18.3	STOESSER JACK
192877	000263 H&TC-121, TRACT 19, ACRES 5.0	STOESSER JACK

192878	000263 H&TC-121, TRACT 20, ACRES 8.601	STOESSER JACK
192879	000263 H&TC-121, TRACT 21, ACRES 9.45	STOESSER JACK
192881	000347 JOHN SIMMONS, TRACT 12, ACRES 8.11	STOESSER JACK
23531	000197 R GREEN, TRACT 58, ACRES 69.38	STOESSER JACK
23533	000197 R GREEN, TRACT 59 133, ACRES 55.6714	STOESSER JACK
23593	000197 R GREEN, TRACT 118-A, ACRES .3	STOESSER JACK
25361	000263 H&TC-121, TRACT 4, ACRES 144.38	STOESSER JACK
25362	000263 H&TC-121, TRACT 5, ACRES 15.774	STOESSER JACK
25364	000263 H&TC-121, TRACT 8, ACRES 10.81	STOESSER JACK
25365	000263 H&TC-121, TRACT 10, ACRES 17.355	STOESSER JACK
25366	000263 H&TC-121, TRACT 11, ACRES 16.488	STOESSER JACK
25515	000267 H&TC-109, TRACT 4, ACRES 50.0	STOESSER JACK
25518	000267 H&TC-109, TRACT 8, ACRES 2.0	STOESSER JACK
27619	000347 JOHN SIMMONS, TRACT 9 10, ACRES 26.14	STOESSER JACK
29915	000463 GC&SF-31, TRACT PT 15, ACRES 30.0	STOESSER JACK
29916	000463 GC&SF-31, TRACT PT 15, ACRES 10.0	STOESSER JACK
30277	000493 R PRUITT-116, TRACT 20, ACRES 16.0	STOESSER JACK
30921	000677 JOHN CHILTON, TRACT 6 7, ACRES 7.21	STOESSER JACK
30931	000677 JOHN CHILTON, TRACT PT 15, ACRES 3.144	STOESSER JACK
30932	000677 JOHN CHILTON, TRACT PT 15, ACRES 1.02	STOESSER JACK
25413	000265 H&TC-117, TRACT 7 F-3346-4671, ACRES 53.7097	STOESSER MARK A
25414	000265 H&TC-117, TRACT 10 F-3292-8683, ACRES 141.63	STOESSER MARK A
30333	000494 R PRUITT-118, TRACT 12 F-3289-8572 ETAL, ACRES 74.0	STOESSER MARK A
30334	000494 R PRUITT-118, TRACT 13 F-3291-8671, ACRES 32.5	STOESSER MARK A
30351	000496 R PRUITT-126, TRACT 4 F-3930-14011, ACRES 3.096	STOESSER MARK A
32826	ALLEN, 50 AC TRACT, LOT 3 4, ACRES 10.0	STOESSER MARK A
53688	HUNNICUTT 60 AC, LOT 3 4, F-3288-8526, ACRES 2.0	STOESSER MARK A
200217	000682 JOHN EVANS, TRACT 1, ACRES 320.	STOESSER NEAL
200362	000413 W C RY-11, TRACT 20, ACRES 31.231	STOESSER NEAL
200698	000415 W C RY-17, TRACT 1, ACRES 324.9	STOESSER NEAL
200712	000416 W C RY-19, TRACT 1, ACRES 640.	STOESSER NEAL
201311	000522 W L FAIRCHILD, TRACT 1, ACRES 40.	STOESSER NEAL
218616	30025455000BLOXSOMFORT APACHE ENERGY INCRI0.0034870C	STOESSER NEAL
222846	000697 V LACOUR-26, TRACT 2, ACRES 5.0	STOESSER NEAL & MEREDITH
29111	000415 W C RY-17, TRACT 2, ACRES 315.1	STOESSER NEAL & MEREDITH

31023	000697 V LACOUR-26, TRACT 1, ACRES 330.822	STOESSER NEAL & MEREDITH
32397	000976 H B ALDRICH, TRACT 1, ACRES 160.0	STOESSER NEAL & MEREDITH
16532	000069 PETER MASON, TRACT 29 30, ACRES 177.0	STOESSER NEAL D & MEREDITH L
29128	000418 W C RY-21, TRACT 2, ACRES 167.053	STOESSER NEAL DAVID & MEREDITH LAGOW
30151	000534 C BINGLE (OLD AB-483), TRACT 4, ACRES 73.	STOESSER NEAL DAVID & MEREDITH LAGOW
30496	000524 J M SWISHER, TRACT 2, ACRES 150.0	STOESSER NEAL DAVID & MEREDITH LAGOW
32174	000900 J M VANDERSLICE-104, TRACT 2, ACRES 65.594	STOESSER NEAL DAVID & MEREDITH LAGOW
53960	JONES ZACK-DAY, BLOCK 3, LOT TR 52, ACRES .534	STOESSER RAY
53970	JONES ZACK-DAY, BLOCK 3, TR 68 70, ACRES 1.4525	STOESSER RAY
53992	JONES ZACK-DAY, BLOCK 3 TR 55, ACRES .221	STOESSER RAY
214673	000265 H&TC-117, TRACT 16, ACRES 3.306	STOESSER RAY E & EILEEN
217079	000463 GC&SF-31, TRACT 30, ACRES 1.0	STOESSER RAY E & EILEEN
217080	000494 R PRUITT-118, TRACT 9 14 34, ACRES 107.4	STOESSER RAY E & EILEEN
218083	000267 H&TC-109, TRACT 6, ACRES 146.276	STOESSER RAY E & EILEEN
31411	000765 A G PENN #110, TRACT 1-4, ACRES 7.627	STOESSER RAY E & EILEEN
31679	000804 R A MULHAUSEN #110, TRACT 1, ACRES 2.0	STOESSER RAY E & EILEEN
31682	000804 R A MULHAUSEN #110, TRACT 3-5, 8-14, ACRES 112.506	STOESSER RAY E & EILEEN
53972	JONES ZACK-DAY, BLOCK 3 TR 37, ACRES .221	STOESSER RAY E FARM
32599	AARONDALE ESTATES, LOT 20, SEC 1, ACRES 2.0	STOESSER RAY TR
32667	AARONDALE ESTATES, LOT 88, SEC 1, ACRES 2.22	STOESSER RAY TR

## Maris Chambers

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**From:** Maris Chambers  
**Sent:** Monday, June 15, 2020 2:51 PM  
**To:** 'Frost Ranch'  
**Cc:** David Klein; Christina Thompson  
**Subject:** RE: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

My apologies, Ford! I found a June 8th email from Ray Johnson in my spam folder. That email contains the same spreadsheet as the one you provided with the email below.

**From:** Frost Ranch <[frost-ht@swbell.net](mailto:frost-ht@swbell.net)>  
**Sent:** Monday, June 15, 2020 2:41 PM  
**To:** Maris Chambers <[mchambers@lglawfirm.com](mailto:mchambers@lglawfirm.com)>  
**Subject:** FW: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

Is this what you received June 8<sup>th</sup>?? Let me know.

**From:** Ray Johnson <[rj.frostranch@att.net](mailto:rj.frostranch@att.net)>  
**Sent:** Monday, June 8, 2020 9:49 AM  
**To:** [mchambers@lglawfirm.com](mailto:mchambers@lglawfirm.com)  
**Cc:** 'Frost Ranch' <[frost-ht@swbell.net](mailto:frost-ht@swbell.net)>  
**Subject:** RE: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

Greetings,

Mr. Frost asked me to forward the attached document to you.

Please contact our office if you have any questions about it.

Regards,

Ray Johnson

Assistant to Ford J. Frost  
2930 Revere Street, Suite 300  
Houston, Texas 77098  
713-658-8000

THE INFORMATION CONTAINED IN THIS MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE SOLE USE OF THE ADDRESSEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER NAMED ABOVE, AND RETURN THE ORIGINAL MESSAGE TO THE SENDER AT THE ADDRESS LISTED ABOVE.

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"AGREEMENT", "AGREED" OR A SIMILAR WORD OR WORDS IN ITS TITLE AND CLEARLY STATES ITS CONTRACTUAL NATURE, THEN THIS MESSAGE OR SUCH LEGAL DOCUMENT WILL BE DEEMED CONTRACTUAL TO THE EXTENT SO CLEARLY STATED.

---

**From:** Frost Ranch [<mailto:frost-ht@swbell.net>]

**Sent:** Friday, June 05, 2020 3:32 PM

**To:** 'Ray Johnson'

**Subject:** FW: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

**Importance:** High

Please fix list of properties in CC&LC and send to this person First thing. FJF Make sure you fix it first like I have noted.

**From:** Maris Chambers <[mchambers@lglawfirm.com](mailto:mchambers@lglawfirm.com)>

**Sent:** Friday, June 5, 2020 11:05 AM

**To:** 'frost-ht@swbell.net' <[frost-ht@swbell.net](mailto:frost-ht@swbell.net)>

**Cc:** David Klein <[dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)>; Christina Thompson <[cthompson@lglawfirm.com](mailto:cthompson@lglawfirm.com)>

**Subject:** FW: Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

**Importance:** High

Happy Friday!

I missed you at the office, but I wanted to send a friendly reminder to identify the FVL and FPL tax parcels you would like us to exclude from Dayton's proposed CCN service areas. Hopefully the spreadsheets attached will be helpful in doing so, but please do not hesitate to give me a call with any questions!

We're approaching a deadline to file revised maps with the PUC, so I'd like to give our engineers as much time as possible to correctly exclude your land from the City's CCN.

Thanks again,

Maris

**From:** Maris Chambers <[mchambers@lglawfirm.com](mailto:mchambers@lglawfirm.com)>

**Sent:** Thursday, May 28, 2020 4:53 PM

**To:** 'frost-ht@swbell.net' <[frost-ht@swbell.net](mailto:frost-ht@swbell.net)>

**Cc:** David Klein <[dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)>; Christina Thompson <[cthompson@lglawfirm.com](mailto:cthompson@lglawfirm.com)>

**Subject:** Final Clarification re: Exclusion of Property from the City of Dayton's Proposed CCN Service Areas; PUC Docket No. 48350

**Importance:** High

Ford,

Thank you for taking the time to talk this afternoon and for continuing to work with the City of Dayton to properly finalize the boundaries of its CCN service areas.

As we discussed, I've attached two spreadsheets downloaded from the [Liberty CAD Property Search](#) tool. The spreadsheets list all properties in Liberty County owned by FVL, Ltd. and FPL Farming, Ltd. Please review the list and highlight, or otherwise demarcate, each property to be removed from the City's proposed CCN.

If you would like the City to exclude FVL or FPL property not already listed in the attached spreadsheet, please complete the chart below, adding rows as necessary.

Property ID	Acreage	Legal Description

The Public Utility Commission has ordered the City to provide final maps and digital data depicting its requested CCN areas by mid-to-late June. As such, **please provide your response(s) to this email by June 17, 2020**. Providing a timely response will allow the City to ensure it has properly addressed each of your opt-out requests prior to submitting final mapping information to the Commission.

Again, thank you for your continued cooperation in this matter. If there is anything I can do to be of any further assistance please let me know—it's a crazy time!

Best,

**MARIS M. CHAMBERS**

Attorney

512-322-5804 Direct

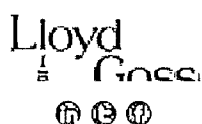
214-663-6792 Cell

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800

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Frost Entity	County	Appraisal District ID	Geo ID	Stancil ID	State	Legal Description	Address	Acres
FPL Farming, Ltd	Liberty	16029	000060-000005-002	16029	TX	000060 D L KOKERNOT, TRACT 3 (GIN CITY), ACRES 26 6012	CR-604,	26 6012
FPL Farming, Ltd	Liberty	16030	000060-000005-003	16030	TX	000060 D L KOKERNOT, TRACT 2, ACRES 766 604	HWY-30,	766 604
FPL Farming, Ltd	Liberty	28416	000381-000005-002	28416	TX	000381 T&NO-3, TRACT 2, ACRES 39 0	HWY-146, WEST OF NEAR HATCHERVILLE RD,	39
FPL Farming, Ltd	Liberty	29415	000439-000001-005	29415	TX	000439 H EHRENBURG, TRACT 1, ACRES 667 26	CR-486, WEST OF,	667 26
FPL Farming, Ltd	Liberty	29416	000440-000001-000	29416	TX	000440 H EHRENBURG, TRACT 1, ACRES 92 6	CR-486, WEST OF,	92 6
FPL Farming, Ltd	Liberty	29857	000458-000001-001	29857	TX	000458 GC&SF-19, TRACT 14, ACRES 241 88	CR-486, WEST OF HWY-146,	241 88
FPL Farming, Ltd	Liberty	31607	000784-000002-006	31607	TX	000784 I A EWALL#20, TRACT 2, ACRES 6 0	CR-486,	6
FPL Farming, Ltd	Liberty	31816	000824-000008-008	31816	TX	000824 J T HAYMAN, TRACT 3, ACRES 36 0	HWY-146, WEST OF NORTH SIDE OF HWY-1492,	36
FPL Farming, Ltd	Liberty	124615	000060-000002-009	124615	TX	000060 D L KOKERNOT, BLOCK (GIN CITY), TRACT 1, ACRES 155.898	COUNTY ROAD 604,	155.898
FPL Farming, Ltd	Liberty	142347	000060-000005-004	142347	TX	000060 D L KOKERNOT, BLOCK (GIN CITY), TRACT PT 3, ACRES 18.32	CR-604,	18.32
FPL Farming, Ltd	Liberty	142358	000060-000002-012	142358	TX	000060 D L KOKERNOT, BLOCK (GIN CITY), TRACT PT 1, ACRES 74.25	CR-604,	74.25
FPL Farming, Ltd	Liberty	214085	000060-000070-000	214085	TX	000060 D L KOKERNOT, TRACT 70, ACRES 159 727		159 727
FVL Ltd (Purchase Optioner)	Liberty	124646	000458-000009-000	28413	TX	000458 GC&SF-19, TRACT 5, ACRES 5 0	4970 CR 486	5 00
FVL Ltd	Liberty	28413	000381-000002-008	28413	TX	000381 T&NO-3, TRACT 1, ACRES 580 24	HWY-146, WEST OF, BETWEEN OLD RIVER CANAL & HATCHERVILLE,	580 24
FVL Ltd	Liberty	29417	000440-000002-008	29417	TX	000440 H EHRENBURG, TRACT 2, ACRES 269 4	CR-486, WEST OF,	269 4
FVL Ltd	Liberty	29861	000458-000005-003	29861	TX	000458 GC&SF-19, TRACT 2, ACRES 202 91	CR-486, HATCHERVILLE TX	202 91
FVL Ltd	Liberty	29862	000458-000006-001	29862	TX	000458 GC&SF-19, TRACT 3, ACRES 94 81	CR-486, HATCHERVILLE RD,	94 81
FVL Ltd	Liberty	31155	000725-000002-002	31155	TX	000725 J Z BURKETT, TRACT 1 2, ACRES 55.45	HWY-146, WEST OF,	55.45
FVL Ltd	Liberty	31810	000824-000002-000	31810	TX	000824 J T HAYMAN, TRACT 1, ACRES 210 12	HWY-146, WEST OF NORTH SIDE OF HWY-1492,	210 12
FVL Ltd	Liberty	31813	000824-000005-004	31813	TX	000824 J T HAYMAN, TRACT 2, ACRES 46 0	HWY-146, WEST OF NORTH SIDE OF HWY-1492,	46
FVL Ltd	Chambers	5540	00554-00000-00100-070001	5540	TX	554 TR 0-1 J Z BURKETT		33 052
FVL Ltd	Chambers	9241	00378-00000-00100-070001	9241	TX	378 TR 0-1 H EHRENBURG		51 6158
FVL Ltd	Chambers	9244	00610-00000-00100-070001	9244	TX	610 TR 0-1 T F PINCKNEY		68 540
FVL Ltd	Chambers	53692	00378-00000-00100-070100	53692	TX	378 TR 0-1-1 H EHRENBURG 65 686 ACRES		54 686
FVL Ltd	Chambers	2261 05	???	???	TX	???		???
FVL Properties, LLC	Chambers	61075	00378-00000-00100-070200	61075	TX	378 TR 0-1-2 H EHRENBURG		161 66
FVL Properties, LLC	Chambers	61076	00378-00000-00100-070110	61076	TX	378 TR 0-1-1-1 H EHRENBURG		11.0

## Maris Chambers

---

**From:** John Stover <jstover@skeltonslusher.com>  
**Sent:** Thursday, June 18, 2020 2:47 PM  
**To:** Maris Chambers  
**Subject:** RE: Please Review and Respond: Revised Mapping Associated with the City of Dayton's CCN Application in PUC Docket No. 48350

Our GIS consultant has not found any conflicts.

**From:** Maris Chambers <mchambers@lglawfirm.com>  
**Sent:** Wednesday, June 17, 2020 5:01 PM  
**To:** John Stover <jstover@skeltonslusher.com>  
**Cc:** David Klein <dklein@lglawfirm.com>; Christina Thompson <cthompson@lglawfirm.com>  
**Subject:** RE: Please Review and Respond: Revised Mapping Associated with the City of Dayton's CCN Application in PUC Docket No. 48350

John,

Can you confirm that Dayton has correctly addressed Mr. Alders' opt-out request?

**From:** Maris Chambers <mchambers@lglawfirm.com>  
**Sent:** Wednesday, June 10, 2020 11:10 AM  
**To:** 'jstover@skeltonslusher.com' <jstover@skeltonslusher.com>  
**Cc:** David Klein <dklein@lglawfirm.com>; Christina Thompson <cthompson@lglawfirm.com>  
**Subject:** Please Review and Respond: Revised Mapping Associated with the City of Dayton's CCN Application in PUC Docket No. 48350

John,

As we discussed last Friday, the City of Dayton will be submitting slightly revised maps and digital data to the PUC towards the end of this month and would like to ensure that it has properly addressed Mr. Alders' opt-out request. To that end, **please review the attached digital data and provide confirmation that Mr. Alders' property has been correctly and satisfactorily removed from the City's proposed CCN service areas.**

The City appreciates your continued collaboration, and is happy to provide further information should you need it.

Thank you,

**MARIS M. CHAMBERS**

Attorney

512-322-5804 Direct

214-663-6792 Cell

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

www.lglawfirm.com | 512-322-5800

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Attachment D

Ordinance Nos. O2018-32, O2018-33, O2018-34, and O2018-35



CITY OF DAYTON, TEXAS

ORDINANCE O2018-32

AN ORDINANCE, PURSUANT TO A VOLUNTARY REQUEST BY THE PROPERTY OWNER, ANNEXING THE HEREINAFTER DESCRIBED 246.7529 ACRE TRACT OF ADDITIONAL TERRITORY TO THE CITY OF DAYTON, LIBERTY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND PROVIDING FOR AN EFFECTIVE DATE,

WHEREAS, the owner of a 246.7529 acre tract of land located in the T. C. Railroad Company Survey No. 39, Abstract 474 and the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, both in Liberty County, Texas, and described more particularly in Exhibit A, has submitted a written request for the City of Dayton to annex that tract; and

WHEREAS, said tract being annexed is one-half mile or less in width, is contiguous to the City of Dayton, Texas, and is vacant and without residents; and

WHEREAS, the Texas Local Government Code and/or Section 1.03 of the Charter of the City of Dayton, Texas, an incorporated home rule municipality, authorizes the annexation of territory subject to the laws of this state; and

WHEREAS, Section 43.028 of the Texas Local Government Code specifically authorizes municipalities to annex sparsely occupied areas of land on petition of area landowners; and

WHEREAS, an offer of a development agreement pursuant to the Texas Local Government Code has been rejected; and

WHEREAS, the procedures prescribed by Section 1.03 of the Charter of the City of Dayton, Texas and the laws of this state have been duly followed with respect to the annexation of the territory described in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1: That the 246.7529 acre tract of property located in the T. C. Railroad Company Survey No. 39, Abstract 474 and the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, both in Liberty County, Texas, said property being more fully described in Exhibit A, is hereby annexed into the City of Dayton, Liberty County, Texas, and that the boundary limits of the City of Dayton be and the same are hereby extended to include the above described territory within the city limits of the City of Dayton, and the same shall hereafter be included within the territorial limits of said

city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Dayton, Texas and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

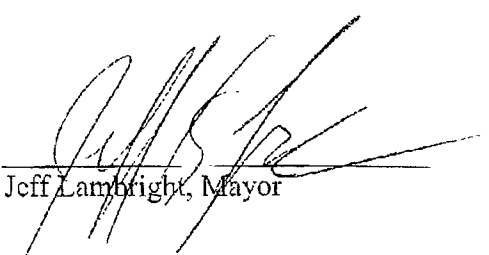
The City Secretary is hereby directed to file with the County Clerk of Liberty County, Texas, a certified copy of this ordinance.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
Dayton, this 17th day of December 2018.

ATTEST:

  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Jeff Lambright, Mayor

# EXHIBIT

## A

STATE OF TEXAS)  
COUNTY OF LIBERTY)  
ANNEXATION PARCEL NO. 1)

DESCRIPTION of a 246.7529 acre tract of land situated in the T. C. Railroad Company Survey No. 39, Abstract 474 and the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, both in Liberty County, Texas. Said 246.7529 acres being out of and a part of that certain 1231.4616 acres (called 1230.978 acres) situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the Elizabeth Munson League, Abstract 88, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas and said 1231.4616 acres being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "T" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8 9, 10 and 11 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1231.4616 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 246.7529 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS, TO-WIT:

COMMENCING at a point in the East right-of-way line of the Southern Pacific/Union Pacific Railroad 100 feet wide right-of-way (recorded in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas) at the Southeast corner of that certain 149.585 acres described under Ordinance 580 of the City of Dayton, Texas. Said COMMENCING POINT has a State Plane Coordinate Value of Y=10,004,805.88 and X=4,014,048.85.

THENCE: South 10°24'11" West along the East right-of-way line of said Railroad for a distance of 2311.08 feet to a point.

Thence: North 65°51'15" West, over and across said Railroad, for a distance of 102.95 feet to a point for the Southeast corner of said 1231.4616 acres. Said point being the Southeast corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=10,002,574.90 and X=4,013,537.59.

**PRELIMINARY**

THENCE: Along and with the boundary of this tract, the following courses and distances:

North 65°51'15" West for a distance of 1757.07 feet;  
North 02°29'50" West for a distance of 3840.23 feet;  
North 86°57'52" East for a distance of 350.05 feet;  
North 02°57'13" West for a distance of 2721.97 feet;

North 02°59'12" West for a distance of 1196.75 feet;  
North 87°21'49" East for a distance of 1931.42 feet;  
South 02°37'47" East for a distance of 157.89 feet;

North 87°21'11" East for a distance of 320.67 feet to a point in the West line of said 149.585 acres and the Corporate Limits of said City of Dayton, Texas, for the Easternmost Northeast corner of this tract.

THENCE: South 10°24'11" West along the West line of said 149.585 acres, along and with the Corporate Limits of said City of Dayton, Texas, for a distance of 2991.34 feet to a point for in an exterior East line of said 1231.4616 acres and the West line of that certain 187.1838 acres conveyed by CMC Railroad, Inc. to TRT Leaseco, LLC by Instrument recorded under County Clerk's File #2014011029 of the Official Public Records of Liberty County, Texas, for an angle point in the East line of this tract.

THENCE: South 23°37'17" West along the East line of this tract and the West line of said 187.1838 acres for a distance of 2253.88 feet to an angle point in said line.

THENCE: South 10°06'29" West along the East line of this tract and the West line of said 187.1838 acres for a distance of 2061.74 feet to an angle point in said line.

THENCE: South 36°58'09" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 95.39 feet to a point for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres, said curve having a radius of 532.24 feet, a central angle of 05°54'14" and a chord bearing and distance of South 34°31'45" East 54.82 feet, for an arc length of 54.84 feet to a point for the TERMINATION POINT of said curve.

THENCE: South 31°13'25" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 77.49 feet to a point for the BEGINNING POINT of a curve to the left, concave Northeasterly.

PRELIMINARY

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres, said curve having a radius of 1265.27 feet, a central angle of 08°49'24" and a chord bearing and distance of South 39°45'41" East 194.65 feet, for an arc length of 194.85 feet to a point for the TERMINATION POINT of said curve.

THENCE: South 46°35'03" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 73.26 feet to a point for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres, said curve having a radius of 766.57 feet, a central angle of 15°16'42" and a chord bearing and distance of South 64°02'19" East 203.81 feet, for an arc length of 204.41 feet to a point for the TERMINATION POINT of said curve.

THENCE: South 79°09'07" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 118.55 feet to a point for an angle point in said line.

THENCE: South 50°28'52" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 53.59 feet to a point for the BEGINNING POINT of a curve to the right, concave Southwesterly.

THENCE: Along and around said curve to the right, in a Southeasterly direction, along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres, said curve having a radius of 100.84 feet, a central angle of 31°33'57" and a chord bearing and distance of South 26°04'50" East 54.86 feet, for a distance of 55.56 feet to a point for the TERMINATION POINT of said curve.

THENCE: South 11°16'48" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 94.89 feet to a point for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres, said curve having a radius of 278.63 feet, a central angle of 55°23'16" and a chord bearing and distance of South 33°26'52" East 258.98 feet, for an arc length of 269.35 feet to a point for the TERMINATION POINT of said curve.

THENCE: South 64°25'10" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 121.25 feet to a point for an angle point in said line.

THENCE: South 45°39'48" East along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the South line of said 187.1838 acres for a distance of 370.81 feet to a point the West right-of-way of said Railroad for an angle point in the East line of this tract and the Southernmost East line of said 1231.4616 acres, at the Southeast corner of said 187.1838 acres.

PRELIMINARY

PAGE 4 – 246.7529 ACRES, ANNEXATION PARCEL NO. 1.

THENCE: South 10°24'11" West along the East line of this tract, the Southernmost East line of said 1231.4616 acres and the West line of said Railroad for a distance of 196.39 feet to the PLACE OF BEGINNING and containing within these boundaries 246.7529 acres or 10,748,558 square feet of land.

**SURVEYOR'S CERTIFICATE**

I, Glen H. Freeland, Registered Professional Land Surveyor No. 5758, do hereby certify that this document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

WITNESS my hand and seal at Baytown, Texas, this the 17th day of December, A. D., 2018.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.**

Glen H. Freeland  
R. P. L. S. No. 5758  
18-6107.Annex.Parcel.1.docx  
Hutchison & Associates, Inc.  
1209 Decker Drive, Suite 100  
Baytown, TX 77520  
Engineering Firm #F-267  
Surveying Firm #100293-00

**PRELIMINARY**

PETITION FOR ADDITION OF CERTAIN LAND INTO  
THE CITY OF DAYTON, TEXAS

THE STATE OF TEXAS           §  
  §  
COUNTY OF LIBERTY         §

TO: THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS (the "City"):

CMC Railroad, LLC, a Texas limited liability company (the "Petitioner"), the owner of the land hereinafter described, acting pursuant to the provisions of Chapter 43, Texas Local Government Code, together with all amendments and additions thereto, petitions this Honorable City Council to add the 1230.9784 acre tract of land described by metes and bounds in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Land"), to the City, and in support of this petition the Petitioner represents, covenants and agrees as follows:

Section 1: The Land lies entirely within Liberty County, Texas and is accurately described by metes and bounds in **Exhibit A**.

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land.

Section 3: All of the Land is within the extraterritorial jurisdiction of the City, (as such term is defined in Texas Local Government Code Section 42.001 et seq., as amended).

Section 4: The Petitioner is requesting annexation into the City pursuant to Texas Local Government Code, Chapter 43 and is not entering into a development agreement pursuant to Section 43.032, Texas Local Government Code.

Section 5: This Petition shall constitute an election on the part of the Petitioner, its successors and assigns, for the Land and any improvements that are now or may hereafter be constructed thereon, to become liable for all present and future debts of the City in the same manner and to the same extent as other lands and improvements in the City are liable for the City's debts. Petitioner also hereby agrees that the Land, and all improvements thereon presently existing or to be constructed, shall be taxed equally with all other property in the City. The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land of a pro rata share of all obligations of the City, and of the taxes levied or hereafter to be levied by the City.

Section 6: The Petitioner hereby certifies that there are no lienholders on the Land.

Section 7: The Petitioner and the City intend to enter into a reimbursement agreement for reimbursement for costs of certain eligible projects in the City of Dayton Reinvestment Zone No. 1, effective the same date as the annexation. This Petition is contingent upon the execution and approval by both Parties of the reimbursement agreement, and the Petitioner may withdraw its Petition if the Parties do not execute and approve the reimbursement agreement.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the City; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Liberty County, Texas.

**[EXECUTION PAGE FOLLOWS]**

RESPECTFULLY SUBMITTED this <sup>th</sup>10 day of December, 2018.

PETITIONER:

By: CMC RAILROAD, LLC

By: Marcus Goering

Name: Marcus Goering

Title: President

THE STATE OF TEXAS

§

COUNTY OF LIBERTY

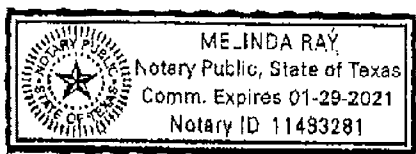
§

§

This instrument was acknowledged before me on this 10<sup>th</sup> day of December, 2018, by Marcus Goering, President of CMC Railroad, LLC, a Texas limited liability company, on behalf of said company.

Melinda Ray  
Notary Public, State of Texas

(NOTARY SEAL)



**Attachment:**

**Exhibit A – Metes and Bounds Description of the Land**

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Annette Stephens.

# EXHIBIT A

STATE OF TEXAS)  
COUNTY OF LIBERTY)

FIELD NOTES of a 1230.9784 acre tract of land situated in the Frank Humphrey Survey No. 38, Abstract 546, the Frank Humphrey Survey No. 36, Abstract 545, the G. C. & S. F. Railroad Company Survey No. 35, Abstract 465, the G. C. & S. F. Railroad Company Survey No. 21, Abstract 459, the Elizabeth Munson League, Abstract 88 and the T. C. Railroad Company Survey No. 39, Abstract 474, all in Liberty County, Texas; also being all of Lots 39, 40, 41, 55, 56, 57, 58, 60, 61, 82, 83, 91, 92, 96, 97 and 98 and part of Lots 59, 84, 85, 89, 90, 93, 94 and 95 of Stilson & Hill's Subdivision according to the plat recorded in Volume "I" at Page 390 of the Deed Records of Liberty County, Texas; also being part of Lots 3, 4, 8, 9, 10, 11 and 12 of Brown & Sterling Subdivision according to the plat recorded in Volume 37 at Page 2 of the Deed Records of Liberty County, Texas. Said 1230.9784 acres being all of that certain 462.74 acres (Tract X), part of that certain 261.0209 acres (Tract XI) and part of that certain 9.43 acres (Tract XV) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000452 of the Official Public Records of Liberty County, Texas and part of that certain 556.0186 acres (Tract IX) conveyed by Bill Sjolander to CMC Railroad, Inc. by Deed dated January 10, 2008 and recorded under County Clerk's File No. 2008000453 of the Official Public Records of Liberty County, Texas. This 1230.9784 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.000142861. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS DESCRIPTION.

BEGINNING at a 3/4 inch iron pipe found in the West right-of-way line of the Southern Pacific Railroad/Union Pacific Railroad 100 feet wide right-of-way described in Volume 69 at Page 410 of the Deed Records of Liberty County, Texas, for the Northeast corner of said 9.43 acres. Said point being the Northeast corner and POINT OF BEGINNING of this tract and has a State Plane Coordinate Value of Y=10,015,250.46 and X=4,015,864.67.

THENCE: South 10°24'11" West along the Northernmost East line of this tract, the East line of said 9.43 acres and the West right-of-way line of said Railroad for a distance of 714.00 feet to 6 inch railroad spike found for an exterior corner of this tract and the Northeast corner of that certain 187.1838 acres conveyed by CMC Railroad, Inc. to TRT LeaseCo, LLC by Instrument dated July 21, 2014 and recorded under County Clerk's File No. 2014011029 of the Official Public Records of Liberty County, Texas. Said point has a State Plane Coordinate Value of Y=10,014,548.10 and X=4,015,735.73.

PAGE NO. 3 – 1230.9784 ACRES

THENCE: North  $61^{\circ}36'57''$  West along an interior line of this tract and an exterior line of said 187.1838 acres for a distance of 28.12 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South  $28^{\circ}23'03''$  West along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 45.21 feet to  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for an interior corner of this tract and an exterior corner of said 187.1838 acres.

THENCE: South  $61^{\circ}36'57''$  East along an interior East line of this tract and an exterior West line of said 187.1838 acres for a distance of 28.12 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for exterior corner of this tract and an interior corner of said 187.1838 acres.

THENCE: South  $28^{\circ}23'03''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 456.93 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South  $32^{\circ}12'03''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 237.19 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South  $25^{\circ}43'49''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 184.75 feet to  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for an angle point in said line.

THENCE: South  $25^{\circ}23'29''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 87.15 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Easterly.

THENCE: Along and around said curve to the left, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 61.37 feet, a central angle of  $58^{\circ}06'24''$  and a chord bearing and distance of South  $01^{\circ}21'36''$  East 59.61 feet, for an arc length of 62.24 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South  $23^{\circ}56'17''$  East along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 88.32 feet to a  $\frac{3}{8}$  inch by 12 inch spike, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Westerly.

THENCE: Along and around said curve to the right, in a Southerly direction, along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres, said curve having a radius of 250.00 feet, a central angle of  $47^{\circ}33'34''$  and a chord bearing and distance of South  $00^{\circ}09'30''$  East 201.61 feet, for an arc length of 207.52 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South  $23^{\circ}37'17''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 3542.57 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South  $10^{\circ}06'29''$  West along the Southernmost East line of this tract and the Southernmost West line of said 187.1838 acres for a distance of 2061.47 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line at the Southwest corner of said 187.1838 acres.

THENCE: South  $36^{\circ}58'09''$  East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 95.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 532.17 feet, a central angle of  $05^{\circ}54'14''$  and a chord bearing and distance of South  $34^{\circ}31'45''$  East 54.81 feet, for an arc length of 54.84 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South  $31^{\circ}13'25''$  East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 77.48 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 1265.11 feet, a central angle of  $08^{\circ}49'24''$  and a chord bearing and distance of South  $39^{\circ}45'41''$  East 194.63 feet, for an arc length of 194.82 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South  $46^{\circ}35'03''$  East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 73.25 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 766.47 feet, a central angle of  $15^{\circ}16'42''$  and a chord bearing and distance of South  $64^{\circ}02'19''$  East 203.78 feet, for an arc length of 204.38 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 79°09'07" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 118.53 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 50°28'52" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 53.59 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the right, concave Southwesterly.

THENCE: Along and around said curve to the right, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 100.83 feet, a central angle of 31°33'57" and a chord bearing and distance of South 26°04'50" East 54.85 feet, for a distance of 55.55 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 11°16'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 94.88 feet to a 1/2 inch iron rod, with cap (BHA), found for the BEGINNING POINT of a curve to the left, concave Northeasterly.

THENCE: Along and around said curve to the left, in a Southeasterly direction, along the Southernmost East line of this tract and the South line of said 187.1838 acres, said curve having a radius of 278.59 feet, a central angle of 55°23'16" and a chord bearing and distance of South 33°26'52" East 258.95 feet, for an arc length of 269.31 feet to a 1/2 inch iron rod, with cap (BHA), found for the TERMINATION POINT of said curve.

THENCE: South 64°25'10" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 121.23 feet to a 1/2 inch iron rod, with cap (BHA), found for an angle point in said line.

THENCE: South 45°39'48" East along the Southernmost East line of this tract and the South line of said 187.1838 acres for a distance of 370.76 feet (called 370.80 feet) to a 1/2 inch iron rod, with cap (BHA), found in the West right-of-way of said Railroad for an angle point in the Southernmost East line of this tract at the Southeast corner of said 187.1838 acres.

THENCE: South 10°24'11" West along the Southernmost East line of this tract and the West line of said Railroad for a distance of 196.36 feet (called 196.32 feet) to a point in the centerline of an existing canal for the Southeast corner of this tract in the South line of said 556.0186 acres and the North line of that certain 780.95 acre tract conveyed by Bill Sjolander, Trustee, et ux, to Oliver Damek, et al, by Deed dated June 21, 1999 and recorded in Volume 1782 at Page 42 of the Official Public Records of Liberty County, Texas.

THENCE: North 65°51'15" West along the Easternmost South line of this tract, the South line of said 556.0186 acres and the North line of said 780.95 acres for a distance of 7346.56 feet (called 7346.57 feet) to a point in the centerline of an existing canal in the West line of said Lot 84 and the East line of said Lot 83 of said Stilson & Hill's Subdivision, in the West line of said Humphrey Survey No. 38, the East line of said G. C. & S. F. Railroad Co. Survey No. 37, and the Southernmost East line of said 462.74 acres. Said point being an interior corner of this tract, the Southwest corner of said 556.0186 acres and the Northwest corner of said 780.95 acres; from which a found 3/4 inch iron rod, with cap (BIA), bears North 00°29'49" West 44.62 feet and a 2 inch iron post (found sticking up) bears South 07°49'02" East 46.12 feet.

THENCE: South 02°58'06" East (called South 02°56'39" East) along an interior line of this tract, the West line of said 780.95 acres, the Southernmost East line of said 462.74 acres, the West line of said Lots 84 and 85, the West line of said Survey No. 38, the East line of said Lots 83 and 82 and the East line of said Survey No. 37, for a distance of 1559.84 feet (called 1559.54 feet) to a point in the bank of a small canal for an exterior corner of this tract, the Westernmost Southeast corner of said 462.74 acres and the common corner of Lots 81, 82, 85 and 86 of said Stilson & Hill's Subdivision.

THENCE: South 87°00'17" West (called South 86°59'19" West) along the Westernmost South line of this tract, the Westernmost South line of said 462.74 acres, the South line of said Lot 82, the North line of said Lot 81, the North line of that certain 10.000 acres and that certain 5.000 acres conveyed by Elbert McKinzie, et ux, to Gary Schroder, et ux, by Deeds dated July 14, 2006 and recorded under County Clerk's File Nos. 2006010271 and 2006010273, respectively, and at 7.79 feet pass a 1/2 inch iron rod, with cap #5068, (having State Plane Coordinates of Y=10,004,022.12 and X=4,006,905.84); at 2308.92 feet pass a 1/2 inch iron rod, with cap #5068 found in the East right-of-way line of County Road No. 491; in all, a total distance of 2334.22 feet to a point in the centerline of County Road 491 (50 feet wide right-of-way per plat of said Stilson & Hill's Subdivision) found for the Southwest corner of this tract, the Southwest corner of said 462.74 acres and the common corners of Lots 77, 78, 81 and 82 of said Stilson & Hill's Subdivision.

THENCE: North 02°53'25" West (called North 02°54'14" West) along the West line of this tract, the West line of said 462.74 acres, the common line of said Lots 77 and 82 and the common line of Lots 76 and 83, and the centerline of said County Road 491, for a distance of 2850.75 feet (called 2851.82 feet) to a 3/4 inch iron pipe found for an angle point in said line at the common corner of Lots 58, 75, 76 and 83 of said Stilson & Hill's Subdivision; being in the North line of said Survey No. 37 and the South line of said Survey No. 36; said point having a State Plane Coordinate Value of Y=10,006,748.06 and X=4,004,438.48.