



Control Number: 48350



Item Number: 23

Addendum StartPage: 0

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

10820 Eagle Drive  
P.O. Box 1936  
Mont Belvieu, Texas 77580

RECEIVED  
2018 JUL 16 PM 1:36  
Phone: 281-576-2020  
Fax: 832-  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**Via Certified Mail, Return Receipt Requested,  
and Copy by First-Class Mail**

Public Utility Commission of Texas  
Central Records  
1701 N. Congress  
PO Box 13326  
Austin, Tx 78711-3326

Attention: Public Utility Commission of Texas:

Re: **Notice of "Opt Out"** ; Notice to Neighboring Systems, Landowners, Customers, and Cities; Docket No. 48350;

Pomykal Michael Trustee, PO Box 1993, Mont Belvieu, Tx 77580

Dear Public Utility Commission:

This firm represents Mr. Michael Pomykal, Trustee, the current owner and holder of the following property:

- a) Property ID # 13652, Legal Description – 000115 C C P Welch, Tract 12, Acres 19.2853; See attached Exhibit A;
- b) Property ID #130606, Legal Description – 000115 C C P Welch, Tract 13, Acres 42.62; See attached Exhibit B;
- c) Property ID #19990, Legal Description – 000115 C C P Welch, Tract 22, Acres 10.41; See attached Exhibit C;
- d) Property ID 19991, Legal Description – 000115 C C P Welch, Tract 23, Acres 10.41; See attached Exhibit D;

in connection with letter dated June 18, 2018 of the Notice of Application to Obtain Certificates of Convenience and Necessity to provide water and sewer utility service in Liberty and Harris County, Texas, Docket No. 48350.

Mr. Mike Pomykal, Trustee, hereby gives the Public Utility Commission of Texas **Notice to Opt Out and to be excluded** from the requested area.

Attached herein is the metes and bounds for the following tracts:

- a) Property ID # 13652, Legal Description – 000115 C C P Welch, Tract 12, Acres 19.2853; See attached Exhibit E;
- b) Property ID #130606, Legal Description – 000115 C C P Welch, Tract 13, Acres 42.62; See attached Exhibit F;
- c) Property ID #19990, Legal Description – 000115 C C P Welch, Tract 22, Acres 10.41; See attached Exhibit G;
- d) Property ID 19991, Legal Description – 000115 C C P Welch, Tract 23, Acres 10.41; See attached Exhibit H;

Additionally, attached as requested, is a scale map of the tracts of land in question to Opt Out of and to be excluded from consideration. See attached Exhibit I.

One purpose of this letter is to notify the Public Utility Commission that it is the desire and wish of Mr. Michael Pomykal, Trustee to provide Notice of Opting Out of consideration, and any information obtained will be used for that purpose.

Your immediate attention to this matter is requested.

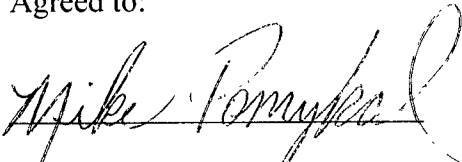
Very truly yours,

  
Cindy S. Price

Cc: Mr. Michael Pomykal

Enclosures: Property ID, Metes and Bounds, Map

Agreed to:

  
Michael Pomykal

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% POMYKAL 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
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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	346.67
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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	

Exhibit A

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 Pct: 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 42.62  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)

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	



**\*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.

Exhibit B

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		Pct: 100.000%	<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 22, ACRES 10.41		<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000023-001	
Acreage: 10.4100			Type: R		<b>PROPERTY SITUS / LOCATION</b> HWY-146, EAST OF	

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

(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	

Exhibit C

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 POMYKAL MICHAEL S PO BOX 1993 MONT BELVIEU, TX 77580-1993 US		Pct: 100.000%	<b>PROPERTY DESCRIPTION</b> 000115 C C P WELCH, TRACT 23, ACRES 10.41		<b>PROPERTY GEOGRAPHICAL ID</b> 000115-000024-009
LAND MARKET VALUE 0			IMPROVEMENT MARKET VALUE 0	AG/TIMBER USE VALUE 2,810	AG/TIMBER MARKET 18,900
100% Assessment Ratio			Appraised Value:		2,810

LAND MARKET VALUE	IMPROVEMENT MARKET VALUE	AG/TIMBER USE VALUE	AG/TIMBER MARKET	ASSESSED VALUE
0	0	2,810	18,900	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)

Total Taxes Due By Jan 31, 2018	39.06
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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.

*Exhibit D*

#11,002

VOL 1798 PAGE 517

**SPECIAL WARRANTY DEED**

**Date:** September 17, 1999

**Grantor:**

INTERNATIONAL BANK OF COMMERCE, SUCCESSOR TO UNIVERSITY  
BANK, SUCCESSOR TRUSTEE OF THE BARBARA FITZGERALD  
BENSON LIVING TRUST

**Grantor's Mailing Address (include county):**

C/O SOUTHWEST GUARANTY TRUST COMPANY,  
NATIONAL ASSOCIATION  
2121 SAGE ROAD, SUITE 150  
HOUSTON, HARRIS COUNTY, TEXAS 77056-4305

**Grantee:**

MICHAEL STEVEN POMYKAL

**Grantee's Mailing Address (include county):**

P. O. BOX 1993  
MONT BELVIEU, CHAMBERS COUNTY, TEXAS 77580

**Consideration:**

Ten and No/100 Dollars and other good and valuable consideration

**Property (including any improvements):**

A certain 10.41 acre tract of land, more or less, situated in Liberty County, Texas, and being out of and a part of the C.C.P. Welch League, Abstract No. 115, and being out of Tract B in Exhibit "A" set aside to Carl J. Fitzgerald in Partition Deed dated December 22, 1960 recorded in Volume 525, Page 538 of the Deed Records of Liberty County, Texas, described by metes and bounds as follows, to-wit:

Exhibit G/H



Beginning at a 2" iron pipe 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" iron pipe set for 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" 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 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 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.

**Reservations from Conveyance:**

For Grantor and Grantor's successors and assigns forever, a reservation of all oil, gas and other minerals in or under and that may be produced from the above described property by whatever method produced or extracted together with the right of ingress or egress for the purpose of exploring, drilling, operating and developing said property for oil, gas and other minerals and removing the same.

**Exceptions to Conveyance and Warranty:**

Easements, rights-of-way and prescriptive rights, if any, whether or not of record; all presently recorded instruments, other than liens and conveyances, that affect the property; and taxes for the current year, the payment of which grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever.

# 11,001

SPECIAL WARRANTY DEED

Date: September 17, 1999

**Grantor:**

INTERNATIONAL BANK OF COMMERCE, SUCCESSOR TO UNIVERSITY BANK, SUCCESSOR TRUSTEE OF THE TESTAMENTARY TRUST UNDER THE WILL OF JOSEPH MANOR BENSON, DECEASED

**Grantor's Mailing Address (include county):**

C/O SOUTHWEST GUARANTY TRUST COMPANY,  
NATIONAL ASSOCIATION  
2121 SAGE ROAD, SUITE 150  
HOUSTON, HARRIS COUNTY, TEXAS 77056-4305

**Grantee:**

MICHAEL STEVEN POMYKAL

**Grantee's Mailing Address (include county):**

P. O. BOX 1993  
MONT BELVIEU, CHAMBERS COUNTY, TEXAS 77580

**Consideration:**

Ten and No/100 Dollars and other good and valuable consideration

**Property (including any improvements):**

A certain 10.41 acre tract of land, more or less, 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 in Exhibit A to Partition Deed dated December 22, 1960, and recorded at Volume 525 at Page 538 of the Deed Records of Liberty County, Texas, described by metes and bounds as follows, to-wit:

Exhibit G/H

- Beginning at a 2" iron pipe 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 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.

**Reservations from Conveyance:**

For Grantor and Grantor's successors and assigns forever, a reservation of all oil, gas and other minerals in or under and that may be produced from the above described property by whatever method produced or extracted together with the right of ingress or egress for the purpose of exploring, drilling, operating and developing said property for oil, gas and other minerals and removing the same.

**Exceptions to Conveyance and Warranty:**

Easements, rights-of-way and prescriptive rights, if any, whether or not of record; all presently recorded instruments, other than liens and conveyances, that affect the property; and taxes for the current year, the payment of which grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever.

#5931

DEED OF TRUST AND SECURITY AGREEMENT

THE STATE OF TEXAS §
COUNTY OF CHAMBERS §
Liberty §
KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, MIKE POMYKAL, TRUSTEE, hereinafter called "Grantors" (whether one or more), whose address for notice hereunder is P.O. BOX 1993, MONT BELVIEU, TEXAS 77580, of CHAMBERS County, Texas, in consideration of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid by KNOX ASKINS, hereinafter called "Trustee", whose address for notice is P.O. BOX 998, LA PORTE, TEXAS 77572, the receipt of which payment is hereby acknowledged and confessed, and of the debt and trust hereinafter mentioned have Granted, Bargained, Sold and Conveyed, and by these presents do Grant, Bargain, Sell and Convey unto Trustee, and unto the successor or substitute Trustee hereinafter provided, the following property situated in CHAMBERS County, Texas, to-wit:

TRACT I: BEING 132.048 ACRES OF LAND, MORE OR LESS, SITUATED IN THE C.C.P. WELCH SURVEY, ABSTRACT NO. 489 IN CHAMBERS COUNTY, TEXAS AND ABSTRACT NO. 115 IN LIBERTY COUNTY, TEXAS, AND BEING ALL OF PRAIRIE TRACT NO. 9 AS SET ASIDE TO FANNIE P. MEADOWS IN THE REPORT OF COMMISSIONERS PARTITION SUIT NO. 157, DISTRICT COURT OF CHAMBERS COUNTY, TEXAS, STYLED "T.S. FITZGERALD VS. F.M. FITZGERALD, ET AL", AND ALSO BEING THE IDENTICAL TRACT OF LAND CONVEYED AS "FIRST TRACT" IN DEED DATED NOVEMBER 11, 1924, FROM FANNIE P. MEADOWS TO OTIS K. WINFREE AND RECORDED IN VOLUME 18, PAGE 464 OF THE DEED RECORDS OF CHAMBERS COUNTY, TEXAS. SAID 132.048 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TRACT II: 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 ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

together with all buildings and other improvements thereon and hereafter placed thereon, and all fixtures, materials, equipment, apparatus, furniture, furnishings and other property, real and personal, now or hereafter installed or used on the above-described property or the improvements thereon, including, but not limited to, all heating, lighting, refrigeration, plumbing, ventilating, incinerating, water-heating, cooking and air-conditioning equipment, fixtures and appurtenances, window screens, window shades, venetian blinds, awnings, drapes, rugs, and other floor coverings and shrubbery and other chattels and personal property used or furnished in connection with the operation, use and enjoyment of the above-described property and the improvements thereon, and all renewals, replacements and substitutions thereof and additions thereto, all of which said property and fixtures shall be deemed to be a part of and affixed to the above-described real property; all rents, revenues, income and profits arising from any part of the above-described property and the use thereof, including all rents, revenues, bonus money, royalties, rights and benefits accruing to Grantors under all present and future oil, gas and mineral leases on any part of the above-described property; all utility capacities and wastewater reservations relating to any part of the above-described property; and all the estate, right, title and interest of every nature whatsoever of the Grantors in and to all of the foregoing and every part and parcel thereof.

1
Exhibit E/F

## EXHIBIT "A"

TRACT 1 : Being 132.048 acres of land, more or less, situated in the C.C.P. Welch Survey, Abstract No. 489 in Chambers County, Texas and Abstract No. 115 in Liberty County, Texas, and being all of Prairie Tract No. 9 as set aside to Fannie P. Meadows in the Report of Commissioners Partition Suit No. 157, District Court of Chambers County, Texas, styled "T.S. Fitzgerald vs. F.M. Fitzgerald, et al ", and also being the identical tract of land conveyed as "FIRST TRACT" in Deed dated November 11, 1924, from Fannie P. Meadows to Otis K. Winfree and recorded in Volume 18, Page 464 of the Deed Records of Chambers County, Texas. Said 132.048 acres of land being more particularly described as follows to-wit:

BEGINNING at 2 inch iron pipe found at a fence corner for the Northeast corner of a tract of land owned by Carl Fitzgerald, et al and being the Southeast corner of Prairie Tract No. 10 of the Partition of the F.M. Fitzgerald lands and being the Northeast corner of Prairie Tract No. 9 of said partition and also being the Northeast corner of this tract of land;

THENCE South 30 deg. 00 min. East with the East line of said Prairie Tract No. 9 and with a fence a distance of 805.56 feet to a 1 1/2 inch G.I.P. set at a fence corner for the Southeast corner of Prairie Tract No. 9 and the Southeast corner of this tract of land;

THENCE South 60 deg. 00 min. West with the Southline of Prairie Tract No. 9 and with a fence, at 372.70 feet cross the South line of Liberty County and the North line of Chambers County, at 7266.37 feet set a 1 1/2 inch G.I.P. at a fence corner and the East right of way line of State Highway No. 146, in all a total distance of 7332.87 feet to a point in said highway for the Southwest corner of Prairie Tract No. 9 and the Southwest corner this tract of land;

THENCE North 04 deg. 27 min. 30 sec. West with State Highway No. 146 a distance of 892.81 feet to a point for the Northwest corner of Prairie Tract No. 9 and the Southwest corner of Prairie Tract No. 10;

THENCE North 60 deg. 00 min. East with the North line of Prairie Tract No. 9 and the South line of Prairie Tract No. 10, at 66.50 feet pass 2 inch iron pipe found at a fence corner on the East right of way line of State Highway No. 146, in all a total distance of 6947.92 feet to the "PLACE OF BEGINNING" and containing 132.048 gross acres of land, there being 130.818 net acres of land and 1.23 acres of land lying within the right of way limits of State Highway No. 146, there also being 112.303 acres of land out of said 132.048 acres in Chambers County, Texas and 19.745 acres in Liberty County, Texas.

## EXHIBIT "A"

TRACT 2: 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 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 1/2 inch G.I.P. set at the Southwest corner of 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 deg. 48 min. 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 inch 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 deg. 29 min. 20 sec. East 148.38 feet  
 South 83 deg. 45 min. East 93.00 feet  
 South 17 deg. 27 min. East 20.00 feet  
 South 34 deg. 06 min. West 193.00 feet  
 South 84 deg. 33 min. West 113.00 feet  
 South 14 deg. 11 min. West 83.00 feet  
 South 74 deg. 00 min. East 63.00 feet  
 and, South 27 deg. 43 min. 30 sec. West 89.33 feet to a 1 inch galvanized 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 deg. 48 min. West with the South line of Timber Tract No. 9 and the North line of Timber Tract No. 8, a distance of 5874.00 feet to a 1 1/2 inch 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 deg. 00 min. 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.

LEGEND	
	PROPOSED DAYTON CCN
	AQUA TEXAS CCN
	KENEFICK CCN
	LIBERTY CCN
	SOUTH CENTRAL WATER CCN
	T & W WATER SERVICE CCN
	WOODLAND HILLS WATER CCN
	GUM ISLAND UTILITY CO. CCN
	ORCHARD CROSSING CCN
	DAYTON ETJ

Notes:

1. 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.
2. City of Dayton one mile ETJ boundary is based on the Dayton City Limit line as shown on documents provided by the City of Dayton.
3. This exhibit is accompanied by a description of even date herewith.
4. This survey is valid only if it bears the seal and original signature of the surveyor.

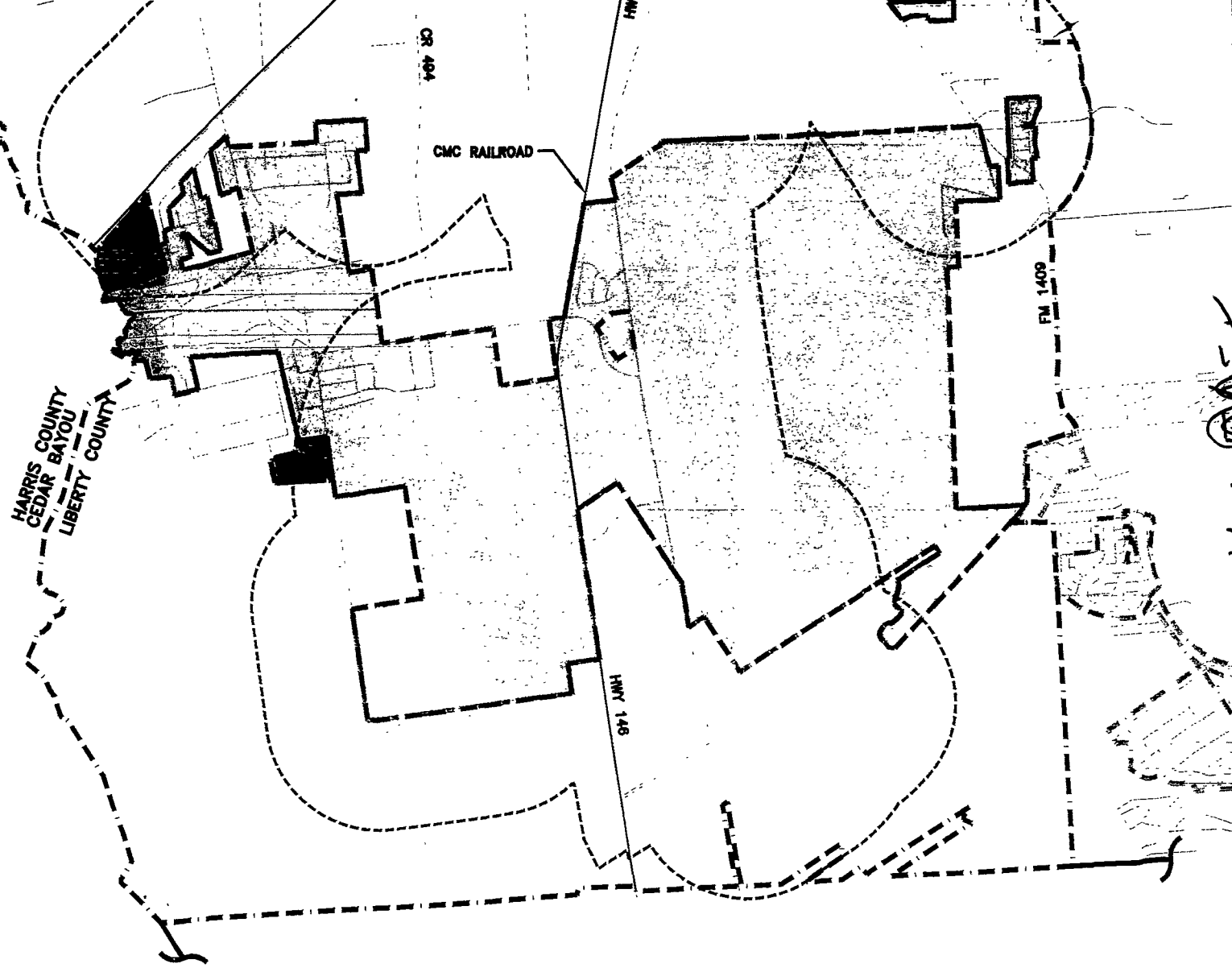


Exhibit 251

**Strand Associates, Inc.**  
 203 S. Jackson  
 Brenham, Texas 77833



CITY OF DAYTON  
 PROPOSED CCN MAP

Scale: SEE BAR SCALE	
Project Number: 3914.064	
Drawn By: JKW	Date: 02/16/2018
Revised:	
Sheet Number: 1	....Of.... 1

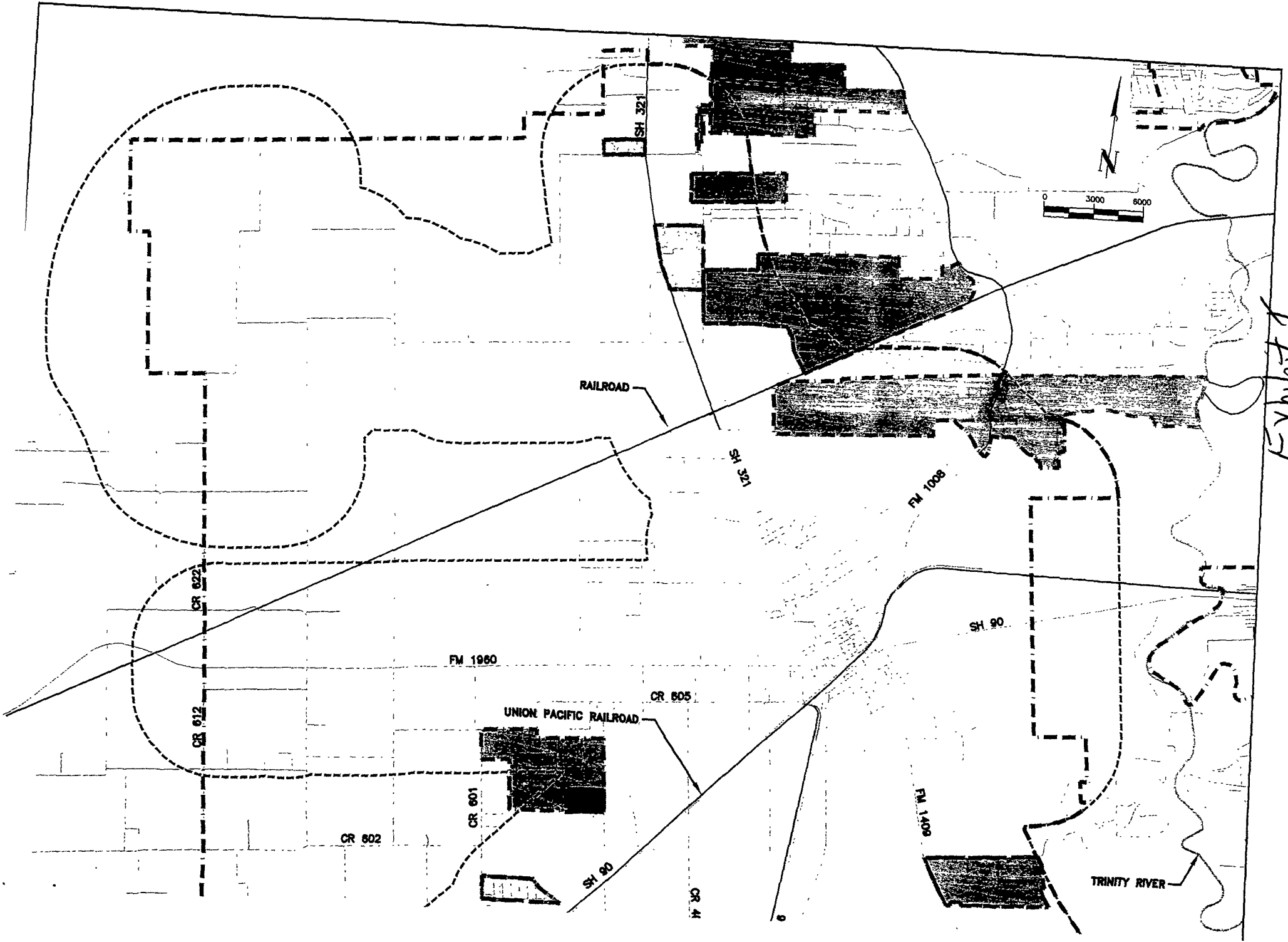


Exhibit I

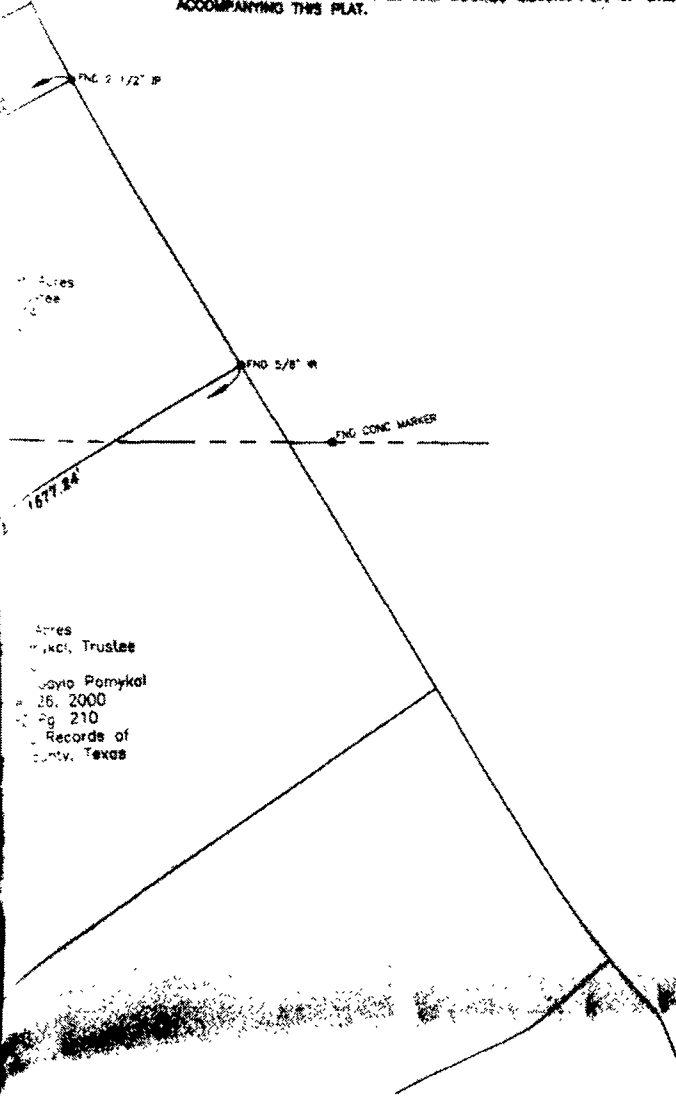




SCALE: 1 INCH = 300 FEET

NOTE: BEARINGS ARE BASED ON DEED BEARINGS AND FOUND MEASUREMENTS IN THE SOUTH LINE OF THE 133.048 ACRE TRACT OF LAND DONATED TO MIKE POMYKAL, TRUSTEE, BY DEED RECORDED IN VOLUME 571 AS PAGE 140 OF THE OFFICIAL PUBLIC RECORDS OF CHAMBERLAIN COUNTY, TEXAS.

REFERENCE IS MADE TO METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANYING THIS PLAT.



Acres  
Trustee  
Jayo Pomykal  
26, 2000  
Pg 210  
Records of  
Chamberlain County, Texas



Exhibit I